United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*August 1, 2012.*

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

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

## RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 31, 2012.*

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

DEAR SPEAKER BOEHNER: I hereby resign from the office of United States Representative for the Fourth District of Kentucky, effective at close of business on July 31, 2012. Enclosed is the letter I have submitted to Governor Steve Beshear.

I thank the people of Kentucky's Fourth District for the honor of serving as their Congressman over the last eight years.

When I was a Cadet at West Point, I internalized the words of the U.S. Military Academy's motto, ''Duty, Honor, Country.'' Next, I learned that success was based on honoring God, Family, and Work, in that order. In December 2011, I decided that in order to honor those values, I needed to retire from Congressional service so I could more effectively serve my family as a husband and father.

Those priorities continue to guide my decisions. Recently, a family health issue has developed that will demand significantly more of my time to assist. As a result, I cannot continue to effectively fulfill my obligations to both my office and my family. Family must and will come first.

I have served with great men and women in the Congress in both parties, and leave knowing that the House is filled with people who love this country and are working to make our future better. I am grateful to have been blessed by being a part of this great institution.

Sincerely,

GEOFF DAVIS,
*Member of Congress.*

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 31, 2012.*

Hon. STEVE BESHEAR,
*Governor, Commonwealth of Kentucky, Frankfort, Kentucky.*

DEAR GOVERNOR BESHEAR: I hereby resign from the office of United States Representative for the Fourth District of Kentucky, effective at close of business on July 31, 2012.

When I was a Cadet at West Point, I internalized the words of the U.S. Military Academy's motto, ''Duty, Honor, Country.'' Next, I learned that success was based on honoring God, Family, and Work, in that order. In December 2011, I decided that in order to honor those values, I needed to retire from Congressional service so I could more effectively serve my family as a husband and father.

Those priorities continue to guide my decisions. Recently, a family health issue has developed that will demand significantly more of my time to assist. As a result, I cannot continue to effectively fulfill my obligations to both my office and my family. Family must and will come first.

I thank the people of Kentucky's Fourth District for the honor of serving as their Congressman over the last eight years.

Sincerely,

GEOFF DAVIS,
*Member of Congress.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. DAVIS), the whole number of the House is 431.

## REPORT IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE LAURA RICHARDSON

Mr. BONNER, from the Committee on Ethics, submitted a privileged report (Rept. No. 112–642) in the matter of allegations relating to Representative LAURA RICHARDSON which was referred to the House Calendar and ordered to be printed.

## 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.

## RECOGNIZING STEVE LATOURETTE

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

Mr. BLUMENAUER. Mr. Speaker, the House of Representatives is a unique and special place. There are many political offices in America where one can get into office via accident or appointment, but every man and woman on this floor had to be elected by friends and neighbors to deal with the fiscal and economic health of the Nation, for giving voice to people's fears, aspirations, and dreams. I count every day of service in Congress as a gift. Our friend and colleague STEVE LATOURETTE's announcement that he would not seek reelection should give pause to every one of us.



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You often hear a person say they don't always agree with somebody but they respect them. With STEVE LATOURETTE, that's true. Despite being in different political parties, I deeply respect and appreciate STEVE's forthright opinions.

His focus on having the resources to rebuild and renew America is as refreshing as it is important. He's willing to call for increases in fees and taxes for infrastructure at the same time he pushes for responsible budget cutting and right-sizing government in a way that's going to pinch almost everyone. His approach is courageous and consistent and, ultimately, we will follow that balanced path.

He has a sense of justice and regular order, as when he took to the floor as a lonely voice arguing for due process on behalf of a disgraced former Member. He does what he believes in.

Another overused phrase in this body is ''wake-up call.'' But STEVE's decision and announcement should be a wake-up call, a wake-up call to the majority party to think about what this portends for their ability to govern and what will happen when the political winds shift just a little, which they surely will. It's a wake-up call for the people on my side of the aisle that as we fight against what we think are shortsighted and destructive policies, we need to do so in a way that is fair. We all should look for opportunities to make a little progress on second- and third-tier issues that will help do some good while we build the capacity of this institution in bipartisan problem solving.

Most of all, this should be a wake-up call to the American public. Too many of us have allowed our political decisions to be outsourced as the political process increasingly is taken over by smaller and smaller groups of extreme opinion in primaries of both parties.

The Tea Party activists have gotten headlines this weekend in the Texas Senate primary, but the dynamic is known by both parties and potentially distorts the choices of candidates and of issues in the fall.

Some Members of Congress gain a little notoriety by virtue of vision or policy. Usually we get it by being outrageous and stark. Perhaps we are known at home and for groups that have interests that we work with, but the vast majority of us wouldn't register above ''margin of error'' on the larger stage of American national politics.

STEVE, despite two decades of solid, distinguished service, his wit, good humor, and effectiveness—is like a number of us who may be characterized as an ''obscure Member of Congress.'' Yet I would argue STEVE LATOURETTE should be on the radar screen of every American. His is a powerful message of an institution that needs serious readjustment.

STEVE, his family, especially the younger children, will do just fine. I think he'll have a better job, spend more time with family and friends, and I think he'll live longer. But make no mistake, everybody should pay attention to his story, his career, and why he's leaving.

After a lifetime of solid, productive public service, if this leads to people's reconsidering how we do business and how the American public assesses whom they reward or punish, then our loss due to his retirement may be the most important contribution in his distinguished career.

## OLYMPIAN RACHEL BOOTSMA MAKES MINNESOTA PROUD

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

Mr. PAULSEN. Mr. Speaker, I rise to recognize Eden Prairie, Minnesota, native and U.S. Olympian, Rachel Bootsma. The 18-year-old swimmer competed on Sunday in the semifinals of the women's 100-meter backstroke. She has made her home community very proud with her incredible hard work and grace on such a grand stage.

It is no small feat to have made it to her very first Olympics, and in the coming weeks, Rachel will take another important step when she leaves Minnesota for her freshman year of college and also at that opportunity be able to swim for Olympic Coach Teri McKeever.

□ 1010

So I have a feeling, Mr. Speaker, this is not the last that we will see of this tenacious swimmer. I'd like to congratulate Rachel and all of the American athletes for carrying our banner in London.

Go, Team USA.

## DREAM ACT BECOMING A REALITY

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

Mr. GUTIERREZ. Mr. Speaker, I believe there is no greater cause for celebration in America than when we expand rights to more of our people. We are never truer to our American values than when we look at a group of people and demand that they be treated with dignity and respect. We are never more patriotic than when we protect and expand the rights of honest, hardworking people, when we live up to our original promise of liberty and equality and give meaning to those American words: ''We hold these truths to be self-evident, that all men are created equal.''

Right now, we have reasons to celebrate because, shortly, the Department of Homeland Security and the White House are scheduled to announce guidelines on the application process for DREAM Act-eligible immigrants to defer deportation and get work permits so they can take a vital step toward living freely and fully in the only nation that has ever truly been their home.

Today, I want to congratulate the DREAM Act-eligible youth who have fought so hard for this right, the 1 million of them that will be taking a step forward. And I want to remind DREAM Act-eligible youth that because of the intelligent action by President Obama on August 15, they will be able to apply for work permits and protection from deportation.

On August 15, Mr. Speaker, they will take a step out of the shadows and into the light. I encourage them to take this step, and I want them to know that help and resources are available. But first, a warning: any progress on immigration is soon followed by some unscrupulous attempts to make money off the backs of deserving immigrants. So I say to my friends today: Be careful.

There is no reason that applying for relief through President Obama's use of prosecutorial discretion should be expensive or cumbersome. If someone says the only way for a DREAMer to apply is to write a big check, my advice to the DREAMer is they should run in the other direction; they are being lied to. But DREAMers should run toward help because help is on the way.

In Chicago yesterday, the Illinois Coalition for Immigration and Refugee Rights and I announced a workshop that will be held on August 15—the very first day the 1 million young people can apply for work permits and come out of the shadows and get deferred action from deportation.

The event will be held at Navy Pier in Chicago. Mayor Emanuel, myself, and Senator DURBIN—who has played such a leadership role on the DREAM Act for years—will be there. We will have all the resources anyone needs to apply that day. It will be free. We will answer questions and we will provide the resources necessary to thousands of young people that we expect will attend.

And we are not alone in Chicago. All across the country, plans are being made by immigrant advocates and organizations and elected officials for how to help DREAM Act-eligible youth to apply for their work permits and a stay of deportation. Tomorrow, I will be joined by my colleagues to talk about resources available coast to coast.

As one important step, I encourage people to visit this Web site: dreamrelief.org. That's dreamrelief.org to find out more about who is eligible, how to apply, and where people can receive assistance, dreamrelief.org.

On August 15, across America, thousands of honest, hardworking, law-abiding DREAM Act-eligible youth immigrants should be celebrating by lining up and taking that historic step toward equality. It's a day of long-overdue fairness for our young people, and I don't want one eligible young person to miss this opportunity.

I want our young DREAMers to demonstrate to America on August 15 what

they've demonstrated to their communities and their families and their friends their entire lives: they've worked hard and earned this right by excelling in school, by helping their neighborhoods, and by serving our Nation.

I know who you are—you are the next generation of leaders of our great Nation. On August 15, show all of America who you are. We need your example because it's vital to remember that every time we've expanded civil rights in America—every time—someone tried to stand in the way. From women's suffrage, to voting rights for African Americans, to Americans with disabilities, to marriage equality, someone will raise their voice against expanding the rights enjoyed by some Americans to all Americans. There is always someone who says these rights, these liberties, this equality, it's for me, it's not for you.

So I ask my DREAM Act-eligible friends—1 million strong—on August 15, show America who you are and remind America that freedom and equality is for all of us.

## HONORING DEPUTY WILLIAM MAST, JR.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, my heart is heavy for the family and friends of Watauga County Sheriff's Deputy William Mast, Jr., who gave his life in the line of duty on July 26.

In his 23 short years, Deputy Mast made an imprint on the communities he served and called home. He was a graduate of Watauga High School and a member of Bibleway Baptist Church. He cherished the North Carolina way of life—hunting, fishing, off-roading, and riding horses in our beautiful country.

The thoughts and prayers of thousands remain with his beloved wife, Paige, their unborn child, William, his parents, Angela Wall and William Mast, Sr., his extended family, and the entire Watauga County Sheriff's Office.

May each be comforted and find peace in the midst of this tragedy. And may we be faithful to remember that the safety we experience in our communities is maintained, in part, because people like Deputy Mast volunteer to place themselves in harm's way for our protection. For that caliber of service and sacrifice, we are grateful.

## PRESCRIPTION DRUG ABUSE

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

Mr. RAHALL. Mr. Speaker, I rise today to urge legislative action on a widespread public health crisis.

I want to thank, first of all, my colleagues, especially my good neighbor and chairman of the House Appropriations Committee, the gentleman from Kentucky, Mr. HAL ROGERS, Congresswoman MARY BONO MACK, and Congressmen STEVE LYNCH and BILL KEATING—whom you'll hear from in a moment—all tremendous leaders in our fight to stop this epidemic.

The CDC has confirmed what local leaders and professionals across the board have been struggling with daily: prescription drug abuse is a national epidemic—a term the CDC does not use lightly.

It is no longer a silent epidemic. It can be seen at any hour of any day on street corners and in school yards. Every day, there are new stories reporting overdoses, deaths, accidents, and tragedies of families torn apart by the vicious cycle of prescription drug abuse. And the cycle is certainly vicious.

Unlike cocaine or heroin, prescription drugs are legal and frequently prescribed by caring physicians who are led by the principle oath of ''first do no harm.'' Yet, alarming statistics show that children and adults are blind to the harmful consequences of these drugs even as they become addicted, paying upwards of $150 per pill to buy them on the black market.

Distressingly, my home State of West Virginia has our Nation's highest rate of drug-related deaths. In fact, between 2001 and 2008, more than 9 out of 10 of those deaths involved prescription drugs. Incredibly, drug overdoses now kill more West Virginians each year than do car accidents.

But the alarming use and deaths by prescription drugs is not just in West Virginia. As other distinguished Members will tell you, prescription drug abuse hits everyone, whether you're 9 or 90, whether you're rich or poor, living in big cities or small towns, whether you're Democrat, Independent, Republican, or whatever, anywhere in our great United States.

We know there is no one single answer, no single action, and no silver bullet in the fight against prescription drug abuse. I've met many times with law enforcement, community organizations, educators, physicians, and many other constituents, and I know that fighting back against prescription drug abuse will take the work of an entire village.

We must strengthen drug diversion, educate children and adults on prevention, work with the medical community on addiction and pain treatment, and treat and rehabilitate those affected by vicious addiction before they succumb to the death spiral.

□ 1020

I and my distinguished colleagues have put forth and supported legislation that aims to combat prescription drug abuse. We know that something more must be done from a Federal level, and that's why I've introduced H.R. 1925, the Prescription Drug Abuse Prevention and Treatment Act. This bill would implement multiple measures essential to combating prescription drug abuse, education and training, monitoring, evaluation and enforcement, and it provides a good guideline to coordinate Federal, State, and local efforts to fight this epidemic.

The bill establishes mandatory physician and consumer education and authorizes Federal funding to help our States create and maintain prescription drug monitoring programs that all States can access. It would also set up a uniform system for tracking painkiller-related deaths, helping States and law enforcement professionals manage and report data.

The West Virginia State Police, our State's attorney general, and even physicians have all consistently stressed the need for access to a prescription drug monitoring system that is shared between State lines and updated in real time.

I know my colleagues have authored and supported similar bills, like H.R. 2119, the Ryan Creedon Act, which also seeks to implement targeted physician education on prescription drug abuse and addiction, and H.R. 1065, the Pill Mill Crackdown Act, which would help further eradicate pill mills throughout our Nation. These bills address critical issues that ought to be part of this Congress' effort to craft legislation to assist our States and communities in combating prescription drug abuse.

The toll of destruction and devastation heaped upon America's families and our economy by this epidemic demands that U.S. Congress must act, and act swiftly. So I urge my colleagues to move forward and bring legislation to the floor that will enable our communities to fight back against prescription drug abuse.

Let us act with dispatch and compassion and with an acute understanding of the enormity of the challenge before us. The future of our families and children and the entire health and well-being of local communities and our Nation depend on us.

## THE MEDICINE CABINET EPIDEMIC

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

Mr. ROGERS of Kentucky. Mr. Speaker, I want to begin by thanking my colleague and friend from across the Big Sandy that divides Kentucky and West Virginia and my good friend across the aisle, NICK RAHALL, for organizing these Special Orders by the Congressional Caucus on Prescription Drug Abuse. Congress, the DEA, the medical community, State partners, and particularly the Federal Drug Administration must do more to fight the medicine cabinet epidemic.

The Office of National Drug Control Policy in the White House has identified prescription drugs as our Nation's fastest growing drug problem, easily eclipsing cocaine and heroin abuse. As has been said, the national Centers for

Disease Control has said that prescription drug abuse is now a national epidemic.

In 2010, 254 million prescriptions for opioids were filled in this country. That's enough painkillers to medicate every American adult around the clock for a month.

Our military soldiers are coming back from Iraq and Afghanistan hooked on these pain pills. In the last 2 years, over 150 of our soldiers have died from overdoses.

In my home State, Kentucky's losing roughly 82 people a month to prescription drug deaths, more than car crashes. Our medicine cabinets are more dangerous than our cars.

But these statistics, of course, are just numbers. So many Americans, including members of our caucus who've taken to the House floor today, have been touched by this tragedy in some personal way. In some counties in my district, half of the children are living in a home without their parents in large part because of prescription drug abuse.

I've met single moms struggling to get through drug court and employers who can't string together a clean workforce. We've lost mothers. We've lost grandfathers, police officers, children, brothers and sisters, husbands and wives.

This epidemic does not distinguish between socioeconomic lines or gender lines or geographic lines. It's indiscriminate in its path of destruction, and it has to stop.

FDA has to be part of saying ''no'' to the abuse of legal drugs. FDA is the primary entity for regulating prescription drugs with its hands on the spigot. For years, I've pleaded with the FDA to take a harder look at how these painkillers are allowed to be prescribed.

Congressman FRANK WOLF of Virginia and I have implored FDA to make these painkillers available only for severe pain. Prescription painkillers such as OxyContin and Opana were originally intended to treat severe pain caused by cancer, but over the years, based in large part on marketing practices, many physicians, dentists, other health care providers began prescribing opioid painkillers for moderate-to-severe pain. A toothache or a stubbed toe has become an excuse for an Oxy prescription.

Now, OxyContin's a wonderful drug, intended for terminally ill cancer patients, people in severe pain that need a time-released capsule over 12 hours. It helped the patient and helped the caregiver. But it's also a very addictive drug and very difficult to kick once addicted. So this is really a dangerous drug when not used in the prescribed way.

This FDA-approved indication for moderate-to-severe pain can create the false assumption that opioids are a safe and effective treatment for chronic, noncancer pain. On the contrary, more than 30 leading clinicians, researchers, and health officials recently petitioned the FDA to strike the term ''moderate'' from the indication for noncancer pain, add a maximum daily dose and a maximum duration of 90 days for continuous daily use.

When we're losing 16,000 people a year to these drugs, the FDA must take this petition seriously.

Second, the FDA shortly will make a vital determination about whether to approve generic versions of the original formulation of the drug OxyContin.

In 2007, the manufacturer of this drug, Purdue Pharma, was found criminally liable for deliberately misbranding their product.

After paying an unprecedented $630 million penalty, Purdue voluntarily removed the original formulation of OxyContin from the market—and reissued the drug with a formulation which is much more difficult to abuse.

Since this new, more "gummy" drug has come on the market, abuse of OxyContin has steadily declined—while the abuse of other painkillers, like Opana, is on the rise.

Purdue's patent on the original OxyContin formulation expires in 2013, and at least three companies have filed applications with FDA to produce generic versions.

If approved, this stands to be a disaster:

1. As previously seen, original Oxy was incredibly misused and wrought havoc. We could see a new wave of deaths if this drug is available in a cheaper, generic form.

2. This would also be a tremendous setback to companies developing abuse-resistant pain medications. If generic OxyContin is available on the market for a low price, there is no financial incentive for investment in the development of abuse-resistant drugs.

FDA must realize the wide-reaching implications of this pending decision, and I encourage the Agency and Commissioner Hamburg not to put this potent drug back on the market when there are so many alternatives already available and under development.

Mr. Speaker, this epidemic is touching people in every corner of our great nation—and for that reason, I invite all of my colleagues to join us in the fight by becoming a member of the Congressional Caucus on Prescription Drug Abuse and working with us in pressing FDA to make the right decisions.

## VERIFYING OFFICIAL TOTALS FOR ELECTIONS ACT

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

Mr. JOHNSON of Georgia. Mr. Speaker, I will introduce today the Verifying Official Totals for Elections Act, also known as the VOTE Act.

Electronic voting machines are vulnerable to poor design and tampering, and there is currently no way to verify the accuracy of an electronic vote count. The VOTE Act will ensure the integrity of our voting machines system by requiring any software used in an electronic voting system for any Federal election to be deposited in the National Software Reference Library. Depositing the software in the National Software Reference Library will allow the software to be available for review in the event of an election contest or recount.

The VOTE Act is definitely needed. We are 97 days away from a crucial election and, according to a recent report, half the States have inadequate post-audit election procedures for electronic voting machines. It also found that a quarter of States have post-audit election procedures that need improvement. Further, the report found that in every national election in the past decade, computerized voting systems have failed, machines did not start or failed in the middle of voting, memory cards could not read, and votes were mistallied.

I'm sure that you all who are computer literate out there have had a computer and you were working on it and suddenly it froze up.

□ 1030

In order to unfreeze it, you had to reboot it, and in the process, you lost all of your data that you were working on; or some of you may have had the misfortune of a computer hard drive just freezing up on you and just crashing, and you had to take it somewhere and try to retrieve your data off of that hard drive, and it cost a whole lot of money. You may have even manipulated your child's computer to prevent access to a dangerous Web site; or somebody may have installed, unbeknownst to you, some software on your laptop computer that you carry around so that one can keep track of your whereabouts.

These are the kinds of things that we must be concerned about as far as our electronic voting machines—their accuracy and the fact that they can be manipulated.

There have been several e-voting inaccuracies since 2006, including prominent controversies in South Carolina, Florida, and Pennsylvania. The VOTE Act provides peace of mind. It does so by requiring that the source code, or the blueprint, of the e-voting system be stored in the National Software Reference Library, which will allow auditors to compare that code with the actual machine to determine if there has been any improper activity.

This is an urgent problem, and the VOTE Act is the solution. The right to vote is fundamental to our democratic process, and it is protected by the Constitution of the United States. The right to vote is protected by more constitutional amendments—the First, 14th, 15th, 19th, 24th, and 26th—than is any other right we enjoy as Americans. Thus, it is vital to ensure the integrity of that vote. We must do everything in our power to ensure that every American who casts a vote in the upcoming election is counted.

I thank Common Cause, Florida Voting, VerifiedVoting.org, and the North Carolina Coalition for Verified Voting for endorsing this bill.

I urge all of my colleagues to support the VOTE Act, and I invite Members from both sides of the aisle, Democrats and Republicans, to cosponsor this bill. Protecting the vote and the integrity

of the voting process is not a partisan issue, but an issue that is important to all citizens and vital to the strength of America.

## JOE HARTLE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to recognize and remember Joe Hartle—a friend and a lifelong farmer of Centre County, Pennsylvania, which is located in the Commonwealth's Fifth Congressional District.

Joe Hartle was a distinguished leader in both the agricultural and fair industries, and was a staple in the Centre County community. Sadly, he passed away in March of 2012.

First elected at the age of 17, Joe served on the Centre County Grange Fair committee for more than 60 years. For the past 25 years, Joe Hartle faithfully served as president of the Grange Encampment and Fair. Joe was instrumental in making the Centre County Grange Fair a showcase for agriculture with events to satisfy all ages. Through his leadership and hard work, the grange fair has become one of the leading fairs in the State. Held annually the week before Labor Day, the Centre County Grange Fair has become the largest encampment east of the Mississippi, and it highlights Pennsylvania's number one industry—agriculture.

In addition to his work, family was always a very important part of Joe Hartle's life. He was married to his wife, Gladys, for 56 years. They had five children—Linda, Jan, Tom, Deb, and Betsy—and 11 grandchildren. I want to thank Joe for a life spent serving others and a legacy for Centre County that will live on for generations.

Rest with the Lord, my friend.

## KNOW BEFORE YOU OWE ACT

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

Ms. SCHWARTZ. As August begins, millions of young people across the country are preparing to head off to college. Fall brings not only a return to course selection and roommates and football games but also to high college tuition bills. In my home State of Pennsylvania, the average cost of tuition and fees tops $12,000 for a public 4-year school and $32,000 a year for a private university. These high costs force 70 percent of Pennsylvania college students to take out student loans.

One of the biggest decisions facing students and college graduates is not just the amounts they borrow but who their lenders will be and whether they will be private lenders or Federal loans. Federal loans are simply a better deal. They offer lower, fixed interest rates, consumer protections and manageable repayment options. Private student loans, on the other hand, typically have uncapped, variable rates, hefty fees and few consumer protections. From 2001 to 2008, the private student loan market exploded, increasing from $5 billion to $20 billion. Lenders loosened underwriting standards and often cut school financial aid offices out of the process.

While students may need private loans, they should know the differences between private lenders and Federal loans and be fully informed of the differences in cost and obligation. Unfortunately, right now, a majority of student loan borrowers who are turning to more expensive student loan programs of private options do so without fully exhausting all of the Federal student loan options available to them. This means that student borrowers unnecessarily take on increased costs.

That's why I've joined with my colleagues, Representatives JARED POLIS and TIM BISHOP, to introduce the Know Before You Owe Act in order to make sure that students and their families have access to vital information regarding their student loan programs. The legislation requires schools to counsel students on the financial aid options available to them, and it requires private lenders to adopt commonsense steps to protect student borrowers. The Know Before You Owe Act will empower students and their families to make informed decisions about financing their educations.

Access to higher education is a top priority for middle class families. They know that higher education is one of the keys to being able to succeed in a competitive 21st-century marketplace. They are willing to invest in their futures by taking out student loans in order to afford college. We need to ensure that students have full and complete information about the most affordable student loan options available to them in order to fight back against those who might take unscrupulous advantage of families facing tough financial decisions.

I urge my colleagues to join with me in supporting this important legislation and to better ensure that millions of Americans can afford college without taking unnecessary long-term financial hardship and risk.

## PRESCRIPTION DRUG ABUSE

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

Mr. KEATING. I would like to thank Congressman RAHALL for organizing this morning-hour on prescription drug abuse. I would also like to thank Chairman ROGERS for his work as well as Congresswoman MARY BONO MACK, Congressman STEVE LYNCH, and all Members with the Prescription Drug Abuse Caucus.

Prescription drug abuse is defined now as an epidemic in this country, and the cost of this epidemic is more than $70 billion a year. This is by no means just a criminal issue, and that's where the stigma sometimes makes this issue more difficult. It is, indeed, a public health issue, and for this reason Congress needs to step in.

Painkillers account for the country's fastest growing area of drug abuse, which is ahead of cocaine, heroin, and methamphetamine. Throughout my 12-year career as a Norfolk County district attorney in Massachusetts, the susceptibility of new users, particularly of teenagers, to these drugs has been a recurring theme. As district attorney, I have seen in concrete terms that this scourge goes across every social and economic boundary that exists.

I have seen law enforcement officials, while on duty and who were involved in automobile accidents, take these painkillers, become addicted and actually go out with their guns and rob—armed robbery—banks and other institutions in order to just try and feed their habits. I've seen real estate professionals get involved and go to open houses just to search medicine cabinets in order to fulfill their habits. I have also seen young people begin addictions and abuses of prescription drugs from their families' medicine cabinets, finding that later on they cannot afford their habits, and move to a cheaper, purer form of heroin.

□ 1040

I've seen the public health effects of this as well. I've seen the HIV disease spread to people. I've seen 14-year-old girls with hepatitis C as a result of trying to deal with this scourge that is an epidemic around our country.

In Massachusetts alone, 1.7 people every day die of an opiate-derivative overdose. In 2010, the National Institute of Drug Abuse showed that 2.7 percent of eighth-graders, 7.7 percent of 10th-graders, and 8 percent of 12th-graders abused Vicodin. Over 2 percent of eighth-graders, almost 5 percent of 10th-graders, and over 5 percent of 12th-graders abused OxyContin for nonmedical purposes at least once in the year prior to that survey. This is why I've introduced the Stop Tampering of Prescription Pills Act, the STOPP Act of 2012, with Chairman ROGERS, Congresswoman BONO MACK, and my other colleagues.

Currently, tamper-resistant mechanisms are in use for some drugs, but this bill is the first of its kind Federal legislation to put a clear pathway for others to come to market. The process outlined in the bill applies both to brand name and generic drugs, both to time-release and to immediate-release pills. Initially, we will incentivize the use of these tamper-resistant processes. Then, in time, they'll be required. This bill is not a silver bullet by any stretch of the imagination, but

it is a very important piece in preventing new users from abusing painkillers and safeguarding against overdose. Just as seatbelts and airbags in cars cannot prevent all car accidents, tamper-resistant formulations will not prevent all instances of drug abuse, but it is a necessary tool in protecting vulnerable populations like the adolescents I have spoken about.

With this bill, we're also preparing for the potential onslaught of pure hydrocodone pills. These are currently being developed, and without proper physical and pharmaceutical barriers in place to prevent the tampering of these painkillers, this potential advent of pure hydrocodone will dramatically increase the already alarming rates of abuse and addiction. The bill would mandate the tamper resistance of these pills, as well as many others.

These pills provide great relief for many Americans in terms of extreme pain, but we must do something about another type of pain, a terminal pain, a pain that family members and loved ones feel when they have lost someone to the disease that results in this type of addiction.

I encourage all my colleagues in the House to cosponsor H.R. 6160, and further encourage the development of these tamper-resistant mechanisms. It's not a silver bullet, but it's an important first step.

## PRESCRIPTION DRUG ABUSE IN AMERICA

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

Mr. LYNCH. Mr. Speaker, I want to thank my friend and colleague, Mr. KEATING, for his leadership on this issue.

I rise this morning, along with several of my colleagues, Mr. RAHALL and Mr. KEATING, whom you just heard, and also Chairman ROGERS, to talk about the very important issue of prescription drug abuse in America.

Prescription drugs are responsible for the fastest growing area of drug abuse in this country, ahead of cocaine, heroine, methamphetamines, and other drugs. In fact, according to the Centers for Disease Control in Atlanta, prescription drugs cause most of the more than 26,000 fatal overdoses that we see each year. Despite this alarming number, there exists a lack of knowledge about this particular type of substance abuse that prevents many people from identifying it as the problem that it is, and that in turn makes it more difficult to achieve a real solution.

Prescription drug abuse is an epidemic in this country plain and simple, and it must be dealt with as such. While prescription drug medication can help people suffering from a range of chronic and temporary conditions, for many others, exposure to pain medication, whether prescribed or obtained through other means, can be the beginning of a long and tragic battle with addiction. As you heard from previous speakers, from Massachusetts to West Virginia to Kentucky and to California, many of my constituents also struggle with prescription drug addiction and its consequences. Those people are homemakers, they are professionals, they are students and laborers. Addiction does not discriminate.

Abuse of prescription medicine, especially opioid pain relievers, is a major problem nationally and in Massachusetts, where deaths, emergency room episodes, and admissions for treatment related to non-heroin opioids has skyrocketed in recent years. In fact, 99 percent of individuals entering treatment facilities who report heroin use started with a prescription medication like OxyContin.

OxyContin is a narcotic painkiller which has started too many people on this terrible journey to addiction. It is a drug that by design is inherently so powerfully addictive that it actually changes the brain over long periods of treatment, and it creates customers for life. It creates addicts. OxyContin is a drug that has caused so much grief to individuals, families, and communities, has caused so much pain and suffering, that earlier this year the nation of Canada removed it from the market. I commend them for that. I, in fact, filed a bill in May of 2005 to do exactly the same thing in the United States, but because of the powerful lobbying efforts of the drug companies, that legislation was not successful. That's a big part of the problem.

In the United States, we continue to put corporate profit ahead of personal loss. Reports of the abuse of OxyContin surfaced soon after its introduction in 1996, a year in which Purdue Pharma, the manufacturer of OxyContin, made $1 billion on the drug. In 2007, Purdue Pharma pled guilty to criminal charges that they intentionally misled doctors, Federal regulators, and patients in regard to the addictive nature of their gold-mine drug in order to boost their profits. Despite its troubled history, OxyContin is still available. In 2011, it earned $2.8 billion in profits for the company.

In addressing the problem, we need to consider the range of contributing factors. We need to look at the composition of the drugs and the marketing of these addictive drugs and the regulatory approval process. There are two measures that I want to note here: one, there has been a significant effort to reformulate this drug so that it is less susceptible to abuse. I commend the drug-makers on that effort. The second issue is with BlueCross BlueShield, which has instituted a limiting factor. It requires a robust reevaluation of any patient who is being prescribed OxyContin over a period of time. I think that is one of the best decisions by an insurance company in this country in some time.

I commend my colleagues on the Congressional Prescription Drug Abuse Caucus for their legislative efforts, and I look forward to continuing to work with them on this very important issue.

## THE VICTIMS OF COLUMBINE

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

Mr. PERLMUTTER. Good morning, Mr. Speaker, and to a fellow softball coach.

The columbine is the State flower of Colorado. It's a beautiful flower found in our mountains with whites and blues and yellows. It's just a gorgeous State flower for us to have.

Thirteen years ago, on April 20, 1999, at Columbine High School, we had a terrible tragedy. And I want all of us to remember the names of the kids that were killed at that shooting: Cassie Bernall, Steve Curnow, Corey DePooter, Kelly Flemming, Matt Kechter, Daniel Mauser, Daniel Rohrbough, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez, and teacher, Dave Sanders.

□ 1050

Now Columbine, just like this flower, has recovered, sprouted. It's a beautiful school. It has strong academics, strong sports, and good citizens. We're very proud of the kids in that high school. It's near where I live.

We have suffered some scars from Columbine in Colorado, but we've also learned some lessons. We've learned some lessons that were put to good use 10 days ago in Aurora, Colorado.

Aurora, as many of you will remember from your mythology classes, is the goddess of the dawn. And there will be a new day.

We're suffering in Colorado right now. It's a beautiful State. It is a wonderful place. We've had two very difficult, tragic moments. And in these last 10 days, Mr. Speaker, I have had a chance to go to five funerals and visit with some people in the hospital.

I want us to remember the names of the people that were killed 10 days ago:

Jonathan Blunk, Alexander Jonathan (AJ) Boik, Staff Sergeant Jesse Childress, Gordon Cowden, Jessica Ghawi, Petty Officer 3rd Class John Larimer, Matthew McQuinn, Micayla Medek, Veronica Moser, Alex Sullivan, Alex Teves, Rebecca Wingo.

Beautiful people, good people harmed in a very senseless moment in our history.

But in the midst of this tragedy, there were a lot of heroes. And from Columbine, we learned lessons to get in and move quickly to save lives.

So beginning with the Aurora police force and the firefighters from Aurora, there were tremendous acts of courage that saved lives, that saved people from bleeding to death. We saw in our medical teams a coordination of efforts, the likes of which none of us

would ever want to go through again, but tremendous efforts on the part of the medical teams to save lives.

Yesterday I had a chance to meet with some of the people still in the hospital, which gave me so much hope and inspiration. I want to start with the family where the husband and the wife—she's 9 months pregnant—decided that they want to go to a movie before they have their first born. They want to get that one last date out.

He's shot. She suffers shots from the shotgun pellets. He's down on the first floor having surgery on his brain. She is up on the third floor of the hospital having a baby—baby Hugo, who is like the biggest kid I have ever seen at that age. His hands, he's definitely going to be a baseball player. And the Rockies came by to visit him and gave this baby two baseballs.

But she was so positive and so optimistic about her son's future and about the future of her husband, who has had great medical care and will have long-lasting injuries, but he will do well. And this wife was so positive, a young woman who is really optimistic about life.

Another young man who was shot in the side, he was in a coma. He has since come out of it, and he is now planning to start his first year of college at Western State in Gunnison, Colorado.

And finally, one guy who had been in a difficult state, the President of the United States came and visited him. He woke up at that moment—whether it was because of that visit or not, who knows, but he has a huge smile. The Rockies came to visit him, and he said, ''I'm sorry, but I'm a Yankees fan.'' And then, to my chagrin, he also is a fan of the San Diego Chargers and the Oakland Raiders, when he should be a Broncos fan. But he is recovering well, too.

These people are recovering. Our community will recover. We live in a great State.

And I want to just finish with these words, if I could, Mr. Speaker. Ordinarily I speak off the cuff, but one of the staff members in my office, who is a Coloradan, wanted me to say this, and I believe it.

Even after these tragedies, we must remind ourselves and the world what it is to be a Coloradan.

We are the cities and the open spaces. We are the mountains and the prairie. We are the mountains and the trees. We are the snow and the sunshine.

We are loving families and longtime friends. We are the welcoming neighbor and the kind stranger.

We are Coloradans. We live in paradise and surround ourselves with loving, wonderful people who enrich our lives. This is what defines our State.

We will always remember the victims, we will always honor the heroes, and we will grow stronger.

I am proud of my State. I'm sorry for what happened. But we will grow from this.

## RECOGNIZING THE LIFE AND LEGACY OF PROFESSOR THELMA MCWILLIAMS GLASS

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

Ms. SEWELL. I rise today to recognize and pay tribute to a distinguished Alabama educator and civil rights pioneer, Professor Thelma McWilliams Glass. She was known for her exemplary efforts in the field of higher education and her tireless commitment to the struggle for racial equality.

Professor Thelma Glass was the last surviving member of the Women's Political Council, the organization that was instrumental in the planning and organization of the Montgomery Bus Boycott in the 1950s.

She recently passed away in Montgomery, Alabama, on Wednesday, July 25, at the age of 96.

Professor Thelma Glass was born in Mobile, Alabama, on May 16, 1916, and at an early age was instilled with a love of learning that led to her lifelong pursuit of academic excellence. She graduated valedictorian of Dunbar High School in Mobile, Alabama, at the age of 15 and earned a bachelor's degree from Alabama State University and a master's degree from Columbia University, both in geography.

In 1942, Thelma McWilliams married the love of her life, Arthur Glass. They were both professors at Alabama State University for over 40 years. Their love for each other was as strong as their dedication and commitment to the students they taught at Alabama State University. After 41 years of marriage, her husband, Professor Arthur Glass, passed away in 1983.

Professor Thelma Glass was an accomplished educator who taught geography at Alabama State University for 40 years. She led by example, displaying the same exceptionalism, tenacity, and commitment to public service that she demanded of her students. After four decades of dedication to Alabama State University and her community activism, in 1981, the Thelma M. Glass auditorium in Trenholm Hall was dedicated on the campus of Alabama State University in her honor.

Professor Glass was at the forefront of the civil rights movement, showing great courage as she stood up to social injustices of segregated Montgomery, Alabama, in the 1950s. She was a core member and secretary of the Women's Political Council that formed at Alabama State University to campaign against the abuses and the indignities of segregation.

The activism of the Women's Political Council laid the groundwork for the successful Montgomery Bus Boycott. When Rosa Parks set the protest into motion with her arrest in 1955 after refusing to give up her seat on the bus, women like Professor Thelma Glass were ready and willing to fight against such racial injustice.

The Women's Political Council was soon absorbed into the newly formed Montgomery Improvement Association with Dr. Martin Luther King, Jr., at its helm. Professor Glass continued to play an integral role by copying thousands of flyers and recruiting her students to help spread the word of the bus boycott. She risked her life driving in carpools and organizing transportation for those participating in the boycott.

The success of the Montgomery boycott pushed the civil rights movement into full force, as African Americans across the South fought against racial inequality and ultimately led to the signing of the Voting Rights Act in 1965 by President Lyndon B. Johnson.

It was women like Professor Glass who refused to sit on the sidelines and be a footnote in history that made it possible for all of us to enjoy the rights that we do today. I know I would not be standing here today as the first African American Congresswoman from Alabama if not for activists like Professor Thelma Glass.

The remarkable career of Professor Thelma Glass as an educator and civil rights activist has been recognized by numerous awards. In 2011, Professor Glass received the Black and Gold Standard Award, one of the highest honors awarded to an alumnus by Alabama State University. Professor Glass was an active member of Alpha Kappa Alpha sorority, the Montgomery chapter of the Links Incorporated, and St. John A.M.E. Church.

Thelma Glass was, indeed, an inspiration to all. I know on a personal note, Professor Glass served as a role model and mentor to my mother Nancy Gardner Sewell, whom she encouraged as a student at Alabama State University to pledge Alpha Kappa Alpha sorority. She was the epitome of a woman of grace and style who lifted as she climbed.

I stand on the shoulders of these trailblazing activists such as Professor Glass, this remarkable woman who paved the way for the advancement of African Americans.

Our Nation is eternally grateful to Professor Thelma Glass' commitment to racial equality and social justice that is a great example to all of us. She left an indelible mark on the State of Alabama and on this Nation, and today I proudly stand to acknowledge her legacy and hope that we all remember it for generations to come.

□ 1100

## REPUBLICAN INTRANSIGENCE AND OBSTRUCTION

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

Mr. HOYER. Mr. Speaker, this week's middle class tax cut debate is unfortunately an unnecessary sequel to December's fight over extending payroll tax cuts. Republicans campaigned on a pledge to seek bipartisan solutions to our pressing challenges, but when faced

with a bipartisan agreement in December of last year, they chose to walk away. Unfortunately, they appear ready to do so again. When it comes to extending tax cuts to the middle class, Democrats and Republicans agree; both believe we ought to do so. So we have agreement. That agreement has been reflected in a Senate-passed bill, Mr. Speaker, as you know.

So with millions faced with the uncertainty of whether their taxes will go up next year, why haven't we acted? This should be an easy vote for an overwhelming majority of Members to say, Let's extend these tax cuts we agree on, and then debate what we don't agree on. It should be easy. But the Republicans, Mr. Speaker, are continuing to do what they do so often, have done best this Congress—obstruct, delay, and walk away.

In December, by holding hostage an extension of the payroll tax cuts for 98 percent of our taxpayers, Republicans walked away from the middle class. They walked away from their responsibility to seek compromise on job creation and economic recovery. They walked away from negotiations over deficit reduction, setting up the dangerous sequester that now looms at the end of the year. The sequester exists because Republicans pursued a policy of placing the Nation's debt at risk.

Today, sadly, they are walking away from the middle class and working families once more, demanding their way or nothing on tax cuts. No tax cuts for the middle class, they insist, without an additional tax break for the upper 2 percent of income earners. In other words, we agree on 98 percent. We don't agree on 2 percent. Rather than doing that which we agree upon for 98 percent of the American taxpayers, we will hold them hostage until we get agreement on the 2 percent. Of course if we agree on the 2 percent, it will add a trillion dollars over 10 years, if followed for 10 years, to our deficit and debt.

Republicans' plan of tax cuts for the wealthy hasn't worked before, and it won't work now. Under President Reagan and both Presidents Bush, deficits climbed. Democrats want to return to the successful policies we had under President Clinton, when we had the most successful economy, 4 years of balanced budgets, and 4 years in which we did not increase the national debt.

I say to my friends on the Republican side of the aisle, Mr. Speaker, we've had many opportunities to work together this year to address our challenges, but each time our Republican colleagues have walked away. In doing so, they broke a central promise in their pledge to America—that is, the promise to let the majority work its will.

We could have extended the payroll tax cuts without a fight. We could have found a big and balanced solution to deficits. And we could be voting today on a tax cut extension for 100 percent of Americans who make up to $200,000. Or, if they're a couple, $250,000. But in each case, Mr. Speaker, Republicans moved not towards the center but to the right to placate the extreme wing within their party.

Yesterday, Mr. Speaker, Representative RICHARD HANNA of New York, a Republican, said this about his party in Congress:

> I have to say that I am frustrated by how much we—I mean the Republican Party—are willing to give deferential treatment to our extremes in this moment of history.

The gentleman from New York went on to say:

> We render ourselves incapable of governing when all we do is take severe sides. If all people do is go down there and join a team, and the team is invested in winning and you have something similar to the shirts and the skins, there's not a lot of value there.

Congressman HANNA in this instance is right. Republicans have been unable to govern. Again and again, this Republican House has received compromise bills from the Senate but has been incapable of agreeing to legislation or passing a version that could become law.

That was true on transportation. It's true on the farm bill, and it's true on Violence Against Women. And it's true on this tax bill. Examples include, as I've said, Violence Against Women and the farm bill, postal reform, the highway bill, FAA reauthorization, and many others. Instead of focusing on winning politically, they ought to be concerned about governing effectively.

They could learn much from our outstanding Olympic athletes. In team sports like soccer and basketball, athletes who normally compete against each other at home have come together as one team, Team USA. They've won gold; they've been successful. We could be as well if we came together as Team USA.

Those athletes may harbor rivalries most of the time. They may not be used to working together. And they all know that when the cauldron is extinguished, they'll once again wear different colors. But right now in London, they're all wearing red, white, and blue, and they've set their differences aside to achieve victory together. We ought to follow their example. Republicans ought to follow their example.

We have a chance today to be one team and make possible what we agree ought to happen. Again, we agree on 98 percent of the proposal. Let's agree on that, and agree to debate that on which we don't agree. So I say to my Republican friends, stop walking away from the middle class and start working with us to get things done on their behalf.

Let me quote someone I don't usually quote, Newt Gingrich, when he was Speaker of this House when we were considering a compromise that he and President Clinton had agreed to, and so many of his Republicans colleagues, Mr. Speaker, as you may remember, opposed Newt Gingrich's efforts. He said:

> I would say for just a minute, if I might, to my friends who were asking for a 'no' vote, the 'perfectionist caucus.'

He concluded his remarks in urging them to vote for a compromise agreement:

> So the question is: Can we craft a bill which is a win for the American people because it is a win for the President and a win for the Congress? Because if we cannot find a way to have all three winning, we do not have a bill worthy of being passed.

The President has indicated he will not sign the Republican bill, and the Senate won't pass the Republican bill. But again, my friends, Mr. Speaker, as you know, we have agreement on 98 percent, and we are hung up because we don't have agreement on the other 2 percent.

Speaker Gingrich went on:

> Now, my fine friends who are perfectionists, each in their own world where they are petty dictators, could write a perfect bill.

And he concluded:

> In a free society, we have to have give and take. We have to be able to work.

Mr. Speaker, Americans must lament the fact that they see their Representatives agreeing on 98 percent of a proposition and will not pass it. They will not pass it because the perfectionist caucus has promised in many respects to one individual American we will not raise taxes ever. We won't pay for what we buy, even if we think it's important.

Mr. Speaker, both parties have an opportunity today to stand up and reflect agreement and do something positive for the American people, do something positive for the American economy, do something positive to grow jobs in America. Do something that will give certainty and confidence to the overwhelming majority of Americans, who will say that Congress can work.

□ 1110

It can, as families understand they must do every day, reach compromise, come together, reason with one another and give and take, as Speaker Gingrich said.

Let us hope, Mr. Speaker, that we reflect the best in us today, not the worst, not the confrontational inclination, but the inclination to come together, to make America better and to make sure that the American people, who are working hard every day, don't see a tax increase on January 1 as a result of a ''perfectionist caucus'' unwilling to compromise, unwilling to pass an already-passed Senate bill that will give 98 percent of Americans confidence that they will not receive any tax increase on January 1.

What a good thing that would be for America, for the American people, and for the American economy. Let's work together. America expects us to do that, and that's what we ought to do.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until noon today.

Accordingly (at 11 o'clock and 11 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

Reverend Michael Catt, Sherwood Baptist Church, Albany, Georgia, offered the following prayer:

Lord God, I give thanks to live in a free land, blessed by You. Since the days of the Pilgrims who sought freedom from religious and political tyranny, You have blessed this land. You have guided us through wars, recession, and prosperity. We owe our existence to Your sovereign hand.

May those elected to represent the people follow the teachings of Your Word. We pray for all in authority that we may live in peace. Please guide the Congress, regardless of political persuasion, to follow the words of Micah 6:

> He has told you, O man, what is good. What does the Lord require of you but to do justice, to love kindness, and to walk humbly before your God? The voice of the Lord will call to the city. It is sound wisdom to fear Your name.

In the name of my Lord Jesus, I pray. 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 Colorado (Mr. PERLMUTTER) come forward and lead the House in the Pledge of Allegiance.

Mr. PERLMUTTER 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.

## WELCOMING REVEREND MICHAEL CATT

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

Mr. SHULER. Mr. Speaker, I rise today to recognize today's guest chaplain, Dr. Michael Catt. Dr. Catt is the senior pastor at Sherwood Baptist Church in Albany, Georgia. I'm honored to welcome Dr. Catt, his wife, Terri, and his daughter, Hayley, to the U.S. House of Representatives today.

Dr. Catt has served as senior pastor at Sherwood Baptist Church since 1989. The church has 3,000 members and has averaged 100 baptisms each year. Thousands have joined the church from Albany and 29 surrounding communities. The church has evolved from a neighborhood church to a regional, multiethnic congregation with members from 11 nations.

Most notably, under Dr. Catt's leadership, Sherwood Baptist developed an out-of-the-box church outreach. Dr. Catt's goal is to change the world from Albany, Georgia. While this may sound and seem like a radical or even ridiculous statement from a pastor in southwest Georgia, it has, in fact, become a reality through Sherwood Pictures. Dr. Catt has served as executive producer of ''Flywheel,'' ''Facing the Giants,'' ''Fireproof,'' and ''Courageous.'' Each of these major motion pictures serves to influence the world for Christ.

I am honored to call Dr. Catt a friend, and I look forward to how God continues to use Dr. Catt in the future. I ask my colleagues to welcome Dr. Catt and his family as he leads us today in opening prayer.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain 15 further requests for 1-minute speeches from both sides of the aisle.

## THE POWER TO TAX IS THE POWER TO DESTROY

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

Mr. POE of Texas. Madam Speaker, ''The last thing you want to do is to raise taxes in the middle of a recession because that would take more demand out of the economy and put business in a further hole.''

That's what the President said in 2009, but that was then and this is now. If Congress doesn't act, Americans will face higher taxes when the clock strikes midnight on December 31 of this year. The President's solution is to raise taxes on some. That would eliminate 700,000 jobs in our country; 60,000 of those would be lost in my home State of Texas. The tax increase will cost the average American a year's worth of groceries—$4,000.

Madam Speaker, almost half of Americans pay no Federal income tax at all. What we need are more taxpayers, not more taxes. We need to renew the so-called ''Kennedy-Reagan-Bush tax cuts.'' No tax increases on Americans. Because the power to tax is the power to destroy, and the last thing we should do is raise taxes in a recession.

And that's just the way it is.

## DON'T FORGET THE LITTLE PEOPLE

(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, ''Don't forget the little people.'' That's what a gentleman said as he grabbed my hand and looked into my eyes at the Sanborn Farm Museum French toast breakfast on Saturday morning. ''Don't forget the little people.''

Who are these little people? I'll tell you right now, these are millions of moms and dads sitting at their dinner table tonight trying to cover their worried expression from their kids as they look over their family finances, wondering whether Congress is going to step up to the plate and give them the tax break they so desperately deserve.

Only in Washington will people tell you you need to address our growing out-of-control deficit by spending a trillion dollars on tax breaks for millionaires and billionaires. And not just that. That puts us into further debt with the Chinese. I've got a problem with that.

It seems simple to me. If we want to cut our deficit, we cut spending, and we also ask those who benefited from tax breaks for the last decade to pay their fair share.

Like many of us, I'm with the little people and I'm with the middle people. Let's vote for a middle class tax cut today.

## STOP THE TAX HIKES

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

Mr. SAM JOHNSON of Texas. Madam Speaker, let the countdown begin. Come January 1, the President and the Democrats plan to raise taxes on hard-working families and small business.

That's right. Instead of reining in their out-of-control spending, the President wants all Americans to hand over even more of their hard-earned money to the Federal Government. It's not smart to raise taxes ever, and certainly not in a struggling economy.

With 3 years of sky-high unemployment across the country, record-breaking deficits, and countless new rules and mandates coming from the White House, the solution is simple: Stop these job-killing tax hikes.

It's time to rewrite the Tax Code, work on pro-growth tax reform, and get this economy working again. Stop the Democrats' massive tax hikes to pay for their Big Government agenda. The American people want, need, and deserve better.

□ 1210

## DISESTABLISHMENT OF THE POSTAL SERVICE

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

Mr. KUCINICH. Article I, section 8, clause 7 of the U.S. Constitution gives Congress the responsibility to establish and ensure operations of the postal service. Today, August 1, 2012, 234 years after the Constitution was ratified, Congress is presiding over the disestablishment of the postal service.

Today, a manufactured default created by congressional legislation is pushing the postal service to the brink. Today, the postal service will not make a payment that it should have never had to make in the first place to pay for prefunding 75 years of retiree health benefits in 10 years. A manufactured default, encouraged by banks and other interest groups, a move towards privatization of one of America's most vital services. The Congress has a responsibility to stand up. But here in the USA under Citizens United, everything is up for auction, including the postal service.

Wake up, America. Universal service is on the line. Wake up, America, and stand up for the Constitution, the 575,000 postal service workers, and our obligation to the American people to see to it that the postal service is rescued from those who want to push it into default or privatize it for their own profit.

## HONORING THE SERVICE AND SACRIFICE OF ADAM ROSS

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

Mr. GOWDY. Madam Speaker, I rise to say thank you to Adam Ross and his parents, Dudley and Amanda Ross, from the Boiling Springs community in Spartanburg, South Carolina. Adam Ross has been described as a ''well-mannered, good-spirited, and all-around good American boy.'' When he left Spartanburg to follow in his father's and his brother's footsteps to go fight for this country he loved so much, he told his family, Madam Speaker, I know where I am going, I know why I am going and what the purpose is.

Madam Speaker, Adam Ross' body was returned to this country he loved and believed in last week in a flag-draped coffin. His parents buried him at the tender age of 19. He died defending this country and fighting for the qualities that make this the last best hope for mankind.

So, Madam Speaker, I rise to honor his service, to honor the sacrifice his parents made, to pray for their peace and their wisdom, and to pray that when Adam Ross looks down from heaven and sees the America of years to come, he may believe his sacrifice and service were worth it.

## MIDDLE CLASS TAX CUT

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

Mr. CICILLINE. Madam Speaker, now is the time for Congress to stand up for middle class families. I urge my Republican colleagues to abandon their plans to hold middle class tax cuts hostage to their demands for another tax cut for millionaires and billionaires and to pass a balanced tax plan, such as that contained in H.R. 15 that extends tax cuts for 98 percent of all Americans and 97 percent of small businesses.

If Congress fails to act, an estimated 400,000 families in Rhode Island could face an average tax increase of $1,600. The Republican tax proposal will end the expanded earned income tax credit and expanded child tax credit and eliminate the American opportunity tax credit. In my State of Rhode Island, it's estimated that more than 100,000 families would lose an average of $1,000 in 2013 if the child tax credit expansion is allowed to expire.

The Republicans' misguided plan would protect tax cuts for the wealthiest, while effectively raising taxes on 25 million lower- and middle-income Americans. I urge my colleagues to support a balanced plan that protects the middle class, strengthens our small businesses, and strengthens our economy.

## BUFFALO-NIAGARA AND THE URBAN AREA SECURITY INITIATIVE PROGRAM

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

Mr. HIGGINS. Madam Speaker, on Monday, I hosted a field hearing of the Homeland Security Subcommittee on Counterterrorism and Intelligence, on which I serve as ranking member. This was an opportunity for the committee to hear from local officials on the decision to eliminate Buffalo-Niagara from the Urban Area Security Initiative program.

Niagara County Sheriff Voutour and Erie County Commissioner of Emergency Services Daniel Neaverth testified that the capability gains made under this program cannot be sustained without fully funding this program. The Federal investment that supported the security gains achieved over the past 8 years in this program will be lost unless we fully fund this program.

Madam Speaker, the witness testimony made clear that the decision to eliminate Buffalo-Niagara from the Urban Areas Security Initiative program was ill-advised, shortsighted, and counterproductive. Congress and the Department of Homeland Security must reverse this course and restore Buffalo-Niagara's eligibility for this all-important program.

## NEW PREVENTIVE SERVICES FOR WOMEN

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

Mrs. CAPPS. Madam Speaker, I rise today to mark a key milestone in women's access to affordable health care services. Starting today, and thanks to the health care reform law, women will have guaranteed access to a host of preventive services in new health care plans, without additional costs. These benefits—including annual well-women physicals, birth control coverage, and screenings for domestic violence among them—are a critical step to ensuring that all women get the care they need to stay healthy and treat disease early.

Far too often, women put off needed care because of the cost; but this new coverage benefit makes some of these tough decisions a thing of the past, decisions like whether to pay for treatment or to pay for groceries.

As we celebrate this day, we must also remember that these health care services continue to be politicized and face many attacks. These attacks are not only divisive but an intrusion into women's private health decisions. We must stand up to such partisan attacks and support these important health care benefits and thus ensure that all women and their families have access to affordable preventive care services.

## BRIGHT SPOTS IN COLORADO

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

Mr. PERLMUTTER. Madam Speaker, it's been a hard summer in Colorado, but we have a lot of bright spots. And I want to focus on three today—one thing and two people.

The ''thing'' is the patent office. In this country, we've had one patent office. It's been here in Washington, D.C. And now we're going to have three patent offices across the country, and Colorado got one of those. We're going to have a satellite patent office in Colorado, and that will help us continue our innovative and entrepreneurial spirit.

Now, of the two people I would like to highlight, one is Chief Dan Oates. We had tremendous heroes in this recent tragedy that we had in Colorado. But Chief Dan Oates and his leadership of the Aurora Police Department were fantastic, and I want to compliment him on that.

Now, the last person I want to highlight, who is a bright spot and will keep getting brighter, is Missy Franklin who has won a bronze medal and a gold medal in swimming. And she is going to win a lot more.

So even though we've had a tough summer, there are a lot of bright things and a lot of bright people in Colorado, and it's going to be better from here on out.

## JOE BACA MIDDLE SCHOOL

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

Mr. BACA. Madam Speaker, this Monday, Colton Joint Unified School District held a dedication ceremony for the new Joe Baca Middle School in Bloomington, California. Next week, 800 students from the surrounding communities in Bloomington and Rialto will begin to attend classes there.

I am truly humbled to receive this distinguished honor, and I thank the Colton Joint Unified School District. I want to especially recognize Superintendent Jerry Almendarez; all of the school board members of the Colton Joint Unified School District; Ignacio Gomez, whose beautiful artwork will be displayed at the school; and Congressman GARY MILLER for his bipartisan support.

Growing up the youngest of 15 children in a poor household, I never would imagine that one day I would have a school named in my honor. I never thought I would live to see this day. Again, I want to thank everyone involved and give a special thank you to my family for their continued love and support.

## LET PEOPLE VOTE ALREADY

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

Mrs. DAVIS of California. Madam Speaker, our democracy flourishes when every citizen who wants to, votes—but just once. And luckily, there's just not much evidence that anyone's voting more than once. Look at Pennsylvania, where one of the Nation's strictest voter ID laws is on trial. The State can offer zero evidence that fraud has been committed. They can offer zero evidence that future fraud is likely.

So why would we require a voter ID when we know one in 10 voters doesn't have ID? Why would we close early voting sites or deny voters an absentee ballot when they can't make it to the polls on election day?

Madam Speaker, the number of people hurt by barriers to voting is clearly higher than the number of illegal votes these methods purport to stop. So let's quit fooling ourselves and let people vote already.

□ 1220

## WOMEN'S HEALTH

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

Ms. BONAMICI. Madam Speaker, this is an important day for women across this great country. Starting today, all new health insurance plans will include coverage for important preventive health care for women. Many have looked forward to this date since the passage of the Affordable Care Act, and I'm thrilled that it's finally here.

Starting today, women across the country will have access to essential preventive health care without copayments or deductibles. Women who were effectively barred from these services because of the cost will now be able to receive annual visits, testing for diseases like HPV and HIV, breast feeding support and education, domestic violence counseling, and contraceptives.

This is an important step in lowering our country's health care costs and making sure that women have sufficient access to preventive health care.

In my home State of Oregon, there are more than 633,000—and 47 million across the country—who are going to benefit from this change. These are women who had unintended pregnancies because they couldn't access contraceptives. These are women who avoided going to the doctor because they didn't have the money, only to end up in the emergency room. And these are women whose pregnancies were endangered because of lack of prenatal care. Today this changes. Now all women can take control of their health.

## SEQUESTRATION

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

Mr. CONNOLLY of Virginia. Madam Speaker, sequestration—that's the bogeyman Republicans created last year when they refused, for the first time in American history, to allow a clean debt ceiling vote. So they formed a supercommittee which they doomed to failure when they refused to consider a balanced approach that included revenue and spending cuts. And now they decry the impending $1.2 trillion cuts they fashioned and voted for as a crisis for national defense. This gives chutzpah a bad name.

If Senators MCCAIN, GRAHAM, and AYOTTE want to resolve this crisis in their town hall meetings—that they helped create—join me in calling our House Republican leadership to cancel the 5-week August recess and solve this solvable problem.

## AMERICA NEEDS A FARM BILL

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

Mr. WELCH. Madam Speaker, America needs a farm bill. America needs a farm bill. Our ranchers, our agricultural conservation districts, our dairy farmers, our commodity farmers need and deserve a farm bill. It was passed by the Senate. It was passed by the House Agriculture Committee in a strong bipartisan vote. But for the first time, literally the first time in the history of this country, a farm bill passed by the Agriculture Committee is not being allowed to come to the floor. There's no excuse for that.

Is it a hard job? Yes. But is that an excuse for Congress to duck its responsibility? No. Are there contentious issues? Yes.

Some on the other side want to cut commodity programs. Give them a shot. Let them bring an amendment. My colleague, ROSA DELAURO, thinks we ought to restore all funding for nutrition. I agree. Give her a shot.

Congress must do its job. It must bring a farm bill to the floor for a vote so that each and every one of us is held to account to our constituents.

## WOMEN'S PREVENTIVE HEALTH

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

Ms. DELAURO. Madam Speaker, 26 years ago, I was diagnosed with ovarian cancer. I was lucky. I had excellent doctors. They detected the cancer by chance in stage I. If my cancer had not been caught early, I might not be speaking to you today. Many women are not so lucky because they have never had access to preventive health care.

That is why I am so pleased to see that today, thanks to the Affordable Care Act, more lifesaving preventive services will begin to be covered for women all over the country. Last year, 54 million Americans with private health insurance gained access to preventive services without cost sharing, including over 700,000 in my State of Connecticut.

Starting today, 47 million American women, including over 600,000 Connecticut women, will now have access to well-women visits, screenings for gestational diabetes, HPV and HIV, contraception, and counseling and support for STIs, breast feeding, and for domestic violence.

A report in 2009 found that more than half of American women delayed or avoided necessary care because they could not afford it. This is why we passed the Affordable Care Act.

Let's help Americans get quality care. Let's save lives.

## MIDDLE CLASS TAX CUTS

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

Ms. MCCOLLUM. Madam Speaker, House Democrats and President Obama are fighting for families by working to extend middle class tax cuts that will benefit 98 percent of Americans. Our plan will put $2,200 in the pockets of an average family next year. That's money that can be spent by your family on your family's needs. That money will help Minnesota businesses grow and hire employees in St. Paul, Roseville, and Oakdale.

But House Republicans refuse to extend tax cuts for the middle class unless millionaires and billionaires get an extra tax cut. It's wrong to borrow $50 billion from China so millionaires and billionaires can get an extra tax cut of $160,000.

The Bush tax cuts for the superwealthy built a mountain of debt and

failed to strengthen the economy. The Bush years proved that the Republican love affair with tax cuts for the super-wealthy are a wasteful handout. They failed to create jobs.

The American economy is strong when the American middle class is strong. I urge my colleagues to vote for the Democrats' middle class tax cuts.

## AMERICAN WOMEN WIN

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

Ms. SPEIER. Madam Speaker, today American women win. Congress has finally done something right. No more copays for contraception. No more copays for mammograms. No more copays for well-women visits. No more copays for diabetes screening, DV counseling, HPV DNA testing, or HIV screening.

So what does that mean to women in America?

Women in America today are saving money. For contraception alone, they'll save $400 to $600 a year. For all women in this country, it's a billion dollars worth of savings because the Affordable Care Act was passed by Congress and signed by the President of the United States.

Yes, President Obama does care. And yes, American women win.

## MIDDLE CLASS TAX CUTS

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

Mr. COHEN. Madam Speaker, today the House will take up a bill on the Bush tax cuts. The Republicans want to extend the Bush tax cuts to everybody, but tax 25 million Americans by not extending certain credits that they get right now. The Democratic proposal, which I will support and which I'm here for today, despite the fact that my election is tomorrow, will extend tax cuts to everybody and raise taxes somewhat on people who make over $200,000 individual and $250,000 married. Those people still get a tax cut, but just not as much.

Madam Speaker, 93 percent of the income growth in the last decade went to the top 1 percent. That's the people who can afford to pay more taxes. And the fact is, to deal with the deficit, we've got to have both income and cuts to wasteful spending.

Republicans and Democrats have agreed. Economists Paul Krugman and Joseph Stiglitz have called on both revenue and cuts. And so have Martin Feldstein, an adviser to President Reagan, and Hank Paulson, Treasury Secretary to President Bush. So did Simpson-Bowles. They've all said you need both revenue and cuts. That's what President Clinton recommended in 1993, the Democrats supported, and we had a surplus—wasted on Bush tax cuts.

I urge support for middle class tax cuts.

## RESIGNATIONS AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, COMMITTEE ON THE BUDGET, AND COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignations as a member of the Committee on Transportation and Infrastructure, Committee on the Budget, and Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES,
*Washington, DC, August 1, 2012.*

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

MR. SPEAKER, I hereby announce my resignation, effective immediately, from the House Committee on Transportation and Infrastructure. Should you have any questions please contact my Chief of Staff.

Sincerely,

FRANK GUINTA,
*Member of Congress.*

HOUSE OF REPRESENTATIVES,
*Washington, DC, August 1, 2012.*

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

MR. SPEAKER, I hereby announce my resignation, effective immediately, from the House Committee on Budget. Should you have any questions please contact my Chief of Staff.

Sincerely,

FRANK GUINTA,
*Member of Congress.*

HOUSE OF REPRESENTATIVES,
*Washington, DC, August 1, 2012.*

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

MR. SPEAKER, I hereby announce my resignation, effective immediately, from the House Committee on Oversight and Government Reform. Should you have any questions please contact my Chief of Staff.

Sincerely,

FRANK GUINTA,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

□ 1220

## ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 751

*Resolved,* That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON FINANCIAL SERVICES.—Mr. Guinta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 6169, PATHWAY TO JOB CREATION THROUGH A SIMPLER, FAIRER TAX CODE ACT OF 2012; PROVIDING FOR CONSIDERATION OF H.R. 8, JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012; PROVIDING FOR PROCEEDINGS FROM AUGUST 3, 2012, THROUGH SEPTEMBER 7, 2012; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SCOTT of South Carolina. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 747 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 747

*Resolved,* That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6169) to provide for expedited consideration of a bill providing for comprehensive tax reform. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) two hours of debate on the subject of reforming the Internal Revenue Code of 1986 equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (3) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Slaughter of New York or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in part B of

the report of the Committee on Rules accompanying this resolution, if offered by Representative Levin of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. On any legislative day during the period from August 3, 2012, through September 7, 2012,—

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 7. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 8. It shall be in order at any time on the legislative day of August 2, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV.

SEC. 9. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of August 2, 2012.

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

Mr. SCOTT of South Carolina. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 747 provides for a structured rule for consideration of H.R. 8, a bill to extend the current tax rates for all Americans for 1 year; a structured rule for consideration of H.R. 6169, which provides a legislative path for true tax reform; and for other tools allowing the House to finish its business and continue to operate during the August district work period.

Madam Speaker, I rise today in support of this rule and the underlying bill.

Madam Speaker, why are we here today? My friends on the left will tell you that we are here today to discuss the issue of fairness in our Tax Code. I would agree. America is the land of opportunity. We believe that the worst possible thing you can do during a fragile recovery—that feels like a recession to me—is to increase taxes. Why? Because by increasing taxes, we jeopardize another 710,000 jobs, according to the experts, 710,000 jobs.

One of those jobs could be held by one of my constituents, a friend of mine named Joe Stringer. Joe Stringer is a middle class American, 62 years old. His wife is 67 years old and on Medicare. Joe doesn't make $250,000, Joe doesn't make $200,000, not even $150,000 or $100,000, but Joe does have dividend income, like 9 million seniors around this Nation who have dividend income.

And here is the interesting fact, Madam Speaker, when we hear the left talk about taxing the millionaires and the billionaires, here is the new definition: of those 9 million seniors who have dividend income, 68 percent of them have an income of less than $100,000, 40 percent have an income of less than $50,000. But my friends on the left would categorize these folks as a member of the rich, with their tax cuts being expired at the end of this year.

We are looking at an increase in the dividend tax rate of 185 percent for millions of Americans who are on fixed incomes. These folks aren't rich. They depend on their dividend income, and yes, with the actions of the left, we would see their dividend income tax responsibility and burden go up by 185 percent. This is definitely not right. It is definitely wrong.

Now this is on top of all the new taxes that we find as a part of the Affordable Care Act, another $804 billion of new taxes on Americans throughout this Nation. And in addition to that, Madam Speaker, under their proposal, we see the death tax going from 35 percent with a $5 million elimination to 55 percent. And for farmers, folks in agriculture, and for small businessowners, their wealth is not liquid. You would have to sell your land to pay these taxes. It's what we call a ''fire sale.''

So my friends on the left would punish people who work all their lives and come up with wealth to pass on to the next generation. But in this instance the taxes would go up significantly. And that's wrong.

□ 1240

In spite of the results of all the surveys—yesterday we had a survey done in my district that said that 61 percent of folks would like to see the 2001 and 2003—and, oh, by the way, 85 Members of the Democrats voted for these exact same tax cuts to stay in place in 2010. It was good in 2010; it's still good right now. Sixty-one percent of folks say let's extend these tax cuts for all Americans, and let's keep those 710,000 Americans who would lose their jobs employed.

But in addition to that, the environment that we're working in right now matters; it matters significantly. Because we have over 41 months—over 41 months, Madam Speaker—of unemployment over 8 percent. It's devastating. It's devastating, Madam Speaker.

Madam Speaker, I hope all of my colleagues will come together here today and realize that the time for political points should be over; that my colleagues would come together today and realize that the time for trying to divide Americans is over; that we would come together today, Madam Speaker, and realize that the time for punishing success is over.

In many ways, Madam Speaker, in many ways this debate today is about the very soul of who we are as Americans: Are we going to lift everyone up as one Nation, or are we going to push some down to bring everyone somewhere in the fuzzy middle in some misguided attempt to redefine fairness? Are we going to let the foundation of this Nation continue to crack, or are we going to strengthen it for another 200 years?

We encourage—I encourage—success in this Nation. We have to ensure our children can learn about America the same way all of us learned about the land of opportunity. That's fairness that I believe in.

Once again, Madam Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote ''yes'' on the rule, ''yes'' on the underlying bill, and I reserve the balance of my time.

Ms. SLAUGHTER. I thank my colleague for yielding me the time, and I yield myself such time as I may consume.

Madam Speaker, under the rule before us today, we will choose between two starkly different visions for America. My Democratic colleagues and I are proposing a simple and fair tax cut for the middle class. This proposal has already passed the Senate. If passed by the House, the legislation could quickly become law. Our tax cut is based upon a simple premise—that it is time for the wealthy and corporations to pay their fair share—no more. Their fair share.

Unfortunately, despite agreeing with the tax cuts proposed in our bill, our colleagues on the other side of the aisle are standing in the way of the tax cut becoming law. Instead of passing a commonsense tax cut, the majority is demanding that any tax cut for the middle class be accompanied by an additional tax cut for the richest 2 percent. Their proposal is based upon the

disproved theory of trickle-down economics—a failed economic theory that has led to record inequality and a broken Tax Code that is riddled with loopholes and giveaways to the wealthy.

For decades, our tax system has been tilted in favor of the wealthy and big corporations—a rigged system that isn't working for most Americans. As just one example, between 2008 and 2010, 30 profitable Fortune 500 companies paid absolutely nothing in Federal taxes, and many more companies and wealthy individuals avoid paying taxes by sheltering the money in bank accounts overseas.

This stands in sharp contrast to other moments in American history. In the 1950s, 1960s, 1970s—a 30-year period that saw the creation of the middle class and the realization of the American Dream—top income tax rates often reached levels we wouldn't even dream of today. But despite these tax rates, we saw incredible economic growth and the creation of the strongest middle class on Earth.

The middle class grew, in part, because we did not allow the most successful members of our society to dodge their responsibility as American taxpayers. In years since, we've witnessed a purposeful and concerted effort by some to undermine the notion of shared responsibility, which this government was based on. In years since, we've witnessed a purposeful and concerted effort to undermine that. Starting with Reaganomics in the 1980s, a new theory pervaded American politics—a belief that our focus should really be on helping corporations and the wealthy in hopes that they might in return help some of us.

Many on the other side of the aisle subscribed to this idea and believed that by providing for the powerful interests first, success would trickle down onto the middle class. What we now know is the theory is simply not true. Today, America is increasingly unequal, millions of jobs have been shipped overseas, and the middle class has been gutted. These results are strong evidence that trickle-down economics have completely and utterly failed.

In 2001, President Bush proposed a series of unpaid-for tax cuts that exploded our deficit and put millions of dollars directly into the pockets of the richest families in America, and that's where we are today. At the same time, President Bush claimed that these tax cuts would create jobs. And Vice President Cheney told us not to worry about the cost to our Nation because ''deficits don't matter.'' A decade later, we can see that President Bush and Vice President Cheney couldn't have been more wrong.

Under President Bush, our deficit exploded to record levels; and according to FactCheck.org, he created only 1.1 million jobs. In contrast, President Clinton erased our deficit through a balanced tax plan and created 23 million jobs—quite a difference—which brings us back to the legislation that we are considering today.

Today, the majority proposes that we continue failed policies by extending the Bush tax cuts for the richest 2 percent. Doing so, Madam Speaker, would cost us nearly $1 trillion over the next 10 years, it would force us to continue borrowing billions of dollars from China, and would force us to make cuts in vital programs like Medicare and student loans.

To continue the failed status quo is a disservice to the American people that we represent. It is high time that we start making our Tax Code fair for those who work hard and play by the rules—not just the wealthy who lobby hard and rewrite the rules. We can do that by passing a simple and fair tax cut for the middle class today.

Unlike the proposal from the majority, the Democratic proposal to cut taxes for the middle class is something that both sides already agree on. The majority's strategy of holding middle class tax cuts hostage in exchange for tax cuts for the top 2 percent is outrageous, and it must end.

Far too often, the majority has pursued a partisan and zero-sum ideology that has led this Congress down dead-end roads. We've seen it over and over again, whether it's the majority's proposal to end Medicare as we know it, or their inability to avoid a downgrade—the first in our Nation's history—in our credit. Unfortunately, their proposal today is yet another partisan piece of legislation that will never become law. Indeed, the President has already said that he will veto the majority's proposal if it ever reaches his desk.

When faced with these two starkly different proposals—one, a non-controversial and commonsense tax cut for the middle class; the other, a partisan tax cut to benefit the richest 2 percent—it's clear what we should do.

I urge my colleagues to provide a fair and simple tax cut to all Americans—because the rich will benefit too—while standing up for the financial security and prosperity of the middle class. Why would we continue a program we know has failed?

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, I just want to make sure that I note once again, reinforce the fact, that this 1-year extension that we are suggesting on the right is in fact an extension of not only the 2001 and 2003 tax cuts, but also the tax cuts that passed this House in 2010 in a bipartisan fashion.

There is no doubt that an action not to extend these tax cuts is actually increasing taxes on many people in this Nation.

□ 1250

And, in fact, if we do extend these tax cuts, what we are actually doing is allowing current tax law to stay in place. But if we don't do that we are talking about 9 million seniors, 68 percent of whom make less than $100,000, seeing their dividend income go up in taxation by 185 percent. That's the middle class.

We're talking about how the marriage penalty will place a $591 higher tax on over 88 million families. That's the middle class. We're talking about a reduction in the child tax credit that will pose a $1,028 tax hike on 31 million families. This looks like to me that my friends on the left are willing to tax the middle class and the poor.

Madam Speaker, I yield 4 minutes to the gentleman from South Carolina, Mr. TREY GOWDY.

Mr. GOWDY. Madam Speaker, I want to thank my good friend and colleague, TIM SCOTT. And I was in rapt attention when he was talking. It was almost as if he stole my thoughts. But I don't mind because he's a member of the freshman class.

And many of us in the freshman class, Madam Speaker, we weren't here in December of 2010 when this body last decided to extend the tax cuts for all Americans, not some of them, but all Americans, 18 months ago. So you can imagine, Madam Speaker, how intrigued we are by the debate on the other side.

We're also intrigued at the number of our colleagues who, not 18 months ago, decided it would be bad economics to raise taxes on any American, which leads me to wonder, were the rules not fair 18 months ago? I know that's the campaign slogan, that everybody has to play by the rules and everybody should pay their fair share.

Were the rules not fair 18 months ago? Was everybody not paying their fair share 18 months ago? Because heaven knows they voted for it 18 months ago. Which got me wondering, Madam Speaker, what's different today than it was 18 months ago?

Well, maybe the economy's better off. Maybe that's the explanation. And then I saw, well, gas prices are higher and milk prices are higher and bread prices are higher and inflation is higher, which is the most insidious of all taxes, and people's purchasing power is down. So, no, that couldn't be why they changed their minds. It can't be because people are better off, because they're not.

So then I thought, Madam Speaker, well, maybe it's because government has become a better steward of the tax dollars that we do give them. Maybe government's spending the money better. And then I thought, well, no, we've had Solyndra and we've had Abound, and we've had a failed stimulus plan, and we've had a GSA scandal, so no, it couldn't possibly be that we're spending the money wiser.

So why in the world, Madam Speaker, would so many of our colleagues who just 18 months ago thought the rules were just fine and that 35 percent was enough to pay, why in the world would they change their mind in the course of just 18 months?

And then it dawned on me, Madam Speaker. It dawned on me while I was

listening to the President tell our fellow Americans you didn't build that, and promising more flexibility in a second term, that we're in the middle of a reelection campaign. It dawned on me, no, the economy's not better, and no, government's not spending its money better, but I have to have something to run on, so I'm going to pit one group of Americans against another group of Americans, because God knows I can't run on my record.

So let's try the politics of bringing people down and perpetuating this myth that somehow pulling other people down makes me taller. Let's pit one group of Americans against another group.

Madam Speaker, the economy is still struggling. Heavens knows it is. People are suffering.

If you want economic growth, why in the world are you talking about taking more money from people, even if you don't think they built it?

What has changed in the last 18 months other than the vicissitudes of a political cycle, Madam Speaker?

And then I got to thinking, while Congressman SCOTT was talking, let's assume for the sake of argument, Madam Speaker, that we do what they want us to do. Go ahead and raise it to 39 percent. It may be 39 this time. How about 50? If you didn't build it, how about take half of it?

What about 60 percent, Madam Speaker? If you didn't build it, take 60 percent of it. Where does it stop?

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 1 minute.

Mr. GOWDY. What the Democrats want to do, Madam Speaker, is bad citizenship. It is bad economics. It is bad for our fellow Americans. It remains to be seen if it's good electioneering or not. That remains to be seen.

But duplicity is duplicity, no matter what the calendar says.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I would just like to remind the previous speaker that 18 months ago there was a Republican majority in this House that made a determination to bring this Nation to its knees and to shut down the government because they would not raise a debt ceiling and were holding the government hostage and the Nation hostage.

And quite frankly, that's what they're doing again today. And this time, it is about tax relief for working families and for middle class families. The duplicity is on the other side of the aisle, which always is trying to bring this body and this country to the precipice.

I rise in opposition to the House majority's tax plan. What it would do is raise taxes on 25 million middle class and working families, people with incomes below $250,000. Their taxes would go up by $1,000 each.

Why? In order to give another tax break to the rich.

The New York Times article just a few days ago said the Republicans will press to extend tax cuts for affluent families scheduled to expire on January 1. But the same Republican tax plan would allow a series of tax cuts for the working poor and for the middle class to end next year.

The Washington Post said, and I quote, ''Republicans want to raise taxes on the poor. Why?''

Why indeed. In order to pay for an over $160,000 tax break for millionaires. The plan would slash the Child Tax Credit, taking an average of $854 away from nearly 9 million families, pushing 2 million children back into poverty.

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

Ms. SLAUGHTER. I yield the gentlewoman another minute.

Ms. DELAURO. It weakens the Earned Income Tax Credit, which kept 8.3 million people out of poverty last year—this as poverty rates head towards the highest levels in nearly half a century.

We all know there's a better way forward. The Senate has passed a plan, supported by the President, which cuts taxes for 98 percent of Americans, 97 percent of small businesses in the country. Rather than holding tax relief for the vast majority of American families and small businesses hostage to more tax cuts for the wealthiest 2 percent, let us take up that Senate bill.

I urge my colleagues to vote against the rule and this Republican Reverse Robin Hood tax plan, and support tax relief for the middle class.

Mr. SCOTT of South Carolina. Madam Speaker, I just want to make sure that we remember the facts as they are. There's no reason for us to so quickly revise history to meet our political objectives.

In 2010, this House, controlled by the Democrats, the Senate, controlled by the Democrats, and the White House, controlled by the Democrats, passed the 2001 and 2003 Bush tax cuts. So what we're talking about is a bipartisan piece of legislation that would continue the current tax law because the previous Congress, in a bipartisan fashion, decided that tax cuts were good for all Americans. And now we find ourselves, as Mr. GOWDY said, in the midst of a political season.

Madam Speaker, I yield 2 minutes to the gentleman from Florida, Mr. RICH NUGENT, the sheriff.

□ 1300

Mr. NUGENT. Madam Speaker, I want to thank my good friend and fellow Rules Committee member TIM SCOTT for allowing me to speak on this very important issue.

This rule does something that is decades overdue. It puts the Nation on a path to comprehensive tax reform. Achieving a fairer, simpler Tax Code isn't an easy goal, which is why we are considering today and tomorrow a multi-step process. First, we need to extend the current tax rate. This extension gives us a bridge, the time we need, to dig into the Tax Code and find a way to make it work for all Americans, not just some. Perhaps even more importantly, it stops the largest tax hike in history. It's worth repeating: the largest tax hike in history.

Madam Speaker, this tax increase would threaten more than 700,000 American jobs, and for those folks lucky enough not to lose their jobs, it could very well lead to lower wages for them. If we don't act, the Democrats' tax increase will hit 53 percent—more than half—of all American small business income.

When I brought these small businesses up at the Rules Committee last night, my colleagues on the other side of the aisle responded to me and my questions by coming back with statistics, things that don't really matter much to anybody. Yet, when I talked about small businesses in my district—those folks making over $200,000 who are going to be impacted by this increase on taxes—it related to actual jobs, what they can create and what they may have to cut back on. These are real people, not some statistics that somebody in some Washington think tank came up with. These are real people, real job creators in America. We are talking now about stifling that at a time when job growth in America is anemic at best.

My fellow speakers earlier talked about just that issue in regards to what has changed.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. NUGENT. What has changed in America since that increase, or the 2001–2003 tax decrease, was passed by the democratically-controlled Congress in 2010? What has changed?

You heard from my good friend Mr. GOWDY that nothing has changed. Now we are going to look at those job creators—and let's slap them again. Let's take away the certainty for the people. We have almost 11 percent unemployment in my district, so now we are going to crush them again by taxing those job creators and by putting jobs out of the reach of real Americans.

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

Mr. SCOTT of South Carolina. I yield the gentleman another 30 seconds.

Mr. NUGENT. I thank my friend.

H.R. 8 will prevent real hardworking Americans from getting hit with history's largest tax increase. We have an obligation to make sure that we do this. If we extend it for a year, it gives us the opportunity. It has been decades since we have had real tax reform. The Ways and Means Committee, through regular order, has the opportunity to have input from both Democrats and Republicans alike—experts in the

field—to talk about how we craft tax policies that are going to carry us through the next decade.

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

Mr. SCOTT of South Carolina. I yield the gentleman another minute.

Mr. NUGENT. This is such an important issue, Madam Speaker. This is about the future of America. This is about how we move forward.

Ways and Means has had 20 committee hearings already on this issue. One of my favorites was on the Fair Tax, which is what we are talking about as we move forward—the ability of the American people to hear debate on this floor and in committee sessions through an open process in which we can amend laws or legislation that is going to come forward to this House. It is also the ability to get input from all of us—Democrats and Republicans alike—because it really is about where we are heading as a Nation.

We talk about job creation. This is about job creation. This is about sustaining the current jobs that we have and about allowing American businesses and entrepreneurs to create more jobs. It's not some crazy idea. This is real America. These are businesses in my district.

Ms. SLAUGHTER. The real issue here today is: Are we going to continue something that we know utterly failed? More than 10 years ago, this deal was made with corporations that we would cut the tax rate and that they would produce jobs. We didn't get the jobs. Half of it didn't work. Why would a country as intelligent as ours want to continue that failed policy? We are at a critical crossroads here, and we had better this time get it right.

In that regard, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on Ways and Means.

Mr. BLUMENAUER. I appreciate the gentlelady's courtesy.

She had it exactly right. We've gone down this path. We had an opportunity for us to see how effective the Bush tax cuts were in creating employment in America versus those high rates in the Clinton era, a couple of percentage points higher. Look at the job creation: 22 million jobs in the Clinton years when we were actually balancing the budget for 4 years in a row, reducing the deficit, versus anemic job creation in the Bush administration that was less than 5 percent of that.

We've tried it their way.

With all due respect, it's really hard to characterize what happened in 2010 as bipartisan legislation. The Republicans in the Senate refused to legislate. It was going to be that all the tax relief expired. A consensus was reached. A compromise was made to extend it. Hopefully, we could have worked things out, but we didn't. We're now right back in the same spot.

I would respectfully suggest that what we are looking at now with my Republican colleagues, when they talk about the largest tax increase in American history, is when you put the Republican-Romney bill in effect. If you are going to have that massive cut for the wealthiest of Americans, the only way you can make that deficit-neutral is by raising taxes on the other 95 percent. And you can quibble with some of the assumptions of the various independent experts, but they all agree: if you're going to give people who make over $1 million an average of more than $100,000 in annual relief, you are going to be raising taxes on the 95 percent of the rest of America.

That's not right. It's not necessary. There are better alternatives, and you're going to hear it in the form of the Democratic alternative that's going to come forth later this afternoon.

Mr. SCOTT of South Carolina. I yield 3 minutes to the gentleman from Georgia and my colleague on the Rules Committee, Mr. ROB WOODALL.

Mr. WOODALL. I thank my colleague from South Carolina for yielding me the time.

I don't actually have the words for this debate, so I had to bring something with me, Madam Speaker. What I brought are the very words that President Obama spoke from right here behind me in his State of the Union address in 2011. As you'll remember, we had just done this thing that we had all agreed on. I say ''we.'' My colleague from South Carolina and I were not in Congress at the time. ''You.'' This thing that you agreed on with the President and with the Senate to not raise taxes on job creators, why did you agree on that? Let's look and see what the President said.

He said:

> We measure progress by the success of our people—by the jobs they can find and the quality of the jobs they can find. Opportunities for a better life that we pass on to our children, that's a project the American people want us to work on together. We did that in December.

He was talking about when we came together to prevent the largest tax increase in American history from impacting Americans and the jobs they were seeking.

Here is what he said:

> We did that in December. Thanks to the tax cuts that we passed, Americans' paychecks are bigger today. Businesses can write off the full cost of investments, and these steps taken by Democrats and Republicans will grow the economy and add more than 1 million private sector jobs.

That's why Ernst & Young says doing what the Democrats propose to do is going to kill 700,000 jobs. It's because, as the President said, doing what we all agreed on—doing what we are proposing to do here today—added 1 million jobs. That was from the President's address in 2011.

He went on. He talked about the parade of lobbyists who have rigged the Tax Code to benefit particular companies and industries.

He says:

> Those with accountants and lawyers can work the system and pay no taxes at all, but the rest are hit with one of the highest corporate tax rates in the world. It makes no sense, and it has to change.

He's right, but the proposal that my friends on the Democratic side are bringing to the floor raises taxes on these small businesses that create jobs. The President knows that's not fair. He goes on.

□ 1310

He says, ''Tonight, I'm asking Democrats and Republicans to simplify the system. Get rid of the loopholes,'' he says, ''level the playing field,'' he says, ''and use the savings to lower the corporate tax rate for the first time in 25 years without adding to the deficit.''

That's what the President called on us all to do. That's what this rule that my friend from South Carolina allows us to do. That's what, if we're willing to put politics aside in this election year, we can do together as you did in 2010.

Madam Speaker, I will close with this. That was his 2011 address, and maybe you think that was just the enthusiasm of our cooperation there at the end of 2010, but it wasn't.

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

Mr. SCOTT of South Carolina. Madam Speaker, I yield an additional 30 seconds to the gentleman from Georgia.

Mr. WOODALL. Standing right here in this Chamber 10 feet behind me this year, the President said this:

> We have an opportunity at this moment to bring manufacturing back, but we have to seize it. We should start with our Tax Code. Right now, companies get tax breaks for moving jobs and profits overseas; meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense and everyone knows it. So let's change it.

What you do does not change it. What you do dooms our small business owners to continue to operate at one of the highest tax rates in the world. We can do better. We have the bill to do better. Together we will do better.

With that, I thank my friend from South Carolina.

Ms. SLAUGHTER. I think I must say that 97 percent of small businesses in America will not be affected at all.

With that, I'm pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, Americans who served on the school board or a parents council or the board of trustees, their fire company, that have ever had a dispute about what to do know that one of the ways to resolve the dispute is to say, Listen, let's take the things that we agree on and do them, and set aside the things in which we disagree and argue about them later. But let's agree

on the things we can do and get them done.

I think virtually every Member of this Chamber agrees that if a family makes less than a quarter of a million dollars a year, their taxes should not go up. Let's pass a bill that says that and then move on to the things on which we disagree.

Here is one of the things that we disagree on: The majority's bill that's on the floor raises taxes on 25 million Americans, and they are some of the Americans who least merit and deserve a tax increase. For example, an E4 corporal in the Marine Corps with 4 years of service, married and with two children sees his taxes go up by $448 a year under the Republican bill. Under the Democratic bill, that Marine's taxes do not go up. A military police sergeant, an E5 in the Air Force, who has 8 years of service, with a spouse and three young children would see a tax increase of $1,118 a year.

How could this be?

In 2009, President Obama increased the earned income tax credit, which helps low-income people who work for a living, and he increased the child care credit, which is working people with children. We pay our marines, our Air Force, our Army, and our sailors a lot less than we should. They're very underpaid, and they take advantage of these tax breaks.

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

Ms. SLAUGHTER. I will be happy to yield an additional 30 seconds to the gentleman from New Jersey.

Mr. ANDREWS. The Democratic bill preserves these tax rules for working families, including members of the military; the Republican bill does not.

So I would urge my friends on both sides of the aisle to do the following: Let's oppose the rule that's on the floor, which gives us a chance to amend the bill. When we amend the bill, let's cancel out the tax increase on the Air Force sergeant of $1,118 and let's cancel out the tax increase on the Marine corporal of $448.

Vote ''no.''

[From the Center for American Progress, Aug. 1, 2012]

HOUSE REPUBLICAN TAX BILL LEAVES SOME MILITARY FAMILIES BEHIND

MILITARY FAMILIES WITH MODEST INCOMES COULD LOSE IMPORTANT TAX CREDITS

(By Seth Hanlon)

The House of Representatives today is scheduled to vote on a House Republican proposal (H.R. 8) that purportedly extends all tax cuts but actually raises taxes on about 25 million families by reducing certain tax credits. The 25 million families include middle-class families and students who currently benefit from a tax credit for college expenses. Others are parents raising children on modest incomes who are helped by the child tax credit and earned income tax credit. Some, as illustrated below, are members of the U.S. military and their families.

The competing Democratic proposal, which has already passed the Senate (S. 3412/H.R. 15), extends all income tax cuts for the 98 percent of families with incomes under $250,000 ($200,000 for singles), including these tax credits in their current forms.

Below are three illustrative examples of military families whose tax bill would rise next year under H.R. 8, the House Republican tax bill.

A corporal (E4) in the Marines with four years of service, who is married and has two children would see a tax increase of $448 under H.R. 8.

In 2009, President Barack Obama signed into law improvements to the earned income tax credit—an important tax credit that boosts the earnings of low- and moderate-income workers. In 2009, 211,000 military families benefitted from the earned income tax credit.[1] One of the 2009 improvements reduced the tax credit's so-called marriage penalty (phasing out the credit at higher income levels for families that file joint tax returns). H.R. 8 would let that provision expire, increasing the marriage penalty and thus reducing the EITC for married couples in the phaseout range.

With military basic pay of $27,660[2] (and assuming no other household income), this Marine Corporal's family is affected by the worsened marriage penalty under H.R. 8. As a result, the family's tax credit would be reduced by $448 under H.R. 8 compared to the current tax rules, the Senate-passed bill, and the House Democratic alternative. Here are the details:

Marine corporal (E4), four years' service, married with two children;

Military basic pay: $27,660

Earned income tax credit under current tax policy and Democratic plan: $4,326

Earned income tax credit under H.R. 8: $3,878

Tax increase under H.R. 8: $448

A military police sergeant (E5) in the Air Force with eight years' service, with a spouse and three young children at home, would see a tax increase of $1,118 under H.R. 8.

Another provision enacted in 2009 boosted the value of the earned income tax credit for families with three or more children, reflecting the fact that these families have a higher cost of living. H.R. 8 would let this provision expire, so that families with three or more children get the same-sized tax credit as families with two children.

With basic pay of $34,723, this sergeant's family would be affected by both the earned income tax credit's worsened marriage penalty under H.R. 8 and the reduced credit for families with three or more children. In total, the family's earned income tax credit would be reduced by $1,118 under H.R. 8. Under the Senate-passed bill and the House Democratic alternative, it would not be cut. Here are the details:

Air Force sergeant (E5), eight years' service, married with three children:

Basic pay: $34,723

Earned income tax credit under current tax policy and Democratic plan: $3,508

Earned income tax credit under H.R. 8: $2,390

Tax increase under H.R. 8: $1,118

A private in the U.S. Army (E1) in his first year of service, who is married with an infant child, would see a $273 tax increase under the Republican plan.

The child tax credit generally provides a $1,000 credit per child. But the credit is only partially ''refundable'' for families who do not have federal income tax liability in a given year. H.R. 8 would reduce the ability of some low-income families to claim the credit. That is because the credit's refundability is based on the level of a family's earnings above a certain threshold—and H.R. 8 would raise that threshold.

With basic pay of an estimated $18,196 in 2013, the Army private's family's income is too low to owe federal income tax because of the standard deduction and personal exemptions. Under H.R. 8, the family would only be able to claim a partial child tax credit, limited to $727. In contrast, under the Senate-passed bill and the House Democratic alternative, the family could claim the full $1,000 credit for its child. Here are the details:

U.S. Army private (E1), first year of service, married with one child:

Basic pay: $18,196

Child tax credit under current tax policy and Democratic plan: $1,000

Child tax credit under H.R. 8: $727

Tax increase: $273

These are just three typical military families who face a tax increase from H.R. 8's failure to extend important tax benefits for working families. Many families with similar incomes, military and nonmilitary, would face similar tax increases because of H.R. 8's failure to extend the child tax credit and earned income tax credit improvements. H.R. 8 also fails to extend the American opportunity tax credit for families and students paying for college.

In all, the House Republican plan raises taxes on about 25 million families, including 18 million families with children (constituting 37 percent of all families with children).[3] By contrast, all 98 percent of families with incomes under $250,000 ($200,000 for singles) would see no tax increase under the Democratic bill, and the 2 percent of Americans with higher incomes will keep tax cuts on their income up to those amounts.

Seth Hanlon is Director of Fiscal Reform at the Center for American Progress.

Mr. SCOTT of South Carolina. At this time, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlelady.

Madam Speaker, let's first of all define what these two bills are.

Number one, the Democratic bill would provide tax relief to 100 percent of Americans: 98 percent would get tax relief on every dollar of income; 2 percent would get tax relief on up to $250,000 of income. Above that, they would be going back to the Clinton rates.

The Republican bill would provide 100 percent of Americans tax relief, including those top 2 percent. At what cost? A trillion dollars added to the debt, number one. Number two, higher taxes on military folks and low-income folks who would be hammered by the tax increases in the Republican bill.

Why is that? There's two reasons:

One, the underlying philosophy behind the Republican bill is that trickle-down economics works. It is a proposition that says that the tax cuts that go to the 2 percent, the highest-income Americans—who don't need them—will benefit 98 percent of Americans who don't get them. There's absolutely no evidence to back that up. Secondly, there's a total doubling down on supply-side economics, trickle-down economics.

Our bill basically has two propositions:

Number one, if we're going to work ourselves out of the biggest recession that we've had since the Great Depression, we have to increase employment and we have to increase demand. That's why we've got to give purchasing power to the vast majority of

low-income and middle Americans. That's why we sustain the tax breaks that we've had in place since the Bush tax cuts were passed.

Number two, we have to pay down on the debt and have money to invest in things like infrastructure, science, and education. That's a trillion dollars that would be made available by going with the Democratic approach.

We've been here before, trickle-down economics versus middle class commitment.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 2 minutes to the gentlelady from North Carolina, Mrs. RENEE ELLMERS.

Mrs. ELLMERS. Madam Speaker, I thank my colleague for allowing me to speak on this very important issue today.

I rise today in support of H.R. 8, which will ensure that we will not raise taxes on our Nation's job creators and harm our recovery.

Madam Speaker, I would like to speak about one sector of the economy that will be the greatest harmed, and that is our farmers. Our farmers provide for our Nation and deserve our gratitude and protection from unnecessary harm. In my district, thousands of farmers and their families wait in fear that their homes and businesses will be destroyed by the devastating tax increases on the horizon. And yes, I am including the inheritance tax, or the estate tax, or, which I like to refer to as, the ''death tax,'' which I think, all in all, needs to be repealed in full.

Let's just talk today about what will happen if we do not pass H.R. 8.

Our farmers will be forced to lay off workers, and they will be forced to sell off equipment and land because that is where their investment is.

They will not be able to pass along to their families the accomplishments that they and their ancestors put forward because most farms are family-owned businesses. What I am speaking of is the inheritance tax going up. It will increase to—total asset income of $1 million, increase to 55 percent, currently at $5 million at 35 percent. You can see that that would be devastating.

As Steve Mitchell of Mitchell Farms in my district noted:

> It will be very hard for our son to carry on. We have paid taxes all our lives, and now they want to tax us when we die. With the value of our farm equipment these days, it wouldn't take long for a family farm to run up against this limit.

We are here today because our economy and job creators continue to wait anxiously for real solutions. H.R. 8 will ensure that our family farmers, job creators will be protected.

□ 1320

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my New York colleague and friend.

Madam Speaker, I rise today in strong opposition to H.R. 8, which should be more appropriately named the Job Prevention and Recession Protection Act.

We always hear talk about tax reform, but the only solution my colleagues on the other side of the aisle have to offer is an extension of the failed policies that skyrocketed the debt and contributed to the current state of the economy. My Republican colleagues say their plan will create jobs. If that's true, why didn't it work during the Bush administration when we lost millions of jobs? The Republican philosophy always seems to be to help the wealthy and give the back hand to the middle class.

So let's put this in perspective: at the same time the majority demands we give the wealthiest a break, they cut Medicaid and Medicare, early education programs, title X family planning, and food stamps. The list goes on and on. Madam Speaker, I would laugh if this weren't so tragic.

Our government should be about giving everyone a fair chance and making sure that we help the middle class and working people. Unfortunately, the current Republican philosophy seems to make it easier for those who are already ahead and more difficult for everyone else. The Republican proposal would give our military soldiers a tax increase while giving millionaires and billionaires a huge tax break.

That's why I strongly support the Democratic substitute introduced by Congressman LEVIN. Our substitute is in stark contrast to the billion-dollar boondoggle proposed by the majority. Our proposal continues the tax cuts for the middle class and requires the wealthiest to pay their fair share, as well they should. Until we can have a meaningful debate about actual tax reform, the Democratic proposal is the only one worth supporting.

Madam Speaker, I urge my colleagues to oppose H.R. 8 and to support the Democratic substitute.

Mr. SCOTT of South Carolina. I reserve the balance of my time.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, this week there was some disturbing news about Members of the House. One of our finest, longest-serving Members, Mr. LATOURETTE of Ohio, a Republican, announced he wasn't going to run for reelection. He said he couldn't run for reelection because of the gridlock and the difficulty getting things done.

He was for income, revenue—not for Grover Norquist's pledge that most of the Republicans have signed. And because he was for revenue, which is what the Democrat plan is, in taxing the wealthiest and most financially blessed in this country, he gave up because he said, you couldn't get things done. That's a shame.

People ask, why is there partisan gridlock? This is a perfect example. The two sides agree that people making $200,000 a year or married couples making $250,000 a year should get continued tax breaks. We should pass that, as the Senate did. We know that can become law and guarantee those tax breaks. The difference that we have is whether people making over $200,000 single and $250,000 married get tax breaks. They will get tax breaks on that amount of income but not on the income over that.

I have been blessed in my life, and I have had sufficient monies to do the things I want. But I have never made $250,000 a year. I consider that a lot of money.

On the Democratic side, we call that middle class tax cuts. The reality is, in my perspective, it's upper-middle class tax cuts and middle class tax cuts. The only people at the top who are having to pay a little more are the very wealthy and predominantly millionaires.

When I grew up, a millionaire was somebody who had a net worth of $1 million. Today it's somebody who makes $1 million—rock stars, business tycoons, bankers. They can afford to pay it. They're not spending that money. We need Americans who spend their money to stimulate our economy. We need purchasers.

So that's why I am against the Republican plan and for the Democratic plan. It will activate our economy.

I thank the gentlewoman from New York for yielding the time.

The SPEAKER pro tempore. The Chair will advise the gentleman from South Carolina that he has 7½ minutes remaining, and the gentlewoman from New York has 9½ minutes remaining.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 1 minute to the gentlelady from Kansas, Ms. LYNN JENKINS.

Ms. JENKINS. Madam Speaker, stopping the tax hike is not just about taxes; it's about jobs. Small businesses have been responsible for about two-thirds of the new jobs created. Raising taxes on the so-called ''rich'' will hit nearly 1 million of these businesses and in this weak economy will risk destroying 700,000 jobs.

Is it worth it? Raising taxes simply allows Washington to spend more. If we want to have a serious discussion about reining in our out-of-control spending, I welcome that debate. But first we should do no harm to our fragile economy.

Extending current rates gives us time to pass our plan for comprehensive tax reform without risking thousands of jobs and another recession. CBO estimates that action will produce 2 million jobs next year alone.

The choice is clear. Let's stop the tax hikes and create jobs.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, although I have great affection for the gentleman from South Carolina, I am so enthusiastic that

Ranking Member SLAUGHTER is managing this bill.

I rise in great opposition to H.R. 8, but in enthusiastic support for H.R. 15. This is a gift to America's women, working women, mothers.

And let me give you the role: every taxpayer will get tax relief on $250,000. That, by the evidence of this letter from small businesses, will be 97, 98 percent of small businesses. And they are women—most of them, many of them—women who are in their homes having a one-person small business, women who have hired people in a five-person small business, women who are thinking of getting ready to start their small businesses.

Then, of course, the child tax credit. What a boon for working mothers and others who need that desperate relief. And then, of course, the marriage tax relief. EITC, if you come from the gulf region, we were saved by the earned income tax credit for Hurricane Katrina victims. They were able to get some minimal relief to carry them through. The higher education tax credit. The adoption tax credit. And as I indicated, the child care tax credit. A tax credit, as well, for expensing in small businesses.

What are my colleagues and my friends on the other side talking about? A job-killing, economy-killing, deficit-busting H.R. 8 is not the way to go.

So I am enthusiastically here to tell the women of America that this is a vote for you today. Those women who get up every day, who design a way to make a living when there is no job—these women, along with men, who have come into understanding what small business can do for America.

I'm excited because I consider the 18th Congressional District to be a host of small businesses. Everywhere I go, individuals are talking about their small businesses.

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

Ms. SLAUGHTER. I yield the gentlewoman an additional 10 seconds.

Ms. JACKSON LEE of Texas. I will submit into the RECORD, Madam Speaker, a letter from small businesses of the Main Street Alliance opposing H.R. 8 and supporting this legislation the Democrats are offering.

This is a celebration for women. This vote today will enhance opportunities for women, small businesses, and families across America.

Madam Speaker. I rise in strong opposition to H.R. 8 and H.R. 6169, and ask my colleagues on both sides of the aisle to come together in support of regular order for any proposed tax legislation, whether it comes to the House Floor today, tomorrow, or next year. The Rule before us is structured and I note that is titled H. Res. 747, but unlike the jetliners that we Americans use every day, this bill and the Rule are not yet ready for take-off.

House Republicans released a proposal, H.R. 6169, that would relax some of Congress's normal procedural rules in order to enact an overhaul of the tax code—so long as the tax overhaul meets the objectives laid out in the House budget plan authored by House Budget Committee Chairman PAUL RYAN.

Their proposal states:

"The United States tax code is far too complex and bloated. It forces American citizens and small business owners to focus on filling out tax forms instead of tending to their families and businesses. It is clear to lawmakers on both sides of the aisle that real, fundamental reforms to our tax code are long overdue. In fact, our revenue laws have not been substantially reformed in 50 years," Chairman DREIER said.

I couldn't agree more with Chairman DREIER but by putting a stranglehold on the tax reform process before we even begin is tantamount to forcing debate on any tax reform bill while potentially limiting input.

H.R. 6169 lays out several components that the tax overhaul legislation must have in order to be passed through the easier legislative procedure.

All of these components seem identical to those laid out in the Ryan Plan that we witnessed in the Spring—it's like a bad B movie rerun.

The required components of the tax overhaul include:

replacing the personal income tax rates with just two rates, 10 percent and 25 percent (or less)

repeal of the Alternative Minimum Tax, AMT

reducing the statutory corporate income tax rate to 25 percent (or less)

adoption of a "territorial" tax system (exempting offshore profits of corporations from U.S. taxes)

collecting revenue equal to between 18 and 19 percent of GDP

The "findings" section of the bill states that revenue will "rise to 21.2 percent of GDP under current law," meaning its proposed revenue target of between 18 and 19 percent of GDP is an explicit cut in revenue.

Like the Republican Plan, the bill introduced by my colleagues Ways and Means Chairman CAMP and Rules Committee Chair DREIER, does not say which tax loopholes and tax subsidies should be closed to ensure that the tax system still collects revenue equaling between 18 and 19 percent of GDP even after the plan's steep rate reductions and the repeal of the AMT are in effect.

My sense is that even if those with incomes exceeding $1 million were forced to give up all the tax expenditures RYAN could possibly want to take away from them—all their itemized deductions, tax credits, the exclusion for employer-provided health insurance and the deduction for health insurance for the self-employed—even then the net result for these taxpayers would be an average income tax cut of $187,000 in 2014.

That's because the income tax rate reductions RYAN proposed are so deep that they would far outweigh the loss of all these tax loopholes and tax subsidies.

I have consistently supported and voted for middle class tax cuts, as I did two years ago when I voted for the Middle Class Tax Relief Act of 2010, and the extension of unemployment benefits.

I am deeply saddened that the fate of unemployed, low and middle income Americans has been held hostage by the insistence by Republicans that this legislation include a giveaway to the wealthiest 2 percent of Americans that is going to irresponsibly expand the already large deficit.

I have spoken to and heard from many fine, patriotic, hardworking middle income Americans from Houston, from the great state of Texas, and all across the nation. Middle class American families and small businesses are deeply concerned about our troubled economy, the skyrocketing national deficit, high unemployment rates, job creation, and sorely needed extension of the tax relief and unemployment benefits set to expire at the end of this month.

The Republican bill temporarily extends for one year, through 2013, all the reduced tax rates and other tax benefits enacted in 2001 and 2003 that are scheduled to expire on Dec. 31. The measure maintains the maximum estate tax rate of 35 percent while retaining the exemption amount of $5 million, provides a two-year "patch" to prevent the alternative minimum tax, AMT, from hitting over 27 million taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year.

I feel like we have been down this path before and I recall many of my colleagues staking a claim to fiscal responsibility. Well, I ask in all sincerity, which bill is more fiscally responsible: H.R. 8, which blows a hole in the deficit, or H.R. 15, the Democratic alternative which keeps the Bush Tax rates in place for the people who truly need tax relief.

This is the same Republican Congress which has asked for a balanced budget amendment. It has codified the Joint Select Committee on Deficit Reduction, which is possibly unconstitutional, and has had no impact on jobs and the unemployment problem. Yet today they want us to vote on a tax increase for the top 2 percent. This illustrates what happens when Congress does not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

The Senate gave us a layup by producing a bill last week which is virtually identical to the Democratic Substitute. All we have to do is act like Olympians and pass it.

The American people are asking the President and Members of Congress to move swiftly and take decisive action to help restore our economy in a fiscally responsible manner. I am disappointed that Republicans have insisted on holding tax cuts for working and middle class families' hostage in order to benefit the wealthiest 2 percent of Americans.

I would like to thank President Obama for his determined leadership, support and commitment to protecting important tax relief issues for middle-income Americans and the nation's small businesses and farmers during these challenging economic times. I would also like to thank all the Members and their staff who worked diligently to bring this essential legislation to the House floor today in an attempt to do all that we can to protect the American people and move this nation toward fiscally responsible economic recovery.

I support those provisions of H.R. 8 which provide relief for middle-class families and small businesses who will see their taxes go down and get much needed certainty. But I cannot in good conscience support tax relief for millionaires and billionaires at a time when others need help just to make ends meet.

Unlike those provisions of H.R. 8 which benefit America's struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon

the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a 2-year extension of Bush-era tax cuts for the wealthiest 2 percent of Americans while keeping their estate tax rate at 35 percent on estates valued at more than $5 Million for individuals and more than $10 Million for couples.

These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our ailing economy since these tax cuts are not tied to job creation and preservation.

ESTATE TAX AMENDMENT

I offered an amendment that would have set the Estate Tax at reasonable levels. My amendment would have allowed estates valued at $3.5 million or less to pay 35 percent, estates valued between $3.5 million and $10 million to pay a 45 percent rate, and estates over $10 million to pay a 55 percent rate. This commonsense amendment would have restored a sense of fairness to H.R. 8.

According to the Center on Budget and Policy Priorities, the 2009 estate tax rules already are extremely generous, tilting in favor of the wealthy. The Tax Policy Center estimates that if policymakers reinstated the 2009 rules:

The estates of 99.7 percent of Americans who die would owe no estate tax at all in 2013. Only the estates of the wealthiest 0.29 percent of Americans who die—about 7,450 people nationwide in 2013—would owe any tax.

Moreover, under the 2009 rules, the small number of estates that were taxable would face an average effective tax rate of 19.1 percent, far below the statutory estate-tax rate of 45 percent. In other words, 81 percent of the value of these estates would remain after the tax, on average. An estate tax that exempts the estates of 997 of every 1,000 people who die and leaves in place an average of 81 percent of the very wealthiest estates is hardly a confiscatory or oppressive tax.

Moreover, only 60 small farm and business estates in the entire country would owe any estate tax in 2013, under a reinstatement of the 2009 rules, and these estates would face an average effective tax rate of just 11.6 percent. Failing to tie tax cuts to job creation is irresponsible since it exacerbates our growing deficit without bolstering job creation.

My amendment does not address the step-up in basis. The exemption level and rate are consistent with parts of the estate tax proposal included in the President's FY2010 and FY2011 Budgets and H.R 16, the intelligent estate tax proposal being put forth by my colleague Mr. LEVIN of the Ways and Means Committee.

CLASSROOM EXPENSE DEDUCTION AMENDMENT

My second amendment would have provided tax relief to school teachers by providing them a deduction for qualified out-of-pocket classroom expenses of $250 dollars, whether or not they itemize their deductions. You may recall Mr. Speaker that the President included this proposal in his Budget for Fiscal Year 2013.

I understand the tremendous personal costs incurred by educators with little or no classroom budget. According to a 2006 National School Supply and Equipment Association Retail Awareness Study, teachers spend an average of $493 out of pocket on school supplies for their own classrooms.

Seven percent of teachers surveyed said they plan to spend more than $1,000 of their personal finances on supplies. As education budgets face major shortfalls in the recession, that amount is expected to increase significantly.

Beginning in 2002 the IRS allowed for an above-the-line deduction for classroom expenses of up to $250. The educator expense deduction allows teachers to write off some expenses that they incur to provide books, supplies, and other equipment and materials for their classrooms. I introduced this amendment and would like to acknowledge the work of my colleagues who have put forth legislation advocating this deduction. America's teachers from Texas to Maine to Florida to Washington deserve our renewed appreciation for their commitment to educating future generations.

Our children should not have to suffer because our teachers are given a Hobson's Choice, forced to choose between using their own finances to effectively teach a class or forced to cut corners due to budgetary restrictions. We promote an increased quality of education by lessening the financial burden on them when they are trying to go above and beyond their responsibilities is certainly warranted.

While I am opposed to the portions of H.R. 8 that amount to an expensive giveaway to the wealthiest 2 percent of Americans, I want to emphasize that I fully support job-creation and job creators. I also support President Obama's vision for change. I share his commitment to fighting for low- and middle-income Americans who are the backbone of this country and our economy.

However, this legislation, H.R. 8, especially as it pertains to tax cuts for the top 2 percent of Americans and estate tax provisions that are regressive and inflate the deficit, does not comport with this vision. I have serious misgivings about extending tax cuts for the wealthiest Americans at the expense of our deficit, especially if these tax cuts are not targeted towards job creation.

DEFICIT AND TAXATION

You may recall that in the Budget, the Administration calls for individual tax reform that: cuts the deficit by $1.5 trillion, including the expiration of the high-income 2001 and 2003 tax cuts. As a matter of sound fiscal policy, I am supportive of this effort. I recognize the putative economic benefits that many attribute to the Bush Tax Cuts, but we must ask ourselves are they affordable? There is no amount of dynamic scoring that will help penetrate the deficit.

The President's budget also eliminated inefficient and unfair tax breaks for millionaires while making all tax breaks at least as good for the middle class as for the wealthy; and observes the Buffett Rule that no household making more than $1 million a year pays less than 30 percent of their income in taxes.

The individual income tax is a hodgepodge of deductions, exemptions, and credits that provide special benefits to selected groups of taxpayers and favored forms of consumption and investment. These tax preferences make the income tax unfair because they can impose radically different burdens on two different taxpayers with the same income. In essence, Congress has been picking winners and losers.

There is absolutely no justification for huge tax cuts. The wealthiest tax brackets should not profit at the expense of programs keeping struggling families from poverty.

Bear in mind, the Republican's 2012 budget cut $2 trillion dollars more than President Obama's Debt Commission advised, and those cuts come from vital social services and safety nets for low-income families, children and seniors.

Tax expenditures also reduce the economy's productivity because decisions on earning, spending, and investment are driven by tax considerations rather than the price signals that a well-balanced, and fair free market economy produces. These expenditures, whether for individuals or corporations, are really no different than the much ballyhooed entitlement programs, but they have cute names and fancy lobbyists.

Moreover, tax expenditures make the tax system excessively complex for honest taxpayers who are trying to comply with the law while seeking the benefits to which they are legally entitled.

The system is so complex that most taxpayers—even those with low incomes—now use either a professional tax preparer or tax software. A one-page form shouldn't require a tax preparer who earns a percentage of the return, or a fee.

It is not justifiable, especially when some commentators like to point out that a number of taxpayers pay no tax—well they somehow conveniently forget to mention that these tax scofflaws making $30,000 dollars a year more than make up for it with a long list of regressive taxes at the state and local level.

The alternative minimum tax, or AMT, was initially designed to ensure that all high-income taxpayers paid some income tax, has become the poster child for the tax system's failure, requiring Congress to enact increasingly expensive temporary patches to prevent the AMT from encroaching on millions of middle class households particularly those with children, in a web of pointless high tax rates, complexity, and unfairness.

On the deficit reduction front it is important to remember the economic crisis that the President inherited. I remember back in 2008 and 2009, when we experienced the worst recession since the Great Depression. The economy actually contracted, it shrunk, at a rate of almost 9 percent in the fourth quarter of 2008.

We lost 800,000 private-sector jobs in January of 2009 alone, and unemployment was surging. Those are the conditions the President inherited—the car was swerving into the ditch. He was not the driver, but he was asked to come in on literally his first day of office, roll-up his sleeves and figure out how to prevent the car from rolling farther down the hill. If you'll recall we also faced a housing market that was in crisis, and we faced a financial market crisis as well that threatened to set off a global financial collapse. We have come a long way since then yet there is more work to be done.

The cloud looming over this Congress is an unintended "triple-witching hour" of tax increases that will take effect at the beginning of 2013.

The expiration of the Bush Tax Cuts, the end of the recently extended Payroll Tax Cut, and increases in capital gains and dividends taxation will shock the conscience and wallets of the American people. That is why Congress needs to enact bi-partisan legislation that

helps lower the deficit but does not wreck havoc on the financial soul of the middle class.

But again, tax reform that lowers the rate, reduces the deficit, and does not pick winners and losers is not easy, but let's not forget, if President Reagan and then-Speaker Tip O'Neill could do it in 1986, anything is possible.

The so-called "99ers have been sincerely looking for work for a very long time and have run out of resources to provide for their families and pay their mortgages, pay their bills and buy food. They simply want and need a job to pay for these obligations. H.R. 8 proposes to give tax cuts to the wealthiest Americans, yet fails to provide for the so-called "99ers."

H.R. 8 unfortunately is not ready for primetime.

THE MAIN STREET ALLIANCE,
*Seattle, WA, August 1, 2012.*

To: Members of the U.S. House of Representatives.

Re Small business support for ending the extra Bush tax cuts for the top 2 percent.

DEAR REPRESENTATIVE: As small business owners, we urge you to end the special Bush-era tax cuts for the top 2 percent of income earners, or household income over $250,000 a year. This is the right thing to do for small businesses, our local economies, and America.

The debate over the Bush tax cuts has been clouded by claims that ending special breaks for the top 2 percent of income earners would impact many small businesses. As small business owners, we know these claims don't square with the facts.

In reality, only a tiny fraction—roughly 3 percent—of all American taxpayers who report any form of business income on their personal tax returns would be impacted by a change in tax rates for income over $250,000. Even this small fraction includes hedge fund managers, high-powered corporate lawyers, and K Street lobbyists, so the number of real small businesses affected is even fewer.

Furthermore, the ''trickle down'' theory used to justify extra tax cuts at the top simply doesn't work. When the Congressional Budget Office examined close to a dozen options to jumpstart economic activity and job creation in early 2010, it found that extending special tax breaks for the richest Americans was the least effective of all 11 options for creating jobs and boosting the economy.

Finally, claims about how ending these special tax cuts will impact job creation ignore the most basic fact about what drives small business hiring. Customers drive small business hiring, not tax cuts. We hire when we see opportunities, when demand exceeds the capacity of our current workforce, not because of a tax cut on our take-home income.

Small businesses need more customers. How do we get there? Build roads and bridges, invest in education, hire teachers and first responders—this will create local jobs, inject money into local economies, and bring more customers into our businesses. But we won't have the resources to do these things if we take the nearly $1 trillion we would raise from ending the extra tax cuts for income over $250,000 and hand it right back in another giveaway to the top.

We urge you to stand with real small businesses and end the special Bush tax cuts for the top 2 percent.

Sincerely,

Charles Carter, Boy Genius World Productions, Eureka Springs, AR; William Wallin, Wallin Mental Medical, Richmond, CA; Penny Shaw, Financial Affairs, Cooper City, FL; Ron Dinsdale, Midvale Pinacotheca, Huxley, IA; Laura Schlegel, Mario's Mondo Cafe, Chicago, IL; Iris Marreck, Iris B. Branding & Communications, Northfield, IL; Maude Varela, Kidutopia, New Orleans, LA; Thomas Dougherty, Pancro Cinema Products, Grass Valley, CA; Marian Gallagher, Nube de Helado Software, Inc., San Diego, CA; Jena Schill, Hair stylist, Ames, IA; James Berge, Berge Farms, Kensett, IA; Kristin Aufmann, Aufmann Associates, Ltd., Mount Prospect, IL; Kyle Schulz, Kar-Fre Flowers, Sycamore, IL; Brian England, British American Auto Care Inc., Columbia, MD; Timothy Larive, Larive Appraisal Services, Mount Shasta, CA; Laurie Chadwick, Bed and Biscuits, Santa Cruz, CA; Natalie Dinsdale, TaDah Salon, Ames, IA; ReShonda Young, Alpha Express Inc, Waterloo, IA; David Borris, Hel's Kitchen Catering, Northbrook, IL; Mary Noel Black, The UPS Store @ Citiplace, Baton Rouge, LA; Catherine Cretu, Anaconda Press, Inc., Forestville, MD.

Jerry Alexandratos, Alexandratos Rental Properties, Frederick, MD; Timothy Floyd, Floyd Consulting, Augusta, ME; Halcyon Blake, Halcyon Yarn, Inc., Bath, ME; Jerry Provencher, MRPS, Bath, ME; Beverly Evans Messer, Electrolysis by Bev, Belfast, ME; Jim Riley, Black Dog Services, Berwick, ME; Alexander Jackimovicz, Jackimovicz Electric, Boothbay, ME; Gloria Coomer, Solarmarine LLC, Brooksville, ME; Steven Klockow, Healing Relationships, Brunswick, ME; Amy Smith, Social Insight, Arrowsic, ME; Gary Friedmann, Bar Harbor Community Farm, Bar Harbor, ME; George Waldman, MainePhotoJournalism.com, Bath, ME; William Savedoff, Social Insight, Bath, ME; Dr Rebekka Freeman, Partners for Change, Belfast, ME; Patricia Vigue, Music Plus, Biddeford, ME; Joan Lee Hunter, Fifth House Lodge Writers' Retreat, Bridgton, ME; Harold Roberts, Coryell Clayworks, Brunswick, ME; Moreen Halmo, Psychologist, Brunswick, ME; Bill Tibbetts, Brookside Auto Repair, Augusta, ME; Emily Henry, Chickadee Hill Flowers, Bar Harbor, ME; Michael Kelly, Michael Thorne Kelly, Inc., Bath, ME; Susan Lubner, Yoga in Bath, Bath, ME; Carol P. Gater, Wealthy Poor House B&B, Belfast, ME; Frank Svatek, Photographer, Biddeford, ME; Ken Converse, Quality Images, Bridgton, ME; Daniel Atkins, Fine Blade Carpentry, Brunswick, ME; Robert Theberge, RC Theberge GC, Inc., Brunswick, ME.

Laurie Garrec, Westcon Mfg Inc, Brunswick, ME; Anna Dembska, Publishing, Camden, ME; Mark Braun, Mark Braun, MD, Cape Elizabeth, ME; David A. Woolsey, David Woolsey Violinmaker, Ellsworth, ME; Melanie A. Collins, Melanie's Home Childcare, Falmouth, ME; William Berlinghoff, Oxton House Publishers, LLC, Farmington, ME; Nancy Glista, Glista Jewelry, Franklin, ME; Carson Lynch, The Gorham Grind, Gorham, ME; Steve Workman, Workman Management Consulting, Kittery, ME; Jennifer Porter, Honey Tree Films, Buxton, ME; Constance Jordan, Behavioral Health Resources, Cape Elizabeth, ME; Mary Ellen Serina, Paradise Studio, East Boothbay, ME; Edward Grohoski, Ed's Electric Inc., Ellsworth, ME; Ned Kitchel, Quaker Marine Supply Co, Falmouth, ME; Emery Goff, The Old Barn Annex Antiques, Farmington, ME; David Hutchinson, Checkout Convenience Stores, Glenburn, ME; Doris Luther, Mediation & Conflict Resolution Services, Hollis, ME; Edward Walworth, MD, Retired Surgeon, Lewiston, ME; Mallory Hattie, Raising Canine Maine Dog Training, Buxton, ME; Scott Cronenweth, Freelance writer, Cape Elizabeth, ME; Sandra Fayle, Faraway Antique Shop, East Millinocket, ME; Kathryn Gannon, Gannon-Janelle Interiors, Falmouth, ME; Sandra Stanton, Artist, Farmington, ME; Beth Labaugh, Kennebec Therapeutics, Fayette, ME; Elizabeth Beane, Clinical Social Worker, Private Practice, Gorham, ME; Gary McGrane, GT McGrane Builders, Jay, ME; Craig Saddlemire, Round Point Movies, Lewiston, ME.

Mike Relac, Fox Hill Associates, Inc., Limington, ME; Cheryl L. Wilder, Pine Street Redemption Center, Madison, ME; John Sweet, Sweet Timber Frames, Mount Desert, ME; Marla Bottesch, Snowbound Books, Norridgewock, ME; Dotty Caldwell, Dorothy Caldwell, LCPC, Penobscot, ME; Elizabeth Della Valle, Elizabeth A Della Valle, AICP, Portland, ME; Joel Bolton, Internet Island Web Development, Portland, ME; Jennifer Lunden, The Center for Creative Healing, Portland, ME; Abi Morrison, Red Bird Acupuncture, Rockland, ME; Scott Gaiason, Bear Wood, Lisbon Falls, ME; Susan D'Alessandro, Maine Nature & Nostalgia, Millinocket, ME; Jessie Greenbaum, Therapeutic Massage, Mount Desert, ME; Irja Frank, Frank Translations, Orono, ME; Cynthia L. Cochran, Cynthia L Cochran, CPA, Portland, ME; Martha Fenton, Freelance writer, Portland, ME; Cecile Deroche-Cain, Musician, Portland, ME; Mary Zarate, Z Fabrics, Portland, ME; Ginger Woods, Self-employed, Rumford, ME; Elizabeth Como, Winter Journeys, Lovell, ME; John Ackerman, Residence, Mount Desert, ME; Winston Mctague, Jr, Mctague Logging, Newport, ME; Geno Scalzo, Shipwright, Owls Head, ME; Gary Ameika, Dune Marketing, Portland, ME; Dr. Wendy Pollock, Inner Shores, Portland, ME; Barbara McKim, Psychologist—Private Practice, Portland, ME; Joanne Dunlap, Mo's Variety, Rangeley, ME; Susan Littlefield, Echo Farm Pottery, Saco, ME.

Mattthew B. Westerlund, Matt Westerlund Financial Services, Sanford, ME; Shahzad Kirmani, VisionMaster, Inc., Scarborough, ME; Frank Ridley, Different Drummer Workshop, Solon, ME; Priscilla Skerry, Healing Routes, South Portland, ME; Ann Breeden, Spring Woods Gallery, Sullivan, ME; John H. Noyes, The Picture Framer, Inc., Topsham, ME; Earl Morse, Waterford Design, Waterford, ME; Bill Nave, Bill Nave Consulting, Winthrop, ME; Mary Campbell, Everyday Wines, Ann Arbor, MI; Edwin Farrarr AE Profit Solutions, Scarborough, ME; Joe Thompson, Salt Pond Rowing, Sedgwick, ME; Bonnie Jackson, Bonnie Jackson Remodeling, South Portland, ME; Artis Bernard, Inleaf Press, South Portland, ME; Eileen Mielenhausen, Healing & Expressive Arts Retreats of Maine, Surry, ME; Seth Hall, S & J Llama LLC, Waldoboro, ME; John O'Donnell, Tilton & O'Donnell Law Offices, Waterville,

ME; David Mercer, Mercer & Sons, Yarmouth, ME; Steve Koch, Midnight Security & Communications Inc, Flint, MI; Allegra Kirmani, Heart Art Studios, Inc, Scarborough, ME; Pat Berger, The Pond, Sidney, ME; Georgia Williamson, Georgia Deveres Studio, South Portland, ME; William Clarke, CIMPAC INC, St George, ME; David Hynd, Carpentry, Thomaston, ME; Mitch Kihn, Mid-Maine Forestry, Warren, ME; Tori Stenbak, Stenbak Law Offices, PA, Westbrook, ME; Chris Barbour, Barbour Computing, York, ME; Mary Bridge, Hip Hoopla LLC, Chesterfield, MO.

James Hoffmann, Hoffmann/Morgan Architects, Missoula, MT; Elizabeth Wood, Crossroads Veterinary Clinic, Cortland, NY; Ann Stanley, Radiant Health Acupuncture and Massage, LTD, Bend, OR; Michael O'Shea, Tiffany and O'Shea, Inc, Happy Valley, OR; Karen Mccarthy, Madras Garden Depot, Madras, OR; Vincent Alvarez, Peanuts on the Half Shell, Milwaukie, OR; Thomas Karwaki, CAI, Portland, OR; Michael Schulte, Joe's Garage, Portland, OR; Steve Hanrahan, Mirador Community Store, Portland, OR; Kent Watson, Kent Watson & Associates, Missoula, MT; Freddy Castiblanco, Terraza 7, Elmhurst, NY; Kate Lindburg, Animal Crackers Pet Supply, Corvallis, OR; Peter Bluett, Pete Bluett Sculpture, Lake Oswego, OR; Barbara Byram, Barbara Byram Consulting, Medford, OR; Jim Gilbert, Northwoods Nursery, Molalla, OR; Sherry Dirks, Gray Bear Construction Co., Portland, OR; Samuel Pardue, Lensbaby, Portland, OR; Peter Rossing, Muse Art and Design, Portland, OR; J. Kelly Conklin, Foley-Waite Associates Inc, Bloomfield, NJ; Greg Nickle, Nickle & Associates, Tulsa, OK; Brian McDonald, Gresham Music, Gresham, OR; Karen Alexander-Brown, Wind Song at the Sea Gypsy, Lincoln City, OR; Mark Kellenbeck, BrainJoy LLC, Medford, OR; John Mullin, Amallegory Productions, Oregon City, OR; Bruce Chaser, Hawthorne Wellness Center, Portland, OR; Moses Ross, M. J. Ross Group, Inc., Portland, OR; Deborah and John Field, Paperjam Press, Portland, OR.

Judith Wallace, Serenity Shop, Portland, OR; Brian Setzler, CPA, TriLibrium, Portland, OR; Hank Keeton, Keeton Corporation, Scotts Mills, OR; Aylene Geringer, The Chocolate Box, Silverton, OR; Gary Mazzilli, Outsource Estimating Inc., Hayes, VA; Chuck Robinson, Village Books, Bellingham, WA; Robert Jekel, Parkade Hobbies, Kennewick, WA; Diana Thompson, Harmony SoapWorks, Ocean Park, WA; Dan Emerson, Summit View Pet Clinic, Puyallup, WA; Tamara Maher, Tamara B Maher PC, Portland, OR; Jack Coelho, Vital Body Studio, Portland, OR; Victor Madge, Architecture, Silverton, OR; Terrell McDaniel, Hughes McDaniel and Associates, Hendersonville, TN; Diane Middaugh, Quik Tan, Bellevue, WA; Dante Montoya, Dante Lee Montoya CPA, Kennewick, WA; Allan Willis, Tri-City Music, Kennewick, WA; Carolyne Hart, Olympia Frameworks, Olympia, WA; Laura Waite, Jay's Professional Automotive, Renton, WA; KB Mercer, Traveling Lantern, Portland, OR; Jose Gonzalez, Tu Casa real Estate, Salem, OR; Jason Freilinger, Freilinger Electronics, Inc., Silverton, OR; Martha Eberle, WildWoods of Texas, Dripping Springs, TX; Ben Knudsen, DIGS, Bellingham, WA; Rick Van Heel, Music Machine, Kennewick, WA; Consuelo Gomez, Marty K Inc., Mercer Island, WA; Randy Eakman, Finish Craft, Pasco, WA; Sarah Stegner, Again and A Gain, Seattle, WA.

Eli Reich, Alchemy Goods, Seattle, WA; Beth Sanders, Athena Video Arts, Seattle, WA; Dan McComb, BizNik, Seattle, WA; Jody Hall, Cupcake Royale, Seattle, WA; Laureen Kelly, Einstein Signs, Seattle, WA; Frank Taylor, Frank's Barber/Salon, Seattle, WA; Kathryn Hooks, J.O.Y Unlimited, Seattle, WA; Tarek Gelate, Lucy Ethiopian Restaurant, Seattle, WA; Beckie Lindley, Merry Tails & Dog Alley, Seattle, WA; Valeriy Arrymanon, Alliuan, Inc, Seattle, WA; Ed Whitfield, BBQ Pit, Seattle, WA; Nicole Miller, Blackbird, Seattle, WA; Keith Gormezano, Dr. Quick Books, Inc., Seattle, WA; Peter Aaron, Elliott Bay Book Company, Seattle, WA; Eduardo Revelo, Guaracos Tacos, Seattle, WA; Yong Kim, Jackson Cleaners, Seattle, WA; Malia Keene, Magpie, Seattle, WA; Mary Clark, Merryweather Books, Seattle, WA; Annie Davis, Annie's Nannies Inc, Seattle, WA; Joline El-Hai, Bella Luz Studio, Seattle, WA; Joshua Huisenga, Chalkbox Creative, LLC, Seattle, WA; Berhane Amanuel, East African Imports, Seattle, WA; JK Burwell, Family Heritage, Seattle, WA; Theo Martin, Island Soul, Seattle, WA; Heather Caldwell, Kismet Salon, Seattle, WA; Terry, Many Many Moons, Seattle, WA; Jack Burg, Montlake Mousse, Seattle, WA; Dale Russ, Morning Dew Productions, Seattle, WA; Mohammed Almatn, Professional Copy/Print, Seattle, WA; Wasif Qadri, Shalimar Indian/Pakistani Cuisine, Seattle, WA.

Brian Wells, Tougo Coffee, Seattle, WA; Anil Shrestha, University Food & Deli, Seattle, WA; Mari Cook, Voyeur, Seattle, WA; Steven Hall, MD, Steven M. Hall, MD, Snoqualmie, WA; Eben Cole, Cole Music Co, Spokane, WA; Jason Berg, Infinity Fitness, Spokane, WA; Carl Medeiros, Panache Clothing, Seattle, WA; Eduardo Marlo, Puerto Vallarta Mexican Restaurant, Seattle, WA; Jason Grimes, Spin Cycle, Seattle, WA; Mohammed Toure, Toure Apparel, Seattle, WA; Lois Ko, University Haagen Dais, Seattle, WA; Park, Western Beauty Supply, Seattle, WA; Mark Gerard, Advanced Radon, Spokane, WA; John Frian, Frian Farms, Spokane, WA; Nate Coming, Mark's Guitar Shop, Spokane, WA; Pirkko Karhunen, Pirkko, Seattle, WA; Ben Jenkins, Shadowland, Seattle, WA; Ryan Calkins, Statements, Seattle, WA; Kirk Strong, University Ave Barber, Seattle, WA; Andrew Park, University Teriyaki, Seattle, WA; Deborah Cziske, Cascade Industrial Supply, Shoreline, WA; Michael Bonnes, Brooklyn Deli, Spokane, WA; Rick Ericksen, Halpins, Spokane, WA; Larry Lent, Mr. J's Take & Bake Pizza, Spokane, WA; Janine Vaughn, Revival Lighting, Spokane, WA; Mollie Fenton, Fenton/Stahl Gallery, Walla Walla, WA; James Kytonen, Violin Works, Spokane, WA; Wayne Chabre, Wayne Chabre Sculptor, Walla Walla, WA; Rob Robinson, Building Dynamics LLC, Walla Walla, WA.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 2½ minutes to the gentleman from Iowa, Mr. STEVE KING.

Mr. KING of Iowa. I thank the gentleman from South Carolina for yielding and for leading this reform debate for real tax reform.

In the time I came to this Congress, I have made the pledge that I would push for tax reform. I believed at the time that the debate that had been taking place in this Congress over the preceding years would flow into the following years.

I remember the inspiration that came when Billy Tauzin and Dick Armey went around the country and debated tax reform between the flat tax and the Fair Tax. I don't ever remember anyone debating in favor of the Fair Tax having lost that debate. But we had a real tax reform debate.

And in this time—and I have pushed in my time in this Congress—I can think of only one time that we have had a serious debate on tax reform, and that was at a time when we had some debate, and I testified before the Ways and Means Committee in favor of a national sales tax.

This rule that's before us expedites this debate. It expedites the consideration of a bill providing for comprehensive tax reform. And I look at the conditions that are in here. There are five conditions that are written in, and the Fair Tax meets all of those conditions, I think, by design.

I am looking forward to an open debate that will take place at least within the Ways and Means Committee and hopefully come here to the floor. It says to me, as I look at this rule, that the legitimate proposals that would come for real tax reform will be in order before the Ways and Means Committee.

So I encourage those committee members, as this expedited debate takes place, to bring your reforms to the Ways and Means Committee. Bring them in the form of amendment. Let's have a real debate. Let's put the Fair Tax up against everything else.

□ 1330

And I have done that now since about 1980. And even though I have lost a couple of debates with my wife and some with my family, and even one or two with my staff, I've never lost a debate on the fair tax because the American people understand this—right now, the Federal Government has a first lien on all productivity in America. If you punch a time clock on Monday morning, just imagine, Uncle Sam is standing there by that time clock. When it goes thunk, his hand goes out and he gets into his hand what he wants until he gets his share, and then he puts it in his pocket and you get to keep what's left.

Let's change the tax from production to consumption. Let America grow, let America breathe, to quote the Congressman from Pennsylvania.

Ms. SLAUGHTER. Madam Speaker, I would like to inquire of my colleague if he has further speakers?

Mr. SCOTT of South Carolina. I have one.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Madam Speaker, I thank my freshman colleague from South Carolina.

I rise today in support of this rule. America has waited long enough for the uncertainty over taxes to go away. This rule gives us the opportunity to avoid a huge tax increase and gives us the opportunity to have that debate about a fairer, flatter, simpler tax that the American people want and need and this economy wants and needs.

You know, we shouldn't be having a big argument over these extensions. They passed on a bipartisan basis under Speaker PELOSI. They should pass on a bipartisan basis this time. We do not need the politics of envy and divisiveness. We need tax reform, and this puts us on the path to do it.

I urge my colleagues to support this rule and the underlying bill.

Ms. SLAUGHTER. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, we understand the majority intends to have a last-minute change in the rule. The amendment would create a number of obstacles to middle class tax cuts. And under the last-minute change, the middle class taxes could not be cut until the Senate has approved the entire Republican tax reform agenda, and we certainly don't need that kind of obstacle and we don't need that kind of bill. We need quick action on tax cuts, so I hope we can get that today. But let me remind you that you need to vote against this rule, unless you want the Republican bill to pass automatically.

The Senate-passed tax cuts are a simple and fair extension of tax cuts that will directly benefit the middle class. It was quite wonderful to see the Senate of the United States do the sensible thing and say that everyone making $250,000 and under would receive a tax cut. Unfortunately, our colleagues on the other side of the aisle are the only ones standing in the way of the tax cut becoming law.

Their flawed alternative proposal demands that any middle class tax cut be accompanied by an additional tax cut for the richest 2 percent. Such a proposal would be and has been a fiscal disaster. It would explode the Nation's deficit, fail to create jobs, and perpetuate the record of inequality facing our Nation.

The oft-repeated premise that we need to protect job creators—who haven't created new jobs—with lower corporate taxes and lower taxes for the wealthy should be put to bed. It has been thoroughly and convincingly disproven.

Instead of protecting tax loopholes for corporations that ship jobs overseas and serving the wealthy at the expense of the middle class, we should be making the Tax Code more simple and fair and asking everyone just to pay their fair share. Our proposed middle class tax cut would be a great first step towards doing just that.

In addition, Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to give the House a vote on H. Res. 746, which would prohibit us from going home until the President signs middle class tax cuts into law. Otherwise, we will be going home perhaps tomorrow with that undone.

There is no excuse for Congress to go on summer vacation at the end of this week. No other American leaves work with a job half done, and neither should we. It is our duty to deliver results for the American people, and we should not leave this town until every middle class family has a tax cut in their hands.

In closing, I urge my colleagues to support the middle class tax cuts, to vote ''no'' on the rule and on ordering the previous question.

Madam Speaker, I ask unanimous consent to put the amendment and other extraneous material in the RECORD immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield back the balance of my time.

Mr. SCOTT of South Carolina. Madam Speaker, I wonder what my friend from Texas would have said, if she was still here, to the 253,000 women, small business owners, who will be impacted by higher taxes based on the actions of our friends on the left. I wonder, Madam Speaker, what my friends on the left would say to the 710,000 newly unemployed Americans because of their actions on the left? I wonder, Madam Speaker, what my friends on the left would say to the senior citizens who make less than $100,000, to the senior citizens who make less than $50,000 who would see a 185 percent increase on their taxes for their dividend income?

Madam Speaker, my friends on the left have asked a very interesting and telling question when they asked: Who deserves a tax increase? Well, we on the right have a very clear answer to that question. We believe everybody deserves a tax decrease.

Madam Speaker, with unemployment for the 41st month over 8 percent, with unemployment in south Atlanta over 9.4 percent, I would suggest, Madam Speaker, now is not the time to engineer fairness. Now is a time for us to keep taxes low.

Madam Speaker, everyone in this room can agree we need to take steps to turn our economy around. But while one side of the room wants to divide our Nation to do so, we understand that punishing some Americans in the name of helping others is not the solution. We must lift everyone up; otherwise, we will all just end up in the squishy, nebulous middle. And America isn't about being mediocre. America is about being the best, the strongest, and the leader of the free world. Let's stay there as a Nation.

AMENDMENT OFFERED BY MR. SCOTT OF SOUTH CAROLINA

Mr. SCOTT of South Carolina. Madam Speaker, I move to amend the resolution with the amendment I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add the following new section:

SEC. 10. (a) In the engrossment of H.R. 8 the Clerk shall—

(1) add the text of H.R. 6169, as passed by the House, as new matter at the end of H.R. 8;

(2) conform the title of H.R. 8 to reflect the addition of H.R. 6169, as passed by the House, to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 6169, as passed by the House, to the engrossment of H.R. 8, H.R. 6169 shall be laid on the table.

Mr. SCOTT of South Carolina. Madam Speaker, the amendment instructs the Clerk to add the text of H.R. 6169 as new matter at the end of H.R. 8 before transmitting the bill to the Senate.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 747 OFFERED BY MS. SLAUGHTER OF NEW YORK

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

SEC. 10. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the resolution (H. Res. 746) prohibiting the consideration of a concurrent resolution providing for adjournment or adjournment sine die unless a law is enacted to provide for the extension of certain expired or expiring tax provisions that apply to middle-income taxpayers if called up by Representative SLAUGHTER of New York or her designee. All points of order against the resolution and against its consideration are waived.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

Mr. SCOTT of South Carolina. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time of any electronic vote on the question of adoption of the amendment, if ordered, and adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 183, not voting 7, as follows:

[Roll No. 540]

YEAS—240

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
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
Crawford
Crenshaw
Culberson
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
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
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
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
Richmond
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
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—7

Akin
Cardoza
Cravaack
Dingell
Hoyer
Jackson (IL)
Sullivan

□ 1404

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. SLAUGHTER. 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 238, noes 186, not voting 6, as follows:

[Roll No. 541]

AYES—238

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
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
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—186

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
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
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
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
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

NOT VOTING—6

Akin
Cardoza
Dingell
Eshoo
Jackson (IL)
Jordan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK) (during the vote). There are 2 minutes remaining.

□ 1411

Mr. BOREN changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 240, noes 184, not voting 6, as follows:

[Roll No. 542]

AYES—240

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
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
Culberson
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
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
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—184

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
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
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
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

NOT VOTING—6

Akin
Cardoza
Dingell
Gutierrez
Jackson (IL)
McKinley

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1420

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 55. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

## CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (S. Con. Res. 55) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 55

*Resolved by the Senate (the House of Representatives concurring),* That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike ''Andrew Connelly'' and insert ''Andrew Connolly''.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 135) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 135

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI.**

The rotunda of the Capitol is authorized to be used on September 19, 2012, for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## HOUR OF MEETING ON TOMORROW

Ms. ROS-LEHTINEN. 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 Florida?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

## IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 750) providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 750

*Resolved,* That upon the adoption of this resolution the bill (H.R. 1905) entitled ''An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

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

*(a) SHORT TITLE.—This Act may be cited as the ''Iran Threat Reduction and Syria Human Rights Act of 2012''.*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definitions.*
*TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN*
*Sec. 101. Sense of Congress on enforcement of multilateral sanctions regime and expansion and implementation of sanctions laws.*
*Sec. 102. Diplomatic efforts to expand multilateral sanctions regime.*
*TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN*
*Subtitle A—Expansion of the Iran Sanctions Act of 1996*
*Sec. 201. Expansion of sanctions with respect to the energy sector of Iran.*
*Sec. 202. Imposition of sanctions with respect to transportation of crude oil from Iran and evasion of sanctions by shipping companies.*
*Sec. 203. Expansion of sanctions with respect to development by Iran of weapons of mass destruction.*
*Sec. 204. Expansion of sanctions available under the Iran Sanctions Act of 1996.*
*Sec. 205. Modification of waiver standard under the Iran Sanctions Act of 1996.*
*Sec. 206. Briefings on implementation of the Iran Sanctions Act of 1996.*
*Sec. 207. Expansion of definitions under the Iran Sanctions Act of 1996.*
*Sec. 208. Sense of Congress on energy sector of Iran.*
*Subtitle B—Additional Measures Relating to Sanctions Against Iran*
*Sec. 211. Imposition of sanctions with respect to the provision of vessels or shipping services to transport certain goods related to proliferation or terrorism activities to Iran.*
*Sec. 212. Imposition of sanctions with respect to provision of underwriting services or insurance or reinsurance for the National Iranian Oil Company or the National Iranian Tanker Company.*
*Sec. 213. Imposition of sanctions with respect to purchase, subscription to, or facilitation of the issuance of Iranian sovereign debt.*

*Sec. 214. Imposition of sanctions with respect to subsidiaries and agents of persons sanctioned by United Nations Security Council resolutions.*

*Sec. 215. Imposition of sanctions with respect to transactions with persons sanctioned for certain activities relating to terrorism or proliferation of weapons of mass destruction.*

*Sec. 216. Expansion of, and reports on, mandatory sanctions with respect to financial institutions that engage in certain activities relating to Iran.*

*Sec. 217. Continuation in effect of sanctions with respect to the Government of Iran, the Central Bank of Iran, and sanctions evaders.*

*Sec. 218. Liability of parent companies for violations of sanctions by foreign subsidiaries.*

*Sec. 219. Disclosures to the Securities and Exchange Commission relating to sanctionable activities.*

*Sec. 220. Reports on, and authorization of imposition of sanctions with respect to, the provision of specialized financial messaging services to the Central Bank of Iran and other sanctioned Iranian financial institutions.*

*Sec. 221. Identification of, and immigration restrictions on, senior officials of the Government of Iran and their family members.*

*Sec. 222. Sense of Congress and rule of construction relating to certain authorities of State and local governments.*

*Sec. 223. Government Accountability Office report on foreign entities that invest in the energy sector of Iran or export refined petroleum products to Iran.*

*Sec. 224. Reporting on the importation to and exportation from Iran of crude oil and refined petroleum products.*

*TITLE III—SANCTIONS WITH RESPECT TO IRAN'S REVOLUTIONARY GUARD CORPS*

*Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran's Revolutionary Guard Corps and Other Sanctioned Persons*

*Sec. 301. Identification of, and imposition of sanctions with respect to, officials, agents, and affiliates of Iran's Revolutionary Guard Corps.*

*Sec. 302. Identification of, and imposition of sanctions with respect to, persons that support or conduct certain transactions with Iran's Revolutionary Guard Corps or other sanctioned persons.*

*Sec. 303. Identification of, and imposition of measures with respect to, foreign government agencies carrying out activities or transactions with certain Iran-affiliated persons.*

*Sec. 304. Rule of construction.*

*Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps*

*Sec. 311. Expansion of procurement prohibition to foreign persons that engage in certain transactions with Iran's Revolutionary Guard Corps.*

*Sec. 312. Determinations of whether the National Iranian Oil Company and the National Iranian Tanker Company are agents or affiliates of Iran's Revolutionary Guard Corps.*

*TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN*

*Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran*

*Sec. 401. Imposition of sanctions on certain persons responsible for or complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran.*

*Sec. 402. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.*

*Sec. 403. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.*

*Subtitle B—Additional Measures to Promote Human Rights*

*Sec. 411. Codification of sanctions with respect to grave human rights abuses by the governments of Iran and Syria using information technology.*

*Sec. 412. Clarification of sensitive technologies for purposes of procurement ban under Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.*

*Sec. 413. Expedited consideration of requests for authorization of certain human rights-, humanitarian-, and democracy-related activities with respect to Iran.*

*Sec. 414. Comprehensive strategy to promote Internet freedom and access to information in Iran.*

*Sec. 415. Statement of policy on political prisoners.*

*TITLE V—MISCELLANEOUS*

*Sec. 501. Exclusion of citizens of Iran seeking education relating to the nuclear and energy sectors of Iran.*

*Sec. 502. Interests in certain financial assets of Iran.*

*Sec. 503. Technical correction to section 1245 of the National Defense Authorization Act for Fiscal Year 2012.*

*Sec. 504. Expansion of sanctions under section 1245 of the National Defense Authorization Act for Fiscal Year 2012.*

*Sec. 505. Reports on natural gas exports from Iran.*

*Sec. 506. Report on membership of Iran in international organizations.*

*Sec. 507. Sense of Congress on exportation of goods, services, and technologies for aircraft produced in the United States.*

*TITLE VI—GENERAL PROVISIONS*

*Sec. 601. Implementation; penalties.*

*Sec. 602. Applicability to certain intelligence activities.*

*Sec. 603. Applicability to certain natural gas projects.*

*Sec. 604. Rule of construction with respect to use of force against Iran and Syria.*

*Sec. 605. Termination.*

*TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA*

*Sec. 701. Short title.*

*Sec. 702. Imposition of sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.*

*Sec. 703. Imposition of sanctions with respect to the transfer of goods or technologies to Syria that are likely to be used to commit human rights abuses.*

*Sec. 704. Imposition of sanctions with respect to persons who engage in censorship or other forms of repression in Syria.*

*Sec. 705. Waiver.*

*Sec. 706. Termination.*

***SEC. 2. DEFINITIONS.***

*Except as otherwise specifically provided, in this Act:*

*(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).*

*(2) FINANCIAL TRANSACTION.—The term ''financial transaction'' means any transfer of value involving a financial institution, including the transfer of forwards, futures, options, swaps, or precious metals, including gold, silver, platinum, and palladium.*

*(3) KNOWINGLY.—The term ''knowingly'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).*

*(4) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).*

## *TITLE I—EXPANSION OF MULTILATERAL SANCTIONS REGIME WITH RESPECT TO IRAN*

***SEC. 101. SENSE OF CONGRESS ON ENFORCEMENT OF MULTILATERAL SANCTIONS REGIME AND EXPANSION AND IMPLEMENTATION OF SANCTIONS LAWS.***

*It is the sense of Congress that the goal of compelling Iran to abandon efforts to acquire a nuclear weapons capability and other threatening activities can be effectively achieved through a comprehensive policy that includes economic sanctions, diplomacy, and military planning, capabilities and options, and that this objective is consistent with the one stated by President Barack Obama in the 2012 State of the Union Address: ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal''. Among the economic measures to be taken are—*

*(1) prompt enforcement of the current multilateral sanctions regime with respect to Iran;*

*(2) full, timely, and vigorous implementation of all sanctions enacted into law, including sanctions imposed or expanded by this Act or amendments made by this Act, through—*

*(A) intensified monitoring by the President and the designees of the President, including the Secretary of the Treasury, the Secretary of State, and senior officials in the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)), as appropriate;*

*(B) more extensive use of extraordinary authorities provided for under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and other sanctions laws;*

*(C) reallocation of resources to provide the personnel necessary, within the Department of the Treasury, the Department of State, and the Department of Commerce, and, where appropriate, the intelligence community, to apply and enforce sanctions; and*

*(D) expanded cooperation with international sanctions enforcement efforts;*

*(3) urgent consideration of the expansion of existing sanctions with respect to such areas as—*

*(A) the provision of energy-related services to Iran;*

*(B) the provision of insurance and reinsurance services to Iran;*

*(C) the provision of shipping services to Iran; and*

*(D) those Iranian financial institutions not yet designated for the imposition of sanctions*

*that may be acting as intermediaries for Iranian financial institutions that are designated for the imposition of sanctions; and*

*(4) a focus on countering Iran's efforts to evade sanctions, including—*

*(A) the activities of telecommunications, Internet, and satellite service providers, in and outside of Iran, to ensure that such providers are not participating in or facilitating, directly or indirectly, the evasion of the sanctions regime with respect to Iran or violations of the human rights of the people of Iran;*

*(B) the activities of financial institutions or other businesses or government agencies, in or outside of Iran, not yet designated for the imposition of sanctions; and*

*(C) urgent and ongoing evaluation of Iran's energy, national security, financial, and telecommunications sectors, to gauge the effects of, and possible defects in, particular sanctions, with prompt efforts to correct any gaps in the existing sanctions regime with respect to Iran.*

***SEC. 102. DIPLOMATIC EFFORTS TO EXPAND MULTILATERAL SANCTIONS REGIME.***

*(a) MULTILATERAL NEGOTIATIONS.—Congress urges the President to intensify diplomatic efforts, both in appropriate international fora such as the United Nations and bilaterally with allies of the United States, for the purpose of—*

*(1) expanding the United Nations Security Council sanctions regime to include—*

*(A) a prohibition on the issuance of visas to any official of the Government of Iran who is involved in—*

*(i) human rights violations in or outside of Iran;*

*(ii) the development of a nuclear weapons program and a ballistic missile capability in Iran; or*

*(iii) support by the Government of Iran for terrorist organizations, including Hamas and Hezbollah; and*

*(B) a requirement that each member country of the United Nations—*

*(i) prohibit the Islamic Republic of Iran Shipping Lines from landing at seaports, and cargo flights of Iran Air from landing at airports, in that country because of the role of those organizations in proliferation and illegal arms sales; and*

*(ii) apply the prohibitions described in clause (i) to other Iranian entities designated for the imposition of sanctions on or after the date of the enactment of this Act;*

*(2) expanding the range of sanctions imposed with respect to Iran by allies of the United States;*

*(3) expanding efforts to limit the development of petroleum resources and the importation of refined petroleum products by Iran;*

*(4) developing additional initiatives to—*

*(A) increase the production of crude oil in countries other than Iran; and*

*(B) assist countries that purchase or otherwise obtain crude oil or petroleum products from Iran to eliminate their dependence on crude oil and petroleum products from Iran; and*

*(5) eliminating the revenue generated by the Government of Iran from the sale of petrochemical products produced in Iran to other countries.*

*(b) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful that includes—*

*(1) an identification of the countries that have agreed to impose sanctions or take other measures to further the policy set forth in subsection (a);*

*(2) the extent of the implementation and enforcement of those sanctions or other measures by those countries;*

*(3) the criteria the President uses to determine whether a country has significantly reduced its crude oil purchases from Iran pursuant to section 1245(d)(4)(D) of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 504, including considerations of reductions both in terms of volume and price;*

*(4) an identification of the countries that have not agreed to impose such sanctions or measures, including such countries granted exceptions for significant reductions in crude oil purchases pursuant to such section 1245(d)(4)(D);*

*(5) recommendations for additional measures that the United States could take to further diplomatic efforts described in subsection (a); and*

*(6) the disposition of any decision with respect to sanctions imposed with respect to Iran by the World Trade Organization or its predecessor organization.*

***TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN***

***Subtitle A—Expansion of the Iran Sanctions Act of 1996***

***SEC. 201. EXPANSION OF SANCTIONS WITH RESPECT TO THE ENERGY SECTOR OF IRAN.***

*Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—*

*(1) in the subsection heading, by striking ''WITH RESPECT TO'' and all that follows through ''TO IRAN'' and inserting ''RELATING TO THE ENERGY SECTOR OF IRAN'';*

*(2) in paragraph (1)(A)—*

*(A) by striking ''3 or more'' and inserting ''5 or more''; and*

*(B) by striking ''the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010'' and inserting ''the Iran Threat Reduction and Syria Human Rights Act of 2012'';*

*(3) in paragraph (2)—*

*(A) in subparagraph (A)—*

*(i) by striking ''3 or more'' and inserting ''5 or more''; and*

*(ii) by striking ''the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010'' and inserting ''the Iran Threat Reduction and Syria Human Rights Act of 2012''; and*

*(B) in subparagraph (B), by inserting before the period at the end the following: ''or directly associated infrastructure, including construction of port facilities, railways, and roads, the primary use of which is to support the delivery of refined petroleum products'';*

*(4) in paragraph (3)—*

*(A) in subparagraph (A)—*

*(i) by striking ''3 or more'' and inserting ''5 or more''; and*

*(ii) by striking ''the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010'' and inserting ''the Iran Threat Reduction and Syria Human Rights Act of 2012''; and*

*(B) in subparagraph (B)—*

*(i) in clause (ii), by striking ''; or'' and inserting a semicolon;*

*(ii) in clause (iii), by striking the period at the end and inserting a semicolon; and*

*(iii) by adding at the end the following:*

*''(iv) bartering or contracting by which goods are exchanged for goods, including the insurance or reinsurance of such exchanges; or*

*''(v) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Iran, including governmental bonds, issued on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.''; and*

*(5) by adding at the end the following:*

*''(4) JOINT VENTURES WITH IRAN RELATING TO DEVELOPING PETROLEUM RESOURCES.—*

*''(A) IN GENERAL.—Except as provided in subparagraph (B) or subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly participates, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, in a joint venture with respect to the development of petroleum resources outside of Iran if—*

*''(i) the joint venture is established on or after January 1, 2002; and*

*''(ii)(I) the Government of Iran is a substantial partner or investor in the joint venture; or*

*''(II) Iran could, through a direct operational role in the joint venture or by other means, receive technological knowledge or equipment not previously available to Iran that could directly and significantly contribute to the enhancement of Iran's ability to develop petroleum resources in Iran.*

*''(B) APPLICABILITY.—Subparagraph (A) shall not apply with respect to participation in a joint venture established on or after January 1, 2002, and before the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, if the person participating in the joint venture terminates that participation not later than the date that is 180 days after such date of enactment.*

*''(5) SUPPORT FOR THE DEVELOPMENT OF PETROLEUM RESOURCES AND REFINED PETROLEUM PRODUCTS IN IRAN.—*

*''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—*

*''(i) any of which has a fair market value of $1,000,000 or more; or*

*''(ii) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.*

*''(B) GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran's—*

*''(i) ability to develop petroleum resources located in Iran; or*

*''(ii) domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries or directly associated infrastructure, including construction of port facilities, railways, and roads, the primary use of which is to support the delivery of refined petroleum products.*

*''(6) DEVELOPMENT AND PURCHASE OF PETROCHEMICAL PRODUCTS FROM IRAN.—*

*''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B)—*

*''(i) any of which has a fair market value of $250,000 or more; or*

*''(ii) that, during a 12-month period, have an aggregate fair market value of $1,000,000 or more.*

*''(B) GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or expansion of Iran's domestic production of petrochemical products.''.*

***SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSPORTATION OF CRUDE OIL FROM IRAN AND EVASION OF SANCTIONS BY SHIPPING COMPANIES.***

*(a) IN GENERAL.—Section 5(a) of the Iran Sanctions Act of 1996, as amended by section 201, is further amended by adding at the end the following:*

''(7) TRANSPORTATION OF CRUDE OIL FROM IRAN.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that—

''(i) the person is a controlling beneficial owner of, or otherwise owns, operates, or controls, or insures, a vessel that, on or after the date that is 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, was used to transport crude oil from Iran to another country; and

''(ii)(I) in the case of a person that is a controlling beneficial owner of the vessel, the person had actual knowledge the vessel was so used; or

''(II) in the case of a person that otherwise owns, operates, or controls, or insures, the vessel, the person knew or should have known the vessel was so used.

''(B) APPLICABILITY OF SANCTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), subparagraph (A) shall apply with respect to the transportation of crude oil from Iran only if a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect at the time of the transportation of the crude oil.

''(ii) EXCEPTION FOR CERTAIN COUNTRIES.—Subparagraph (A) shall not apply with respect to the transportation of crude oil from Iran to a country to which the exception under paragraph (4)(D) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) to the imposition of sanctions under paragraph (1) of that section applies at the time of the transportation of the crude oil.

''(8) CONCEALING IRANIAN ORIGIN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person is a controlling beneficial owner, or otherwise owns, operates, or controls, a vessel that, on or after the date that is 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, is used, with actual knowledge in the case of a person that is a controlling beneficial owner or knowingly in the case of a person that otherwise owns, operates, or controls the vessel, in a manner that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel, including by—

''(i) permitting the operator of the vessel to suspend the operation of the vessel's satellite tracking device; or

''(ii) obscuring or concealing the ownership, operation, or control of the vessel by—

''(I) the Government of Iran;

''(II) the National Iranian Tanker Company or the Islamic Republic of Iran Shipping Lines; or

''(III) any other entity determined by the President to be owned or controlled by the Government of Iran or an entity specified in subclause (II).

''(B) ADDITIONAL SANCTION.—Subject to such regulations as the President may prescribe and in addition to the sanctions imposed under subparagraph (A), the President may prohibit a vessel owned, operated, or controlled by a person, including a controlling beneficial owner, with respect to which the President has imposed sanctions under that subparagraph and that was used for the activity for which the President imposed those sanctions from landing at a port in the United States for a period of not more than 2 years after the date on which the President imposed those sanctions.

''(C) VESSELS IDENTIFIED BY THE OFFICE OF FOREIGN ASSETS CONTROL.—For purposes of subparagraph (A)(ii), a person shall be deemed to have actual knowledge that a vessel is owned, operated, or controlled by the Government of Iran or an entity specified in subclause (II) or (III) of subparagraph (A)(ii) if the International Maritime Organization vessel registration identification for the vessel is—

''(i) included on a list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury for activities with respect to Iran; and

''(ii) identified by the Office of Foreign Assets Control as a vessel in which the Government of Iran or any entity specified in subclause (II) or (III) of subparagraph (A)(ii) has an interest.

''(D) DEFINITION OF IRANIAN ORIGIN.—For purposes of subparagraph (A), the term 'Iranian origin' means—

''(i) with respect to crude oil, that the crude oil was extracted in Iran; and

''(ii) with respect to a refined petroleum product, that the refined petroleum product was produced or refined in Iran.

''(9) EXCEPTION FOR PROVISION OF UNDERWRITING SERVICES AND INSURANCE AND REINSURANCE.—The President may not impose sanctions under paragraph (7) or (8) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not provide underwriting services or insurance or reinsurance for the transportation of crude oil or refined petroleum products from Iran in a manner for which sanctions may be imposed under either such paragraph.''.

(b) REGULATIONS AND GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe such regulations or guidelines as are necessary to implement paragraphs (7), (8), and (9) of section 5(a) of the Iran Sanctions Act of 1996, as added by this section, including such regulations or guidelines as are necessary to implement subparagraph (B) of such paragraph (8).

**SEC. 203. EXPANSION OF SANCTIONS WITH RESPECT TO DEVELOPMENT BY IRAN OF WEAPONS OF MASS DESTRUCTION.**

(a) IN GENERAL.—Section 5(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking paragraph (1) and inserting the following:

''(1) EXPORTS, TRANSFERS, AND TRANSSHIPMENTS.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person—

''(A) on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, exported or transferred, or permitted or otherwise facilitated the transshipment of, any goods, services, technology, or other items to any other person; and

''(B) knew or should have known that—

''(i) the export, transfer, or transshipment of the goods, services, technology, or other items would likely result in another person exporting, transferring, transshipping, or otherwise providing the goods, services, technology, or other items to Iran; and

''(ii) the export, transfer, transshipment, or other provision of the goods, services, technology, or other items to Iran would contribute materially to the ability of Iran to—

''(I) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

''(II) acquire or develop destabilizing numbers and types of advanced conventional weapons.

''(2) JOINT VENTURES RELATING TO THE MINING, PRODUCTION, OR TRANSPORTATION OF URANIUM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly participated, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, in a joint venture that involves any activity relating to the mining, production, or transportation of uranium—

''(i)(I) established on or after February 2, 2012; and

''(II) with—

''(aa) the Government of Iran;

''(bb) an entity incorporated in Iran or subject to the jurisdiction of the Government of Iran; or

''(cc) a person acting on behalf of or at the direction of, or owned or controlled by, the Government of Iran or an entity described in item (bb); or

''(ii)(I) established before February 2, 2012;

''(II) with the Government of Iran, an entity described in item (bb) of clause (i)(II), or a person described in item (cc) of that clause; and

''(III) through which—

''(aa) uranium is transferred directly to Iran or indirectly to Iran through a third country;

''(bb) the Government of Iran receives significant revenue; or

''(cc) Iran could, through a direct operational role or by other means, receive technological knowledge or equipment not previously available to Iran that could contribute materially to the ability of Iran to develop nuclear weapons or related technologies.

''(B) APPLICABILITY OF SANCTIONS.—Subparagraph (A) shall not apply with respect to participation in a joint venture established before the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012 if the person participating in the joint venture terminates that participation not later than the date that is 180 days after such date of enactment.''.

(b) CONFORMING AMENDMENTS.—The Iran Sanctions Act of 1996, as amended by this section and sections 201 and 202, is further amended—

(1) in section 5—

(A) in paragraph (3) of subsection (b), as redesignated by subsection (a)(1) of this section—

(i) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (1) or (2)''; and

(ii) in subparagraph (F)—

(I) by striking ''that paragraph'' and inserting ''paragraph (1) or (2), as the case may be''; and

(II) by striking ''the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010'' and inserting ''the Iran Threat Reduction and Syria Human Rights Act of 2012'';

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''subsections (a) and (b)(1)'' and inserting ''subsection (a) and paragraphs (1) and (2) of subsection (b)''; and

(ii) in paragraph (1), by striking ''subsection (a) or (b)(1)'' and inserting ''subsection (a) or paragraph (1) or (2) of subsection (b)''; and

(C) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking ''subsection (a) or (b)(1)'' and inserting ''subsection (a) or paragraph (1) or (2) of subsection (b)''; and

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(2) in section 9, by striking ''section 5(a) or 5(b)(1)'' each place it appears and inserting ''subsection (a) or paragraph (1) or (2) of subsection (b) of section 5''.

**SEC. 204. EXPANSION OF SANCTIONS AVAILABLE UNDER THE IRAN SANCTIONS ACT OF 1996.**

(a) IN GENERAL.—Section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

*(1) by redesignating paragraph (9) as paragraph (12); and*

*(2) by inserting after paragraph (8) the following:*

*''(9) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person.*

*''(10) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person.*

*''(11) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.''.*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in subsections (a) and (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this title, commenced on or after such date of enactment.*

***SEC. 205. MODIFICATION OF WAIVER STANDARD UNDER THE IRAN SANCTIONS ACT OF 1996.***

*Section 9(c) of the Iran Sanctions Act of 1996, as amended by section 203, is further amended by striking paragraph (1) and inserting the following:*

*''(1) AUTHORITY.—*

*''(A) SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN.—The President may waive, on a case-by-case basis and for a period of not more than one year, the requirement in section 5(a) to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is essential to the national security interests of the United States to exercise such waiver authority.*

*''(B) SANCTIONS RELATING TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—The President may waive, on a case-by-case basis and for a period of not more than one year, the requirement in paragraph (1) or (2) of section 5(b) to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is vital to the national security interests of the United States to exercise such waiver authority.*

*''(C) RENEWAL OF WAIVERS.—The President may renew, on a case-by-case basis, a waiver with respect to a person under subparagraph (A) or (B) for additional one-year periods if, not later than 30 days before the waiver expires, the President makes the determination and submits to the appropriate congressional committees the report described in subparagraph (A) or (B), as applicable.''.*

***SEC. 206. BRIEFINGS ON IMPLEMENTATION OF THE IRAN SANCTIONS ACT OF 1996.***

*Section 4 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by adding at the end the following:*

*''(f) BRIEFINGS ON IMPLEMENTATION.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, and every 120 days thereafter, the President, acting through the Secretary of State, shall provide to the appropriate congressional committees a comprehensive briefing on efforts to implement this Act.''.*

***SEC. 207. EXPANSION OF DEFINITIONS UNDER THE IRAN SANCTIONS ACT OF 1996.***

*(a) IN GENERAL.—Section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—*

*(1) by redesignating paragraphs (17) and (18) as paragraphs (20) and (21), respectively;*

*(2) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively;*

*(3) by redesignating paragraphs (4) through (14) as paragraphs (5) through (15), respectively;*

*(4) by inserting after paragraph (3) the following:*

*''(4) CREDIBLE INFORMATION.—The term 'credible information', with respect to a person—*

*''(A) includes—*

*''(i) a public announcement by the person that the person has engaged in an activity described in subsection (a) or (b) of section 5; and*

*''(ii) information set forth in a report to stockholders of the person indicating that the person has engaged in such an activity; and*

*''(B) may include, in the discretion of the President—*

*''(i) an announcement by the Government of Iran that the person has engaged in such an activity; or*

*''(ii) information indicating that the person has engaged in such an activity that is set forth in—*

*''(I) a report of the Government Accountability Office, the Energy Information Administration, or the Congressional Research Service; or*

*''(II) a report or publication of a similarly reputable governmental organization or trade or industry organization.'';*

*(5) by inserting after paragraph (15), as redesignated by paragraph (3), the following:*

*''(16) PETROCHEMICAL PRODUCT.—The term 'petrochemical product' includes any aromatic, olefin, or synthesis gas, and any derivative of such a gas, including ethylene, propylene, butadiene, benzene, toluene, xylene, ammonia, methanol, and urea.''; and*

*(6) by inserting after paragraph (18), as redesignated by paragraph (2), the following:*

*''(19) SERVICES.—The term 'services' includes software, hardware, financial, professional consulting, engineering, and specialized energy information services, energy-related technical assistance, and maintenance and repairs.''.*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to activities described in subsections (a) and (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this title, commenced on or after such date of enactment.*

***SEC. 208. SENSE OF CONGRESS ON ENERGY SECTOR OF IRAN.***

*It is the sense of Congress that—*

*(1) the energy sector of Iran remains a zone of proliferation concern since the Government of Iran continues to divert substantial revenues derived from sales of petroleum resources to finance its illicit nuclear and missile activities; and*

*(2) the President should apply the full range of sanctions under the Iran Sanctions Act of 1996, as amended by this Act, to address the threat posed by the Government of Iran.*

***Subtitle B—Additional Measures Relating to Sanctions Against Iran***

***SEC. 211. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF VESSELS OR SHIPPING SERVICES TO TRANSPORT CERTAIN GOODS RELATED TO PROLIFERATION OR TERRORISM ACTIVITIES TO IRAN.***

*(a) IN GENERAL.—Except as provided in subsection (c), if the President determines that a person, on or after the date of the enactment of this Act, knowingly sells, leases, or provides a vessel or provides insurance or reinsurance or any other shipping service for the transportation to or from Iran of goods that could materially contribute to the activities of the Government of Iran with respect to the proliferation of weapons of mass destruction or support for acts of international terrorism, the President shall, pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in all property and interests in property of the persons specified in subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.*

*(b) PERSONS SPECIFIED.—The persons specified in this subsection are—*

*(1) the person that sold, leased, or provided a vessel or provided insurance or reinsurance or another shipping service described in subsection (a); and*

*(2) any person that—*

*(A) is a successor entity to the person referred to in paragraph (1);*

*(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) sold, leased, or provided the vessel or provided the insurance or reinsurance or other shipping service; or*

*(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the sale, lease, or provision of the vessel or the provision of the insurance or reinsurance or other shipping service.*

*(c) WAIVER.—The President may waive the requirement to impose sanctions with respect to a person under subsection (a) on or after the date that is 30 days after the President—*

*(1) determines that such a waiver is vital to the national security interests of the United States; and*

*(2) submits to the appropriate congressional committees a report that contains the reasons for that determination.*

*(d) REPORT REQUIRED.—*

*(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report identifying operators of vessels and other persons that conduct or facilitate significant financial transactions with persons that manage ports in Iran that have been designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).*

*(2) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to designate persons for the imposition of sanctions pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to the blocking of property of weapons of mass destruction proliferators and their supporters) or Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism), or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).*

**SEC. 212. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR THE NATIONAL IRANIAN OIL COMPANY OR THE NATIONAL IRANIAN TANKER COMPANY.**

*(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of the enactment of this Act, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204, with respect to a person if the President determines that the person knowingly, on or after such date of enactment, provides underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, or a successor entity to either such company.*

*(b) EXCEPTIONS.—*

*(1) UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President is authorized not to impose sanctions under subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not provide underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, or a successor entity to either such company.*

*(2) FOOD; MEDICINE; HUMANITARIAN ASSISTANCE.—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for any activity relating solely to—*

*(A) the provision of agricultural commodities, food, medicine, or medical devices to Iran; or*

*(B) the provision of humanitarian assistance to the people of Iran.*

*(3) TERMINATION PERIOD.—The President is authorized not to impose sanctions under subsection (a) with respect to a person if the President receives reliable assurances that the person will terminate the provision of underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, and any successor entity to either such company, not later than the date that is 120 days after the date of the enactment of this Act.*

*(c) DEFINITIONS.—In this section:*

*(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).*

*(2) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).*

*(3) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).*

*(d) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:*

*(1) Subsection (c) of section 4.*
*(2) Subsections (c), (d), and (f) of section 5.*
*(3) Section 8.*
*(4) Section 9.*
*(5) Section 11.*
*(6) Section 12.*
*(7) Subsection (b) of section 13.*
*(8) Section 14.*

*(e) RULE OF CONSTRUCTION AND IMPLEMENTATION.—Nothing in this section shall be construed to limit the authority of the President to impose sanctions pursuant to the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the International Emergency Economic Powers Act (50U.S.C. 1701 et seq.), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), or any other provision of this Act.*

**SEC. 213. IMPOSITION OF SANCTIONS WITH RESPECT TO PURCHASE, SUBSCRIPTION TO, OR FACILITATION OF THE ISSUANCE OF IRANIAN SOVEREIGN DEBT.**

*(a) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204, with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, purchases, subscribes to, or facilitates the issuance of—*

*(1) sovereign debt of the Government of Iran issued on or after such date of enactment, including governmental bonds; or*

*(2) debt of any entity owned or controlled by the Government of Iran issued on or after such date of enactment, including bonds.*

*(b) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:*

*(1) Subsection (c) of section 4.*
*(2) Subsections (c), (d), and (f) of section 5.*
*(3) Section 8.*
*(4) Section 9.*
*(5) Section 11.*
*(6) Section 12.*
*(7) Subsection (b) of section 13.*
*(8) Section 14.*

**SEC. 214. IMPOSITION OF SANCTIONS WITH RESPECT TO SUBSIDIARIES AND AGENTS OF PERSONS SANCTIONED BY UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.**

*(a) IN GENERAL.—Section 104(c)(2)(B) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(B)) is amended—*

*(1) by striking ''of a person subject'' and inserting the following: ''of—*

*''(i) a person subject'';*

*(2) in clause (i), as designated by paragraph (1), by striking the semicolon and inserting ''; or''; and*

*(3) by adding at the end the following:*

*''(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i);''.*

*(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendments made by subsection (a).*

**SEC. 215. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH PERSONS SANCTIONED FOR CERTAIN ACTIVITIES RELATING TO TERRORISM OR PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.**

*(a) IN GENERAL.—Section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) is amended in the matter preceding subclause (I) by striking ''financial institution'' and inserting ''person''.*

*(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such revisions to the regulations prescribed under section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) as are necessary to carry out the amendment made by subsection (a).*

**SEC. 216. EXPANSION OF, AND REPORTS ON, MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN ACTIVITIES RELATING TO IRAN.**

*(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 104 the following:*

**"SEC. 104A. EXPANSION OF, AND REPORTS ON, MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN ACTIVITIES.**

*''(a) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the Secretary of the Treasury shall revise the regulations prescribed under section 104(c)(1) to apply to a foreign financial institution described in subsection (b) to the same extent and in the same manner as those regulations apply to a foreign financial institution that the Secretary of the Treasury finds knowingly engages in an activity described in section 104(c)(2).*

*''(b) FOREIGN FINANCIAL INSTITUTIONS DESCRIBED.—A foreign financial institution described in this subsection is a foreign financial institution, including an Iranian financial institution, that the Secretary of the Treasury finds—*

*''(1) knowingly facilitates, or participates or assists in, an activity described in section 104(c)(2), including by acting on behalf of, at the direction of, or as an intermediary for, or otherwise assisting, another person with respect to the activity;*

*''(2) attempts or conspires to facilitate or participate in such an activity; or*

*''(3) is owned or controlled by a foreign financial institution that the Secretary finds knowingly engages in such an activity.*

*''(c) REPORTS REQUIRED.—*

*''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains a detailed description of—*

*''(A) the effect of the regulations prescribed under section 104(c)(1) on the financial system and economy of Iran and capital flows to and from Iran; and*

*''(B) the ways in which funds move into and out of financial institutions described in section 104(c)(2)(E)(ii), with specific attention to the use of other Iranian financial institutions and other foreign financial institutions to receive and transfer funds for financial institutions described in that section.*

*''(2) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*''(d) DEFINITIONS.—In this section:*

*''(1) FINANCIAL INSTITUTION.—The term 'financial institution' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (R), or (Y) of section 5312(a)(2) of title 31, United States Code.*

*''(2) FOREIGN FINANCIAL INSTITUTION.—The term 'foreign financial institution' has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i).*

*''(3) IRANIAN FINANCIAL INSTITUTION.—The term 'Iranian financial institution' means—*

*''(A) a financial institution organized under the laws of Iran or any jurisdiction within Iran, including a foreign branch of such an institution;*

*''(B) a financial institution located in Iran;*

*''(C) a financial institution, wherever located, owned or controlled by the Government of Iran; and*

''(D) a financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 104 the following:

''Sec. 104A. Expansion of, and reports on, mandatory sanctions with respect to financial institutions that engage in certain activities.''.

**SEC. 217. CONTINUATION IN EFFECT OF SANCTIONS WITH RESPECT TO THE GOVERNMENT OF IRAN, THE CENTRAL BANK OF IRAN, AND SANCTIONS EVADERS.**

(a) SANCTIONS RELATING TO BLOCKING OF PROPERTY OF THE GOVERNMENT OF IRAN AND IRANIAN FINANCIAL INSTITUTIONS.—United States sanctions with respect to Iran provided for in Executive Order 13599 (77 Fed. Reg. 6659), as in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 90 days after the date on which the President submits to the appropriate congressional committees the certification described in subsection (d).

(b) SANCTIONS RELATING TO FOREIGN SANCTIONS EVADERS.—United States sanctions with respect to Iran provided for in Executive Order 13608 (77 Fed. Reg. 26409), as in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 30 days after the date on which the President submits to the appropriate congressional committees the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

(c) CONTINUATION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.—In addition to the sanctions referred to in subsection (a), the President shall continue to apply to the Central Bank of Iran sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property, until the date that is 90 days after the date on which the President submits to Congress the certification described in subsection (d).

(d) CERTIFICATION DESCRIBED.—

(1) IN GENERAL.—The certification described in this subsection is the certification of the President to Congress that the Central Bank of Iran is not—

(A) providing financial services in support of, or otherwise facilitating, the ability of Iran to—

(i) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

(ii) construct, equip, operate, or maintain nuclear facilities that could aid Iran's effort to acquire a nuclear capability; or

(iii) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

(B) facilitating transactions or providing financial services for—

(i) Iran's Revolutionary Guard Corps; or

(ii) financial institutions the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran's support for international terrorism.

(2) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The President shall submit the certification described in paragraph (1) to the appropriate congressional committees in writing and shall include a justification for the certification.

(B) FORM OF CERTIFICATION.—The certification described in paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

**SEC. 218. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.**

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(b) PROHIBITION.—Not later than 60 days after the date of the enactment of this Act, the President shall prohibit an entity owned or controlled by a United States person and established or maintained outside the United States from knowingly engaging in any transaction directly or indirectly with the Government of Iran or any person subject to the jurisdiction of the Government of Iran that would be prohibited by an order or regulation issued pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) if the transaction were engaged in by a United States person or in the United States.

(c) CIVIL PENALTY.—The civil penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a United States person to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if an entity owned or controlled by the United States person and established or maintained outside the United States violates, attempts to violate, conspires to violate, or causes a violation of any order or regulation issued to implement subsection (b).

(d) APPLICABILITY.—Subsection (c) shall not apply with respect to a transaction described in subsection (b) by an entity owned or controlled by a United States person and established or maintained outside the United States if the United States person divests or terminates its business with the entity not later than the date that is 180 days after the date of the enactment of this Act.

**SEC. 219. DISCLOSURES TO THE SECURITIES AND EXCHANGE COMMISSION RELATING TO SANCTIONABLE ACTIVITIES.**

(a) IN GENERAL.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

''(r) DISCLOSURE OF CERTAIN ACTIVITIES RELATING TO IRAN.—

''(1) IN GENERAL.—Each issuer required to file an annual or quarterly report under subsection (a) shall disclose in that report the information required by paragraph (2) if, during the period covered by the report, the issuer or any affiliate of the issuer—

''(A) knowingly engaged in an activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note);

''(B) knowingly engaged in an activity described in subsection (c)(2) of section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) or a transaction described in subsection (d)(1) of that section;

''(C) knowingly engaged in an activity described in section 105A(b)(2) of that Act; or

''(D) knowingly conducted any transaction or dealing with—

''(i) any person the property and interests in property of which are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

''(ii) any person the property and interests in property of which are blocked pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters); or

''(iii) any person or entity identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran) without the specific authorization of a Federal department or agency.

''(2) INFORMATION REQUIRED.—If an issuer or an affiliate of the issuer has engaged in any activity described in paragraph (1), the issuer shall disclose a detailed description of each such activity, including—

''(A) the nature and extent of the activity;

''(B) the gross revenues and net profits, if any, attributable to the activity; and

''(C) whether the issuer or the affiliate of the issuer (as the case may be) intends to continue the activity.

''(3) NOTICE OF DISCLOSURES.—If an issuer reports under paragraph (1) that the issuer or an affiliate of the issuer has knowingly engaged in any activity described in that paragraph, the issuer shall separately file with the Commission, concurrently with the annual or quarterly report under subsection (a), a notice that the disclosure of that activity has been included in that annual or quarterly report that identifies the issuer and contains the information required by paragraph (2).

''(4) PUBLIC DISCLOSURE OF INFORMATION.—Upon receiving a notice under paragraph (3) that an annual or quarterly report includes a disclosure of an activity described in paragraph (1), the Commission shall promptly—

''(A) transmit the report to—

''(i) the President;

''(ii) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

''(iii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(B) make the information provided in the disclosure and the notice available to the public by posting the information on the Internet website of the Commission.

''(5) INVESTIGATIONS.—Upon receiving a report under paragraph (4) that includes a disclosure of an activity described in paragraph (1) (other than an activity described in subparagraph (D)(iii) of that paragraph), the President shall—

''(A) initiate an investigation into the possible imposition of sanctions under the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), section 104 or 105A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, an Executive Order specified in clause (i) or (ii) of paragraph (1)(D), or any other provision of law relating to the imposition of sanctions with respect to Iran, as applicable; and

''(B) not later than 180 days after initiating such an investigation, make a determination with respect to whether sanctions should be imposed with respect to the issuer or the affiliate of the issuer (as the case may be).

''(6) SUNSET.—The provisions of this subsection shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 180 days after the date of the enactment of this Act.

**SEC. 220. REPORTS ON, AND AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO, THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO THE CENTRAL BANK OF IRAN AND OTHER SANCTIONED IRANIAN FINANCIAL INSTITUTIONS.**

*(a) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) providers of specialized financial messaging services are a critical link to the international financial system;*

*(2) the European Union is to be commended for strengthening the multilateral sanctions regime against Iran by deciding that specialized financial messaging services may not be provided to the Central Bank of Iran and other sanctioned Iranian financial institutions by persons subject to the jurisdiction of the European Union; and*

*(3) the loss of access by sanctioned Iranian financial institutions to specialized financial messaging services must be maintained.*

*(b) REPORTS REQUIRED.—*

*(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains—*

*(A) a list of all persons that the Secretary has identified that directly provide specialized financial messaging services to, or enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and*

*(B) a detailed assessment of the status of efforts by the Secretary to end the direct provision of such messaging services to, and the enabling or facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in that section.*

*(2) ENABLING OR FACILITATION OF ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.—For purposes of paragraph (1) and subsection (c), enabling or facilitating direct or indirect access to specialized financial messaging services for the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) includes doing so by serving as an intermediary financial institution with access to such messaging services.*

*(3) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(c) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), if, on or after the date that is 90 days after the date of the enactment of this Act, a person continues to knowingly and directly provide specialized financial messaging services to, or knowingly enable or facilitate direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in paragraph (2)(E)(ii) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)), the President may impose sanctions pursuant to that section or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.*

*(2) EXCEPTION.—The President may not impose sanctions pursuant to paragraph (1) with respect to a person for directly providing specialized financial messaging services to, or enabling or facilitating direct or indirect access to such messaging services for, the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) if—*

*(A) the person is subject to a sanctions regime under its governing foreign law that requires it to eliminate the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for—*

*(i) the Central Bank of Iran; and*

*(ii) a group of Iranian financial institutions identified under such governing foreign law for purposes of that sanctions regime if the President determines that—*

*(I) the group is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and*

*(II) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and*

*(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitation of direct or indirect access to such messaging services for, the Central Bank of Iran and each Iranian financial institution identified under such governing foreign law for purposes of that sanctions regime.*

*(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).*

**SEC. 221. IDENTIFICATION OF, AND IMMIGRATION RESTRICTIONS ON, SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN AND THEIR FAMILY MEMBERS.**

*(a) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a list of each individual the President determines is—*

*(1) a senior official of the Government of Iran described in subsection (b) that is involved in Iran's—*

*(A) illicit nuclear activities or proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;*

*(B) support for international terrorism; or*

*(C) commission of serious human rights abuses against citizens of Iran or their family members; or*

*(2) a family member of such an official.*

*(b) SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN DESCRIBED.—A senior official of the Government of Iran described in this subsection is any senior official of that Government, including—*

*(1) the Supreme Leader of Iran;*

*(2) the President of Iran;*

*(3) a member of the Cabinet of the Government of Iran;*

*(4) a member of the Assembly of Experts;*

*(5) a senior member of the Intelligence Ministry of Iran; or*

*(6) a senior member of Iran's Revolutionary Guard Corps, including a senior member of a paramilitary organization such as Ansar-e-Hezbollah or Basij-e Motaz'afin.*

*(c) EXCLUSION FROM UNITED STATES.—Except as provided in subsection (d), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is on the list required by subsection (a).*

*(d) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (c) shall not apply to an individual if admitting the individual to the United States is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.*

*(e) WAIVER.—The President may waive the application of subsection (a) or (c) with respect to an individual if the President—*

*(1) determines that such a waiver is essential to the national interests of the United States; and*

*(2) not less than 7 days before the waiver takes effect, notifies Congress of the waiver and the reason for the waiver.*

**SEC. 222. SENSE OF CONGRESS AND RULE OF CONSTRUCTION RELATING TO CERTAIN AUTHORITIES OF STATE AND LOCAL GOVERNMENTS.**

*(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support actions by States or local governments that are within their authority, including determining how investment assets are valued for purposes of safety and soundness of financial institutions and insurers, that are consistent with and in furtherance of the purposes of this Act and other Acts that are amended by this Act.*

*(b) RULE OF CONSTRUCTION.—Section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8532) is amended by adding at the end the following:*

*''(j) RULE OF CONSTRUCTION.—Nothing in this Act or any other provision of law authorizing sanctions with respect to Iran shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) (commonly known as the 'McCarran-Ferguson Act').''.*

**SEC. 223. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FOREIGN ENTITIES THAT INVEST IN THE ENERGY SECTOR OF IRAN OR EXPORT REFINED PETROLEUM PRODUCTS TO IRAN.**

*(a) INITIAL REPORT.—*

*(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report—*

*(A) listing all foreign investors in the energy sector of Iran during the period specified in paragraph (2), including—*

*(i) entities that exported gasoline and other refined petroleum products to Iran;*

*(ii) entities involved in providing refined petroleum products to Iran, including—*

*(I) entities that provided ships to transport refined petroleum products to Iran; and*

*(II) entities that provided insurance or reinsurance for shipments of refined petroleum products to Iran; and*

*(iii) entities involved in commercial transactions of any kind, including joint ventures anywhere in the world, with Iranian energy companies; and*

*(B) identifying the countries in which gasoline and other refined petroleum products exported to Iran during the period specified in paragraph (2) were produced or refined.*

*(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on January 1, 2009, and ending on the date that is 150 days after the date of the enactment of this Act.*

*(b) UPDATED REPORT.—Not later than one year after submitting the report required by subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the one-year period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.*

**SEC. 224. REPORTING ON THE IMPORTATION TO AND EXPORTATION FROM IRAN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.**

*Section 110(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8518(b)) is amended by striking ''a report containing the matters'' and all that follows through the period at the end and*

*inserting the following: ''a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, that—*

*''(1) contains the matters required in the report under subsection (a)(1); and*

*''(2) identifies—*

*''(A) the volume of crude oil and refined petroleum products imported to and exported from Iran (including through swaps and similar arrangements);*

*''(B) the persons selling and transporting crude oil and refined petroleum products described in subparagraph (A), the countries with primary jurisdiction over those persons, and the countries in which those products were refined;*

*''(C) the sources of financing for imports to Iran of crude oil and refined petroleum products described in subparagraph (A); and*

*''(D) the involvement of foreign persons in efforts to assist Iran in—*

*''(i) developing upstream oil and gas production capacity;*

*''(ii) importing advanced technology to upgrade existing Iranian refineries;*

*''(iii) converting existing chemical plants to petroleum refineries; or*

*''(iv) maintaining, upgrading, or expanding existing refineries or constructing new refineries.''.*

## *TITLE III—SANCTIONS WITH RESPECT TO IRAN'S REVOLUTIONARY GUARD CORPS*

### *Subtitle A—Identification of, and Sanctions With Respect to, Officials, Agents, Affiliates, and Supporters of Iran's Revolutionary Guard Corps and Other Sanctioned Persons*

**SEC. 301. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, OFFICIALS, AGENTS, AND AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS.**

*(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and as appropriate thereafter, the President shall—*

*(1) identify foreign persons that are officials, agents, or affiliates of Iran's Revolutionary Guard Corps; and*

*(2) for each foreign person identified under paragraph (1) that is not already designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)—*

*(A) designate that foreign person for the imposition of sanctions pursuant to that Act; and*

*(B) block and prohibit all transactions in all property and interests in property of that foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.*

*(b) PRIORITY FOR INVESTIGATION.—In identifying foreign persons pursuant to subsection (a)(1) as officials, agents, or affiliates of Iran's Revolutionary Guard Corps, the President shall give priority to investigating—*

*(1) foreign persons or entities identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran); and*

*(2) foreign persons for which there is a reasonable basis to find that the person has conducted or attempted to conduct one or more sensitive transactions or activities described in subsection (c).*

*(c) SENSITIVE TRANSACTIONS AND ACTIVITIES DESCRIBED.—A sensitive transaction or activity described in this subsection is—*

*(1) a financial transaction or series of transactions valued at more than $1,000,000 in the aggregate in any 12-month period involving a non-Iranian financial institution;*

*(2) a transaction to facilitate the manufacture, importation, exportation, or transfer of items needed for the development by Iran of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;*

*(3) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's energy sector, including a transaction relating to the development of the energy resources of Iran, the exportation of petroleum products from Iran, the importation of refined petroleum to Iran, or the development of refining capacity available to Iran;*

*(4) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's petrochemical sector; or*

*(5) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515(c))).*

*(d) EXCLUSION FROM UNITED STATES.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who, on or after the date of the enactment of this Act, is a foreign person designated pursuant to subsection (a) for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).*

*(2) REGULATORY EXCEPTIONS TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The requirement to deny visas to and exclude aliens from the United States pursuant to paragraph (1) shall be subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.*

*(e) WAIVER OF IMPOSITION OF SANCTIONS.—*

*(1) IN GENERAL.—The President may waive the application of subsection (a) or (d) with respect to a foreign person if the President—*

*(A) determines that it is vital to the national security interests of the United States to do so; and*

*(B) submits to the appropriate congressional committees a report that—*

*(i) identifies the foreign person with respect to which the waiver applies; and*

*(ii) sets forth the reasons for the determination.*

*(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.*

*(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to remove any sanction of the United States in force with respect to Iran's Revolutionary Guard Corps as of the date of the enactment of this Act.*

**SEC. 302. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS THAT SUPPORT OR CONDUCT CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS OR OTHER SANCTIONED PERSONS.**

*(a) IDENTIFICATION.—*

*(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report identifying foreign persons that the President determines, on or after the date of the enactment of this Act, knowingly—*

*(A) materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of, Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);*

*(B) engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates—*

*(i) the property and interests in property of which are blocked pursuant to that Act; or*

*(ii) that are identified under section 301(a)(1) or pursuant to paragraph (4)(A) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 312; or*

*(C) engage in a significant transaction or transactions with—*

*(i) a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is adopted by the Security Council and imposes sanctions with respect to Iran or modifies such sanctions; or*

*(ii) a person acting on behalf of or at the direction of, or owned or controlled by, a person described in clause (i).*

*(2) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(3) BARTER TRANSACTIONS.—For purposes of paragraph (1), the term ''transaction'' includes a barter transaction.*

*(b) IMPOSITION OF SANCTIONS.—If the President determines under subsection (a)(1) that a foreign person has knowingly engaged in an activity described in that subsection, the President—*

*(1) shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204; and*

*(2) may impose additional sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the person.*

*(c) TERMINATION.—The President may terminate a sanction imposed with respect to a foreign person pursuant to subsection (b) if the President determines that the person—*

*(1) no longer engages in the activity for which the sanction was imposed; and*

*(2) has provided assurances to the President that the person will not engage in any activity described in subsection (a)(1) in the future.*

*(d) WAIVER OF IMPOSITION OF SANCTIONS.—*

*(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (b) with respect to a foreign person if the President—*

*(A)(i) determines that the person has ceased the activity for which sanctions would otherwise be imposed and has taken measures to prevent a recurrence of the activity; or*

*(ii) determines that it is essential to the national security interests of the United States to do so; and*

*(B) submits to the appropriate congressional committees a report that—*

*(i) identifies the foreign person with respect to which the waiver applies;*

*(ii) describes the activity that would otherwise subject the foreign person to the imposition of sanctions under subsection (b); and*

*(iii) sets forth the reasons for the determination.*

*(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.*

*(e) WAIVER OF IDENTIFICATIONS AND DESIGNATIONS.—Notwithstanding any other provision of this subtitle and subject to paragraph (2), the President shall not be required to make any identification of a foreign person under subsection (a) or any identification or designation of a foreign person under section 301(a) if the President—*

*(1) determines that doing so would cause damage to the national security of the United States; and*

*(2) notifies the appropriate congressional committees of the exercise of the authority provided under this subsection.*

*(f) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of*

*the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition under subsection (b)(1) of sanctions relating to activities described in subsection (a)(1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:*

*(1) Subsections (c) and (e) of section 4.*

*(2) Subsections (c), (d), and (f) of section 5.*

*(3) Section 8.*

*(4) Section 9.*

*(5) Section 11.*

*(6) Section 12.*

*(7) Subsection (b) of section 13.*

*(8) Section 14.*

***SEC. 303. IDENTIFICATION OF, AND IMPOSITION OF MEASURES WITH RESPECT TO, FOREIGN GOVERNMENT AGENCIES CARRYING OUT ACTIVITIES OR TRANSACTIONS WITH CERTAIN IRAN-AFFILIATED PERSONS.***

*(a) IDENTIFICATION.—*

*(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that identifies each agency of the government of a foreign country (other than Iran) that the President determines knowingly and materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, or knowingly and materially engaged in a significant transaction with, any person described in paragraph (2).*

*(2) PERSON DESCRIBED.—A person described in this paragraph is—*

*(A) a foreign person that is an official, agent, or affiliate of Iran's Revolutionary Guard Corps that is designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);*

*(B) a foreign person that is designated and subject to financial sanctions pursuant to—*

*(i) the Annex of United Nations Security Council Resolution 1737 (2006);*

*(ii) Annex I of United Nations Security Council Resolution 1747 (2007);*

*(iii) Annex I, II, or III of United Nations Security Council Resolution 1803 (2008);*

*(iv) Annex I, II, or III of United Nations Security Council Resolution 1929 (2010); or*

*(v) any subsequent and related United Nations Security Council resolution, or any annex thereto, that imposes new sanctions with respect to Iran or modifies existing sanctions with respect to Iran; or*

*(C) a foreign person that the agency knows is acting on behalf of or at the direction of, or owned or controlled by, a person described in subparagraph (A) or (B).*

*(3) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(b) IMPOSITION OF MEASURES.—*

*(1) IN GENERAL.—The President may impose any of the following measures with respect to an agency identified pursuant to subsection (a) if the President determines that the assistance, exports, or other support to be prohibited by reason of the imposition of the measures have contributed and would otherwise directly or indirectly contribute to the agency's capability to continue the activities or transactions for which the agency has been identified pursuant to subsection (a):*

*(A) No assistance may be provided to the agency under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) other than humanitarian assistance or the provision of food or other agricultural commodities.*

*(B) No sales of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may be made to the agency.*

*(C) No licenses for export of any item on the United States Munitions List that include the agency as a party to the license may be granted.*

*(D) No exports may be permitted to the agency of any goods or technologies controlled for national security reasons under the Export Administration Regulations, except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities).*

*(E) The United States shall oppose any loan or financial or technical assistance to the agency by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).*

*(F) The United States shall deny to the agency any credit or financial assistance by any department, agency, or instrumentality of the United States Government, except that this paragraph shall not apply—*

*(i) to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities);*

*(ii) to the provision of medicines, medical equipment, and humanitarian assistance; or*

*(iii) to any credit, credit guarantee, or financial assistance provided by the Department of Agriculture to support the purchase of food or other agricultural commodities.*

*(G) Additional restrictions as may be imposed pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).*

*(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impose measures with respect to programs under section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2632 note) and programs under the Atomic Energy Defense Act (50 U.S.C. 2501 et seq).*

*(c) TERMINATION.—The President may terminate any measures imposed with respect to an agency pursuant to subsection (b) if the President determines and notifies the appropriate congressional committees that—*

*(1)(A) a person described in subparagraph (A) or (B) of subsection (a)(2) with respect to which the agency is carrying out activities or transactions is no longer designated pursuant to subparagraph (A) or (B) of subsection (a)(2); or*

*(B) any person described in subparagraph (C) of subsection (a)(2) with respect to which the agency is carrying out activities or transactions is no longer acting on behalf of or at the direction of, or owned or controlled by, any person described in subparagraph (A) or (B) of subsection (a)(2);*

*(2) the agency is no longer carrying out activities or transactions for which the measures were imposed and has provided assurances to the United States Government that the agency will not carry out the activities or transactions in the future; or*

*(3) it is essential to the national security interest of the United States to terminate such measures.*

*(d) WAIVER.—If the President does not impose one or more measures described in subsection (b) with respect to an agency identified in the report required by subsection (a), the President shall include in the subsequent report an explanation as to why the President did not impose such measures.*

*(e) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—*

*(1) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and*

*(2) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.*

*(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and apply with respect to activities and transactions described in subsection (a) that are carried out on or after the later of—*

*(1) the date that is 45 days after such date of enactment; or*

*(2) the date that is 45 days after a person is designated as described in subparagraph (A) or (B) of subsection (a)(2).*

***SEC. 304. RULE OF CONSTRUCTION.***

*Nothing in this subtitle shall be construed to limit the authority of the President to designate foreign persons for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).*

***Subtitle B—Additional Measures Relating to Iran's Revolutionary Guard Corps***

***SEC. 311. EXPANSION OF PROCUREMENT PROHIBITION TO FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.***

*(a) IN GENERAL.—Section 6(b)(1) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—*

*(1) by striking ''Not later than 90 days'' and inserting the following:*

*''(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—Not later than 90 days''; and*

*(2) by adding at the end the following:*

*''(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.—Not later than 120 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not knowingly engage in a significant transaction or transactions with Iran's Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).''.*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(1) Section 6(b) of the Iran Sanctions Act of 1996, as amended by subsection (a), is further amended—*

*(A) in subparagraph (A) of paragraph (1), as designated by subsection (a)(1), by striking ''issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)'';*

*(B) in paragraph (2)—*

*(i) in subparagraph (A)—*

*(I) by striking ''the revision'' and inserting ''the applicable revision''; and*

*(II) by striking ''not more than 3 years'' and inserting ''not less than 2 years''; and*

*(ii) in subparagraph (B), by striking ''issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)'';*

*(C) in paragraph (5), by striking ''in the national interest'' and inserting ''essential to the national security interests'';*

*(D) by striking paragraph (6) and inserting the following:*

*''(6) DEFINITIONS.—In this subsection:*

*''(A) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 133 of title 41, United States Code.*

*''(B) FEDERAL ACQUISITION REGULATION.—The term 'Federal Acquisition Regulation' means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.''; and*

*(E) in paragraph (7)—*

*(i) by striking ''The revisions to the Federal Acquisition Regulation required under paragraph (1)'' and inserting the following:*

*''(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(A)''; and*

*(ii) by adding at the end the following:*

''(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN'S REVOLUTIONARY GUARD CORPS.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(B) shall apply with respect to contracts for which solicitations are issued on or after the date that is 120 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.''.

(2) Section 101(3) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511(3)) is amended by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 133 of title 41, United States Code''.

**SEC. 312. DETERMINATIONS OF WHETHER THE NATIONAL IRANIAN OIL COMPANY AND THE NATIONAL IRANIAN TANKER COMPANY ARE AGENTS OR AFFILIATES OF IRAN'S REVOLUTIONARY GUARD CORPS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Iranian Oil Company and the National Iranian Tanker Company are not only owned and controlled by the Government of Iran but that those companies provide significant support to Iran's Revolutionary Guard Corps and its affiliates.

(b) DETERMINATIONS.—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)) is amended by adding at the end the following:

''(4) DETERMINATIONS REGARDING NIOC AND NITC.—

''(A) DETERMINATIONS.—For purposes of paragraph (2)(E), the Secretary of the Treasury shall, not later than 45 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012—

''(i) determine whether the NIOC or the NITC is an agent or affiliate of Iran's Revolutionary Guard Corps; and

''(ii) submit to the appropriate congressional committees a report on the determinations made under clause (i), together with the reasons for those determinations.

''(B) FORM OF REPORT.—A report submitted under subparagraph (A)(ii) shall be submitted in unclassified form but may contain a classified annex.

''(C) APPLICABILITY WITH RESPECT TO PETROLEUM TRANSACTIONS.—

''(i) APPLICATION OF SANCTIONS.—Except as provided in clause (ii), if the Secretary of the Treasury determines that the NIOC or the NITC is a person described in clause (i) or (ii) of paragraph (2)(E), the regulations prescribed under paragraph (1) shall apply with respect to a significant transaction or transactions or significant financial services knowingly facilitated or provided by a foreign financial institution for the NIOC or the NITC, as applicable, for the purchase of petroleum or petroleum products from Iran, only if a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect at the time of the transaction or the provision of the service.

''(ii) EXCEPTION FOR CERTAIN COUNTRIES.—If the Secretary of the Treasury determines that the NIOC or the NITC is a person described in clause (i) or (ii) of paragraph (2)(E), the regulations prescribed under paragraph (1) shall not apply to a significant transaction or transactions or significant financial services knowingly facilitated or provided by a foreign financial institution for the NIOC or the NITC, as applicable, for the purchase of petroleum or petroleum products from Iran if an exception under paragraph (4)(D) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) applies to the country with primary jurisdiction over the foreign financial institution at the time of the transaction or the provision of the service.

''(iii) RULE OF CONSTRUCTION.—The exceptions in clauses (i) and (ii) shall not be construed to limit the authority of the Secretary of the Treasury to impose sanctions pursuant to the regulations prescribed under paragraph (1) for an activity described in paragraph (2) to the extent the activity would meet the criteria described in that paragraph in the absence of the involvement of the NIOC or the NITC.

''(D) DEFINITIONS.—In this paragraph:

''(i) NIOC.—The term 'NIOC' means the National Iranian Oil Company.

''(ii) NITC.—The term 'NITC' means the National Iranian Tanker Company.''.

(c) CONFORMING AMENDMENTS.—

(1) WAIVER.—Section 104(f) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(f)) is amended by inserting ''or section 104A'' after ''subsection (c)''.

(2) CLASSIFIED INFORMATION.—Section 104(g) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(g)) is amended by striking ''subsection (c)(1)'' and inserting ''paragraph (1) or (4) of subsection (c) or section 104A'' both places it appears.

(d) APPLICABILITY.—

(1) IN GENERAL.—If an exception to sanctions described in clause (i) or (ii) of paragraph (4)(C) of section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subsection (b), applies to a person that engages in a transaction described in paragraph (2) at the time of the transaction, the President is authorized not to impose sanctions with respect to the transaction under—

(A) section 302(b)(1);

(B) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 216; or

(C) any other applicable provision of law authorizing the imposition of sanctions with respect to Iran.

(2) TRANSACTION DESCRIBED.—A transaction described in this paragraph is a transaction—

(A) solely for the purchase of petroleum or petroleum products from Iran; and

(B) for which sanctions may be imposed solely as a result of the involvement of the National Iranian Oil Company or the National Iranian Tanker Company in the transaction under—

(i) section 302(b)(1);

(ii) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 216; or

(iii) any other applicable provision of law authorizing the imposition of sanctions with respect to Iran.

## TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN

### Subtitle A—Expansion of Sanctions Relating to Human Rights Abuses in Iran

**SEC. 401. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Supreme Leader of Iran, the President of Iran, senior members of the Intelligence Ministry of Iran, senior members of Iran's Revolutionary Guard Corps, Ansar-e-Hezbollah and Basij-e-Mostaz'afin, and the Ministers of Defense, Interior, Justice, and Telecommunications are ultimately responsible for ordering, controlling, or otherwise directing a pattern and practice of serious human rights abuses against the Iranian people, and thus the President should include such persons on the list of persons who are responsible for or complicit in committing serious human rights abuses and subject to sanctions pursuant to section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514).

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed report with respect to whether each person described in subsection (a) is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran. For any such person who is not included in such report, the Secretary of State should describe in the report the reasons why the person was not included, including information on whether sufficient credible evidence of responsibility for such abuses was found.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

**SEC. 402. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.**

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 105 the following:

**''SEC. 105A. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.**

''(a) IN GENERAL.—The President shall impose sanctions in accordance with subsection (c) with respect to each person on the list required by subsection (b).

''(b) LIST.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.

''(2) ACTIVITY DESCRIBED.—

''(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—

''(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Iran, any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran, or any national of Iran, for use in or with respect to Iran; or

''(ii) provides services (including services relating to hardware, software, and specialized information, and professional consulting, engineering, and support services) with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Iran.

''(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.

''(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Iran or any of its agencies or instrumentalities (or by any other person on behalf of

*the Government of Iran or any of such agencies or instrumentalities) to commit serious human rights abuses against the people of Iran, including—*

*''(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or*

*''(ii) sensitive technology (as defined in section 106(c)).*

*''(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—*

*''(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and*

*''(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.*

*''(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—*

*''(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and*

*''(B) as new information becomes available.*

*''(5) FORM OF REPORT; PUBLIC AVAILABILITY.—*

*''(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*''(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.*

*''(c) APPLICATION OF SANCTIONS.—*

*''(1) IN GENERAL.—Subject to paragraph (2), the President shall impose sanctions described in section 105(c) with respect to a person on the list required by subsection (b).*

*''(2) TRANSFERS TO IRAN'S REVOLUTIONARY GUARD CORPS.—In the case of a person on the list required by subsection (b) for transferring, or facilitating the transfer of, goods or technologies described in subsection (b)(2)(C) to Iran's Revolutionary Guard Corps, or providing services with respect to such goods or technologies after such goods or technologies are transferred to Iran's Revolutionary Guard Corps, the President shall—*

*''(A) impose sanctions described in section 105(c) with respect to the person; and*

*''(B) impose such other sanctions from among the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) as the President determines appropriate.''.*

*(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105 the following:*

*''Sec. 105A. Imposition of sanctions with respect to the transfer of goods or technologies to Iran that are likely to be used to commit human rights abuses.''.*

***SEC. 403. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.***

*(a) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) satellite service providers and other entities that have direct contractual arrangements to provide satellite services to the Government of Iran or entities owned or controlled by that Government should cease providing broadcast services to that Government and those entities unless that Government ceases activities intended to jam or restrict satellite signals; and*

*(2) the United States should address the illegal jamming of satellite signals by the Government of Iran through the voice and vote of the United States in the United Nations International Telecommunications Union.*

*(b) IMPOSITION OF SANCTIONS.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), as amended by section 402, is further amended by inserting after section 105A the following:*

***SEC. 105B. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER RELATED ACTIVITIES AGAINST CITIZENS OF IRAN.***

*''(a) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).*

*''(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—*

*''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after June 12, 2009, engaged in censorship or other activities with respect to Iran that—*

*''(A) prohibit, limit, or penalize the exercise of freedom of expression or assembly by citizens of Iran; or*

*''(B) limit access to print or broadcast media, including the facilitation or support of intentional frequency manipulation by the Government of Iran or an entity owned or controlled by that Government that would jam or restrict an international signal.*

*''(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—*

*''(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and*

*''(B) as new information becomes available.*

*''(3) FORM OF REPORT; PUBLIC AVAILABILITY.—*

*''(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*''(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.''.*

*(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as amended by section 402, is further amended by inserting after the item relating to section 105A the following:*

*''Sec. 105B. Imposition of sanctions with respect to persons who engage in censorship or other related activities against citizens of Iran.''.*

*(d) CONFORMING AMENDMENTS.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—*

*(1) by inserting '', 105A(a), or 105B(a)'' after ''105(a)''; and*

*(2) by inserting '', 105A(b), or 105B(b)'' after ''105(b)''.*

***Subtitle B—Additional Measures to Promote Human Rights***

***SEC. 411. CODIFICATION OF SANCTIONS WITH RESPECT TO GRAVE HUMAN RIGHTS ABUSES BY THE GOVERNMENTS OF IRAN AND SYRIA USING INFORMATION TECHNOLOGY.***

*United States sanctions with respect to Iran and Syria provided for in Executive Order 13606 (77 Fed. Reg. 24571), as in effect on the day before the date of the enactment of this Act, shall remain in effect—*

*(1) with respect to Iran, until the date that is 30 days after the date on which the President submits to Congress the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)); and*

*(2) with respect to Syria, until the date on which the provisions of and sanctions imposed pursuant to title VII terminate pursuant to section 706.*

***SEC. 412. CLARIFICATION OF SENSITIVE TECHNOLOGIES FOR PURPOSES OF PROCUREMENT BAN UNDER COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010.***

*The Secretary of State shall—*

*(1) not later than 90 days after the date of the enactment of this Act, issue guidelines to further describe the technologies that may be considered ''sensitive technology'' for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), with special attention to new forms of sophisticated jamming, monitoring, and surveillance technology relating to mobile telecommunications and the Internet, and publish those guidelines in the Federal Register;*

*(2) determine the types of technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the guidelines; and*

*(3) periodically review, but in no case less than once each year, the guidelines and, if necessary, amend the guidelines on the basis of technological developments and new information regarding transfers of technologies to Iran and the development of Iran's indigenous capabilities to disrupt and monitor information and communications in Iran.*

***SEC. 413. EXPEDITED CONSIDERATION OF REQUESTS FOR AUTHORIZATION OF CERTAIN HUMAN RIGHTS-, HUMANITARIAN-, AND DEMOCRACY-RELATED ACTIVITIES WITH RESPECT TO IRAN.***

*(a) REQUIREMENT.—The Office of Foreign Assets Control, in consultation with the Department of State, shall establish an expedited process for the consideration of complete requests for authorization to engage in human rights-, humanitarian-, or democracy-related activities relating to Iran that are submitted by—*

*(1) entities receiving funds from the Department of State to engage in the proposed activity;*

*(2) the Broadcasting Board of Governors; and*

*(3) other appropriate agencies of the United States Government.*

*(b) PROCEDURES.—Requests for authorization under subsection (a) shall be submitted to the Office of Foreign Assets Control in conformance with the Office's regulations, including section 501.801 of title 31, Code of Federal Regulations (commonly known as the Reporting, Procedures and Penalties Regulations). Applicants shall fully disclose the parties to the transactions as well as describe the activities to be undertaken. License applications involving the exportation or reexportation of goods, technology, or software to Iran shall include a copy of an official Commodity Classification issued by the Department of Commerce, Bureau of Industry and Security, as part of the license application.*

*(c) FOREIGN POLICY REVIEW.—The Department of State shall complete a foreign policy review of a request for authorization under subsection (a) not later than 30 days after the request is referred to the Department by the Office of Foreign Assets Control.*

*(d) LICENSE DETERMINATIONS.—License determinations for complete requests for authorization under subsection (a) shall be made not later than 90 days after receipt by the Office of Foreign Assets Control, with the following exceptions:*

*(1) Any requests involving the exportation or reexportation to Iran of goods, technology, or software listed on the Commerce Control List maintained pursuant to part 774 of title 15, Code of Federal Regulations, shall be processed in a*

*manner consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484) and other applicable provisions of law.*

*(2) Any other requests presenting unusual or extraordinary circumstances.*

*(e) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are appropriate to carry out this section.*

***SEC. 414. COMPREHENSIVE STRATEGY TO PROMOTE INTERNET FREEDOM AND ACCESS TO INFORMATION IN IRAN.***

*Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury and the heads of other Federal agencies, as appropriate, shall submit to the appropriate congressional committees a comprehensive strategy to—*

*(1) assist the people of Iran to produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;*

*(2) support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;*

*(3) increase the capabilities and availability of secure mobile and other communications through connective technology among human rights and democracy activists in Iran;*

*(4) provide resources for digital safety training for media and academic and civil society organizations in Iran;*

*(5) provide accurate and substantive Internet content in local languages in Iran;*

*(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;*

*(7) expand surrogate radio, television, live stream, and social network communications inside Iran, including—*

*(A) by expanding Voice of America's Persian News Network and Radio Free Europe/Radio Liberty's Radio Farda to provide hourly live news update programming and breaking news coverage capability 24 hours a day and 7 days a week; and*

*(B) by assisting telecommunications and software companies that are United States persons to comply with the export licensing requirements of the United States for the purpose of expanding such communications inside Iran;*

*(8) expand activities to safely assist and train human rights, civil society, and democracy activists in Iran to operate effectively and securely;*

*(9) identify and utilize all available resources to overcome attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals;*

*(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities;*

*(11) expand access to proxy servers for democracy activists in Iran; and*

*(12) discourage telecommunications and software companies from facilitating Internet censorship by the Government of Iran.*

***SEC. 415. STATEMENT OF POLICY ON POLITICAL PRISONERS.***

*It shall be the policy of the United States—*

*(1) to support efforts to research and identify prisoners of conscience and cases of human rights abuses in Iran;*

*(2) to offer refugee status or political asylum in the United States to political dissidents in Iran if requested and consistent with the laws and national security interests of the United States;*

*(3) to offer to assist, through the United Nations High Commissioner for Refugees, with the relocation of such political prisoners to other countries if requested, as appropriate and with appropriate consideration for the national security interests of the United States; and*

*(4) to publicly call for the release of Iranian dissidents by name and raise awareness with respect to individual cases of Iranian dissidents and prisoners of conscience, as appropriate and if requested by the dissidents or prisoners themselves or their families.*

## *TITLE V—MISCELLANEOUS*

***SEC. 501. EXCLUSION OF CITIZENS OF IRAN SEEKING EDUCATION RELATING TO THE NUCLEAR AND ENERGY SECTORS OF IRAN.***

*(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.*

*(b) APPLICABILITY.—Subsection (a) applies with respect to visa applications filed on or after the date of the enactment of this Act.*

***SEC. 502. INTERESTS IN CERTAIN FINANCIAL ASSETS OF IRAN.***

*(a) INTERESTS IN BLOCKED ASSETS.—*

*(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, including any provision of law relating to sovereign immunity, and preempting any inconsistent provision of State law, a financial asset that is—*

*(A) held in the United States for a foreign securities intermediary doing business in the United States,*

*(B) a blocked asset (whether or not subsequently unblocked) that is property described in subsection (b), and*

*(C) equal in value to a financial asset of Iran, including an asset of the central bank or monetary authority of the Government of Iran or any agency or instrumentality of that Government, that such foreign securities intermediary or a related intermediary holds abroad,*

*shall be subject to execution or attachment in aid of execution in order to satisfy any judgment to the extent of any compensatory damages awarded against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act.*

*(2) COURT DETERMINATION REQUIRED.—In order to ensure that Iran is held accountable for paying the judgments described in paragraph (1) and in furtherance of the broader goals of this Act to sanction Iran, prior to an award turning over any asset pursuant to execution or attachment in aid of execution with respect to any judgments against Iran described in paragraph (1), the court shall determine whether Iran holds equitable title to, or the beneficial interest in, the assets described in subsection (b) and that no other person possesses a constitutionally protected interest in the assets described in subsection (b) under the Fifth Amendment to the Constitution of the United States. To the extent the court determines that a person other than Iran holds—*

*(A) equitable title to, or a beneficial interest in, the assets described in subsection (b) (excluding a custodial interest of a foreign securities intermediary or a related intermediary that holds the assets abroad for the benefit of Iran), or*

*(B) a constitutionally protected interest in the assets described in subsection (b),*

*such assets shall be available only for execution or attachment in aid of execution to the extent of Iran's equitable title or beneficial interest therein and to the extent such execution or attachment does not infringe upon such constitutionally protected interest.*

*(b) FINANCIAL ASSETS DESCRIBED.—The financial assets described in this section are the financial assets that are identified in and the subject of proceedings in the United States District Court for the Southern District of New York in Peterson et al. v. Islamic Republic of Iran et al., Case No. 10 Civ. 4518 (BSJ) (GWG), that were restrained by restraining notices and levies secured by the plaintiffs in those proceedings, as modified by court order dated June 27, 2008, and extended by court orders dated June 23, 2009, May 10, 2010, and June 11, 2010, so long as such assets remain restrained by court order.*

*(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—*

*(1) to affect the availability, or lack thereof, of a right to satisfy a judgment in any other action against a terrorist party in any proceedings other than proceedings referred to in subsection (b); or*

*(2) to apply to assets other than the assets described in subsection (b), or to preempt State law, including the Uniform Commercial Code, except as expressly provided in subsection (a)(1).*

*(d) DEFINITIONS.—In this section:*

*(1) BLOCKED ASSET.—The term ''blocked asset''—*

*(A) means any asset seized or frozen by the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) or under section 202 or 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702); and*

*(B) does not include property that—*

*(i) is subject to a license issued by the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or*

*(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.*

*(2) FINANCIAL ASSET; SECURITIES INTERMEDIARY.—The terms ''financial asset'' and ''securities intermediary'' have the meanings given those terms in the Uniform Commercial Code, but the former includes cash.*

*(3) IRAN.—The term ''Iran'' means the Government of Iran, including the central bank or monetary authority of that Government and any agency or instrumentality of that Government.*

*(4) PERSON.—*

*(A) IN GENERAL.—The term ''person'' means an individual or entity.*

*(B) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.*

*(5) TERRORIST PARTY.—The term ''terrorist party'' has the meaning given that term in section 201(d) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).*

*(6) UNITED STATES.—The term ''United States'' includes all territory and waters, continental, or insular, subject to the jurisdiction of the United States.*

*(e) TECHNICAL CHANGES TO THE FOREIGN SOVEREIGN IMMUNITIES ACT.—*

*(1) TITLE 28, UNITED STATES CODE.—Section 1610 of title 28, United States Code, is amended—*

*(A) in subsection (a)(7), by inserting after ''section 1605A'' the following: ''or section 1605(a)(7) (as such section was in effect on January 27, 2008)''; and*

*(B) in subsection (b)—*

*(i) in paragraph (2)—*

*(I) by striking ''(5), 1605(b), or 1605A'' and inserting ''(5) or 1605(b)''; and*

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

*(ii) by adding after paragraph (2) the following:*

*''(3) the judgment relates to a claim for which the agency or instrumentality is not immune by virtue of section 1605A of this chapter or section 1605(a)(7) of this chapter (as such section was in effect on January 27, 2008), regardless of whether the property is or was involved in the act upon which the claim is based.''.*

*(2) TERRORISM RISK INSURANCE ACT OF 2002.—Section 201(a) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note) is amended by striking ''section 1605(a)(7)'' and inserting ''section 1605A or 1605(a)(7) (as such section was in effect on January 27, 2008)''.*

***SEC. 503. TECHNICAL CORRECTIONS TO SECTION 1245 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.***

*(a) EXCEPTION FOR SALES OF AGRICULTURAL COMMODITIES.—*

*(1) IN GENERAL.—Section 1245(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(2)) is amended—*

*(A) in the paragraph heading, by inserting ''AGRICULTURAL COMMODITIES,'' after ''SALES OF''; and*

*(B) in the text, by inserting ''agricultural commodities,'' after ''sale of''.*

*(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1298).*

*(b) REPORT OF ENERGY INFORMATION ADMINISTRATION.—*

*(1) IN GENERAL.—Section 1245(d)(4)(A) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(A)) is amended—*

*(A) by striking ''60 days after the date of the enactment of this Act, and every 60 days thereafter'' and inserting ''October 25, 2012, and the last Thursday of every other month thereafter''; and*

*(B) by striking ''60-day period'' and inserting ''2-month period''.*

*(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on September 1, 2012.*

***SEC. 504. EXPANSION OF SANCTIONS UNDER SECTION 1245 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.***

*(a) IN GENERAL.—Section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), as amended by section 503, is further amended—*

*(1) in subsection (d)—*

*(A) in paragraph (3), by striking ''a foreign financial institution owned or controlled by the government of a foreign country, including''; and*

*(B) in paragraph (4)(D)—*

*(i) by striking ''Sanctions imposed'' and inserting the following:*

*''(i) IN GENERAL.—Sanctions imposed'';*

*(ii) in clause (i), as designated by clause (i) of this subparagraph—*

*(I) by striking ''a foreign financial institution'' and inserting ''a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution'';*

*(II) by striking ''institution has significantly'' and inserting ''institution—*

*''(I) has significantly reduced'';*

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

*(IV) by adding at the end the following:*

*''(II) in the case of a country that has previously received an exception under this subparagraph, has, after receiving the exception, reduced its crude oil purchases from Iran to zero.''; and*

*(iii) by adding at the end the following:*

*''(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—*

*''(I) the financial transaction is only for trade in goods or services between the country with primary jurisdiction over the foreign financial institution and Iran; and*

*''(II) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.'';*

*(2) in subsection (h)—*

*(A) by redesignating paragraph (3) as paragraph (4); and*

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

*''(3) SIGNIFICANT REDUCTIONS.—The terms 'reduce significantly', 'significant reduction', and 'significantly reduced', with respect to purchases from Iran of petroleum and petroleum products, include a reduction in such purchases in terms of price or volume toward a complete cessation of such purchases.''; and*

*(3) by adding at the end the following:*

*''(i) TERMINATION.—The provisions of this section shall terminate on the date that is 30 days after the date on which the President submits to Congress the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).''.*

*(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to financial transactions conducted or facilitated on or after the date that is 180 days after the date of the enactment of this Act.*

***SEC. 505. REPORTS ON NATURAL GAS EXPORTS FROM IRAN.***

*(a) REPORT BY ENERGY INFORMATION ADMINISTRATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Energy Information Administration shall submit to the President and the appropriate congressional committees a report on the natural gas sector of Iran that includes—*

*(1) an assessment of exports of natural gas from Iran;*

*(2) an identification of the countries that purchase the most natural gas from Iran;*

*(3) an assessment of alternative supplies of natural gas available to those countries;*

*(4) an assessment of the impact a reduction in exports of natural gas from Iran would have on global natural gas supplies and the price of natural gas, especially in countries identified under paragraph (2); and*

*(5) such other information as the Administrator considers appropriate.*

*(b) REPORT BY PRESIDENT.—*

*(1) IN GENERAL.—Not later than 60 days after receiving the report required by subsection (a), the President shall, relying on information in that report, submit to the appropriate congressional committees a report that includes—*

*(A) an assessment of—*

*(i) the extent to which revenues from exports of natural gas from Iran are still enriching the Government of Iran;*

*(ii) whether a sanctions regime similar to the sanctions regime imposed with respect to purchases of petroleum and petroleum products from Iran pursuant to section 1245 of the National Defense Authorization Act for Fiscal Year 2012, as amended by sections 503 and 504, or other measures could be applied effectively to exports of natural gas from Iran;*

*(iii) the geostrategic implications of a reduction in exports of natural gas from Iran, including the impact of such a reduction on the countries identified under subsection (a)(2);*

*(iv) alternative supplies of natural gas available to those countries; and*

*(v) the impact a reduction in exports of natural gas from Iran would have on global natural gas supplies and the price of natural gas and the impact, if any, on swap arrangements for natural gas in place between Iran and neighboring countries; and*

*(B) specific recommendations with respect to measures designed to limit the revenue received by the Government of Iran from exports of natural gas; and*

*(C) any other information the President considers appropriate.*

*(2) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

***SEC. 506. REPORT ON MEMBERSHIP OF IRAN IN INTERNATIONAL ORGANIZATIONS.***

*Not later than 180 days after the date of the enactment of this Act, and not later than September 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report listing the international organizations of which Iran is a member and detailing the amount that the United States contributes to each such organization on an annual basis.*

***SEC. 507. SENSE OF CONGRESS ON EXPORTATION OF GOODS, SERVICES, AND TECHNOLOGIES FOR AIRCRAFT PRODUCED IN THE UNITED STATES.***

*It is the sense of Congress that licenses to export or reexport goods, services, or technologies for aircraft produced in the United States should be provided only in situations in which such licenses are truly essential and in a manner consistent with the laws and foreign policy goals of the United States.*

## *TITLE VI—GENERAL PROVISIONS*

***SEC. 601. IMPLEMENTATION; PENALTIES.***

*(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out—*

*(1) sections 211, 212, 213, 217, 218, 220, 312, and 411, subtitle A of title III, and title VII;*

*(2) section 104A of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by section 312; and*

*(3) sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV.*

*(b) PENALTIES.—*

*(1) IN GENERAL.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of a provision specified in paragraph (2) of this subsection, or an order or regulation prescribed under such a provision, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.*

*(2) PROVISIONS SPECIFIED.—The provisions specified in this paragraph are the following:*

*(A) Sections 211, 212, 213, and 220, subtitle A of title III, and title VII.*

*(B) Sections 105A and 105B of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as added by subtitle A of title IV.*

***SEC. 602. APPLICABILITY TO CERTAIN INTELLIGENCE ACTIVITIES.***

*Nothing in this Act or the amendments made by this Act shall apply to the authorized intelligence activities of the United States.*

***SEC. 603. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.***

*(a) EXCEPTION FOR CERTAIN NATURAL GAS PROJECTS.—Nothing in this Act or the amendments made by this Act shall apply to any activity relating to a project—*

*(1) for the development of natural gas and the construction and operation of a pipeline to transport natural gas from Azerbaijan to Turkey and Europe;*

*(2) that provides to Turkey and countries in Europe energy security and energy independence from the Government of the Russian Federation and other governments with jurisdiction over persons subject to sanctions imposed under this Act or amendments made by this Act; and*

*(3) that was initiated before the date of the enactment of this Act pursuant to a production-*

*sharing agreement, or an ancillary agreement necessary to further a production-sharing agreement, entered into with, or a license granted by, the government of a country other than Iran before such date of enactment.*

*(b) TERMINATION OF EXCEPTION.—*

*(1) IN GENERAL.—The exception under subsection (a) shall not apply with respect to a project described in that subsection on or after the date on which the President certifies to the appropriate congressional committees that—*

*(A) the percentage of the equity interest in the project held by or on behalf of an entity described in paragraph (2) has increased relative to the percentage of the equity interest in the project held by or on behalf of such an entity on January 1, 2002; or*

*(B) an entity described in paragraph (2) has assumed an operational role in the project.*

*(2) ENTITY DESCRIBED.—An entity described in this paragraph is—*

*(A) an entity—*

*(i) owned or controlled by the Government of Iran or identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran); or*

*(ii) organized under the laws of Iran or with the participation or approval of the Government of Iran;*

*(B) an entity owned or controlled by an entity described in subparagraph (A); or*

*(C) a successor entity to an entity described in subparagraph (A).*

***SEC. 604. RULE OF CONSTRUCTION WITH RESPECT TO USE OF FORCE AGAINST IRAN AND SYRIA.***

*Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.*

***SEC. 605. TERMINATION.***

*(a) IN GENERAL.—The provisions of sections 211, 212, 213, 218, 220, 221, and 501, title I, and subtitle A of title III shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).*

*(b) AMENDMENT TO TERMINATION DATE OF COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010.—Section 401(a)(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)(2)) is amended by inserting '', and verifiably dismantled its,'' after ''development of''.*

## *TITLE VII—SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN SYRIA*

***SEC. 701. SHORT TITLE.***

*This title may be cited as the ''Syria Human Rights Accountability Act of 2012''.*

***SEC. 702. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.***

*(a) IN GENERAL.—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).*

*(b) LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—*

*(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Syria or persons acting on behalf of that Government that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria.*

*(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—*

*(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and*

*(B) as new information becomes available.*

*(3) FORM OF REPORT; PUBLIC AVAILABILITY.—*

*(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.*

*(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.*

*(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property, subject to such regulations as the President may prescribe.*

***SEC. 703. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.***

*(a) IN GENERAL.—The President shall impose sanctions described in section 702(c) with respect to—*

*(1) each person on the list required by subsection (b); and*

*(2) any person that—*

*(A) is a successor entity to a person on the list;*

*(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in the activity described in subsection (b)(2) for which the person was included in the list; or*

*(C) is owned or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list.*

*(b) LIST.—*

*(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have knowingly engaged in an activity described in paragraph (2) on or after such date of enactment.*

*(2) ACTIVITY DESCRIBED.—*

*(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—*

*(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Syria; or*

*(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.*

*(B) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in subparagraph (A) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of this Act.*

*(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—*

*(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electroshock weapons, tear gas, water cannons, or surveillance technology; or*

*(ii) sensitive technology.*

*(D) SENSITIVE TECHNOLOGY DEFINED.—*

*(i) IN GENERAL.—For purposes of subparagraph (C), the term ''sensitive technology'' means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—*

*(I) to restrict the free flow of unbiased information in Syria; or*

*(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.*

*(ii) EXCEPTION.—The term ''sensitive technology'' does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).*

*(3) SPECIAL RULE TO ALLOW FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President certifies in writing to the appropriate congressional committees that—*

*(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping, the activity described in paragraph (2) for which the President would otherwise have included the person on the list; and*

*(B) the President has received reliable assurances that the person will not knowingly engage in any activity described in paragraph (2) in the future.*

*(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—*

*(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and*

*(B) as new information becomes available.*

*(5) FORM OF REPORT; PUBLIC AVAILABILITY.—*

*(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.*

***SEC. 704. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO ENGAGE IN CENSORSHIP OR OTHER FORMS OF REPRESSION IN SYRIA.***

*(a) IN GENERAL.—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).*

*(b) LIST OF PERSONS WHO ENGAGE IN CENSORSHIP.—*

*(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in censorship, or activities relating to censorship, in a manner that prohibits, limits, or penalizes the legitimate exercise of freedom of expression by citizens of Syria.*

*(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—*

*(A) not later than 300 days after the date of the enactment of this Act and every 180 days thereafter; and*

*(B) as new information becomes available.*

*(3) FORM OF REPORT; PUBLIC AVAILABILITY.—*

*(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.*

*(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.*

***SEC. 705. WAIVER.***

*The President may waive the requirement to include a person on a list required by section 702, 703, or 704 or to impose sanctions pursuant to any such section if the President—*

*(1) determines that such a waiver is in the national security interests of the United States; and*

*(2) submits to the appropriate congressional committees a report on the reasons for that determination.*

***SEC. 706. TERMINATION.***

*(a) IN GENERAL.—The provisions of this title and any sanctions imposed pursuant to this title shall terminate on the date on which the President submits to the appropriate congressional committees—*

*(1) the certification described in subsection (b); and*

*(2) a certification that—*

*(A) the Government of Syria is democratically elected and representative of the people of Syria; or*

*(B) a legitimate transitional government of Syria is in place.*

*(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification by the President that the Government of Syria—*

*(1) has unconditionally released all political prisoners;*

*(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;*

*(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of unbiased information in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;*

*(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and*

*(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;*

*(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and*

*(7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.*

*(c) SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.—If the President submits to the appropriate congressional committees the certification described in subsection (a)(2), the President may suspend the provisions of this title and any sanctions imposed under this title for not more than 180 days to allow time for a certification described in subsection (b) to be submitted.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, by prior agreement with the gentleman from California, who will do the same, I would like to yield 5 minutes of my time to the gentleman from Ohio (Mr. KUCINICH) and ask unanimous consent that he be allowed to control those 5 minutes.

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

Mr. KUCINICH. Mr. Speaker, reserving the right to object, are we apportioning that 5 minutes from each side?

Mr. BERMAN. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. At the point where I am recognized, I will be also seeking unanimous consent for the same kind of referral of time to your control.

Mr. KUCINICH. I withdraw my reservation.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I would also yield 5 minutes of my time to the gentleman from Ohio and ask unanimous consent that he be allowed to control those 5 minutes.

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

There was no objection.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the measure under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have spoken on this floor many times about the Iranian threat and the need for action to stop it, but ultimately we will all be judged by a simple question: Did we stop Iran from getting a nuclear weapons capability? If the answer is ''no,'' if we fail, then nothing else matters. If we fail, it would be of no comfort to the American people whose security and future would be put in danger. If we fail, it would be of no comfort to our ally, Israel, whose very existence would be put in danger.

History is full of avoidable tragedies, of foolish countries that have allowed their enemies to prepare to destroy them. The entire world now is fully aware of Iran's true intention. Now is the time to take a stand. As Sir Winston Churchill said:

> You ask, What is our aim? I can answer with one word: victory. For without victory, there is no survival.

To get us on that path to victory, Mr. Speaker, I ask my colleagues to render their full support to the Iran Threat Reduction and the Syria Human Rights Act of 2012, a bicameral, bipartisan agreement that represents the strongest set of sanctions ever put in place against the regime in Tehran. It blacklists virtually all of Iran's energy, financial, and transportation sectors, and cuts off companies that keep doing business with Iran from access to our markets in the United States.

This legislation also imposes sanctions to prevent Iran from repatriating any proceeds from its oil sales, depriving the Iranian regime of 80 percent of its hard currency earnings and half of the funds that support its budget. This bill also imposes tough new sanctions on the National Iranian Oil Company, the National Iranian Tanker Company, and Iran's Islamic Revolutionary Guard Corps. It also targets Iran's use of barter transactions to bypass sanctions, the provisions of insurance to Iran's energy sector. It also targets provisions of specialized financial messaging services to the Central Bank of Iran.

Mr. Speaker, in 1995, the late former Secretary of State, Warren Christopher said:

> In terms of its organization, programs, procurement, and covert activities, Iran is pursuing the classic route to nuclear weapons, which has been followed by almost all states that have recently sought a nuclear capability.

That was in 1995.

Secretary Christopher added:

> There is no room for complacency.

Congress passed the Iran-Libya Sanctions Act in '96. That law, now called the Iran Sanctions Act, sought to target Iran's economic lifeline—its energy sector—and denied Tehran the financial resources to pursue its nuclear ambitions, to sponsor violent Islamic groups, and to dominate the region.

□ 1430

Regrettably, just a couple years after enactment of that law, the Clinton administration issued a blanket waiver of energy sector sanctions that has been continued by successive administrations.

In 1996, U.S. concerns were not shared by our allies in Europe and Asia, who argued that trade, dialogue, and engagement toward the Iranian regime would succeed in moderating Tehran's behavior. This allowed the Iranian threat to flourish.

However, Congress continued to develop new legislative countermeasures in the form of the Iran Freedom Support Act of 2006 and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to address these Iranian threats and to hold the regime accountable for its human rights violations, for its state sponsorship of violent extremists, and for its pursuit of a nuclear capability.

We have analyzed Iranian reaction and behavior in response to these new sanctions. We have looked at what steps our allies have undertaken and considered the actions, or the paralysis, of the United Nations. But most importantly, Mr. Speaker, we have intensified our response as the Iranian threat has evolved and grown.

We know that ''the price of freedom is eternal vigilance.'' But far more than vigilance is needed in this case.

Which brings us to the Iran Threat Reduction and Syria Human Rights Act, which we are considering today. This bipartisan, bicameral agreement seeks to tighten the choke hold on the regime beyond anything that has been done before. It sends a clear message that the American people, through their elected representatives, are fully committed to using every economic and political lever at their disposal to prevent Iran from crossing the nuclear threshold.

Through this bill, we declare that the Iranian energy sector is off limits, and it blacklists any related unauthorized dealings. It will undermine Iran's ability to repatriate the revenues it receives from the sale of crude oil, depriving Iran of hard currency earnings and funds needed to sustain its nuclear program. It prevents the purchasing of Iranian sovereign debt, thereby further limiting the regime's ability to finance its illicit activities. It also expands sanctions against Iranian and Syrian officials for human rights abuses, particularly those facilitated by computer and network disruption, monitoring, and tracking by those governments.

Yet we should be under no illusions, Mr. Speaker, that this legislation is a magic wand that we wave, and we will resolve the problem overnight. Sanctions have helped to knock the regime off balance. But unless the executive branch fully implements these measures immediately, the regime is likely to regain its footing and further speed up its nuclear march. So let us act now to stop that march.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, the threat posed by the Iranian regime is not just a threat to the United States, or to our allies, or to the Iranian people.

The Iranian regime is also a threat to the Syrian people, because of Iran's close ties and assistance, including weapons that have helped the regime in Syria to slaughter thousands.

Like Iran, Syria is a state sponsor of terrorism that poses a threat to the U.S., to our ally Israel, and to other responsible nations.

I hope to be back on the House floor in the near future with the Syria Freedom Support Act to address the totality of the Syrian threat, but today we stand ready to hold the Assad regime accountable for its gross human rights violations.

Today, we seek to ensure that neither of these brutal regimes has access to resources that would enable them to perpetuate their cruelty.

Those allies who, 16 years ago, wanted to engage and continue business as usual with Iran and who, until just a few years ago, were proposing expanded trade agreements with the Assad regime in Syria, have awaken to take a stand against the threatening activities of these pariah states.

Congress must carry out its responsibility to the American people and overwhelmingly adopt the bicameral, bipartisan agreement we are considering today.

I urge the President to quickly sign it into law and immediately and fully implement the sanctions it contains.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. HOYER), a national leader on the issue of nonproliferation and human rights and particularly our efforts to stop Iran's nuclear weapons program, the Democratic whip of the House.

Mr. HOYER. I thank the gentleman from California for yielding.

First, I want to rise and thank Chairwoman ILEANA ROS-LEHTINEN for her continuing leadership and focus on this important issue, as she does on so many other issues as well.

Mr. Speaker, let me thank my friend, the gentleman from California and ranking member of the Foreign Affairs Committee, Mr. BERMAN. His leadership on this issue in Congress is second to none, and I commend him for his work.

This is a bill I expect will pass with overwhelming support in both parties and for good reason. Iran cannot be allowed to develop a nuclear weapon. America's policy, as President Obama has stated, is prevention, not containment.

We have many tools at our disposal to prevent Iran from obtaining nuclear weapons technology. While President Obama is keeping all options on the table, the best diplomatic tool we have to deter Iran is the sanctions regime his administration has expanded along with our allies in Europe and elsewhere. These sanctions have already had a significant effect, and Iran continues to face the prospect of severe economic repercussions if they fail to abandon their nuclear weapons plan.

President Obama deserves credit for his tough stances. The new sanctions this legislation would impose target entities conducting business with Iran's insurance, energy, and shipping sectors. As a result of prohibitions on repatriating oil revenues, these sanctions would deny Iran 80 percent of its hard currency earnings. Iran's banking sector, including its central bank, is already sanctioned, a result of the Iranian Government's financial support for terrorism in the region and around the world.

There is no better evidence why this bill is so important than the fact that 2 weeks ago, a terrorist attack in Bulgaria killed six innocent civilians, five of them vacationing Israelis. There have been numerous press reports linking Iran to that attack.

As long as Iran continues to pursue nuclear weapons, call for the destruction of Israel, and provide arms to terror groups like Hamas and Hezbollah, it will face the consequences in the form of sanctions, isolation, and the continuing reality of the option of military action.

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

Mr. BERMAN. I am pleased to yield the gentleman an additional 30 seconds.

Mr. HOYER. I thank the gentleman.

The United States continues to stand strongly with our ally Israel. And I am proud to have led an effort earlier this year with the majority leader to strengthen U.S.-Israel military and intelligence relations.

I urge all of my colleagues to unite behind this bill, just as we did behind that one. A nuclear-armed Iran is not an option for the Middle East, for the international community, and for the United States.

Mr. KUCINICH. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas, Congressman RON PAUL, an American patriot, someone who has been relentless in his efforts to stop America from blundering into foreign adventures.

Mr. PAUL. I thank the gentleman for yielding.

I think this bill would be better named if we called it ''Obsession with Iran Act of 2012'' because this is what we continue to be doing—obsess with Iran and the idea that Iran is a threat to our national security.

Iran happens to be a Third World nation. They have no significant navy, air force, intercontinental ballistic missiles. The IAEA and our CIA say they are not on the verge of a nuclear weapon.

It's so similar to what we went through in the early part of this last decade where we were beating the war drums to go to war against Iraq. And it was all a facade. There was no danger from Iraq. So this is what we're doing, beating the war drums once again.

Since the bill has come back from the conference, if we are to deal with civil liberties in Syria—well, I happen to be a civil libertarian. I am very concerned about civil liberties. But let me tell you, this bill is not going to do anything to enhance the civil liberties of the individuals in Syria.

If we were really interested in civil liberties, why wouldn't we look to ourselves? Why wouldn't we look to the things we do here? What about our warrantless searches under the PATRIOT Act? What about the policy of assassination, assassinating American citizens? What about arrests by the military, the National Defense Authorization Act? What about the drone warfare that we go on? Do you think we are protecting civil liberties by arbitrarily dropping drones or threatening to drop drones anyplace in the world, with innocent people dying?

If we want to really care about civil liberties in Syria, why don't we care about the secret prisons we have and the history of torture that we have had in this country?

What about the fact that kill lists are being made by the executive branch of government, and we sit idly by and approve of it by saying nothing, and the American people put up with it, and we march in this direction, marching into a determination to have another war?

When you put sanctions on a country, it's an act of war, and that is what this is all about. The first thing you do when war breaks out between two

countries is you put sanctions on them. You blockade the country. So this is an act of war.

What would we do if somebody blockaded and put sanctions on us and prevented the importation of any product of this country? We would be furious. We would declare war. We would go to war.

□ 1440

So we are the antagonists. We're over there poking our nose and poking our nose in other people's affairs, just looking for a chance to start another war. First it's Syria and then Iran. We have too many wars. We need to stop the wars. We don't have the money to fight these wars any longer.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from New York (Mr. TURNER), a member of our Committee on Foreign Affairs.

Mr. TURNER of New York. Mr. Speaker, I rise in strong support of H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I would like to applaud Chairwoman ROS-LEHTINEN's tireless effort on this legislation to ensure that Iran's terrorist regime does not threaten the security of the United States and our greatest ally in the Middle East, Israel.

I'm sure many of you remember that Iran was found by a Federal court to have been directly involved in both the 1983 attacks on the marine barracks in Beirut which killed 241 soldiers and the Khobar Towers bombing in Saudi Arabia where a suicide bomber killed 14 airmen. The victims and their families won a judgment in court against the Iranian Government, but have had difficulty enforcing it because Iran could hide behind sovereign immunity.

I introduced H.R. 4070, which is now part of this bill, to change a specific part of Federal law to allow assets seized from the Iranian Government to be allocated to the Beirut and Khobar Towers families to recover the judgments owed to them. It is time that Iran is held accountable for their involvement in the deaths of our soldiers.

I'm proud to say that this provision is truly bipartisan. My colleagues on both sides of the aisle stand together against Iran. By passing this bill today, we offer the victims' families the justice that they have long been denied.

Mr. BERMAN. Mr. Speaker, I rise in support of H. Res. 750, and I yield myself 2½ minutes.

The bill before us today marks a significant step forward in our sanctions effort against the Iranian regime and its illicit nuclear program, the sanctions effort which even Tehran acknowledges is already having a stressful impact on Iran's economy. I want to commend my colleague, ILEANA ROS-LEHTINEN, for her work on this legislation; and I'm proud to be the bill's chief cosponsor in the House.

Building on previous sanctions, this bill adds to what the gentlelady and I set out to do when we introduced it. For example, through further limiting transitions with the Central Bank of Iran, an initiative I originated, this legislation restricts Iran's ability to repatriate the revenue it receives from its diminishing oil sales. It includes provisions that clamp down on Iran's oil exports by targeting the National Iranian Oil Company and the National Iranian Tanker Company; and it expands sanctions on Iranian shipping, insurance, and financing in the energy sector.

The bill also increases sanctions on transactions with Iran's Islamic Revolutionary Guard Corps, the spearhead of Iran's nuclear proliferation and terrorism effort and the dominant player in the Iranian economy. Further, at my suggestion, this bill now includes a measure which expands CISADA sanctions beyond financial institutions to include more than 200 additional individuals and companies that have been linked to Iran's nuclear weapons of mass destruction and terrorism programs.

And of critical importance, this bill vastly strengthens sanctions on both Iranian and Syrian human rights abusers. These provisions are very important, but the Iranians should not be fooled into thinking this is the last word on sanctions. Far from it.

Finally, Mr. Speaker, I want to call on the administration to implement the authorities we have given them, fully and without delay. Iran's nuclear clock is ticking, and time is not on our side. The actions the executive branch took yesterday, including the first-ever CISADA sanctions on foreign banks—more than 2 years after CISADA became law—are a good beginning, but Iran's nuclear weapons program continues apace. Every day, it is enriching more uranium and at higher levels.

The only hope we have for a peaceful solution is to apply enough pressure to ensure that Iran ends its nuclear weapons program. The bill before us and the action the administration has taken applies significantly more pressure; but let there be no doubt, there is more we can do and more that we will do if Iran doesn't end its nuclear weapons program verifiably and completely. We have more work to do.

SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS LIST SEARCH (UPDATED: 6/25/2012)

NPWMD

ENTITIES/INDIVIDUALS

Advanced Information and Communication Technology Center; ADVANCE NOVEL LIMITED; AEROSPACE INDUSTRIES ORGANIZATION; AFZALI, Ali; ALPHA EFFORT LIMITED; ASHTEAD SHIPPING COMPANY LIMITED; ASIA MARINE NETWORK PTE. LTD.; ASSA CO. LTD.; ASSA CORP.; ATLANTIC INTERMODAL; AZORES SHIPPING COMPANY LL FZE; BALDACCHINO, Adrian; BATENI, Naser; BEST PRECISE LIMITED; BIIS MARITIME LIMITED; BMIIC INTERNATIONAL GENERAL TRADING LTD; BUSHEHR SHIPPING COMPANY LIMITED; BYFLEET SHIPPING COMPANY LIMITED; CARVANA COMPANY; CEMENT INVESTMENT AND DEVELOPMENT COMPANY.

CIRE, Kursad Zafer; COBHAM SHIPPING COMPANY LIMITED; CONCEPT GIANT LIMITED; CRYSTAL SHIPPING FZE; DAJMAR, Mohhammad Hossein; DARYA CAPITAL ADMINISTRATION GMBH; Digital Media Lab; DIVANDARI, Ali; DORKING SHIPPING COMPANY LIMITED; DURANSOY, Cagri; DURANSOY, Muammer Kuntay; EFFINGHAM SHIPPING COMPANY LIMITED; EIGHTH OCEAN ADMINISTRATION GMBH; EIGHTH OCEAN GMBH & CO. KG; Electronic Components Industries; ELECTRONICS INSTITUTE; ELEVENTH OCEAN ADMINISTRATION GMBH; ELEVENTH OCEAN GMBH & CO. KG; EZATI, Ali; FAIRWAY SHIPPING LTD.

FALSAFI, Mahin; FARNHAM SHIPPING COMPANY LIMITED; FAROOQ, Muhammad; FIFTEENTH OCEAN GMBH & CO. KG; FIFTH OCEAN ADMINISTRATION GMBH; FIFTH OCEAN GMBH & CO. KG; FIRST OCEAN ADMINISTRATION GMBH; FIRST OCEAN GMBH & CO. KG; FIRST PERSIA EQUITY FUND; FOURTEENTH OCEAN GMBH & CO. KG; FOURTH OCEAN ADMINISTRATION GMBH; FOURTH OCEAN GMBH & CO. KG; Frosch, Daniel; FULMEN GROUP; GALLIOT MARITIME INC; GHEZEL AYAGH, Alireza; GLOBAL INTERFACE COMPANY INC.; GOLPARVAR, Gholamhossein; GOMSHALL SHIPPING COMPANY LIMITED; Good Luck Shipping.

GREAT METHOD LIMITED; GREAT OCEAN SHIPPING SERVICES (L.L.C.); HAFIZ DARYA SHIPPING CO; HIGHER INSTITUTE OF APPLIED SCIENCE AND TECHNOLOGY; HORSHAM SHIPPING COMPANY LIMITED; HTTS HANSEATIC TRADE TRUST AND SHIPPING, GMBH; IDEAL SUCCESS INVESTMENTS LIMITED; INDUS MARITIME INC; International General Resourcing; IRAN AIR; IRAN AIRCRAFT MANUFACTURING INDUSTRIAL COMPANY; IRAN CENTRIFUGE TECHNOLOGY COMPANY; IRAN COMMUNICATION INDUSTRIES; IRAN ELECTRONICS INDUSTRIES; IRAN O MISR SHIPPING COMPANY; IRANAIR TOURS; IRINVESTSHIP LTD.; IRISL (MALTA) LIMITED; IRISL (UK) LTD.; IRISL CHINA SHIPPING CO., LTD.

IRISL EUROPE GMBH; IRISL MARINE SERVICES & ENGINEERING COMPANY; IRISL MULTIMODAL TRANSPORT CO.; IRITAL SHIPPING SRL COMPANY; ISI MARITIME LIMITED; ISIM AMIN LIMITED; ISIM ATR LIMITED; ISIM OLIVE LIMITED; ISIM SAT LIMITED; ISIM SEA CHARIOT LIMITED; ISIM SEA CRESCENT LIMITED; ISIM SININ LIMITED; ISIM TAJ MAHAL LIMITED; ISIM TOUR LIMITED; ISLAMIC REPUBLIC OF IRAN SHIPPING LINES; JAFARI, Mani; JAFARI, Milad; JAFARI, Mohammad Javad; JAVEDAN MEHR TOOS; KAVERI MARITIME INC.

KERMAN SHIPPING CO LTD; KHALILI, Jamshid; KHAZAR SEA SHIPPING LINES; KOHAS AG; LANCELIN SHIPPING COMPANY LIMITED; LEADING MARITIME PTE. LTD.; LERCH, Gotthard; LOGISTIC SMART LIMITED; LOWESWATER LIMITED; M. BABAIE INDUSTRIES; MACHINE PARDAZAN CO.; MACPAR MAKINA SAN VE TIC A.S.; Malek Ashtar University; MALEKI, Naser; MALSHIP SHIPPING AGENCY LTD.; MARANER HOLDINGS LIMITED; MARBLE SHIPPING LIMITED; MAZANDARAN CEMENT COMPANY; MAZANDARAN TEXTILE COMPANY; MEHR CAYMAN LTD.

MELODIOUS MARITIME INC; MILL DENE LIMITED; MINISTRY OF DEFENSE FOR ARMED FORCES LOGISTICS; Ministry of Defense Logistics Export; MODALITY LIMITED; MOGHADDAMI FARD, Mohammad; MOUNT EVEREST MARITIME INC;

MULTIMAT IC VE DIS TICARET PAZARLAMA LIMITED SIRKETI; MUNITIONS INDUSTRY DEPARTMENT; NABIPOUR, Ghasem; NARI SHIPPING AND CHARTERING GMBH & CO. KG; NATIONAL STANDARDS AND CALIBRATION LABORATORY; NEKA NOVIN; NEUMAN LIMITED; NEW DESIRE LIMITED; NINTH OCEAN ADMINISTRATION GMBH; NINTH OCEAN GMBH & CO. KG; NOOR AFZAR GOSTAR COMPANY; OCEAN CAPITAL ADMINISTRATION GMBH; PACIFIC SHIPPING DMCEST.

PAJAND, Mohammad Hadi; PARTNER CENTURY LIMITED; PARTO SANAT CO.; PAYA PARTOV CO.; PEARL ENERGY COMPANY LTD.; PEARL ENERGY SERVICES, SA; PEARL SHIP MANAGEMENT L.L.C.; QANNADI, Mohammad; Rabiee, Hamid Reza; RISHI MARITIME INC; ROYAL-MED SHIPPING AGENCY LTD; SACKVILLE HOLDINGS LIMITED; SAFIRAN PAYAM DARYA SHIPPING COMPANY; SANDFORD GROUP LIMITED; SARKANDI, Ahmad; SCIENTIFIC STUDIES AND RESEARCH CENTER; SECOND ACADEMY OF NATURAL SCIENCES; SECOND ECONOMIC COMMITTEE; SECOND OCEAN ADMINISTRATION GMBH; SECOND OCEAN GMBH & CO. KG.

SEVENTH OCEAN ADMINISTRATION GMBH; SEVENTH OCEAN GMBH & CO. KG; SHAHID AHMAD KAZEMI INDUSTRIES GROUP; SHAHID BAKERI INDUSTRIAL GROUP; SHAHID SATTARI INDUSTRIES; SHALLON LIMITED; SHERE SHIPPING COMPANY LIMITED; SHIPPING COMPUTER SERVICES COMPANY; SHIRAZ ELECTRONICS INDUSTRIES; SHOMAL CEMENT COMPANY; SIMATIC DEVELOPMENT CO.; SINO ACCESS HOLDINGS LIMITED; SINOSE MARITIME PTE. LTD.; SIXTH OCEAN ADMINISTRATION GMBH; SIXTH OCEAN GMBH & CO. KG; SMART DAY HOLDINGS GROUP LIMITED; SOROUSH SARZAMIN ASATIR SHIP MANAGEMENT COMPANY; SPRINGTHORPE LIMITED; STARRY SHINE INTERNATIONAL LIMITED; STEIGER, Jakob.

STEP A.S.; SYSTEM WISE LIMITED; TAFAZOLI, Ahmad; TAHIR, Buhary Seyed Abu; TALAI, Mohamad; TENTH OCEAN GMBH & CO. KG; THE NUCLEAR REACTORS FUEL COMPANY; THIRD OCEAN ADMINISTRATION GMBH; THIRD OCEAN GMBH & CO. KG; THIRTEENTH OCEAN GMBH & CO. KG; TONGHAM SHIPPING CO LTD; TOP GLACIER COMPANY LIMITED; TOP PRESTIGE TRADING LIMITED; TOSONG TECHNOLOGY TRADING CORPORATION; TRADE TREASURE LIMITED.

TRANS MERITS CO. LTD.; TRUE HONOUR HOLDINGS LIMITED; TWELFTH OCEAN ADMINISTRATION GMBH; TWELFTH OCEAN GMBH & CO. KG; UPPERCOURT SHIPPING COMPANY LIMITED; VAHIDI, Ahmad; Value-Added Services Laboratory; VALFAJR 8TH SHIPPING LINE CO SSK; VOBSTER SHIPPING COMPANY LTD; WISSER, Gerhard; WOKING SHIPPING INVESTMENTS LIMITED; YASA PART; ZADEH, Hassan Jalil.

Mr. KUCINICH. I yield myself 30 seconds.

What this is doing is essentially stopping any kind of a negotiated deal and putting us on a path towards war with Iran. You know, it is likely that any negotiated deal that would prevent a nuclear-armed Iran would provide for Iranian enrichment for peaceful purposes under the framework of the nuclear nonproliferation weapons treaty with strict safeguards and inspections. So we're taking a path here that guarantees that we're put on a glide slope right to war. Why are we doing this, we don't have enough wars in this country? We aren't involved in enough places around the world in war?

This is a bad resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield 3½ minutes to the gentleman from Ohio (Mr. CHABOT), who is our subcommittee chairman on Middle East and South Asia of our Committee on Foreign Affairs.

Mr. CHABOT. I thank the gentlelady for yielding and I thank her for her very strong support and leadership on this particular issue and on so many issues in this Congress.

Mr. Speaker, I rise in support of this well-crafted legislation which significantly ratchets up pressure on the regime in Tehran, as well as all those who support or enable its dangerous quest for a nuclear weapons capability. As we stand here today, Iran's centrifuges continue to spin and the regime inches closer to that very end. If allowed to cross that threshold, untold consequences would surely follow.

Iran, which former President George W. Bush aptly called the ''world's primary state sponsor of terror,'' would no doubt feel emboldened in its meddling in the internal affairs of our gulf allies and in threats to U.S. global and regional interests. Questions of rationality aside, the regime would also have the ability to follow through on its repeated threats to eradicate the State of Israel. Iran cannot be allowed to acquire this capability, and I believe that this legislation may very well significantly enhance pressure on the regime.

The nuclear program is, however, a symptom of the disease rather than the disease itself. A nuclear program is not in and of itself what makes this particular regime so nefarious. Rather, it is the perverse nature of the regime that makes the nuclear program so dangerous. And there can be no doubt that the regime in Tehran is a blight upon the Iranian people and on the region, and, in fact, on the whole world. To speak of the nuclear program independently of the regime which pursues it is in effect putting the cart before the horse.

But this legislation does not fall into that trap. In addition to targeting the nuclear program, H.R. 1905 puts significant pressure on the regime for its horrific human rights abuses and supports the oppressed Iranian people in their fight for freedom.

Mr. Speaker, I urge adoption of this critical legislation, and I want to once again thank the distinguished chairwoman, Ms. ILEANA ROS-LEHTINEN from Florida, for her leadership on this issue. She has been pushing and pushing and pushing against this corrupt Iranian regime for such a long time, and to do right by our ally Israel, and ultimately to do what is in the best interest of the people of the United States as well. It is in nobody's interest to have a nuclear Iran, and so I want to thank her for her leadership.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 1½ minutes to the gentleman from California (Mr. SHERMAN), the ranking member of the Subcommittee on Terrorism and Nonproliferation and Trade.

□ 1450

Mr. SHERMAN. I thank the gentleman for yielding.

I want to thank the chairwoman of the Foreign Affairs Committee for her work on this bill and for reaching an agreement with the Senate Banking Committee, and I rise in strong support of this measure.

I especially want to thank the chairman for working with me on title III of this bill, as it reflects several years of our work together. Title III targets the Iran Revolutionary Guard Corps and began its life as H.R. 2379, then designated the Iran Revolutionary Guard Corps Designation Implementation Act, which I introduced along with the chairman in May of 2009.

These provisions impose tough secondary sanctions against any person, including foreign companies, that conduct any significant transaction with the IRGC or any of its designated fronts and affiliates. The IRGC, through its support of Hezbollah and its direct action, has much blood on its hands.

I want to thank the chairman and her staff for including section 303, which applies sanctions to countries and governments—not just companies—that conduct transactions or provide support for the IRGC and for provisions which indicate that if you want to be a Federal contractor, you must certify that you do not do prohibited business with the IRGC.

This bill also includes important provisions I first proposed in the Stop Iran's Nuclear Weapons Program Act that will provide sanctions against those who lend money to the Iranian Government. It includes another provision I authored which will implement sanctions against those firms that give the Iranian Government the technologies for surveillance and repression of their own people.

This is not the final act, literally or figuratively. What we've done so far is not enough to force Iran to abandon its nuclear program. We ought to stay in session and pass even more sanctions against Iran.

Mr. KUCINICH. I would like to include for the RECORD a statement by the Friends Committee on National Legislation, which says that the new sanctions push the U.S. and Iran closer to war.

NEW IRAN SANCTIONS PUSH U.S., IRAN CLOSER TOWARD WAR—FRIENDS COMMITTEE ON NATIONAL LEGISLATION

WASHINGTON, DC.—FCNL's Lobbyist on Middle East issues Kate Gould issued the following statement opposing the Iran Threat Reduction and Syria Human Rights Act of 2012 (H.R. 1905) that could reach the House floor as early as today:

The Friends Committee on National Legislation strongly opposes the Iran Threat Reduction and Syria Human Rights Act of 2012 (H.R. 1905). We believe this legislation would

undermine human rights in Iran and cripple the accountability of the diplomatic process now underway to prevent a nuclear-armed Iran, pushing the U.S. and Iran closer toward a devastating war.

War is the ultimate human rights violation, and this bill lays the groundwork for war by escalating the scale of economic warfare that Congress would impose on ordinary Iranian citizens. As in the case of the decades of U.S. and U.N. sanctions against Iraq that culminated in a U.S. invasion of that country, economic warfare punishes civilians, emboldens hardliners in Iran's regime, and forecloses diplomatic options to prevent a nuclear-armed Iran and war.

PUNISHING IRANIAN CIVILIANS

FCNL and ten other national advocacy and religious organizations from the human rights and peace and security community wrote to Senator Tim Johnson, Chair of the Senate Banking Committee, last week to oppose this bill, and to highlight the importance of keeping channels open for Iranians to have access to food, medicine, and other humanitarian goods and services.

Ordinary Iranians already face tremendous difficulties in accessing basic medicine under sanctions. For example, this week, the board of directors of the Iranian Hemophilia Society informed the World Federation of Hemophilia that the lives of tens of thousands of children are being endangered by the lack of proper drugs, as a consequence of international sanctions.

The Iranian Hemophilia Society notes that U.S. and international sanctions technically do not ban medical goods. Yet, despite the 'humanitarian exemption' in U.S. sanctions laws, medicine is not getting in to Iran because the ''sanctions imposed on the Central Bank of Iran and the country's other financial institutions have severely disrupted the purchase and transfer of medical goods.''

The humanitarian exemption is of profound importance, as the U.S. business community and humanitarian organizations have pointed out. We are relieved that this legislation does not directly prohibit Iranians from accessing food, medicine, and humanitarian trade. However, if the Iranian civilian economy is destroyed by sanctions, then millions of Iranians will be deprived of their livelihoods, and unable to purchase the food, medicine, and other goods that the humanitarian exemption is supposed to protect. Further destabilization of the Iranian currency and decimation of the Iranian economy will push Iran closer to the state of Iraq when it was under sanctions. During that time, UNICEF estimated that U.N. sanctions contributed to the deaths of half a million children.

EMBOLDENING HARDLINERS IN IRAN

This bill would embolden hardliners in the Iranian regime, at the expense of the civilians who will overwhelmingly bear the brunt of these sanctions. Just as Saddam Hussein never missed a meal under the decades of sanctions against Iraq, top Iranian officials will not have difficulty accessing food and medicine. National security expert Fareed Zakaria has noted that the U.S./U.N. sanctions' ''basic effect has been to weaken civil society and strengthen the state'', and that ''the other effects of the sanctions has been that larger and larger parts of the economy are now controlled by Iran's Revolutionary Guard—the elite corps of the armed forces.''

FORECLOSING DIPLOMATIC OPTIONS, LAYING GROUNDWORK FOR WAR

As countless U.S. and Israeli security officials have pointed out, diplomacy is the single most effective way to prevent war and a nuclear-armed Iran. This bill would be a setback to achieving a near-term diplomatic resolution of the standoff over Iran's nuclear program, foreclosing diplomatic options to prevent a nuclear-armed Iran and a devastating war.

This bill would tie the President's hands, eroding the little flexibility that Congress normally allows the executive branch to conduct negotiations with Iran and allow for sanctions relief in exchange for serious, verifiable Iranian concessions. We are particularly concerned about section 217, which effectively endorses regime change. The provision would prohibit the President from lifting sanctions against the Central Bank of Iran unless Iran agrees to a host of conditions that the Islamic Republic of Iran cannot reasonably be expected to agree to.

As veteran intelligence officer Paul Pillar has pointed out, requiring Iran to end efforts to ''acquire or develop ballistic missiles'', [section 217 (d)(1)(A)(iii)] ''goes beyond any United Nations resolutions on Iran, which talk about nuclear capability of missiles, and even beyond anything ever demanded of Saddam Hussein's Iraq, for which range limits were imposed. It would be understandable if Tehran reads such language as further evidence that the United States is not interested in any negotiated agreement but instead only in regime change.''

The bill even requires the President to certify that Iran does not ''construct, equip, operate, or maintain nuclear facilities that could aid Iran's effort to acquire a nuclear capability'' [section 217 (d)(1)(A)(ii.)]: in order to lift sanctions against Iran's Central Bank. It appears that Congress is requiring that t broad indiscriminate sanctions remain in place unless Iran surrenders its nuclear program entirely, even if it is a verifiably peace program.

FCNL strongly urges members of Congress to speak out and vote against this broad, indiscriminate sanctions legislation on the House floor today.

I yield 2½ minutes to the gentleman from Texas, Representative RON PAUL.

Mr. PAUL. I thank the gentleman for yielding.

I'm still rather impressed with the obsession over a weapon that does not exist and no concern whatsoever about many nuclear weapons that are held by countries that never even joined the nuclear nonproliferation treaty.

It's called for in the debate that Iran should end all its nuclear programs, but they're permitted to have the nuclear program under the nonproliferation treaty. And the other countries that have weapons, including the countries that hold the weapons that came from the Soviet system, it seems like that would be a much greater danger.

The investigation by either the U.N. or by our CAs has never indicated that they have ever enriched above 20 percent. And they said they won't even do it to 20 percent if the West would cooperate and sell them this material. They said, we don't need it, but we need 20 percent enrichment for nuclear isotopes, medical isotopes. So our refusal to deal with them prompts them to take up enrichment to 25 percent; 5 percent, of course, is what they're allowed to do for nuclear energies.

But this idea that we can badger people and then defy the law, what we're asking them to do, to close down their program, is you're asking them to defy international law. They agreed to this. They have a right to do this under this treaty. And for us to come and say, well, they must quit it, I think it really is very close to an obsession on a country that is incapable of attacking us, or attacking—they don't have a history of invading their neighboring countries. The last time they were at war was with Iraq, and we bugged Iraq to go into Iran.

So I find this very distressing that the obsession continues. I find it very, very upsetting that this vote will, of course, be overwhelmingly in support of correcting the civil liberties of Syria and making Iran toe the line and give up on something that they're permitted to do. A vote for this, in my opinion, in time will show that it's just one more step to another war that we don't need.

We have not been provoked. They are not a threat to our national security, and we should not be doing this. We've been doing it too long. For the last 10, 15 years we have been just obsessed with this idea that we go to war and try to solve all the problems of the world; and at the same time, it is bankrupting us.

I strongly urge a ''no'' vote on this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from California (Mr. ROYCE), who is the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I want to start here by commending Chairman ROS-LEHTINEN for this sustained focus on Iran that she has had for many, many years. I also want to thank Ranking Member BERMAN for the strong pressure that he has put on the regime in Iran, as well.

Recently, we had the administration fighting hard against bipartisan sanctions targeting the Central Bank of Iran. But what I want to point out is that in a bipartisan way here, Congress insisted on, and today the administration touts, the impact of sanctions on Iran's economy.

Here is the point I'd like to make: we'd be in a much better position if the executive branch, both Republicans and Democrats—right now we have the problem with the Obama administration's slow-walking this; but had they been more willing to work with Congress to craft tougher sanctions earlier, we'd be in a lot better position right now. The bill's stepped-up penalties on those cooperating with Iran's energy and shipping sectors, frankly, that's the Achilles' heel that we should be aiming at.

Very importantly, this bill also includes a human rights title to go after those abusing Iran's citizens. Let's let Iranians know that we are on their side and we are going to focus on those crimes against humanity and on the brutal regime opposing them. It's a regime that beats and that imprisons—I've talked to some of these victims—and that often rapes its own people in

order to try to impose its will. It's a regime that executes political prisoners by the hundreds.

Congress is increasing the pressure. Many of us, certainly the chairman, would like to go further. Iran's centrifuges are spinning, but this progress here today deserves support.

Mr. BERMAN. Mr. Speaker, I yield 1½ minutes to my friend from Florida (Mr. DEUTCH), a member of the Foreign Affairs Committee and the author of the bill which declares Iran's energy sector a zone of proliferation.

Mr. DEUTCH. Mr. Speaker, first, I would like to recognize Chairman ILEANA ROS-LEHTINEN and Ranking Member HOWARD BERMAN for their extraordinary leadership and their tireless work to bring forward a bipartisan and bicameral bill. I thank you for working with me to include several of my provisions in this legislation, including the Iran Transparency and Accountability Act, a measure that will, for the first time, require companies to disclose their business with Iran on SEC filings and for the first time create a public listing of these disclosures to clearly and definitively let the American people know which companies continue to support the illicit nuclear weapons program of Iran.

Mr. Speaker, the Iran Threat Reduction and Syria Human Rights Act significantly expands sanctions against the Iranian regime and those who, in the face of united international opposition, continue to contribute to Iran's quest for nuclear weapons.

This bill sends one clear message to the entire world: if you do virtually any business in the Iranian energy sector—the financial lifeline of this regime's nuclear program—you will be subject to sanctions.

Today, the United States Congress takes U.S. sanctions policy to an unprecedented level. By sending this legislation to the President's desk, Congress can initiate an unprecedented crackdown on the Iranian regime. But our work does not end here. These punishing sanctions are a means to an end; and we cannot, for one moment, take our eye off the endgame—halting Iran's march toward a nuclear weapon.

Again, I thank the chairman and ranking member for their leadership. I urge my colleagues to support this important bill. Now is the time to stand for human rights in Iran and Syria. Now is the time. Now is the time to stop Iran from developing nuclear weapons.

Mr. KUCINICH. I would like to include for the RECORD a publication from the International Civil Society Action Network, ''What the Women Say: Killing Them Softly: The Stark Impact of Sanctions on the Lives of Ordinary Iranians.''

WHAT THE WOMEN SAY: KILLING THEM SOFTLY: THE STARK IMPACT OF SANCTIONS ON THE LIVES OF ORDINARY IRANIANS—BRIEF 3: JULY 2012

The unprecedented, devastating and counterproductive impact of sanctions, coupled with the on-and-off threat of war, is an ever-growing reality in the lives of ordinary Iranians. For the generation of Iranians whose childhood was punctured by nightly bombings, fear of chemical attacks, and eight years of death and destruction resulting from the Iran-Iraq war, the current state of uncertainty, prospects of hardship and unraveling of the lives they rebuilt is overwhelming.

In New York, London, Washington and Brussels the rationale for sanctions vary. Central to the case is the notion that only crippling sanctions can slow Iran's nuclear program and bring about change. A number of the sanctions also target state institutions and individuals implicated in human rights violations. Regardless of their political leanings, among western leaders, policymakers and pundits, no one denies that economic sanctions are blunt instruments that typically harm the civilian population far more than the state. Western policy makers, however, respond that 'this is the price that has to be paid'—the questions of price for what, how much, how long and by whom are left hanging.

Iranians have the answers. The earliest sanctions imposed in the immediate aftermath of the 1979 Iranian revolution (and American hostage taking) had less direct impact on the public. But since 1995, when the Clinton Administration honed in on the oil and gas sector to the current day where the banking and financial sectors have been targeted, private enterprise and ordinary citizens are the primary and overwhelming victims. Needless to say, they are skeptical of western politicians or institutions that claim to care about the well being, human rights or aspirations of the Iranian populace.

It is not uncommon for Iranians in every walk of life to recall the Iran-Iraq war (1980–88), when the Western world was complicit with Saddam's Iraq and its use of chemical weapons. With the impact of current sanctions seeping into every day life now, many Iranians consider them to be a profoundly insidious and destructive force and source of basic human rights violations, affecting a wide cross section of Iranians.

As one women's rights activist stated, ''the international community's sole focus on the nuclear issue has resulted in the adoption of policies that inflict great damage on the Iranian people, civil society and women. Militarization of the environment will prompt repressive state policies and the possibility of promoting reform in Iran will diminish.''

Iranians' wariness of the international community, however, has not quelled criticism of their own government. They have neither an appetite for war nor for the bellicose language of the state. They criticize the government's mishandling of the economy in recent years. They balk at the continued imposition of social restrictions. Those involved in civil rights activism including students, workers, women and leaders from ethnic groups and religious minority communities are among the first to feel the endless pressures and limitations imposed on them. Not least because the sanctions and threat of war allow the state to invoke ''a state of emergency'' and in so doing suppress critics and voices of dissent.

In its ongoing series of MENA region 'What the Women Say' briefs, ICAN provides a gendered analysis of the impact of sanctions, echoing the voices and experiences of Iranians, particularly women's rights activists, regarding the social, economic, political and security consequences. At a time when the United States, the European Union and others are heralding their national action plans on women, peace and security that highlight the need for women's protection in times of crisis and their participation in conflict prevention and peacemaking, this brief offers the international community recommendations on limiting the immediate and long-term damage being wrought on women, Iranian society and ultimately regional security.

1. CURRENT SANCTIONS CUT DEEP AND WIDE INTO THE SOCIAL AND ECONOMIC LIFE OF ORDINARY IRANIANS

Iranians know war and they know sanctions. The experiences of women, men, the elderly and the young who lived through the eight years of the Iran-Iraq war are rarely recounted today, but the long term impact is still evident. Though their plight is rarely discussed, women of child bearing age and soldiers exposed to chemical warfare still suffer from complex health problems. Similarly the thousands of men handicapped by landmines and war wounds are rarely a topic of conversation. Another long term impact has been the rise of female headed households in part due to war deaths among men.

Throughout the 1980s war years, Iranians also suffered from sanctions and lived under a strict rations policy. But it was a very different society then. Some 50 percent of Iranians lived in rural areas and were largely self sufficient through domestic agricultural production. The sanctions too were limited to key sectors pertaining to military equipment. As a result the public impact was less evident. International trade relations were sustained including with the U.S. private sector. Today only 29 percent of Iranians live in rural areas. Continued migration to urban areas has led to the expansion of cities and their peripheries. The majority of migrants eke out their living in the service industry and informal economy on the margins of cities. The sanctions regime is doing most damage to those who are already vulnerable—the urban poor. As the pressures increase, economic class and social divisions are also being exacerbated.

2010 sanctions choking insurance and shipping sectors with implications for public health: Sanctions introduced in the summer of 2010 directly targeted insurance companies that insured Iranian shipping involved in the import and export of products. Despite denials by proponents of the sanctions regime, this round of sanctions directly affected the availability of foreign-made medication and other healthcare products to Iranians including vitamins for children and pregnant women and sanitary products. The implication for serious illnesses including cancer is particularly profound. As one women's rights activists recounted, ''foreign made medicine became difficult to find in 2010, and with the intensification of sanctions this trend has continued. Domestically produced drugs, which are dependent on imported ingredients, are also more expensive and difficult to find.'' Others echo this experience. ''Many Iranians can no longer afford the high cost of cancer treatment drugs that have become hard to find,'' says the daughter of a female cancer patient. ''Family members have to go from one hospital to another and to multiple pharmacies to find and then purchase the medicines at high costs for the treatment and life of their family members. Patients with poorer prognoses or those who cannot afford it are forgoing treatments and opting for an early death so they don't burden their families financially.''

Sanctions targeting Iran's oil and gas sector were also intensified in 2010, through limiting or ending the sale of gasoline products to Iran. In anticipation, the Iranian government initiated a number of steps including ending of subsidies for gasoline, rationing gasoline and increasing domestic refining processes. As a result, the price increase has been significant, with unrationed gasoline

costing 4000 Rials per liter in 2009 and projected to increase to 8000 Rials in 2012. Free market prices for gasoline are currently at 7000 Rials per liter. Additionally the quality of the domestic product is much lower than imports, according to experts.

One significant impact of the increased use of domestically produced gasoline has been a noticeable decline in air quality, particularly in Tehran. Reports note that Tehran's air quality, which was already poor, has worsened significantly since gasoline imports were sanctioned. Even the New York Times report explained the connection between the ban on gasoline imports, the push to use domestically produced gasoline and the rapid air quality deterioration:

''According to e-mails circulated to industry experts . . . lran's new supply of domestic gasoline may contain high levels of aromatics—more than twice the level permitted by Iranian law. Burning aromatics in car engines produces exhaust packed with high concentrations of ''floating particles'' or ''particulates'' that, added to the typical smog caused by nitrous oxides and ozone, can cause a range of health problems, from headaches and dizziness to more serious cardiac and respiratory complaints.'''

In the same year, Mohsen Nariman, MP from Babol said, ''air pollution is on the rise at an unusual rate and it seems that one of the main causes is the substandard gasoline that is being used in Tehran.'' One newspaper, the Hamshahri Daily, reported that 310 persons died per day as a result of poor air quality in Tehran in the months of October and November 2011. The cause of death included increased respiratory complications, heart attacks and stroke.

Unprecedented banking sanctions targeting Iranians in all areas of life: The banking sanctions that went into effect in December 2011 have also wreaked havoc in people's lives. The Iranian Rial has almost halved in value against the US dollar and other currencies. With memories of the Iran-Iraq war still fresh for many Iranians, across Tehran and other cities, people, including shopkeepers and merchants reacted by hoarding products. Consequently the price of a wide range of goods and products including foodstuffs rose between 20–100 percent, and continues to fluctuate.

The knock-on effect is evident in all areas of life. While incomes have not increased, rents have doubled in some areas of the city. The price of bread—a staple of the Iranian diet especially for the poor—has increased by some 1500% in the past 2 years, in part due to the removal of state subsidies. The uncertainty is causing stagnation for the private sector, while some businessmen point out that companies affiliated with the state are exploiting the situation as they have access to government exchange rates. Sanctions were imposed to prevent a nuclear weapons program. Instead, as one commentator notes, the price of manure has risen.

Iranian students studying abroad have also been impacted seriously. Many are being forced to give up their education as their families can no longer afford the tuition. Some UK universities are refusing to register Iranian students because they cannot prove that they can transfer the necessary fees. But the sanctions—or the way that banks and other bodies currently interpret them—make it impossible for most Iranian students to do so.

In addition countless Iranians who have relatives living in the EU and US and those who travel for medical treatment have become entangled in the vast banking sanctions net. Thousands have personal bank accounts and savings in western banks, some dating back decades. Now they are being forced to shut down their accounts and find themselves caught in a financial no-man's land; being forced to close existing accounts, while barred from transferring their savings to other accounts internationally or in Iran.

In effect the banking sanctions are forcing massive reliance on a cash based economy, making already vulnerable Iranians dependent on black marketeers for the transfer of funds to cover educational, health or other legitimate costs. It is also fostering the rise of informal power structures and contributing to the lack of accountability and transparency. Even the Iranian Vice President has acknowledged this development, stating, ''in the framework of these sanctions we [the Iranian government] have to begin negotiations with goods traffickers near the borders and use them to buy products which are included in the sanctions.''

Not surprisingly many Iranians are left questioning if the banking sanctions are intent on forcing Iran's rulers to come to the negotiating table or if Iranian society and the country's infrastructure at large are being deliberately targeted and weakened. The timing of the intensification of sanctions is particularly questionable. Iranian observers, notably civil and political activists are asking whether sanctions are in fact intent on balancing power in the region in favor of regimes that ''despite their authoritarian nature accommodate the west and its security agenda in the Middle East, at a time when revolutions may threaten the existing security dynamics in the region.''

In an interview with Radio Farda, Mehrdad Emadi, Economic Consultant to the EU, stressed the destructive nature of these sanctions, noting:

''This particular form of sanctioning a nation has been unprecedented in the history of the world. The only similar type of sanctions, were implemented for a short period of time, and were intended to prevent the illegal transfer of funds by Qaddafi within the framework of the activities of Libya's Central Bank. But even during that time, [the sanctions] weren't implemented in this fashion [as we see against Iran's Central Bank], . . . not all the transactions of the Libyan Central Bank were sanctioned and the sanctions focused only on the illegal transfer of funds and money laundering . . . [The Iranian sanctions] are not related to a specific sector or industry nor to business entities or specific individuals. In this framework, all monetary transactions, currency transactions and business credit accounts for imports as well as exports and for the coverage and payment of insurance, which in every country falls under the responsibilities of the Central Bank of that country, will be made illegal in Iran. Iran's Central Bank will no longer be able to carry-out these duties, because it has now been identified as a center for money laundering. In this framework, international corporations, governmental organizations, non-governmental bodies or security organizations will no longer be able to transfer funds or open credit lines for trade, using the Central Bank.''

In the same interview, Hossein Mansour, a UK-based economist offered a bleaker analysis, noting, ''the negative impact on Iran's economy, especially in the long run, will only be addressed with the expenditure of billions of dollars and after several generations, and will be devastating for the infrastructure of the Iranian economy.''

2. WOMEN ARE BEARING THE BRUNT OF THE ECONOMIC AND SOCIAL IMPACT OF SANCTIONS

Women are especially affected by the economic fall out of the sanctions. They are being pushed out of the job market and bearing the brunt of increased unemployment. Women's rights experts recognize socio-economic pattern emerging similar to those in Iraq when sanctions were imposed. In Iraq sanctions and the ensuing poverty resulted in the withdrawal of girls from education and increases in child marriage (families were forced to marry off their young daughters to reduce the number of mouths to feed). Iranian girls are at risk of similar developments.'' Moreover, women's rights experts believe that the externally imposed sanctions will allow conservatives to further their regressive social agenda by relegating women back to the domestic sphere, limiting their access to education and the job market and couching it as an attempt to increase male employment.

Despite significant societal changes, Iran remains a male dominated culture, reinforced by the government's conservative ideology that considers men as the heads of households and primary breadwinners. Programs in line with this ideology, seeking to relegate women to the home as wives and mothers only have been stepped up in recent years.

Indirect and immeasurable consequences of sanctions: stifling women's education, a key engine of socio-political change: Women's rights activists are also wary of the indirect impact of sanctions—and the manipulation of the economic hardships by conservatives—on women's access to higher education. Educated women from middle and traditional working classes across rural and urban areas, among the rich and the poor, have been the primary engine of socio-political change in Iran. The demand for equal rights and equal socio-political, economic and cultural rights permeates every level of society. From the outset of the Islamic republic, the status of women has been a critical and contentious issue. In 2003, conservatives proposed the imposition of quotas to limit women's access to higher education and the measures were briefly implemented across some medical fields in the 2004 national university entrance exams. Massive outcry among students and women's rights activists forced the withdrawal of the quotas.

Conservatives have not backed down however. They continue to argue that when women are more educated than men, traditional family values are undermined, as women prefer to marry at an older age, seek similarly educated (or more educated spouses) and have higher expectations. These traditionalists also posit that women in the work force take away men's jobs. Concerns about the impact of women being more educated than men have prompted some conservative lawmakers to reinstate quotas limiting women's participation in higher education. Women and student's rights activists believe that during President Ahmadinejad's second term the quotas have been introduced with greater zeal and less accountability. They coincide with the intensification of sanctions and increased economic hardships. As the economic situation worsens, women's access to higher education, will likely endure further limitations. Even school age girls are at risk as economic pressures may force families to make choices and opt for boys' schooling. This may lead to diminished literacy rates among girls in the near future.

In effect, the marginalization of women from education and employment enables extreme conservatives to kill many birds with one stone. They prevent a high rate of women's entry into the public space (via universities). They eliminate women from the economy and job market, particularly, higher earning and more influential positions. They sustain and revive the power imbalance between women and men, as women will have fewer choices in life, limited control of resources and become (and remain) more economically dependent on men at greater rates than already exist. Ultimately they

may quash the force of women's demands—the next generation's voices—for progressive change in society at large. As one conservative member of parliament and staunch supporter of limiting women's presence in university has put it: ''when women can't travel to far away cities without the permission of their husbands, their expertise has no impact on improving the situation of the country!''

There is also a significant reduction in women's share of the national budget. In the past for example, housewives received national insurance, but this has been eliminated, while the military budget has doubled for next year.

Downturns in domestic production, increases male unemployment and violence against women: There are also more insidious effects, difficult to quantify but increasingly evident. The sanctions have caused massive downturns in domestic production. The fledgling private sector is unable to import the necessary raw materials for manufacturing. The banking sanctions are causing a virtual standstill in imports and exports by legitimate businesses. Even domestic agriculture will lose its markets.

Meanwhile those with political connections are exploiting the situation often by importing cheaper Chinese products. This downward trend in domestic production will give rise to lower wages, increase unemployment among men and women and ultimately put pressure on families. As evident in other settings, women will bear the brunt of dealing with their unemployed spouses and the men of the family within the home. These new dynamics are likely to lead to increased incidences of domestic violence and family conflicts, as men's inability to live up to social expectations can lead to depression and attacks on women. Reduction in family income inevitably is forcing women to find new sources of income. Their coping strategies will likely include cutting back on their own health, wellbeing and dietary needs to provide for their dependents. As in other countries, for the most vulnerable, poverty will likely lead to risky survival strategies including child labor and sex work—informal sectors which have expanded in Iran in recent years.

The most vulnerable are at the greatest risk: Afghan refugee women and children: Vulnerable groups, such as Afghan refugees and migrants who have been living in Iran legally and illegally as a result of decades of war and unrest in their own country, are also at greater risk. The situation is most severe for Afghan women and children refugees or Iranian women married to Afghan men and their children who do not have identity cards. The intensification of government crackdowns and forced repatriation programs, against Afghans (including their Iranian wives and children) with illegal status in Iran, has already had a negative impact on the livelihood of these groups, but as the economy has worsened the hostility they face from Iranian society and the government has also increased. Afghans have been targeted with segregation programs in public spaces and are facing increased state and other forms of violence, while their access to income and jobs has also been severely limited. Comprising a large percent of those employed in the informal sector as household help, street peddlers and in the service industry Afghan women and children are at risk of facing worsening working conditions and abuse in their place of employment.

3.INDEPENDENT CIVIL SOCIETY AND CIVIC ACTIVISM ARE AMONG THE FIRST CASUALTIES OF CURRENT INTERNATIONAL POLICIES

Many of the men and women who founded and run Iran's civil rights movements including human rights and women's rights activists, workers unions and journalists spent their childhood or young adulthood at war. They have tasted and experienced the impact of war and sanctions on a personal level. They are also fierce advocates of international human rights and humanitarian norms and ideals.

The public outpouring in the aftermath of the disputed 2009 presidential elections prompted the state to impose heavy security measures against civic actors. But debilitating sanctions coupled with the daily rhetoric of war has elevated national security concerns and further diminished the state's tolerance of dissent internally. Activists are regularly accused of working in concert with the west to destroy the Islamic Republic. The uncertainty and fear has also affected the public's receptivity to social activism. It is seen as a secondary issue compared to the urgent realities of poverty and prospect of war.

The sanctions are having a long-term negative impact on the source of societal change in Iran. The urban middle class that has historically played a central role in creating change and promoting progress in Iran are key casualties of the sanctions regime. Many civil society organizations and charities survive on the basis of voluntary activism and support. But facing economic uncertainty, many people are retreating from public voluntary work. Even the most committed have less time, as they are working longer hours and often at multiple jobs to meet their economic needs. Moreover with private enterprise in demise, more people will become dependent on the state and thus unable and fearful of engaging in civil activism. Additionally, sanctions and in particular the limitations placed on transfer of funds, has created serious impediments for charity organizations engaged in health and medical services, education efforts, support for orphans and disadvantaged women and children to carry-out their work. Many of these organizations have ceased their activities.

Sanctions are isolating Iranians from international forums: Beyond the economic impact, civil society, including the women's movement in Iran has been further isolated from their international counterparts, as a result of the sanctions. Security challenges imposed by their own government already curtail civil society's ability to attend regional and international conferences, workshops and other events. But the policies of other governments further complicate their lives. Visas that Iranian passport holders need to travel internationally, take considerable amount of time and resources. The new banking sanctions have ended the possibility of financial exchanges, while the falling price of the Rial has increased the financial burden for those activists who want to participate in conferences and training opportunities. Activists, like regular Iranians, cannot use banks to transfer funds for conference participation, hotel reservations, or to attend courses abroad. Finally, for years despite state restrictions, activists have used the internet as a critical tool for communication. But the sanctions policies have led many large hardware and software manufacturers in the United States to deny services and products to Iranians. Thus just when contact with and solidarity from the outside world are most needed, Iranians are faced with the greatest level of isolation.

4. WHAT WOMEN DO: RESILIENCE, COURAGE, VOICES OF PEACE AND A WINDOW TO THE FUTURE

Women's rights activists have never had it easy. They have fought against an assault on their legal and political rights as well as their demand for equal opportunities in the economic, social and cultural life of the country. In 2006, when a group of women initiated the Million Signatures Campaign to demand the reform of laws that discriminate against women, they immediately faced state scrutiny and obstruction. The movement thrived however, transcending age, economic, rural, urban and even political and religious divisions to draw in a mix of volunteers. Using new and old media, improvised street theater and small group education and outreach initiatives they raised public awareness about the impact of gender based discriminatory laws and called on people to sign up and join their campaign in favor of legal changes. Despite security pressures the movement elevated issues of gender equality to the national level both politically and within wider society.

After the summer of 2009, and the mass post-election protests, women's rights activists faced increased restrictions as the space for dissent became ever more limited. With the rise of sanctions and ratcheting up of the war rhetoric, these activists are under immense pressure to become silent and conform. Countless social and political activists have been imprisoned and or forced into exile. Students—female and male have been expelled from universities because of their civil activism. Under these circumstances, with economic hardships and prospects of yet another devastating war, longterm planning and the development of sustainable programs to maintain the gains already made and push for basic rights are increasingly difficult, if not impossible.

Women's Demands: no sanctions, no war, talk it out! Despite these pressures, the Iranian women's movement has not been silenced. The call against war, in favor of a negotiated settlement, and an end to sanctions has become a primary issue for many, despite the risks they incur. They are using every opportunity to send their message to the world.

Women's rights activists now living outside of Iran draw on international platforms to echo the concerns and voices of their counterparts inside the country. Meanwhile, despite the risks, women in Iran have not been silenced either. One group, the Mothers for Peace, representing different sectors and ideologies began its activities in 2008, with the aim of preventing war and violence in the country and promoting peace regionally. They, along with other women's groups, have issued several statements opposing the possibility of war. Echoing this, in 2011, on the International Day to Fight Violence Against Women (November 25th), another group of Iranian activists issued their antiwar and violence statement, noting:

''We a group of women's rights activists in Iran, are worried about the increasing violence against women and children [that is the result] of the polarized and hostile atmosphere [and] dead-end national and international politics of tension and violence. As a result of these policies, violence against women and children infiltrates the deepest social and political and familial layers of Iranian society.''

On March 8, 2012, in honor of International Women's Day, several activists involved in the One Million Signatures Campaign recorded video messages opposing war. They reject the official narratives that often pose the problems in the terms of good and evil, just and unjust, and call on all sides—including their own government—to engage in constructive dialogue rather than the rhetoric of war and threats.

RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY, PARTICULARLY THE US AND EUROPEAN COUNTRIES

Fundamentally rethink policy on Iran:

1. End the sanctions policy against Iran. Recognize that sanctions as a general rule have a poor record of influencing the behavior of states and in many situations have severely harming the population at large, particularly vulnerable groups and democratic movements. Ninety-nine percent of the current sanctions against Iran are too broad to impact the behavior of the government, instead they target the population.

2. Sanctions are not a substitute for war. they are a step closer to war. Failed sanctions will only work to strengthen the position of those advocating for another war in the region. Resolve to address the differences in a mutually respectful manner immediately.

3. Recognize that sanctions weaken society not the state. Iranian society is already witnessing the emergence of radical groups. As one women's rights activist notes, in countries of this region, including Iran, growing gaps between the rich and poor do not make governments vulnerable, rather they make the population vulnerable to increased radicalization against the West as a way of coping with humiliation. In border areas, where poverty is severe, we already witness the increasing influence of terrorist groups. If this trend continues we will be faced with a weakened Iranian society—at risk of being radicalized, with detrimental consequences for regional security in the medium and long term.

4. Recognize that sanctions undermine women's security and empowerment. The US and EU have been strong proponents of the global women, peace and security agenda with the development of priorities and action plans to ensure women's empowerment. But sanctions undermine and contravene these policies. The contradictory nature of US and EU rhetoric, policies and actions increase the Iranian public's suspicion about them, and credence to charges of hypocrisy.

On negotiations with the Iranian government:

5. Engage Iran on the full range of issues. including regional security, economic issues. human rights, culture. etc. Incentives, especially those that reduce the hardship of ordinary Iranians, should be put forth to encourage a peaceful settlement to the disputes of the international community with Iran.

6. Call for the inclusion of civil society in engagement with Iran. Should Iran and the international community reach an agreement that would allow for negotiations and dialogue on a wider set of issues, civil society, including women's groups, human rights groups and peace activists, should participate.

On immediate steps for redressing the impact of sanctions on ordinary citizens:

7. Do not force an entire nation to adopt nontransparent means of financial transactions. Revise the banking sanctions so that ordinary people are not caught in them. Specifically, adopt measures to facilitate the transfer of funds by ordinary Iranian citizens and Iranians with dual nationality (EU, US, UK etc) for travel, tuition, and medical care, in the case of sale of property, inheritance or for other personal and familial purposes. Forcing Iranians to move toward a cash economy reduces transparency and fosters the growth of shadowy actors.

8. Address the adverse healthcare impact of sanctions immediately. Sanctions including limitations impacting the import of medicines, medical equipment and forced usage of substandard gasoline are affecting people's health and lives. These issues should be investigated and alleviated immediately with cooperation between the US, European and Iranian governments.

9. Help ease and enable visa applications for Iranians seeking to visit relatives. Throughout the EU, US, Canada and Australia there are millions of citizens of Iranian descent. They have elderly parents and relatives living in Iran who visit them regularly. Visas for relatives should be expedited and offered for longer periods.

10. Encourage student visas and conference attendance. Student visas and visas for conference participation should be processed more quickly and with less financial burden on applicants.

11. Facilitate free and safe access to the internet to help foster independent civil society. Sanctions have severely limited Iranian civil society's safe access to the internet including necessary software and hardware. The international community should help provide this access and limit the imposition of sanctions in this sector.

□ 1500

Mr. KUCINICH. I yield myself 30 seconds.

The Senate Banking Committee summarized this bill by saying that it ''aims to prevent Iran from repatriating any of the revenue from sale of its crude oil, depriving Iran of hard currency earnings and funds to run its state budget.''

Spoken plainly, this bill would destroy the Iranian economy and further hurt the Iranian people that we claim to support. Iranians are already suffering under stifling sanctions as they experience rising food prices and lack of access to basic medicine. For example, the sanctions against the Iranian banking sector have greatly diminished the value of Iranian currency and have a negative effect on nearly every aspect of the lives of ordinary Iranians. The price of rent, education, and bread have all increased.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DOLD), an esteemed member of the Committee on Financial Services.

Mr. DOLD. I certainly want to thank the chairwoman for her leadership on this very important issue. I also want to thank the ranking member for his bipartisan leadership as well.

Mr. Speaker, I believe that a nuclear-armed Iran is actually the greatest threat we have to our own national security here at home. This issue is not a right versus left issue; this is a right versus wrong issue.

Mr. Speaker, this legislation is significant in its seriousness and its scope. By blacklisting virtually all of Iran's energy, banking, and transportation sectors, and specifically targeting those who enable Iran's attempted evasion of sanctions, this legislation sends a powerful signal to the Iranian regime that they should not ever question the resolve of the United States Congress to do what is necessary to confront Iran's illicit nuclear ambitions.

This legislation is the product of bipartisan efforts and hard work of many people, and I certainly appreciate Chairman ROS-LEHTINEN's and Ranking Member BERMAN's focus to try to get this passed as quickly as possible.

I'm pleased to have contributed to strengthening this sanctions package with bipartisan proposals that I introduced with Representative DEUTCH from Florida, whom we just heard from, that declare the Iranian energy sector a ''zone of proliferation concern,'' and which will enhance the human rights portion of the bill.

I also want to note the significant contributions by Senator MARK KIRK, who has been a consistent champion and leader on the forcefulness of Iran sanctions.

I look forward to this legislation's passage today and implementation with urgency by the administration, and I look to continue to work with my colleagues in Congress on this issue until we can affirm that the Iranian regime is no longer pursuing a nuclear weapons capability.

I urge adoption of this resolution and for the immediate implementation by this administration.

Mr. BERMAN. Mr. Speaker, I'm very pleased to yield 1½ minutes to the gentleman who organized the Iran Working Group 7 or 8 years ago to focus congressional attention on the looming threat of a nuclear Iran, my friend from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairlady from Florida and my friend from California for recognizing some grave and serious points.

First, they recognize that on the 11th of September of 2001, 19 people armed with airplane tickets and box cutters wreaked havoc on the United States of America. They recognize that a group of people with a small, improvised nuclear device could wreak havoc far worse than that on the Mall that stands in front of this building or on Times Square.

Weapons these days are not just delivered by intercontinental ballistic missiles; they can be delivered by U-Haul trucks or by other means. This is the essential threat of Iranian nuclear proliferation to the United States.

The choice that we face is whether we should take concerted action to prevent that threat or whether we shouldn't. I commend the chairlady and my friend from California for choosing to unify this Congress, this country with the rest of the world with the proposition that we should present the Iranian leadership with a choice. If they decide to abandon their nuclear weapons program—which they illicitly concealed for 25 years—if they agree to live under international protocols, then the sanctions that have been imposed will be lifted and we can move forward toward peace and progress. But if they do not, they will most certainly suffer the consequences of a deteriorating economy and problems within their social structure.

We have made our choice to stand united in favor of these strong sanctions. We are presenting the Iranians

with their choice. Let us hope and pray they make a choice for peace and renewed prosperity.

Mr. KUCINICH. I yield myself 30 seconds.

We went to war against Iraq under the assumption they had weapons of mass destruction. Iran doesn't have weapons of mass destruction.

One of the problems with this bill is that it effectively states that sanctions on Iran's Central Bank would not be lifted unless there's a regime change. So we're bringing a whole new dimension here. It's about even more than nuclear weapons; now we're talking about regime change, because this resolution creates a new requirement for the termination of sanctions that are dependent on the cessation of the Central Bank's financing of the Revolutionary Guard, and it imposes new restrictions on the President's ability to waive sanctions.

So, what are we doing here? Setting the stage for another war. Regime change, and then upping the bar for Iran and essentially laying the groundwork for a conflict.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the right to close.

Mr. BERMAN. I'm very pleased to yield 1 minute to a former member of the Foreign Affairs Committee, my friend from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member and the chairwoman of this committee for bringing us together.

I don't like sanctions, Mr. Speaker, but I rise in strong support of this legislation. And when I say that, I understand what sanctions can do to women and children and families. In fact, I'm reminded of a debate on apartheid and sanctions in South Africa. That debate was a question of whether you undermine that nation. But we saw what happened with sanctions when we came together as a Nation to bring down the dastardly structure of apartheid.

Iran, right now today, can stop this legislation by shedding itself of all signs of building a nuclear weapon. The regime change is not by war. This bill does not suggest war. It means that voluntarily, by election, their government can change. But what I believe is most important is that we recognize, having seen that fallen woman bleeding in the street, that human rights abuses are massive. They're massive in their influence on Iraq, where they're influencing the treatment of residents of Camp Ashraf. That must stop.

So this legislation is crucial because it impacts the human rights abuses, it indicates that there is no giving on a nuclear weapon, and it gives Iran, right now today, the ability to stop this legislation and sanctions by owning up to eliminating any sign of a nuclear weaponization, treating its people with dignity, and responding to the needs of the people in Camp Ashraf.

I support the legislation enthusiastically.

Mr. KUCINICH. I yield myself 30 seconds.

Collectively, the provisions in this bill move the goalpost from negotiations over Iran's nuclear enrichment program to regime change. I just want to point out that the record of our country on regime change isn't all that good. Yes, we knocked out Saddam Hussein under the lie that he had weapons of mass destruction, and now al Qaeda is all over Iraq.

So, what are we about here? We're setting the stage for another war where we syphon the revenue out of this country, send it to war machines, can't meet our own needs. Since when does Iran achieve greater importance than our own country? That's what I want to know. I want somebody to explain that to me.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, could I get another indication of the time remaining?

The SPEAKER pro tempore. The gentleman from California has 4½ minutes remaining; the gentleman from Ohio has 3 minutes remaining; the gentlewoman from Florida has 30 seconds remaining.

Mr. BERMAN. In this case, I'm pleased to yield 1½ minutes to the ranking member of the Western Hemisphere Subcommittee, a longtime member and leader on the Foreign Affairs Committee and a very active legislator on the issue before us today—that is, the effort to stop Iran from getting a nuclear weapon—my friend from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me, and I rise in strong support of this legislation.

I am glad that the Senate and the House finally came together on this very, very important bill.

□ 1510

This bill has very, very strong support, as you can tell, on both sides of the aisle, and the reason it does is because Iran has proven itself to be a very, very dangerous player.

Iran is the leading supporter of terrorism in the world. Iran supplies and supports the terrorist group Hezbollah in Lebanon. And, in fact, now we see what's going on in Syria. And if it was not for Iran, Assad would not be able to continue his brutal ways and his murdering of his own people. Right now, as we talk, there are Iranian guards fighting on the side of Assad in Syria, and Iran chooses to be, and continues to be, a rogue nation.

Iran must not be allowed to have a nuclear weapon. She has lied to the world consistently in talking about her purposes of the weapon, but Iran is not fooling anybody.

And so what these sanctions do is hits at Iran's oil and natural gas sectors, making it very, very difficult for them to launder money and making it very, very difficult to continue their repressive ways.

The world has spoken. This isn't only the United States. These are countries all over the world. And unfortunately, or the blocking of some vetoes in the United Nations, there would already be sanctions in Iran.

So I urge my colleagues to support this. I think there's a reason why virtually every Member of Congress on both sides of the aisle supports it.

Mr. KUCINICH. I yield myself 1 minute.

These sanctions are hurting ordinary people in Iran. I pointed out earlier, matters like the price of rent, bread—Americans can understand that—education, all of these things are increasing. And these sanctions then directly undermine Iran's civil society by giving the regime a chance to crack down even harder on internal dissent. These sanctions will ensure that those crackdowns continue.

Ordinary Iranians are struggling simply to make ends meet under this sanctions regime that already exists. They cannot afford to suspend the time necessary to participate in social movements which provide basic social services to push for democratic change in their country.

Are these the intended effects that we wish to have on the Iranian people and Iranian Americans?

And if not, passing this kind of a broad, indiscriminate sanctions bill sends the wrong message. If the sanctions imposed on Iraq are any precedent, we know that sanctions are not an effective tool in promoting or supporting domestic democracy movements.

We also know those sanctions did not prevent an unnecessary and wasteful war with Iraq. In effect, the expansion of the broad and indiscriminate sanctions, including this legislation, hurts our ability to negotiate with Iran, imposes long-term harm detrimental to the Iranian people.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time.

And I'd like to just raise a couple of the issues that my friends, Mr. PAUL from Texas and Mr. KUCINICH from Ohio, have put forth in the context of opposition to this bill.

This is not the next step to war. This is the alternative to war. Iran having a nuclear weapon is unacceptable for many, many reasons:

It means the end of the nonproliferation regime;

It means countries all through that part of the world will seek their own nuclear weapons;

It raises the specter of nuclear weapons being passed on and dirty bombs being passed on to terrorists, and there is nothing in the comments of the regime that could let one relax and think they would never be the first to use those nuclear weapons.

That is unacceptable. Our alternatives are either war or finding a diplomatic resolution of their nuclear weapons program, the end of that program.

They've been found, not by the White House, not by some Vulcans in foreign policy, but by the IAEA and the U.N. Security Council, over and over again, to have violated their obligations under the nonproliferation treaty to which they are a signatory. They don't ratify the additional protocols. They move ahead with enrichment plants that they don't need for a peaceful weapons program.

They do not have a right to enrich. You could argue they have a right to a nuclear energy program, but not a right to enrich. They conceal information in violation of their treaty obligations.

This is, hopefully, the final step, but if not we will have to intensify the sanctions to achieve that diplomatic program.

And Iran is not some bucolic, peace-loving state that has never done anything against its neighbors. Everyone knows that Hezbollah is a direct foreign agent of Iran that gets its funding, its training, and its sponsorship and its directions from Iran.

We know what they've done to the marines in Lebanon. We've known what they tried to do to the Saudi Ambassador here in Washington. We know that in Delhi and in Bulgaria and a number of other capitals around the world, their effort to commit terrorist acts against Israeli diplomats and Israeli citizens. Their record as a state sponsor of terror is the largest and most impactful in the world.

They are pursuing a nuclear weapons capability. It is our obligation to do every measure we have to stop them from getting that, and we want to do it peacefully. This strategy that we are embarked on is an effort to find a way to do this without resorting to war, and I urge my colleagues to stand strongly behind this bill.

This is the alternative. It is the only feasible alternative. Otherwise, we are faced with two very dismal prospects: a military action or an Iran with nuclear weapons and all that means.

I urge an ''aye'' vote.

I yield back the balance of my time.

Mr. KUCINICH. I yield myself 1 minute.

Sanctions are a form of war in this case, and it will lead to war. And remember, we're not talking about—some time ago we were talking about if Iran would have a nuclear weapon, but then the bar's been lowered to say nuclear weapon capability. And now the game's being changed to say not just nuclear weapon capability, but we want regime change as well.

I mean, if this isn't a prescription for war, then I didn't participate in the debate in this House of Representatives in October of 2002 warning this Congress, chapter and verse, that Iraq had no weapons of mass destruction, no role with al Qaeda in 9/11, did not have any intention or capability of attacking the United States. This is a version of that debate all over again.

I mean, come on. What are we doing here? Why is this more important than our country?

You know, our postal service is going into default tonight, a manufactured default, mind it. No debate on the House floor about this today, but an attempt to manufacture a war with Iran.

What are we about?

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

I will retain my time to close, so if Mr. KUCINICH could wrap up his part of the debate, we can conclude.

Mr. KUCINICH. Could I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. KUCINICH. And how much time does the gentlelady have?

The SPEAKER pro tempore. The gentlewoman from Florida has 30 seconds remaining.

Mr. KUCINICH. I yield myself 1 minute.

This legislation also requires the President to impose sanctions on those who are responsible for or are complicit in certain human rights abuses in Syria, but it fails to acknowledge that our own country and a number of our allies are actively participating and stoking the violence on the ground. Divisions and infighting within the various militias operating on the ground are already occurring. And we also read that al Qaeda's also been involved in Syria.

So, look, we have to get serious about what America's purpose is in the world. It's not to be a heavy foot. It's not to proliferate wars all over.

The first thing we have to do is take care of things here at home: jobs for all, health care for all, education for all, retirement security for all. When we can do those kinds of things, then we can pretend that we can be the policeman of the world. But until we've done that, we don't have any right to go all around the world trying to tell people how to live.

And we can settle this matter with Iran without war. We can settle it through diplomacy. Diplomacy. It would be real interesting to try it. And we ought to support any efforts of the Obama administration to use diplomacy here. Let's not use this political climate to push us into a war.

I yield back the balance of my time.

□ 1520

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the remaining time.

I would like to recognize the commitment, the dedication and tireless efforts of the members of our House Foreign Affairs Committee family, particularly of our staff director, Dr. Yleem Poblete, who Ranking Member BERMAN once described as driving a hard bargain. Just ask her hubby, Jason. Also, thanks to Matt Zweig and Ari Fridman.

Thanks to Chairman JOHNSON of the Senate Banking Committee and to his staff, particularly Colin McGinnis, Patrick Grant and Steve Kroll, as well as Ranking Member SHELBY and his staff.

A strong and warm thanks and big hug to my good friend Mr. BERMAN—the ranking member—and to his staff, particularly Shanna Winters, Alan Makovsky and Ed Rice, as well as minority staff director Richard Kessler.

I would like to thank Senators MENENDEZ and MARK KIRK and the critical Representatives, DEUTCH, SHERMAN and DOLD.

Let's stop Iran before it's too late. Let's pass this bill. I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, July 30, 2012.*

Hon. ILEANA ROS-LEHTINEN,
*Chairman, Committee on Foreign Affairs, Rayburn, Washington, DC.*

DEAR CHAIRMAN ROS-LEHTINEN: I write concerning the House-Senate negotiations on H.R. 1905, an Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes. I understand the House and Senate have reached an agreement on provisions related to an Energy Information Administration report on Iran's natural gas sector.

I wanted to notify you that the Committee on Energy and Commerce will forgo action on this House-Senate compromise language so that the bill may proceed expeditiously to the House floor for consideration. This is done with the understanding that the Committee is not waiving any of its jurisdiction on this or similar legislation.

I would appreciate your response confirming this understanding with respect to this provision of the House-Senate compromise to H.R. 1905, and I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during its consideration on the House floor.

Sincerely,

FRED UPTON,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
*Washington, DC, July 30, 2012.*

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

DEAR CHAIRMAN UPTON: Thank you for your letter concerning H.R. 1905, an Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes.

I appreciate your Committee's decision to forgo action on the House-Senate compromise text so that it may proceed expeditiously to the House floor. I acknowledge that your decision in this case does not represent the waiver of any of your jurisdiction over this bill or similar legislation.

I will place a copy of your letter and this reply into the Congressional Record during House consideration of the Senate amendment to H.R. 1905.

Sincerely,

ILEANA ROS-LEHTINEN,
*Chairman.*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. This bill is a critical effort to tighten sanctions against the Tehran regime, and to increase pressure to force the government to abandon its pursuit of nuclear weapons.

Iran's nuclear ambitions pose a grave threat to the United States, to regional stability in the

Middle East, and to the entire international community. Both President Obama and the United States Congress have unequivocally stated that Iran must not be permitted to develop nuclear weapons.

On his visit to the Middle East this week, U.S. Defense Secretary Leon Panetta stated that ''sanctions are having a serious impact in terms of the economy in Iran.'' Iran is now struggling to conduct international trade, losing markets and trading partners. Its currency has lost over half of its value.

Meanwhile, the administration continues to expand sanctions against Tehran. Earlier this week, President Obama signed an executive order to extend sanctions to anyone, using any method of payment, who purchases Iranian crude oil—preventing Iran from circumventing sanctions by using bartering and other unconventional payment options. It also expanded sanctions on buyers of Iranian petrochemical products, and authorized penalties for entities seeking to evade U.S. sanctions. Also this week, the U.S. Treasury sanctioned the Bank of Kunlun in China and Elaf Islamic Bank in Iraq for providing financial services to Iranian banks.

Today, Congress is acting to further tighten the economic noose on the Iranian regime. The bill under consideration today, H.R. 1905, strengthens and expands existing sanctions, banning any commercial activities with Iran's oil and natural gas sector, including helping Iran ship its oil under the flag of another nation. This bill increases sanctions targeting entities involved with the Iranian Revolutionary Guard Corps and sanctions human rights offenders.

When coupled with existing sanctions, today's bill represents the strongest-ever effort to financially isolate Iran. This is critical, because we must persuade the Tehran government to abandon its pursuit of nuclear weapons. I strongly support utilizing our entire diplomatic and economic arsenal to ensure that Iran does not develop nuclear weapons.

Today's bill is a critical step towards increasing pressure on the Iranian government. I urge my colleagues to join me in strongly supporting this legislation.

Mr. REED. Mr. Speaker, I rise today to reaffirm my support for sanctions to be placed upon Iran. Mahmoud Ahmadinejad and Ali Khamenei are once again stressing the proliferation of nuclear weapons and ballistic missiles within Iran's borders and we must take swift and strong actions against these measures.

Iran is not just a threat to the United States, but to all free countries around the globe. As a country that harbors terrorists, foreign leaders must stay vigilant and recognize Iran's practices as a national security concern.

Lastly, we must stand up against the human rights abuses the Iranian regime is supporting. Its citizens have continually been sheltered from outside information and ideas due to strict governmental control. We need to inform the regime that the Iranian citizens deserve the basic human rights as laid out by the United Nations. I am proud to support H.R. 1905 and I encourage the President to sign this into law promptly.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of the conference report to H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. This bipartisan legislation represents the strongest set of sanctions to isolate any country in the world during peacetime.

It is imperative that our nation takes all steps necessary to isolate Iran, force them to end their dangerous pursuit of nuclear weapons, and secure that the regime in Teheran will no longer be a threat to peace and prosperity in the Middle East.

Once this legislation is passed and signed into law, virtually all of Iran's energy, financial, and transportation sectors would be subject to U.S. sanctions. Companies conducting business in these industries would face the possibility of losing access to U.S. markets.

I also applaud the inclusion of sanctions against human rights abusers in Iran and Syria in this legislation. The deplorable actions by the political and military leaders in Iran and Syria against their own people must come to an immediate halt and deserve global condemnation.

Important allies, such as the European Union, Canada, Australia, Japan, South Korea, India, and Israel, have joined the American people in enacting sanctions against Iran.

It is important that this Chamber say with a strong, unified voice that we stand with Israel during these difficult times.

As co-chair of the Democratic Israel Working Group, I call on Members from both sides of the aisle to vote in support of this bipartisan resolution.

I would also like to take a moment to thank the President for his leadership on sanctions on Iran. Yesterday, President Obama signed an Executive Order that imposes new sanctions against the Iranian energy and petrochemical sectors, as well as sanctions against those who are providing material support to the National Iranian Oil Company, Naftiran Intertrade Company, or the Central Bank of Iran. These measures will help strengthen the existing sanctions regime and bring Iran that much closer to ending its heedless quest for nuclear weapons.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of the House amendment to the previous Senate amendment to H.R. 1905. In his 2002 State of the Union Address, former President George H.W. Bush said that Iran was pursuing weapons of mass destruction and exporting terror. A decade later, Iran's global threat is greater than ever.

We are currently embroiled in a standoff with Iran over its pursuit of nuclear capability. We find ourselves on the brink of conflict over potential Iranian armed interference with oil and other shipments through the Strait of Hormuz and its persistent threats against Israel. Even prior to 9–11, Hezbollah, supported by Iran, was responsible for more American deaths around the world than any other terrorist organization. Since 2001, Iran has embarked on more direct efforts to harm American interests as evidenced by last year's foiled Iranian-backed assassination plot against the Saudi ambassador to the United States.

The current state of Iranian sanctions clearly has not worked to reduce Tehran's threat to global peace. That's why we need the enhanced approach this legislation will take in countering efforts by Iran to evade the impact of international sanctions. H.R. 1905 as amended tightens reporting on countries violating sanctions on these countries and strengthens measures against those who would aid and abet these disturbers of global peace.

It also effectively blacklists Iran's energy sector and anyone doing business with it. By preventing Iran from repatriating the proceeds from its oil sales, this rogue government will be deprived of 80 percent of its hard currency earning and half of the funds used to support its national budget.

Iran has used many tricks to subvert current sanctions—from oil for gold swaps to selling energy bonds to other trading and bartering schemes. They have been successful because there are governments who care more for making profit from doing business in Iran than in preventing threats to world peace. International efforts to rein in the nuclear ambitions of Iran have been stymied particularly by China.

Despite expressing formal support for United Nations Security Council sanctions against Iran since 2005, China has stepped in where other nations have curtailed trade with Iran. China's Bank of Kunlun and the Elaf Islamic Bank in Iraq have facilitated transactions worth millions of dollars for Iranian banks already under sanctions. Stronger sanctions will make such unsavory alliances more difficult. This is why the reformulated bill we consider today is so vital in eliminating to the extent possible all avenues for Iran's allies to play enabler to its nuclear ambitions and to its patronage of terrorist operations.

I want to congratulate House Foreign Affairs Committee Chairman ILEANA ROS-LEHTINEN, Senate Banking, Housing and Urban Affairs Committee Chairman TIM JOHNSON and other members for their hard work in crafting a bipartisan, bicameral bill that works.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 750.

The question was taken.

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

Ms. ROS-LEHTINEN. 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.

## JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 747, I call up the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 747, the bill is considered read.

The text of the bill is as follows:

H.R. 8

*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 ''Job Protection and Recession Prevention Act of 2012''.

**SEC. 2. EXTENSION OF 2001 AND 2003 TAX RELIEF.**

(a) EXTENSION OF 2001 TAX RELIEF.—

(1) 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''.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) EXTENSION OF 2003 TAX RELIEF.—

(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 section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

**SEC. 3. EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.**

(a) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

''(D) $100,000 in the case of taxable years beginning in 2013, and'', and

(2) by striking ''2012'' in subparagraph (E) (as redesignated by paragraph (1)) and inserting ''2013''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended—

(1) by striking ''and'' at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

''(D) $400,000 in the case of taxable years beginning in 2013, and'', and

(2) by striking ''2012'' in subparagraph (E) (as redesignated by paragraph (1)) and inserting ''2013''.

(c) APPLICATION OF INFLATION ADJUSTMENT.—Section 179(b)(6)(A) of such Code is amended—

(1) by striking ''calendar year 2012, the $125,000 and $500,000 amounts in paragraphs (1)(C) and (2)(C)'' in the matter preceding clause (i) and inserting ''calendar year 2013, the $100,000 and $400,000 amounts in paragraphs (1)(D) and (2)(D)'', and

(2) by striking ''calendar year 2006'' in clause (ii) and inserting ''calendar year 2002''.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code is amended by striking ''2013'' and inserting ''2014''.

(e) SPECIAL RULE FOR REVOCATION OF ELECTIONS.—Section 179(c)(2) of such Code is amended by striking ''2013'' and inserting ''2014''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

**SEC. 4. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR INDIVIDUALS.**

(a) EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—Section 55(d)(1) of the Internal Revenue Code of 1986 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 $79,850 in the case of taxable years beginning in 2013'', 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 and $51,150 in the case of taxable years beginning in 2013''.

(b) EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—Section 26(a)(2) of such Code is amended—

(1) by striking ''during 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, or 2011'' and inserting ''after 1999 and before 2014'', and

(2) 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. TREATMENT FOR PAYGO PURPOSES.**

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in part B of House Report 112–641, if offered by the gentleman from Michigan (Mr. LEVIN) or his designee, which shall be considered read and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 8.

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

There was no objection.

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

I rise today in support of H.R. 8, the Job Protection and Recession Prevention Act. In doing so, I and my fellow Republican House colleagues have made an important choice—the choice to focus on job creation. Unfortunately, my colleagues on the other side of the aisle who oppose this important piece of legislation have made a different choice—the choice to focus on tax hikes that destroy jobs.

The Job Protection and Recession Prevention Act stops the tax hike we face at the end of the year and provides a 1-year extension of the low tax policies originally enacted in 2001 and 2003 and then extended again in 2010. The 2010 bill was supported by 85 current House Democrats, 40 current Senate Democrats, and President Obama.

Importantly, this legislation allows Congress time to pass and enact comprehensive tax reform without causing undue harm to our fragile economy. Economists have noted that comprehensive tax reform, when paired with appropriate government spending cuts, could lead to the creation of 1 million American jobs in the first year alone.

The choice Republicans have made is to pass this bill, work toward comprehensive tax reform, and create jobs. In contrast, my Democrat colleagues have proposed raising taxes. They claim the tax hike will only affect the rich. What they don't want to tell you is that, in reality, this tax hike will hit nearly 1 million small businesses and 53 percent of small business income. A study conducted by Ernst & Young concluded that the Democrat tax hike could lead to the loss of over 700,000 jobs. That is the choice the Democrats have made—to raise taxes on families and small businesses and to destroy jobs.

As this chart illustrates, America is at a crossroads. The question is: Which path will our country take? The Democrats' path includes tax hikes that will cause small businesses to lose 700,000 jobs. The Republicans' tax reform path will make the Tax Code simpler and fairer, and it will lead to the creation of more than 1 million jobs in the first year.

What is even worse is that, in their quest to raise taxes on the so-called ''wealthy,'' several of my Democrat colleagues have made it clear that they are willing to hold low- and middle-income Americans hostage by threatening to let all income tax rates rise as scheduled at the end of the year if they don't get their way. These massive and imminent tax hikes are part of the fiscal cliff, or ''jobs cliff'' as I often refer to it, that we face at the end of this year. The nonpartisan Congressional Budget Office estimates that going over the fiscal cliff could cost America 2 million to 3 million jobs. This would be a devastating blow to almost 13 million Americans who are unemployed, as well as to middle class Americans who have been struggling in the Obama economy.

Mr. Speaker, the choice, to me, is obvious. Let's pass this bill. Let's work toward comprehensive tax reform that creates a simpler, fairer Tax Code for all Americans and, most importantly, that creates the jobs that we so badly need.

I urge my colleagues on the other side of the aisle to reconsider their choice to increase taxes and destroy over 700,000 jobs. Now is not the time to dig the hole we are in any deeper. Instead, Democrats should take the advice of people like President Bill Clinton and former economic adviser to President Obama, Larry Summers, and join Republicans to stop the tax hike, work to strengthen our economy, and get our country back on track.

I reserve the balance of my time.

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

There is a choice to be made here, and it isn't what the chairman has put forth for one second. Everyone in this body agrees that we should extend the middle class tax cut. The Senate passed a bill that does just that. The President is ready to sign it this week.

□ 1530

The middle class families of this country need certainty, not some

vague promises about something to be done in the future. The question is: If everybody agrees that we should continue the middle class tax cut, why don't we come together? The answer is this: The Senate bill continues all of the tax cuts for every American household on their first $250,000 of income; 114 million families would see their tax cuts extended in full; 97 percent of small businesses would keep all of their tax cuts, according to the Joint Taxation Committee. Why don't the Republicans join us in acting?

I think the answer is clear. This chart shows it. They're insistent. Their priority is cutting taxes for the very wealthy. They want to give households that earn more than $1 million a year a tax cut on average of $160,000. This chart shows it. What we have here for middle class families, $2,200; for the very wealthy, $160,000. That's over 70 times more of a tax cut for millionaires than for typical families. What makes it worse, if possible, is it would add $49 billion to the deficit.

This Republican bill also would raise taxes on 25 million families. Those who benefited from the EITC, the child tax credit, and a higher education tax credit, that they would eliminate altogether. It's still worse. The bill we're going to discuss tomorrow, the so-called ''tax reform,'' essentially would provide someone earning more than $1 million a $331,000 tax cut.

This debate is not about tax reform. It's about whether or not we protect the very wealthy at all costs—at all costs at the expense of middle-income families, and everybody except the very wealthy. This talk about 700,000 jobs being lost, that study was financed by special interest friends, and it's been discredited by every fact checker.

They're talking about 70 times more for the millionaire than for middle-income families on average, when in 2010, 93 percent of income growth went to the top 1 percent of wealthy households. And they come here and say that their first priority is protecting the very wealthy.

This isn't about tax reform. We need to work on this. This is about whether the first priority of the Republicans is protecting the very wealthy, holding hostage middle-income families. Let the middle-income family hostages be released. Join together for what everybody says they're for. Let's pass today our substitute and give a middle-income tax cut to everybody, including 97 percent of small businesses.

With that, I reserve the balance of my time.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, this House must act to stop the midnight tax hike that threatens to hit all American taxpayers on December 31. This midnight menace includes a 50 percent cut in the value of the child tax credit, higher taxes on dividends for seniors living on fixed incomes, the return of the infamous marriage penalty for working families, and the alternative minimum tax, ensnaring middle-income taxpayers.

An average family of four with an income of $50,000 could see a tax increase of almost $2,200 a year. The President says he wants to stop the midnight tax hike for some taxpayers, but not all. He claims that he merely wants the wealthy to pay more. The truth is that his tax increase proposal would especially hit small business owners. As someone who comes from a small business background myself, I understand that many small businesses pay taxes as individuals. Their income includes money that they reinvest in the business to expand and hire more workers. A big tax increase could harm the very businesses we are relying on to create more jobs. In fact, a new study by Ernst & Young suggests that the President's tax proposal would cost more than 700,000 American jobs.

Mr. Speaker, what lane will you choose? I urge the House to pass H.R. 8 and prevent a tax hike for all Americans.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

When you look at Mr. HERGER's district, he's standing up to protect 180 people who have income over $1 million, sacrificing a middle-income tax cut for 285,000.

I now yield 2 minutes to the very distinguished former chairman and a gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I've never been so fortunate in this House to have the Republicans state the argument as clearly as they have this afternoon, and I think WALLY HERGER said it. It is possible that we're not talking about a tax cut. People working every day trying to make ends meet, they don't know the wonderful tax cut that they are enjoying, but you bet your life if we don't come together, if we don't reach agreement, they'll understand what a tax hike is. That's exactly what's going to happen to 98 percent of the tax-paying people of this great country.

Taxpayers, who work every day, who raise their families, who buy from the local merchants that keep small business alive, are going to find out, probably too late, that the Republican Party says you don't deserve the lower tax rate. Then they may ask: What's holding this up if everyone agrees that they should have it?

We're going to have to explain to the middle class what the Republicans are explaining to us: that somehow we are to believe that less than 2 percent of the population is creating the jobs and really supporting the economy. I don't know where they've been or how they're going to come back, but they haven't been creating jobs, and they haven't been spending and investing money. Even if there was a controversy, why the heck are we holding hostage 98 percent of the people?

If Republicans agree and Democrats agree and liberals and conservatives and even Tea Party people agree that these people who work hard every day should continue to have this tax cut, then why the heck don't we agree to give it to them? If it ever becomes that we're in a political debate, and it's only about less than 2 percent of 100 percent, then let's fight like the devil over that and see who prevails. But it's not going to be hard for us to explain this. If you do this to the hardworking American people, shame on you.

□ 1540

Mr. CAMP. I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

I would like to pause and just listen and think through a couple of the arguments that we've been hearing over the past couple of weeks from our friends on the other side of the aisle and from the President of the United States, and one is that people should pay their fair share. Now, that's an interesting argument, Mr. Speaker, and let's look at that a little bit closer.

So, if the President's will were to prevail on this, in other words, if this tax hike goes into place, then the top tax rate for some small businesses would be over 44 percent. Now, contrast that to the top tax rate that President Obama is proposing, which would be 28 percent.

All afternoon you are going to hear a lot of things go back and forth, but you won't hear anyone contradict those numbers and that disparity, Mr. Speaker, because they are true. There is no sense in telling corporations, You get a 28 percent rate, and the top rate for small business is 44 percent. There's nothing fair about that.

All right. Well, let's look at another argument.

Another argument is that this somehow closes a budget gap and this is deficit reduction, and we're all about deficit reduction and let's have at it. Well, a little secret on the deficit reduction is, at best, the most generous estimate is this would take care of—what?—maybe 7, 8, 9, 10 days of spending, maybe. But who would pay the cost for that? I'll tell you who pays the cost for that. The job creators and the people that are looking for jobs right now, Mr. Speaker, according to Ernst & Young and others that have looked at this. Some estimates are that it would cost 700,000 jobs.

Now, I know nobody that is willing to say, You know what? We've just got too many jobs. Let's just thin the herd. There are too many people working. Let's thin the herd. There are too many people working. And let's do it because of Democratic dogma.

We have got leading Democrats on the other side of the rotunda who have said, Let's embrace the fiscal cliff. Let's just grab onto the dogma and go

right off the cliff, regardless of the outcome.

Well, you know what? That's ridiculous.

And we have an opportunity here to make some certainty to move to the next year—not to move to the next year just for the sake of another year, but to move to next year to fundamentally reform our tax system, to create a more competitive Tax Code that is broad and fair and wise and well thought out and that does what—that creates the most competitive Tax Code in the world right here in the United States. Mr. Speaker, it could be great. We could have a great Tax Code, but what we've got to do is create a year of certainty to move forward.

I urge passage of this.

Mr. LEVIN. I yield myself 15 seconds.

You know, it's ironical that the gentleman from Illinois minimizes adding $50 billion to the deficit over 10 years, if continued, which is your policy, continued the high income. A trillion dollars, that's something you just shrug your shoulders at?

I now yield 2 minutes to the gentleman from Oregon, EARL BLUMENAUER, another distinguished member of our committee.

Mr. BLUMENAUER. It is an interesting question: Which lane are we going to choose?

The study that has been offered by our friends on the other side of the aisle is bogus, and I invite people to actually look at it and look at the critiques that have been offered up.

But we've had a real-life experiment because these tax rates that are being talked about were exactly what we had in the Clinton years, at which time some of our good friends on the other side of the aisle predicted calamity, job loss, and that the economy would crash. What, in fact, happened is that we created 22 million jobs.

What has happened is that, when they had a chance to experiment with their vision in the Bush years, where they put in place these tax reductions, if they would have worked, what would have happened? Did employment even match what happened in the Clinton years? No. In fact, it was less than 5 percent of what happened in the 8 years of Bill Clinton.

In fact, the Obama administration—after the first few months when it was in office and could be credited with responsibility for the economy—has produced more private sector jobs than the entire Bush administration in 8 years. The job loss that's gone negative has been slashing in the public sector, primarily teachers and firefighters and police officers at the State and local levels.

Mr. Speaker, the strategy here is to continue punting. My Republican friends are punting on the farm bill. My Republican friends are punting on SGR. They are now proposing a budget solution that gets us past the election because they can't face up to their own Tea Party extremists, and they're split.

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. That's what is at stake here.

I would suggest that we take what we ought to be able to agree on, the 98 percent of this tax reduction, agree on that, not punt, give some real certainty, and then have an honest debate about their proposal to increase taxes on the middle class at the expense of being able to provide for the richest of Americans. Let's have that debate. Let's not hold people hostage in the short term.

Mr. CAMP. At this time, Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), the distinguished chairman of the Trade Subcommittee.

Mr. BRADY of Texas. Mr. Speaker, I appreciate Chairman CAMP's leadership on this important jobs issue.

For America, this recovery is the weakest since World War II. It's dead last. Millions of Americans can't find work. Millions of Americans have given up looking for work. Businesses along Main Street are struggling. Business confidence is down. Consumer confidence is down. This economy is not working, but yet the President has a plan. He gave it to us a couple of weeks ago. He said, I want to raise taxes on small businesses and professionals.

But here is the cost in real terms for our economy: 700,000 more Americans will be kicked to the unemployment line; the economy will grow slower, in fact, it will shrink; paychecks will shrink; there will be less investment in America.

What kind of plan is that for a recovery?

And also, seniors are going to write more checks in capital gains and dividends to Uncle Sam, the dividends they live on. Small businesses will be able to expand less often because of this.

Republicans think there is a different choice for America's economy. We want to stop the tax hikes. We want to grow this economy by 1 million new jobs. We want to make sure that when you, as a senior, save your whole life, you invest in dividends in a home and land, that you keep it to survive in your retirement years. We want to make sure the death tax doesn't come back to life.

Think about this: You work your whole life to build a family-owned farm or business, and when you die, Uncle Sam swoops in and takes more than half of everything you've worked a lifetime to earn.

That's the choice between the Republican plan to stop the tax hikes and grow this economy and the President's plan to raise taxes and hurt this economy. It is a clear choice. The House is going to act. And more importantly, we're going to make sure America has the best tax system in the world again so that we can compete and win so that our kids and grandkids have the opportunity for the strongest economy in the world. It's a clear choice.

Mr. LEVIN. I now yield 2 minutes to the gentleman from the great State of New Jersey (Mr. PASCRELL), another member of our committee.

Mr. PASCRELL. I thank the ranking member.

Mr. Speaker, this bill makes it as clear as day just what the priorities of the majority are. Instead of working with us to shift the tax burden away from the middle class—who haven't gotten a raise in a long time—and small businesses, this bill does the exact opposite.

And for you to continue to say that this is going to be a burden across the board on small businesses is delusional. Ninety-seven percent of small businesses won't be affected by our bill.

To the antitax crusaders, this bill will raise taxes on the middle class—your bill—and working poor—your bill—by an average of $1,000. In New Jersey, this bill will make 3.2 million middle class and working poor families pay more taxes so that 231,400 millionaires can get a bigger tax cut.

□ 1550

It's as simple as that. You can shake your head all you want; those are the facts. This bill would add almost $1 trillion more to the deficit than the Democratic bill. My Lord, I don't hear you talk about that. I don't hear you say that. I wonder why? Just so that 0.3 percent of the taxpayers can get an average tax cut of over $74,000?

At least the last time the Republicans took this shortsighted, trickle-down approach, we had a $5.6 trillion surplus, thanks to Bill Clinton. In 2008, we were $11 trillion, over $11 trillion in debt. We quite simply can't afford to gives millionaires another tax break and make our children and our grandchildren foot the bill.

The proof is in the pudding. In 2000, when we first tried this supply side voodoo, unemployment was 4.2 percent. By 2008, it had doubled.

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. PASCRELL. To those Members concerned with tax fairness: today, wealth concentrated with the top 1 percent is at the same level as the period immediately preceding the Great Depression. So you shrunk the middle class with your great economic ideas between 2001 and 2008, and what you did was made the rich richer. I salute you if that's what you think America is about. We are all job creators, not just the rich.

Mr. CAMP. At this time, Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. I thank my friend for yielding, and remind my colleagues that for the last 18 months when we've been in the majority, we have focused on jobs. Now, the American people are

still asking the question: where are the jobs? And that's why we've got over 30 jobs bills now pending over in the United States Senate. And after today, we'll have another bill sitting over in the Senate that will help create more jobs in America.

Two years ago, the President said we shouldn't raise taxes in this time of a slow economy. I agreed with the President. The Congress agreed with the President. All of the Republicans and 119 Democrats voted to extend all of the current tax rates. And here we are some 18 months later, economic growth is actually slower than it was when President Obama made those remarks, and yet the President wants to go out and raise the taxes on the so-called rich.

Well, let me tell you who the so-called rich are. About a million of those people who you want to increase taxes on are small business owners, small business owners who pay their business taxes through their personal tax return. I know all about this. I used to be one of them. I had a subchapter S corporation, and whatever the company's so-called profits were, I had to pay taxes on those, whether I actually got the money or not.

So when you look at what the President wants to do, you want to tax a million small business owners. Ernst & Young has come out and made it clear that if you do this, 750,000 jobs are going to be destroyed, at a time when the American people are asking: where are the jobs?

It's time to put the rhetoric aside. It's time to put the politics aside. I know we're in an election year, but my goodness, raising taxes at this point in this economy is a very big mistake. Extend all of the current tax rates, which our bill does, for 1 year, so we've got time to revise our Tax Code. Lower rates, fairer rates for all Americans, which is what needs to happen if we're truly going to make America more competitive. Put more Americans back to work. And bring some of those jobs that have been shipped overseas back home. We all know that we need to revise our Tax Code and reform it from top to bottom. But that's not going to happen overnight. So extending all of these rates for 1 year will provide certainty. Certainty for whom? Certainty for small business owners, people who can make decisions about what they want to invest in terms of new plant, new equipment, whether they want to hire new employees. This is the most commonsense thing that we can do, and there's no reason that we shouldn't.

When we look at the proposal coming from our colleagues across the aisle, it raises taxes on dividends. Probably not a smart thing to do. When you look at senior citizens, many of them who depend on their dividend income, they're going to get whacked by your proposal. And under your proposal, not only do we tax small business people, but, oh, yeah, the death tax comes back in full force because it fails to address one of the most penalizing parts of our Tax Code.

I believe that the proposal that my colleague Mr. CAMP and his committee have brought forward is a reasonable, responsible approach, and I would urge its passage.

Mr. LEVIN. I yield myself 15 seconds.

Look, no one here should distort the facts. From Joint Tax: 97 percent of small business people would keep all of their tax cuts. And in the Speaker's district, there are 144 people with income over a million, compared to the 300,000-plus. He's sacrificing the middle class for a few with over a million dollars.

I now have the pleasure of yielding 2 minutes to the very distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank Mr. LEVIN for yielding me this time, and for his leadership on this very important issue, and I rise in strong opposition to this legislation.

South Carolina, my home State, is home to many military installations—Fort Jackson in Columbia; Shaw Air Force Base and the 3rd Army Headquarters in Sumter; the Joint Air Base in Charleston; Parris Island; and the Marine Air Station in Beaufort. I proudly work to represent these military communities, and I oppose H.R. 8 because of the hurt it would visit upon middle-income and military families.

A new report out today by the Center for American Progress documents the harsh impact that H.R. 8 would have on many military families. For example, a private in the United States Army in his first year of service who is married with an infant child would have a $273 increase under H.R. 8. That's real money to a young soldier.

A marine corporal with 4 years of service who is married with two children would see a tax increase of $448 under H.R. 8. That family is already struggling to make ends meet.

And finally, Mr. Speaker, a military police sergeant in the Air Force with 8 years service, a spouse, and three young children would get a whopping tax increase of $1,118 under H.R. 8.

Mr. Speaker, these are just three examples of how the Republican bill would negatively impact our military families. The Senate has passed a middle class tax cut, and the President has told us he will sign it. The only thing standing between the middle income and their tax cut is the Republican leadership in this House.

Mr. Speaker, it is time that we come together and extend to the middle class in this society an income tax cut that is fair, that will create jobs, that will offer security to families and stability to communities. I urge a vote against this bill.

□ 1600

Mr. CAMP. I yield myself 15 seconds.

I would just say that the gentleman's remarks refer to the stimulus bill, a failed stimulus bill that was promised to create unemployment of under 8 percent. Frankly, it's never been there. For 40 months, we've been over 8 percent. These are spending items that were failed, that failed in the stimulus program. That program did not work.

At this time, I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Speaker, I rise in support of this very important legislation.

The administration and congressional Democrats seek to raise taxes on America's families, small businesses, and job creators. There's a very clear choice here: either we can let small business owners, the job creators, America's entrepreneurs, create jobs, or we can follow the path they're advocating over here and tax small businesses.

I stand in strong support of creating American jobs. Over 940,000 business owners will see higher taxes if the President and Washington Democrats are allowed to raise the top two rates. This means over half—over half—of our Nation's small businesses will see higher taxes at a cost of over 700,000 fewer jobs for Americans—over 700,000 fewer jobs for Americans.

Allowing these tax cuts to expire will hurt middle class families. If we pass this, the average taxpayer in my State of Louisiana will see tax relief of almost, on the average, about $1,800. The average family of four earning $50,000 per year can face tax increases of over $2,200 per family if these cuts expire. A single parent earning $36,000 per year could see tax increases of $1,100 if these provisions expire.

Mr. Speaker, this administration continues its assault on the American family and American businesses with its tax-and-spend policies. Our country can't afford it. Certainly, America's families and businesses can't afford it.

What we need is this: a 1-year extension to allow us to move forward with a real comprehensive approach to tax reform.

We have a real opportunity to do what's right for America, to promote American competitiveness. This is the moment. Let's seize it. Let's do it. We need to take this step today to get us where we can move to that next step, that next point.

So I urge my colleagues on both sides of the aisle, let's quit dilly-dallying around with this. Let's show some leadership for the American people. They want us to step up and be leaders and solve these problems. Let's step up and be leaders. Let's extend these provisions and move forward with a 21st century Tax Code.

Mr. LEVIN. I now yield 2 minutes to the very distinguished member of our committee, Mr. CROWLEY, from the great State of New York.

Mr. CROWLEY. I thank my good friend from Michigan for yielding me this time.

I rise in strong opposition to H.R. 8. The reason I oppose this bill is because this bill will impose taxes on hundreds of thousands of U.S. military families, our heroes. That's right, of the millions facing a tax hike, hundreds of thousands are U.S. military families. Let's call this bill what it is, the ''Republicans' Tax Hike on Our Heroes Act.''

Now, I know those on the other side of the aisle will come down here one by one and claim they are extending tax cuts for everyone, but you're extending cuts for people earning over $1 million a year and raising taxes on families earning under $45,000 a year. This bill scales back tax breaks put in place by President Obama and directly aimed at benefiting working families.

Let's take a moment to put a face on the 25 million Americans whose taxes will go up, including hundreds of thousands of U.S. military families.

If you're an Air Force Staff Sergeant with 8 years of service, a spouse and three young children here stateside at home, the Republicans' Tax Hike on Our Heroes Act will raise their taxes by $1,100. A new recruit, a private in the U.S. Army in their first year of service earning a little over $18,000 a year—$18,000 a year, men and women on the front line defending our freedom—if they're married with an infant child at home, they will see an increase under this bill of $273, a tax increase under the Republicans' Tax Hike on Our Heroes Act.

It begs the question, how are my colleagues who represent Fort Hamilton in Brooklyn going to vote on the Republicans' Tax Hike on Our Heroes Act? Are you going to stand with your military family constituents or with the 2 percent?

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. CROWLEY. How are my colleagues who represent Fort Dix in New Jersey going to vote on the Republicans' Tax on Our Heroes Act? My colleagues who represent Fort Bragg in North Carolina? Fort Detrick in Maryland? Fort Monroe in Virginia? Rock Island Arsenal in Illinois? Beale Air Force Base in California?

Today, the choice is clear. Stand with Democrats and the President who have put forward a plan that simply asks America's wealthiest to support this great land.

Mr. CAMP. At this time, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, last week, I took part in a roundtable conversation in my district with over 20 small business leaders. They discussed the devastating impact that these looming tax hikes would have on job creation, not only across the country, but in Minnesota.

The sentiment that was echoed throughout that entire conversation was that Washington should not be raising taxes when our economy is still struggling to recover.

These job creators understand all too well what our country is facing as we approach, on January 1, this tax cliff, this fiscal cliff and this jobs cliff. The message from all of these entrepreneurs was simple: Job creators and business leaders alike were saying, very directly, stop the tax hike.

Studies have shown that this looming tax hike would negatively impact half of all small business income, a loss of 700,000 jobs, potentially, and 14,500 of those jobs are in my home State of Minnesota, Mr. Speaker. But if we extend these rates and we move toward tax reform, we can have a positive impact on our economy of 1 million new jobs.

Mr. Speaker, the choice is clear. With the national unemployment rate of over 8 percent for 41 consecutive months, we must stop the tax hike.

Mr. LEVIN. I yield myself 15 seconds.

Look, I want to repeat, Joint Tax says 97 percent of small businesses would keep all of their tax cuts. And in Mr. PAULSEN's district, there are 1,345 people with income over 1 million compared with over 325,000 households. That's the equation at stake here. That's the equation.

I now have a real pleasure to yield 2 minutes to the very active gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL asked and was given permission to revise and extend his remarks.)

Mr. NEAL. There's one indisputable fact in this debate today, and that is that the Bush tax cuts used borrowed money.

How much sense did that make to borrow the money to give tax cuts to the wealthiest people in America, the top 2 percent? The argument at the time was simple, that we should give tax cuts to the people at the top because they create jobs for the people in the middle and at the bottom. Fact: the slowest economic growth at any time since Herbert Hoover was President of the United States.

The argument, or the assault on the Clinton Presidency was that he raised taxes of the top bracket, 39.6 percent—22 million jobs; the greatest economic growth spurt in the history of America; a reminder to our friends, an unemployment rate of 3.8 percent.

So borrow the money during the Bush years for tax cuts so that we can give the wealthy—and, my goodness, what a ride they've had for these 12 years. It is unbelievable when you look at what those rate cuts did to people at the top.

We have a responsibility here to protect the middle class from a big tax hike next year. Last week, the Senate passed a bill that would extend tax cuts for 98 percent of the American people, the middle class, and now it's up to the House to provide some certainty to the middle class that their taxes are not going to go up next year. But instead of doing so, what are we doing today, once again? We are having an argument about what to do for that top 2 percent of income earners in America whom our Republican friends can never seem to do quite enough for.

Even more troubling, this tax package ends President Obama's tax cuts that make college more affordable and help working families with children. So not only are we attempting, with their package today and proposal, to hold the middle class hostage to extending tax cuts for the wealthiest, but they want to raise taxes on 25 million families, with an average increase of $1,000.

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. NEAL. We need to extend the child tax credit and the earned income tax credit, and that's what we should be doing today for middle income Americans and provide them with some sense of security and support.

And, my God, can we do any more to help the wealthy in America than what our Republican friends have done?

□ 1610

Mr. CAMP. At this time I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. MARCHANT).

Mr. MARCHANT. Mr. Speaker, I rise today in strong support of the Job Protection and Recession Prevention Act of 2012.

Businesses in my district in Texas and across the country are reluctant to hire and make investments due to an uncertain economy and an impasse over taxes. This bill is a thoughtful step to bolster our economy and bridge the gap to tax simplification. This bill provides a serious game plan and a timetable that shows the American economy how to move forward.

If we don't act, the looming tax hike could destroy an estimated 700,000 jobs, according to an Ernst & Young study. And it's no surprise, then, that the Institute of International Finance said there was a strong case to extend lower Bush-era taxes due to expire at the end of the year in order to avert a fiscal cliff.

I'm proud to support—and urge my colleagues to support—this bill that helps U.S. job creators and gives businesses more confidence to put Americans and Texans back to work.

Mr. LEVIN. Could the Speaker indicate how much time there is on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 11 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 13¾ minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, at this time I yield 2 minutes to a distinguished

member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise in favor of the bill that we are facing here today. It's been an interesting debate that we've had now for some time.

I learn a lot traveling around my district, but it was especially compelling when I was at a manufacturing plant, less than 40 employees, and they told me—unprovoked—they said the estate tax going up to 55 percent would devastate their business. Those were their words, ''devastate their business.'' It's not just farmers and ranchers that would pay the estate tax, it would also be small businesses—and very thriving small businesses who put people to work, who provide benefits, health care, and otherwise.

Truly, the 35 percent rate is a compromise. I would prefer to see no estate tax, given the fact that it is double taxation—and certainly 55 percent is what many folks would consider confiscatory in nature. So I rise in favor of the bill that we are debating here today. I think that it is better policy—certainly better for our economy that we would not raise taxes on the American people.

Mr. LEVIN. I now yield 2 minutes to another distinguished member of our committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, when the Wall Street banking crisis of 2008 hit, causing the worst recession since the Great Depression, it was the middle class that took it on the chin. More than 8 million Americans lost their job through no fault of their own. And as millions of Americans were losing their jobs and their homes, the big banks received bailouts and CEOs continued to receive million-dollar payouts.

While too many middle class Americans are still out looking for work, this Congress is voting again to give over $160,000 a year in tax breaks to the richest 2 percent of Americans while the average American will be lucky to get about one-100th or maybe two-100ths of that. Can anyone in this Chamber blame the middle class for thinking the system is rigged against them?

Mr. Speaker, we all admire financial success, but when we give away trillions in tax cuts that we cannot afford to those who need them the least, it's the middle class who has to make up the difference. To pay for these tax cuts, our Republican colleagues have voted to end Medicare and would force seniors to pay $6,400 more for their own care. On top of that, Republicans propose changing Social Security, slashing its budget by over $800 million. It's an ideological agenda that chooses millionaires over the middle class. Regular folks pay more so that folks like Donald Trump and Mitt Romney can get yet another tax break.

Einstein is credited with saying that the definition of insanity is doing the same thing over and over again and expecting different results. Eleven years after the Bush tax breaks became law and drove us deeper into deficits, let's not repeat these mistakes. Rather than having these debates about whether the richest 2 percent of Americans deserve extra breaks, we should stand with the middle class.

Mr. Speaker, this should be an all-hands-on-deck moment. America works best when the middle class in America is working. Let's start talking about how we can get all Americans back to work and strengthen our economy.

I urge my colleagues to reject this bill and support the Democratic alternative, which is focused on the middle class.

Mr. CAMP. At this time I yield myself 15 seconds.

We have a note here from Stan's Two from Rowland Heights, California, a small business. They were asked: How would increased taxes impact your business? ''Less hiring, more struggle to pay for expenses and payroll.'' If rates were allowed to increase, would that affect your ability to hire new employees? ''Absolutely. We've done nothing except cut staff for 4 years now. A tax increase could spell disaster.''

At this time I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, most Americans think that the economy is moving in the wrong direction. And most of them think it's Congress' fault, and that we've not done enough to help them take care of their families and give them financial security. They don't want political rhetoric today. They don't care who's wrong or who's right. They want to know what we're doing now, what we're doing today to make buying groceries and gas and paying the electric bill affordable.

Mr. Speaker, if we don't act, a family of four that earns $50,000 a year will have an increase in their taxes of $2,200 every year. That's real money, Mr. Speaker. That's the difference between buying an extra box of Cheerios and paying the gas bill and saving for college. And for the job creators, the mood is even worse.

We all know that small businesses create jobs—every one of us in this House knows small businesses create jobs—but the Democrats would raise taxes on them, killing 700,000 jobs. I refuse to raise taxes on small businesses while they struggle to bring our country out of this recession. I refuse to destroy over 700,000 jobs that support families who need and want breadwinners, not handouts.

We must ask ourselves every day: What else can we do for these families? We can offer them some long-term security so that when they die, their families, their farms, and their small businesses will survive and thrive. But tax increases don't even stop when you die. If we do nothing, the death tax increases to 55 percent. We pay tax when we earn the income; we pay when we invest our income; and we pay again when we leave it to our kids. You want to talk about a fair Tax Code, Mr. Speaker? So today, I'm voting for a clear path forward.

After 41 months of unemployment above 8 percent, we must stop the tax hike. I'm committed to tax reform that will create jobs, grow our economy, and support families. I am voting today for working families, for small businesses, for entrepreneurs, and for family farms, Mr. Speaker. This bill puts America back on the right track.

Mr. LEVIN. Could you tell us, please, again how much time there is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 9 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 9¾ minutes remaining.

Mr. LEVIN. I now yield 2 minutes to another active member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Now is not the time to let the Republicans raise taxes on thousands of Texas families in order to provide more tax breaks for a privileged few. Republicans would hike the taxes by almost $500 for a married marine corporal with 4 years of service and two children living in Schertz.

□ 1620

That's wrong. Nor is this the time for Republicans to tax opportunity. A single mom, working as a nurse, helping a daughter attend the Alamo Colleges or Texas State or ACC, would be denied the $2,500 higher education tax credit that I authored, all of this, in the very same bill that would give a Republican who earns $1 million a tax cut that is larger than that marine or that nurse will earn in an entire year.

If there were an Olympic medal out there for protecting those sitting atop the economic ladder at the expense of those trying to get a foothold on one of the first rungs, these Republicans would have no competition for going for the gold.

Nor has this trickle-down Republican approach grown our jobs and our economy. Extending tax breaks for those at the very top, it was done in 2010, over my objection; it hasn't grown jobs in the past year anymore than it helped to avoid the Bush/Cheney recession.

And as for this much ballyhooed Ernst & Young report, it was bought and paid for by the same millionaires that would get a tax break bigger than what the nurse or the marine earns all of next year, along with a few large corporations who paid for the report. It is not credible.

It is not just to see many Americans pay higher taxes in order to help the few gain even more tax breaks.

Mr. CAMP. I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACK), a distinguished member of the Ways and Means Committee,

Mrs. BLACK. Mr. Speaker, you know, when nearly 23 million Americans are struggling to find full-time employment, President Obama and his Democrat allies seem to think that now is the time to raise taxes on small businesses.

And the President may be satisfied with an 8 percent or more unemployment rate for 41 straight months, but I'm not and, more importantly, the American people are not. The American people don't need to settle for a country with fewer and fewer opportunities and a diminished future.

So the House today will vote to stop the tax hike for all taxpayers, and tomorrow we will vote to move forward with a comprehensive tax reform. This is a critical step in providing the certainty that our small businesses desperately need to grow and create jobs.

Now, the Democrats' proposal to raise taxes on nearly 1 million small businesses will cost more than 700,000 jobs, and they have not even offered a plan on tax reform. This is more of the same failed leadership that has given us the weakest economic recovery since the Great Depression.

Democrats think that we are just one more tax increase away from prosperity. But when has a nation ever taxed its way to prosperity? Prosperity is built by the American people, not the government. American entrepreneurs and small business owners are the lifeblood of our American Dream, and they're the backbone of our economy.

It is clear that we must stop this tax hike and reform our broken Tax Code to revive our struggling economy and keep the American Dream alive.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), our ranking member on the Budget Committee.

Mr. VAN HOLLEN. Mr. Speaker, it's very important everyone understand the choice that's facing the House today. The Democrats will offer an amendment that will immediately extend tax relief to 100 percent of American people. The Senate has already passed that proposal; and if our Republican colleagues vote for it today, we can send it down to the White House, the President will sign it today.

Someone asked what we're going to do today. We could provide immediate tax relief to 98 percent of the American people.

Now, let's be clear. The Democratic proposal provides tax relief to everybody up to $250,000. What our Republican colleagues are saying is they will deny tax relief to 98 percent of the American people, unless people making over $250,000 get a bonus, an extra tax cut. In other words, unless the top 2 percent get an extra tax cut, nobody else gets anything.

It gets worse. We've heard a lot of talk here about small businesses, that we need to adopt the Republican plan in order to support small businesses. It's just not true.

The Democratic proposal, according to the nonpartisan Independent Joint Tax Committee, provides tax relief to 97 percent of the businesses that we're talking about here. In fact, they point out that the other 3 percent of businesses include about 20,000 pass-through businesses that make over $50 million a year.

Now, they may be good businesses, but these are not mom-and-pop businesses. The language we're hearing from our Republican colleagues would use small businesses as a cover to providing breaks for firms like Fortune 100 Pipeline Company Enterprise Products Partners; PricewaterhouseCoopers, good business, not a mom-and-pop; KKR Investment Banking; and guess what, Bain Capital, Bain Capital, the kind of small business that our Republican colleagues are trying to protect.

This is all really in service to the trickle-down ideology. We tried it in the Bush administration. At the end of 8 years we actually saw a net job loss.

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. VAN HOLLEN. We tried trickle-down. We lived it; we saw a net job loss. But who picked up the tab? The rest of the country because it drove a huge hole in our deficit; and in order to deal with that, if we don't ask folks at the top to pay a little bit more, the rest of the country ends up picking up the tab. That's just not right, and it doesn't help the economy.

Mr. CAMP. I yield myself 15 seconds.

I would just say that my friend's proposals just aren't bold enough. The economy isn't growing. Unemployment is still above 8 percent for 40 consecutive months.

We need to get on a plan for comprehensive reform, not just raising taxes on a segment, not just pitting one group of Americans against another. But let's get a comprehensive reform so we can get certainty, we can get job growth, we can get economic prosperity and get Americans back to work.

I yield 2 minutes to the distinguished gentleman from New York (Mr. REED), a member of the Ways and Means Committee.

Mr. REED. Mr. Speaker, I rise today in support of the proposed legislation to make sure that we do not increase taxes on any Americans come the end of this year. I think it's prudent, it's responsible, and it's the right message to send to America, that we are going to stand with every American and every small business owner across the country and say, end of the year, no tax increases.

And I appreciate my colleagues on the other side of the aisle and their passion and their commitment to raising taxes. They get to choose which threshold, 200, $250,000 or more. But it's clear to me that there's a clear distinction that the American people will have an opportunity to decide come this November between my Democratic colleagues across the aisle and this side of the aisle.

My Democratic colleagues across the aisle raise taxes as part of the solution going forward. This side of the aisle, I'm proud to stand, Mr. Speaker, to say ''no'' to raising taxes on any American moving forward.

Now, the gentleman had recognized and said that some of these tax increases that we're talking about in regards to businesses are not the mom-and-pop shop.

Well, I'll tell you something. I just had a conversation with Dick Clark from my district, an owner of Villager Construction. That's a mom-and-pop shop. Sterilator Company out of Cuba, New York, in my district. That's a mom-and-pop shop. Those are people that have told me that one of their greatest concerns as small business owners is the tax burden that they're going to face next year.

Let's not stand for rhetoric. Let's do the responsible, prudent thing and say ''no'' to tax increases. And I leave it up to the American people who I believe are hardworking taxpayers who are not stupid. They know what the distinction will be by the end of this year and next year when they come to the voting booth in November, that we stand for no tax increases, and my colleagues on the other side of the aisle are going down the path of let's raise taxes.

Now is not the time to raise taxes in an economic climate when people are struggling and we're trying to have the job creators have the capital so that they can put people back to work for today and tomorrow.

□ 1630

Mr. LEVIN. I now yield 2 minutes to the gentlelady from New York (Ms. VELÁZQUEZ), who is the ranking member on the Committee on Small Business and who has toiled in the vineyards and beyond on behalf of the small businesses of this country.

Ms. VELÁZQUEZ. Thank you, Ranking Member, for yielding.

Mr. Speaker, I rise in opposition to the bill before us today.

Republicans love to focus on small businesses when it's convenient for them. They claim it is imperative to pass today's bill because, if we don't, small firms will be harmed. However, today's bill is only good for millionaires and billionaires, not the Nation's job creators.

The argument that a partial extension of tax cuts hinders small business hiring relies on distorted facts. Republicans are using a warped definition of a ''small firm'' that counts Mitt Romney as a small business owner. I don't think the average person considers 237 people whose incomes average more than $200 million as small business owners.

Contrary to Republican claims, this is not what the American taxpayers

think of when they hear ''small business.'' When most people think of entrepreneurs, they envision small manufacturers, architects, Main Street restaurants, and hardware stores—those Americans who risk their savings to create jobs in our communities. Tax cuts should go to real small businesses that are creating jobs, not to people who are simply moving money around for their own profits.

Instead of addressing the top concern of small business owners—a lack of demand for their goods and services—this bill simply gives more tax cuts to the very rich. The numbers don't lie. Over 80 percent of the value of these cuts goes to millionaires. That is an average tax cut of $164,000.

Let's call this bill what it really is—a tax cut for the rich, not for small businesses. That is not what our economy needs. Vote ''no.''

Mr. CAMP. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 5½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 2¾ minutes remaining.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I certainly thank the chairman for his leadership on this.

Mr. Speaker, I'm confused. I think my colleagues on the other side of the aisle haven't read what H.R. 8 is. They keep talking about how my colleagues and I are looking to try to raise taxes on a segment of the population. Actually, what this does is extend current tax rates for everyone—for every single American. I can tell you that, for people all across the country right now, foreclosures are up. They're concerned about how they will send their kids to school. We've got energy prices that are on the rise. We want to make sure that the government is not taking more from them.

I have to tell you that I think what we're talking about right now is trying to empower the American people. We want to make sure that we have upward mobility. We want to try to create growth in our economy.

Mr. Speaker, in 2010, the President of the United States came before the American public and said that our economy was too fragile. The President said that our economy is fragile and that we should extend these tax rates. That's when the economy was growing at 3½ percent, Mr. Speaker. The Commerce Department just came out with statistics that we are growing at 1½ percent today. There is no way in the world that we should be taking more out of the pockets of the American public. It's just not feasible.

Two-thirds of all net new jobs are created by small businesses, but this isn't just for small businesses—this is for every single American. We're running the experiment today. If you want to talk about higher taxes—more taking in the State of Illinois—if you want to take a look at what's going on in the State of Illinois, we are dead last in too many categories. We are not creating jobs. Jobs are picking up and they're going to neighboring States. They're leaving because we've decided to take more from hardworking taxpayers in the State of Illinois.

What we want to do is to make sure that we extend these for an additional year so that we can have real tax reform. That's what this is about. We want to talk about pro-growth tax policies so that we can get the American public back to work. This is about jobs and the economy.

Frankly, I tip my hat to my colleagues because, when I talk to my colleagues on the other side of the aisle, they also indicate to me that the number one issue is jobs and the economy.

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

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. DOLD. Let's come together. Let's not talk about how we want to raise taxes on the middle class because, frankly, that's just inaccurate, not true. We are looking to try to make sure these get extended for an additional year so that we can talk about pro-growth tax reform and get people off of the unemployment lines and back to work.

So I applaud you for trying to get up there and plead your political point, but we need to come together. We need to make this happen for the American public.

Mr. LEVIN. How much time is left on this bill?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 2¾ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 3¼ minutes remaining.

Mr. LEVIN. We have one more speaker on this.

Mr. CAMP, do you have more than one?

Mr. CAMP. I have one more speaker and then myself.

Mr. LEVIN. Why don't you call on the one, and then Mr. HOYER is going to wrap up on this bill.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. There has been a tremendous amount of rhetoric and hyperbole in the conversation today—all this energy about how we are trying to raise taxes on different groups. Let's clear this up.

This is about keeping the rates the same for another year for all Americans. Really, this debate is not about tax rates. What my colleagues on the other side of the aisle seem to identify as the problem is that some people in America have too much money and that the solution to fix this problem is for people to go down the street and find someone with a bigger house and take some of their stuff and bring it to the other house. Then the problems in America would be solved. Things would be fair.

The issue is not whether we should tax one group more and then distribute that to another group. That doesn't create more jobs, and that doesn't create more stability. That doesn't pull us out of a recession. That only makes one group feel better that they took money from another group and gave it to another.

There are really two philosophies that are at work here. We want to make this debate about taxes, but it's really a philosophical issue. One group says that the purpose of taxation is to take from one group and redistribute to another one to make America fair. The other group, that of the Republicans, says the purpose of taxation is to collect as little as possible in order to efficiently run the government so that individuals are able to keep their money. We became the most powerful, prosperous nation on Earth because Americans were able to keep what they earned, were able to invest it into other things and were able to grow it.

Here is the real proposal: one, keep tax rates the same for another year; two, fix the broken Code.

There are 70,000 pages—3.8 million words—in this Tax Code. It needs to be fixed. It's miserably complicated. No Americans feel confident that when they file their taxes they got it all right. We've got to fix this Code and be able to simplify it dramatically. It's going to take time to do that. So let's extend rates for another year, and then let's spend next year fixing the Code. Let's get this right for all Americans, not just for some.

Mr. LEVIN. I now yield the balance of my time on this bill to the distinguished whip, the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman from Maryland is recognized for the remaining 2¾ minutes.

Mr. HOYER. Designed to fail. That's what this bill is. It is designed to fail. Very frankly, you made sure that it was going to fail when you passed the amendment that added the reform bill and this bill together.

Designed to fail. How sad.

I don't think you want to raise taxes on anybody. I understand that. I'll accept that premise. What we ought to do is to make sure, in the agreement that we have with the Senate and the House, that at least the 98 percent of Americans who make less than $250,000 have no increase in their taxes. At least we ought to do that. America knows we have agreement on that. They're wondering why, when you have agreement, you don't take that agreement and give the assurance and certainty to 98 percent of the American working people that they won't have an increase in their taxes so that they'll have the confidence that they'll have that money in their pockets to, perhaps, purchase that refrigerator that they need or that oven that they need or perhaps a new car or so that they can help their kids go to college.

Why don't we give them that confidence, I say to my friends. Mr. Speaker, I wish we would do so.

Today, we could embrace the agreement that the Senate has come to and tell the 98 percent, ''You're safe.'' In addition to that, by rejecting this bill, we will reject taking money out of 25 million people's pockets that they rely on to support themselves and their children.

□ 1640

That's what the Senate bill does. It protects the wealthiest in America while telling some of the poorest in America, the least well-off in America, you're going to pay more, you're going to get less. How perverse. How undermining of our economy. How undermining of the confidence of our people. Ladies and gentlemen of this House, we're better than this.

Newt Gingrich talked some years ago in 1998 about the ''Perfectionist Caucus.'' Mr. Speaker, he said embrace agreement. He was agreeing with President Clinton and Newt Gingrich at that point in time on a budget which adopted PAYGO one more time, which is one of the reasons why we balanced the budget 4 years in a row. The House Ways and Means bill leaves 98 percent of our people at risk, while our bill gives 100 percent of the people a tax cut.

Let us reject the House bill. Let us adopt the substitute. Let us send it to the Senate and make it law. The President will sign it, and it can become law and give confidence and help to those 98 percent of Americans.

This Republican proposal, is not the straight-forward tax cut extension middle-class families and small business owners are asking for.

Instead it extends tax cuts to even the highest incomes, a plan already rejected by the Senate and which the President has said he would veto.

Moving forward with this legislation will only prolong the uncertainty the American people have asked us to end.

What we ought to do—before the August district work period—is pass the extension where we have agreement—for earnings under $250,000, which is a tax cut for 100 percent of Americans.

Ninety eight percent of families and 97 percent of small businesses will see no change to their taxes.

Let's pass what we agree on now and afterward debate what we disagree on.

Instead, we've seen Republicans insist on an all or nothing approach, which has held middle-class tax relief hostage to tax cuts for the top 2 percent.

Now, they are doing so once again, with a rule on this bill that makes it harder for us to reach an agreement to prevent a tax hike on the middle class.

This is not the regular order or open process Speaker BOEHNER and Republicans campaigned on and pledged to uphold in this House.

At the same time, this bill would impose an average tax hike of $1,000 on 25 million working families by allowing the expanded Child Tax Credit and Earned Income Tax Credit to expire while eliminating the American Opportunity Tax Credit.

That lies in stark contrast to the $160,000 tax cut this bill would deliver to the average millionaire, according to the National Economic Council.

Mr. Speaker I urge my colleagues to join me in defeating this bill, and I call on Republicans to work with us to pass the tax cut extension for the middle class on which we all agree.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

I would just say this isn't just about taxes. I would agree with my friend from Maryland, Republicans do not want to raise taxes on small businesses, job creators, or investors because it's also about the economy.

This has been a dismal recovery, the worst since the Great Depression; and unemployment has been above 8 percent for 40 consecutive months. Their answer is to raise taxes on the small business sector, the area where we need to have those jobs to begin to be created. What we're saying is let's keep the law the same for 1 year. We're the only Nation in the world that has all of these tax provisions expiring year in and year out. Let's leave this the same for 1 year, then let's move and adopt comprehensive tax reform in an expedited procedure to do that so we can finish that next year.

If we go down their path of raising taxes on small businesses, 700,000 jobs will be lost. If we go down our path of extending current law for a year, bringing certainty, extending that law for a year, moving forward on comprehensive reform, addressing some spending problems we know this Nation has had, 3 years of trillion-dollar deficits, if we do that, we create a million jobs.

Vote for H.R. 8.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 8, the Job Protection and Recession Prevention Act of 2012. In August of 2009, President Obama told NBC News, ''You don't raise taxes in a recession.'' Quite frankly, I agree with the President and would take it a step further. We should never raise taxes at all, period.

Unfortunately, if we do nothing before the end of the year, we risk raising taxes on Americans by $384 billion over the next ten years according to the Joint Committee on Taxation. For my home State of Georgia alone, this would represent a tax increase of $3,010 per tax return. At a time when we have had 41 straight months of unemployment, it would be irresponsible to place an additional burden on working families and job creators, particularly when Ernst & Young recently released a study stating that this tax increase would destroy 700,000 jobs.

Mr. Speaker, House Republicans have a simple solution. H.R. 8 will prevent this looming tax increase on all Americans, especially the 1 million small business entrepreneurs that would likely feel the pain the most.

To all of my colleagues, we have a clear choice today. You can either support H.R. 8 to prevent a $384 billion tax increase, or you could oppose this legislation, endorse these tax increases and destroy 700,000 jobs in the process. The choice is yours.

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to the Republican tax proposal. Their plan will give more tax breaks for the richest 2 percent, providing $160,000 for the average millionaire—on top of the $1 million that they received over the last 9 years.

A hundred and sixty thousand dollars means different things to different people. For 464 Rhode Island veterans, it means access to employment and job training services; for 2,340 Rhode Island parents, it means immunizations for their children against Measles, Mumps, and the flu; and for Rhode Island's youth, it means 25 more students get a leg up through Head Start. But for millionaires, $160,000 simply represents the additional gift they receive under the Republican tax proposal.

A hundred and sixty thousand dollars is a lot of money, and it can go a long way towards improving the lives and opportunities of Rhode Islanders. While every program I mentioned is on the chopping block, Republicans seem complacent to mortgage our children and grandchildren's future to preserve these tax cuts for the wealthiest top two percent at a cost of $1 trillion. These are tax cuts we simply cannot afford. In fact, if we want to talk about responsible deficit reduction, this would be an excellent place to start.

Democrats and Republicans do agree on one thing;—the need to extend tax cuts for the middle class and small businesses, which is exactly what the Democratic proposal will do. Under the Democratic plan, every single taxpayer will receive a tax cut on income earned up to $200,000 if you are single, and $250,000 if you are married.

For our middle class families, this translates to an extra $2,200 in their pockets. And even high-income households will continue to receive a tax cut averaging more than $10,000 on their first $250,000 of income.

No one thinks raising taxes on the middle class is a good idea. Right now, my top priority is giving middle-class families and our small businesses the security and certainty they deserve by extending tax cuts they desperately need. This should be an issue where Republicans and Democrats can work together to do what is right for hard-working Americans.

I urge my colleagues to reject the Republican plan that continues down the same fiscally irresponsible path. Give our small businesses and working families the certainty they deserve, and support the Democratic plan to cut taxes for everyone and help move the economy forward.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 8. I cannot support legislation that prioritizes millionaires over middle class families. By bringing this legislation to the floor, Republicans hold hostage the middle class tax cuts in order to help those who need it least. If enacted, this bill would give millionaires an average tax cut of $160,000 next year. Hedge fund managers and corporate CEOs who make up the wealthiest 2 percent of this country do not need a massive tax break. The Republican tax plan on the floor today not only favors millionaires, it takes away tax programs that help working families. Under this legislation, 25 million families and college students in this country will lose as much as $1,000 because of cuts to the Earned Income Tax Credits, the Child Tax Credit, and the American Opportunity Tax Credit. It is these lower and

middle income families that deserve our help. It is time to start creating a tax code that reflects our values by ensuring that every individual pays their fair share.

I stand with the House Democrats, the Senate and the President in supporting an extension of the middle class tax cuts. Working Americans are facing high unemployment and stagnant wages. They should have the certainty to know that they will not face a tax increase next year. Extending the middle class tax cuts means helping 114 million middle class families, including 13.2 million in California. If the House extends the middle class tax cuts—already passed by the Senate—these families will save an average of $2,200 on next year's taxes.

This country cannot afford to keep giving out tax breaks to the wealthy and large corporations. This Republican bill adds another $50 billion to our deficit in just one year. This is the wrong approach and is just plain irresponsible. We need to strengthen the middle class, put people back to work, and grow our economy. The first step is introducing fairness to our tax code and helping the middle class Americans who work hard and play by the rules. I urge my colleagues to join me in voting against the Republican giveaway to the most wealthy and to instead support the Democratic substitute which protects the middle class.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). All time for debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LEVIN

Mr. LEVIN. I now call up the substitute amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

**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:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2010 tax relief.

Sec. 104. Temporary extension of election to expense certain depreciable business assets.

TITLE II—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE III—TREATMENT FOR PAYGO PURPOSES

Sec. 301. Treatment for PAYGO purposes.

**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.—Section 55 is amended by adding at the end the following new subsection:

''(f) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual, if the taxpayer's taxable income for the taxable year exceeds the applicable amount determined under section 1(i) with respect to such taxpayer for such taxable year, the amount determined under paragraph (2) shall be substituted for the amount determined under subsection (b)(3)(C) for purposes of determining the taxpayer's tentative minimum tax for such taxable year.

''(2) DETERMINATION OF 20-PERCENT CAPITAL GAINS RATE.—The amount determined under this paragraph is the sum of—

''(A) 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 subsection (b)(3)(B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(B) 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 subparagraph (A) and subsection (b)(3)(B).''.

(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) 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 (2) 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—TREATMENT FOR PAYGO PURPOSES

**SEC. 301. TREATMENT FOR PAYGO PURPOSES.**

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

The SPEAKER pro tempore. Pursuant to House Resolution 747, the gentleman from Michigan (Mr. LEVIN) and a Member opposed each will control 10 minutes.

Mr. CAMP. Mr. Speaker, I claim the time in opposition.

Mr. LEVIN. Could the Chair be clear as to who has the right to close on this amendment?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I now yield 2 minutes to another Member of our committee, the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS. Mr. Speaker, I want to thank Mr. LEVIN for yielding.

After 2 years of talking about spending cuts and deficit reduction, Republicans somehow believe it is wise to fill the pockets of each and every millionaire in America with an additional $160,000 tax cut. We've been here before. This is the same picture. Mr. Speaker, we all know what this is about. This is about two competing visions of America. The Democratic vision is opportunity for all Americans to prosper, while the Republican vision reserves prosperity for the select few.

That is not right, Mr. Speaker. That is not fair. That is not just. American hardworking families need tax relief, and they need it now. Not tomorrow, not next week, not next month, not next year, but now. If you believe in a strong, solid middle class, vote ''no'' on this bill. If you believe in American opportunity, vote ''no'' on this bill. If you're serious about reducing the deficit, vote ''no'' on this bill. I urge all of my colleagues to vote ''no'' on this bill and to vote ''yes'' on the Levin amendment. It is simply the right thing to do.

We can do much better by voting for the Levin amendment. It is the right thing to do. It is the fair thing to do. It is the just thing to do. We should do it and do it now.

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

Let me just say that this substitute increases taxes, and it increases taxes

on small businesses, the very sector that we need to be growing to bring us out of this recession. It does not include tax reform. There's no path to tax reform. Our Tax Code has had 5,000 changes in the last decade. The complexity is making it difficult for Americans to know what their responsibilities are. They suspect others get a better deal under the Tax Code because of the complexity. If we can take that away and move to a system that has a lower rate, revenue neutral, that closes off some of these 5,000 changes that have been made in the last few years, we can create a million jobs in the first year alone.

One of the things that led us into this recession is the housing crisis. Here we have a letter from the National Association of Home Builders saying that housing can be a key engine of job growth that this country needs. However, the recovery we're seeing remains fragile. As the rest of the economy is experiencing softening conditions, now would be the worst time to raise taxes.

The National Association of Home Builders believes that lower rates, simplification, and a fair system will spur economic growth and increase competitiveness. That's good for housing, because housing not only equals jobs, but jobs mean more demand for housing. This is just one area that if we raise taxes, as this substitute attempts to do, we're going to really close off what little recovery we've been seeing, and obviously it's been very anemic. Economic growth is just over 1 percent.

We need to be the best country in the world. We need to have the strongest country in the world. We need to have the best Tax Code in the world. Raising taxes on one segment, one group of Americans against another is not the way to get America's greatness back.

I reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in support of the Democratic substitute on this tax provision.

I have tremendous respect for Chairman CAMP and the members of the Ways and Means Committee, but I would like to note that not a single one of my colleagues on the other side of the aisle refuted what I spoke about before, about the fact that if the Republican tax bill were to pass, as opposed to the Democratic tax bill, there would be an increase in taxes on 225,000 military men and women, many of whom are in Active Duty overseas as we speak.

I mentioned in my remarks that under the Democratic bill, the EITC rate, the earned income tax credit under the bill would afford a sergeant in our Army today with 8 years of service, married and with three children, and has a basic pay of $34,723, would receive under the Democratic plan an EITC benefit of $3,508.

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

□ 1650

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

Mr. CROWLEY. I want to be very clear about this, Mr. Speaker. The earned income tax credit under the Republican bill would only be $2,390. Now when I do the math, that means that under the Republican bill, that sergeant and his or her family would have a $1,118 tax increase. You can't get around it. Those are the facts. Those are the numbers. They speak loud and clear. And not a single one of my colleagues on the other side of the aisle refuted that.

We have refuted the $250,000 issue as it pertains to small business owners. The reality is, the men and women on the front lines defending this democracy, defending our freedom, defending our way of life, allowing for small businessmen and -women to prosper in this country, they're not worth a tax break.

Your bill increases taxes on our military men and women. There's no getting around it. A vote for the Republican bill is a vote to increase taxes on military men and women. A vote for the Democratic substitute is a tax cut for our military men and women.

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

I don't have to refute what the Member from New York said because the nonpartisan Joint Committee on Taxation has already done that. They've said the matters the gentleman is talking about are not tax increases. Those are spending through the Tax Code. That spending was put into the stimulus bill. We know how unsuccessful that was in lowering our unemployment rate below 8 percent, as was promised.

So at this time, I yield 2 minutes to the distinguished gentleman from New York (Mr. REED).

Mr. REED. I thank the chairman for yielding.

I rise in opposition to the substitute amendment that we're debating here, Mr. Speaker. The reason why is, it's clear the Democratic substitute amendment that we're discussing is a further expansion of tax increases that the Senate passed recently. I'm opposed to those tax increases.

We're dealing with a situation where the proposed amendment will raise the estate tax and take 55 percent of our hardworking Americans' assets when they pass away. They are raising taxes on dividends and capital gains at a time when senior citizens rely on those most in these dire economic times. They also seek to raise taxes on those making $200,000 to $250,000 and above. Raising taxes on those individuals goes right to the heart of our small businesses across America, coast to coast, North to South.

In this dire economic time, I actually agree with President Obama when he signed the tax rates in December 2010, when he said, In dire economic times, we don't raise taxes on Americans.

I just ask my colleagues to join me and say, Reject this substitute, freeze the Tax Code, and deal with the issue of comprehensive tax reform over the next 12 months, and put no Americans in harm in having their tax bill increased at the end of this year.

Mr. LEVIN. It's now my real pleasure to yield 2 minutes to the gentleman from Connecticut (Mr. LARSON) who is the chair of our caucus and an active member of our committee.

Mr. LARSON of Connecticut. I thank the distinguished ranking member.

This debate today is extraordinarily informative. This isn't about Democrats or Republicans. This is about saving and preserving our middle class.

Lauren Mishkin from Connecticut, a mother who recently came up to talk to me about student loans, said, ''When only the rich can follow their dreams, we have a problem.''

So here today, we face a very clear choice that I think all Americans understand. We should be able to come together as Democrats and Republicans and provide a tax break for everyone up to $250,000. Lauren was right: we have a problem.

A constituent of mine said, ''How is it that the Congress doesn't understand that what they're doing is throwing all of us into the deep abyss of uncertainty?'' It's that deep abyss of uncertainty that all Americans are concerned about. And what they want is for us to come together.

We know that we have a bill that has passed the Senate, a bill that the President will sign, a bill that we virtually agree on on both sides of the aisle. So what really frustrates the American citizens and the people in my district is that we can't come together.

I implore my colleagues on the other side, don't plunge us further into this dark abyss. Do the things that the wealthy amongst us have more than the ability to shoulder and make sure that we all come together, as Americans, and do the right thing on behalf of our constituents. That's what the Lauren Mishkins want, that's the kind of dream that we need to provide for all American citizens, and that's what this country desperately needs—a Congress that will take leadership.

There are times when you need to step aside, and there are times when you need to step up. We need to step up as a Congress and pass this Democratic substitute.

Mr. CAMP. I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACK), a distinguished member of the Ways and Means Committee.

Mrs. BLACK. Mr. Speaker, as I have been back in the district talking to my constituents and visiting many of the businesses and the job creators in the district, I have continued to hear from them that if we place one more tax increase on them, they're just not sure that they can survive.

Now these are good people that I go to the grocery store with, that I go to church with. I know how hard they're working, and I know how hard their families are working in order to keep

businesses going within our community. And when we know that two out of every three jobs are created by a small businessman or -woman, we impact those very folks who are creating the jobs for so many people in the district.

I hear this over and over again. And they look at me and say, Diane, please go back to Congress and please relay this to the Members of Congress, that we need to make sure that we have the certainty and that we don't impact them and their businesses so that they have to close down and, once again, increase the amount of unemployment.

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

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Mrs. BLACK. My colleagues on the other side of the aisle do not have a plan. Their plan is to increase the taxes on this group of people.

Second to that are those who continue to say to me—especially those who are looking at planning for their families for the future, of what they're going to leave for them—they're not going to be able to leave those things that they've worked so hard for because the estate taxes are going to go up.

We cannot do this to the people in my district. I'm going to be here to fight for that.

Mr. LEVIN. I would ask my colleague from Michigan how many further requests for time do you have left?

Mr. CAMP. I am prepared to close.

Mr. LEVIN. It's now my privilege to yield 1 minute to the gentlelady from California, our distinguished leader.

Ms. PELOSI. I thank the gentleman for yielding. I also thank him for his legislation on the floor today, to strengthen the backbone of our democracy, the great American middle class.

Today we can do just that by passing President Obama's middle-income tax cut, which is on the floor today as the Levin substitute. It has already passed the Senate and could be signed into law by the President before the weekend.

We have an opportunity. We have an opportunity to give a tax cut to 100 percent of the American people. We have an opportunity to relieve some of the uncertainty that exists in our economy as to how we are going to pay the bills and how America's working families are going to pay the bills.

We have an opportunity for fairness, which is an all-American value, for fairness for our families, for our businesses, and for our budget. We must not—as some people always accuse Congress of doing—miss an opportunity.

□ 1700

We have to take advantage of the opportunity that is here today. The bill provides for fairness for the middle class and certainty, as I mentioned.

The Republican alternative says not only do we want to give 100 percent of the American people a tax cut; we want to give a bigger and better tax cut to people making over $250,000 a year ,2 percent of the American people. In order to do that, we greatly increase the deficit which would incur borrowing from other countries, including China. And to top it all off, in order to give a tax cut to the wealthiest people in our country, we have to increase taxes for the middle class in order to pay for that. If you make over $1 million a year, the Republican tax proposal will give you a tax cut of $160,000 on average. And on average, America's middle-income families would have to pay $1,000 more in taxes.

You know, we work for the American people. You are our bosses. So as our bosses, what would you instruct us to do when it comes to reducing the deficit, giving a tax cut to 100 percent of the American people, which will inject demand into the economy and therefore create jobs. So we are reducing the deficit. We're creating jobs, and we're having fairness as a principle as to how we go forward.

Make no mistake, by refusing to vote for the Senate-passed bill, House Republicans are giving more tax breaks to the richest 2 percent, tax breaks they don't need and we can't afford. At the same time they cut taxes for the rich, as I said, they would raise an average of $1,000 on 25 million American families, families who rely on that money for day-to-day needs to pay their bills. That isn't fair, and Democrats will fight to prevent these tax increases on middle-income families in order to give a tax break to the wealthiest people in our country.

Today is a day when we can end some uncertainty. People talk about the cliff. We are going to go over the cliff come January. Let's not even go anywhere near the edge of that cliff. Let's pass this bill today. It will save just under $1 trillion because we're not giving those tax cuts to the high end. That is almost all the money that is needed to avoid the sequestration come January. So again, we are addressing the uncertainty not only in the lives of the American people, but in the life of our economy.

Or today is the day that Republicans will continue to hold the middle class hostage to tax cuts for the wealthiest people in our country.

I urge my colleagues to join Mr. LEVIN, join the President of the United States, join all of us. There isn't a person in this room, in this body, I think, who doesn't support tax cuts for the middle class. Why can't we just do that, do what we can agree upon right now, tax cut by the weekend, alleviating uncertainty for our economy as we go forward, and then we can have a debate about what a Tax Code should look like that has fairness, simplification, and again keeps us competitive, innovative, and, number one, allows the private sector to create jobs. Again, jobs, jobs, jobs.

We will reduce that deficit by having additional revenue, by creating growth, by addressing spending so we are investing in those initiatives that grow our economy. Pretty soon when we end this debate, it will be around the time when America's families will sit down for dinner at the kitchen table or wherever, and they will have these discussions about how they pay the bills, the bills to stay in their home or their apartment, wherever. Discussions on how they will pay for their children's education, how their pensions are affected by all of this. The list goes on and on.

With one vote, we can alleviate that uncertainty. We're not going to eliminate it, but we can lessen it. We have that responsibility. Let's not miss an opportunity to do just that.

So I thank you, Mr. LEVIN, for your leadership and members of the committee for all of your hard work.

Mr. CAMP. I reserve the balance of my time to close.

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

There are a few undisputed facts. Small business—97 percent of small businesses will receive all of their tax cut. Don't listen to the propaganda to the contrary. Everyone will receive their tax cuts up to $250,000 of income. Don't listen to propaganda that says otherwise. And income over $1 million, for those who have that, would receive under the Republican bill 70 times more than the typical family. And when the two bills are combined, 150 times more than the typical family.

Let me say just a word about tax reform, which I favor. It's being used as an argument for inaction. But, look, let's be realistic. No matter who controls the Congress next year, there won't be tax reform until maybe the spring or the summer. So are you going to use that same argument for tax reform, say, in a lame duck against middle-income tax cuts? Or in January, are you going to use the same argument? Are you going to use tax reform as a shield to protect the high-income taxpayer? In a word, the Republican bill is a path to nowhere for middle-income taxpayers.

Our substitute is a sure path. Pass it. The Senate already has. The President will sign it. Act now. Vote for the substitute.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I travel around Michigan and my district, the Fourth Congressional District of Michigan, I often hear from many families that they think America is at a crossroads. They really question is the American Dream, is that dream that their children and grandchildren are going to have the opportunities that they had, is that dream still alive for their kids and their grandkids? The reason they ask that is because we've been on the economic path that the majority has established for the last 3 years, and we've seen the slowest recovery from any recession since the Great Depression. Unemployment is still too high. I

think maybe being from Michigan, I'm particularly sensitive to that because we've had tough times for more than a decade. We need to get people back to work. We need to get jobs growing in this country.

There's really a choice: Which path are we going to be on? Which road are we going to take? Which lane are we going to be in? Are we going to be in the lane where we just simply raise taxes? No matter what segment it is, I don't care, just name the segment, but one that we know will cost us 700,000 jobs?

Or will we go down a path where we extend current law for 1 year, as many bipartisan experts have called for. Even President Bill Clinton has called for it. The President's former economic adviser, Larry Summers, has said let's extend current law for a year. Let's take the uncertainty out. And in the 20 hearings we've had on tax reform this year in the Ways and Means Committee, so many employers, so many tax experts, so many independent groups have come forward and said the uncertainty of all of this expiring tax policy is causing a huge problem.

And my friends would say, well, if only we'd raise taxes on people and small businesses and others who make $250,000, that'll solve our problems. Well, it won't. It's just a piece of it. The Tax Code is so complex, with 5,000 changes over the last decade. I often say it's 10 times larger than the Bible, with none of the good news.

The burden that this Tax Code is placing on our economy, it's a huge wet blanket. Our GDP growth is just barely over 1 percent, the gross domestic product. Our economy is not growing enough; and if we don't grow our economy, we can't create the jobs that we need so desperately.

□ 1710

Let's work together. Let's pass this 1-year extension. Tomorrow, we have a package that will lay out our principles for comprehensive tax reform that will also lay out a process to expedite this next year in the House and Senate. We've been working with the Senate to establish these procedures. They will go through regular committee in an open and transparent way, not just roll a bill out on the floor and say, oh, if we only ding that one segment, things will be okay. Let's do this the right way.

This is the greatest country in the world. Let's make this the greatest economic power in the world. Let's reform our Tax Code for the first time in 26 years. Let's make it a pro-growth, modern code that lets our U.S. companies compete around the world, lowers its rates and makes it simpler for people to file their taxes, lessens that burden, lessens that uncertainty and creates 1 million jobs in the first year alone.

It's very clear which path we need to choose. Reject this substitute. Support H.R. 8. Get on the right path. Get on the path to job creation.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker. I rise in strong support of H.R. 15, and ask my colleagues on both sides of the aisle to come together in support of H.R. 15, the Democratic alternative offered by our colleague from the Ways and Means Committee, Mr. LEVIN.

I have consistently supported and voted for middle class tax cuts, as I did two years ago when I voted for the Middle Class Tax Relief Act of 2010, and the extension of unemployment benefits.

The intelligent Democratic substitute offered by my Ways and Means colleague temporarily extends for one year, through 2013, the reduced tax rates and other tax benefits enacted in 2001 and 2003 that expire on Dec. 31—but only for income levels below $250,000 for joint tax returns and $200,000 for individuals. This is smart tax policy which acknowledges the deficit problem but does not squelch tax benefits for those most in need.

It also extends the expanded education tax credit, child tax credit and earned income tax credit benefits that were included in the 2009 stimulus law and extended in the 2010 tax extension law; those provisions unfortunately are not included in H.R. 8.

On the other hand, the Democratic proposal does the following:

TEMPORARY EXTENSION OF TAX RELIEF

One-year extension of marginal individual income tax rate reductions for middle-class taxpayers.

One-year extension of repeal of the overall limitation on itemized deductions ("Pease") and the personal exemption phase-out ("PEP") for middle-class taxpayers.

One-year extension of EGTRRA and ARRA improvements to child tax credit.

One-year extension of marriage penalty relief for middle-class taxpayers.

One-year extension of earned income tax credit simplification and increase.

One-year extension of education tax incentives.

One-year extension of tax benefits for families and children.

One-year extension of reduced maximum rate for capital gains and qualified dividend income for middle-class taxpayers.

One-year extension of the American Opportunity Tax Credit ("AOTC"). One-year extension of enhanced small business expensing.

The measure provides a one-year "patch" to prevent the alternative minimum tax (AMT) from affecting millions of additional taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year. It does not extend current estate tax provisions, which set a maximum estate tax rate of 35% with an exemption amount of $5 million.

I am deeply saddened that the fate of unemployed, low and middle income Americans has been held hostage by the insistence by Republicans that this legislation include a giveaway to the wealthiest 2% of Americans that is going to irresponsibly expand the already large deficit.

I have spoken to and heard from many fine, patriotic, hardworking middle income Americans from Houston, from the great state of Texas, and all across the nation. Middle class American families and small businesses are deeply concerned about our troubled economy, the skyrocketing national deficit, high unemployment rates, job creation, and sorely needed extension of the tax relief and unemployment benefits set to expire at the end of this month.

The Republican bill temporarily extends for one year, through 2013, all the reduced tax rates and other tax benefits enacted in 2001 and 2003 that are scheduled to expire on Dec. 31. The measure maintains the maximum estate tax rate of 35% while retaining the exemption amount of $5 million, provides a two-year "patch" to prevent the alternative minimum tax (AMT) from hitting over 27 million taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year.

I feel like we have been down this path before and I recall many of my colleagues staking a claim to fiscal responsibility. Well, I ask in all sincerity, which bill is more fiscally responsible: H.R. 8, which blows a hole in the deficit, or H.R. 15, the Democratic alternative which keeps the Bush Tax rates in place for the people who truly need tax relief.

This is the same Republican Congress which has asked for a balanced budget amendment. It has codified the Joint Select Committee on Deficit Reduction, which is possibly unconstitutional, and has had no impact on jobs and the unemployment problem. Yet today they want us to vote on a tax increase for the top 2 percent. This illustrates what happens when Congress does not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

The Senate gave us a layup by producing a bill last week which is virtually identical to the Democratic Substitute. All we have to do is act like Olympians and pass it.

The American people are asking the President and Members of Congress to move swiftly and take decisive action to help restore our economy in a fiscally responsible manner. I am disappointed that Republicans have insisted on holding tax cuts for working and middle class families hostage in order to benefit the wealthiest 2% of Americans.

I would like to thank President Obama for his determined leadership, support and commitment to protecting important tax relief issues for middle-income Americans and the nation's small businesses and farmers during these challenging economic times. I would also like to thank all the Members and their staff who worked diligently to bring this essential legislation to the House floor today in an attempt to do all that we can to protect the American people and move this nation toward fiscally responsible economic recovery.

I support those provisions of H.R. 8 which provide relief for middle-class families and small businesses who will see their taxes go down and get much needed certainty. But I cannot in good conscience support tax relief for millionaires and billionaires at a time when others need help just to make ends meet.

Unlike those provisions of H.R. 8 which benefit America's struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a two year extension of Bush-era tax cuts for the wealthiest 2% of Americans while keeping their estate tax rate at 35% on estates valued at more than $5 million for individuals and more than $10 million for couples.

These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our ailing economy since these tax cuts are not tied to job creation and preservation.

ESTATE TAX AMENDMENT

I offered an amendment that would have set the Estate Tax at reasonable levels. My amendment would have allowed estates valued at $3.5 million or less to pay 35 percent, estates valued between $3.5 million and $10 million to pay a 45 percent rate, and estates over $10 million to pay a 55 percent rate. This commonsense amendment would have restored a sense of fairness to H.R. 8. According to the Center on Budget and Policy Priorities, the 2009 estate tax rules already are extremely generous, tilting in favor of the wealthy. The Tax Policy Center estimates that if policymakers reinstated the 2009 rules:

The estates of 99.7 percent of Americans who die would owe no estate tax at all in 2013. Only the estates of the wealthiest 0.29 percent of Americans who die—about 7,450 people nationwide in 2013—would owe any tax.

Moreover, under the 2009 rules, the small number of estates that were taxable would face an average effective tax rate of 19.1 percent, far below the statutory estate-tax rate of 45 percent. In other words, 81 percent of the value of these estates would remain after the tax, on average. An estate tax that exempts the estates of 997 of every 1,000 people who die and leaves in place an average of 81 percent of the very wealthiest estates is hardly a confiscatory or oppressive tax.

Moreover, only 60 small farm and business estates in the entire country would owe any estate tax in 2013, under a reinstatement of the 2009 rules, and these estates would face an average effective tax rate of just 11.6 percent. Failing to tie tax cuts to job creation is irresponsible since it exacerbates our growing deficit without bolstering job creation.

My amendment does not address the step-up in basis. The exemption level and rate are consistent with parts of the estate tax proposal included in the President's FY2010 and FY2011 Budgets and H.R 16, the intelligent estate tax proposal being put forth by my colleague Mr. LEVIN of the Ways and Means Committee.

CLASSROOM EXPENSE DEDUCTION AMENDMENT

My second amendment would have provided tax relief to school teachers by providing them a deduction for qualified out-of-pocket classroom expenses of $250 dollars, whether or not they itemize their deductions. You may recall Mr. Speaker that the President included this proposal in his Budget for Fiscal Year 2013.

I understand the tremendous personal costs incurred by educators with little or no classroom budget. According to a 2006 National School Supply and Equipment Association Retail Awareness Study, teachers spend an average of $493 out of pocket on school supplies for their own classrooms.

7 percent of teachers surveyed said they plan to spend more than $1,000 of their personal finances on supplies. As education budgets face major shortfalls in the recession, that amount is expected to increase significantly.

Beginning in 2002 the IRS allowed for an above-the-line deduction for classroom expenses of up to $250. The educator expense deduction allows teachers to write off some expenses that they incur to provide books, supplies, and other equipment and materials for their classrooms. I introduced this amendment and would like to acknowledge the work of my colleagues who have put forth legislation advocating this deduction. America's teachers from Texas to Maine to Florida to Washington deserve our renewed appreciation for their commitment to educating future generations.

Our children should not have to suffer because our teachers are given a Hobson's Choice, forced to choose between using their own finances to effectively teach a class or forced to cut corners due to budgetary restrictions. We promote an increased quality of education by lessening the financial burden on them when they are trying to go above and beyond their responsibilities is certainly warranted.

While I am opposed to the portions of H.R. 8 that amount to an expensive giveaway to the wealthiest 2% of Americans, I want to emphasize that I fully support job-creation and job creators. I also support President Obama's vision for change. I share his commitment to fighting for low- and middle-income Americans who are the backbone of this country and our economy.

However, this legislation, H.R. 8, especially as it pertains to tax cuts for the top 2% of Americans and estate tax provisions that are regressive and inflate the deficit, does not comport with this vision. I have serious misgivings about extending tax cuts for the wealthiest Americans at the expense of our deficit, especially if these tax cuts are not targeted towards job creation.

DEFICIT AND TAXATION

You may recall that in the Budget, the Administration calls for individual tax reform that: cuts the deficit by $1.5 trillion, including the expiration of the high-income 2001 and 2003 tax cuts. As a matter of sound fiscal policy, I am supportive of this 15 effort. I recognize the putative economic benefits that many attribute to the Bush Tax Cuts, but we must ask ourselves are they affordable? There is no amount of dynamic scoring that will help penetrate the deficit.

The President's budget also eliminated inefficient and unfair tax breaks for millionaires while making all tax breaks at least as good for the middle class as for the wealthy; and observes the Buffett Rule that no household making more than $1 million a year pays less than 30 percent of their income in taxes.

The individual income tax is a hodgepodge of deductions, exemptions, and credits that provide special benefits to selected groups of taxpayers and favored forms of consumption and investment. These tax preferences make the income tax unfair because they can impose radically different burdens on two different taxpayers with the same income. In essence, Congress has been picking winners and losers.

There is absolutely no justification for huge tax cuts. The wealthiest tax brackets should not profit at the expense of programs keeping struggling families from poverty.

Bear in mind, the Republican's 2012 budget cut $2 trillion dollars more than President Obama's Debt Commission advised, and those cuts come from vital social services and safety nets for low income families, children and seniors.

Tax expenditures also reduce the economy's productivity because decisions on earning, spending, and investment are driven by tax considerations rather than the price signals that a well-balanced, and fair free market economy produces. These expenditures, whether for individuals or corporations, are really no different than the much ballyhooed entitlement programs, but they have cute names and fancy lobbyists.

Moreover, tax expenditures make the tax system excessively complex for honest taxpayers who are trying to comply with the law while seeking the benefits to which they are legally entitled.

The system is so complex that most taxpayers even those with low incomes now use either a professional tax preparer or tax software. A one-page form shouldn't require a tax preparer who earns a percentage of the return, or a fee. It is not justifiable, especially when some commentators like to point out that a number of taxpayers pay no tax—well they somehow conveniently forget to mention that these tax scofflaws making $30,000 dollars a year more than make up for it with a long list of regressive taxes at the state and local level.

The alternative minimum tax, or AMT, was initially designed to ensure that all high-income taxpayers paid some income tax, has become the poster child for the tax system's failure, requiring Congress to enact increasingly expensive temporary patches to prevent the AMT from encroaching on millions of middle class households particularly those with children, in a web of pointless high tax rates, complexity, and unfairness.

On the deficit reduction front it is important to remember the economic crisis that the President inherited. I remember back in 2008 and 2009, when we experienced the worst recession since the Great Depression. The economy actually contracted, it shrunk, at a rate of almost 9 percent in the fourth quarter of 2008.

We lost 800,000 private-sector jobs in January of 2009 alone, and unemployment was surging. Those are the conditions the President inherited—the car was swerving into the ditch. He was not the driver, but he was asked to come in on literally his first day of office, roll-up his sleeves and figure out how to prevent the car from rolling farther down the hill. If you'll recall we also faced a housing market that was in crisis, and we faced a financial market crisis as well that threatened to set off a global financial collapse. We have come a long way since then yet there is more work to be done.

The cloud looming over this Congress is an unintended ''triple-witching hour'' of tax increases and Sequestration measures that will take effect at the beginning of 2013.

The expiration of the Bush Tax Cuts, the end of the recently extended Payroll Tax Cut, and increases in capital gains and dividends taxation will shock the conscience and wallets of the American people. That is why Congress needs to enact bi-partisan legislation that helps lower the deficit but does not wreck havoc on the financial soul of the middle class.

But again, tax reform that lowers the rate, reduces the deficit, and does not pick winners and losers is not easy, but let's not forget, if President Reagan and then-Speaker Tip O'Neill could do it in 1986, anything is possible.

The so-called "99ers" have been sincerely looking for work for a very long time and have run out of resources to provide for their families and pay their mortgages, pay their bills and buy food. They simply want and need a job to pay for these obligations. H.R. 8 proposes to give tax cuts to the wealthiest Americans, yet fails to provide for the so-called "99ers."

H.R. 8 unfortunately is not ready for primetime. Let us come together for the American people and pass the Levin Substitute—a bill which has already passed in the Senate.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the bill and on the amendment offered by the gentleman from Michigan (Mr. LEVIN).

The question is on the amendment offered by the gentleman from Michigan.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 170, nays 257, not voting 3, as follows:

[Roll No. 543]

YEAS—170

Ackerman
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
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
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
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—257

Adams
Aderholt
Alexander
Altmire
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
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
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
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—3

Akin
Cardoza
Jackson (IL)

□ 1737

Messrs. JONES and JOHNSON of Ohio changed their vote from "yea" to "nay."

Ms. EDWARDS, Ms. HAHN, Mrs. DAVIS of California, and Messrs. ELLISON, HINCHEY, and MORAN changed their vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

MOTION TO RECOMMIT

Mr. DEFAZIO. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. DEFAZIO. Yes, I am.

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

The Clerk read as follows:

Mr. DeFazio moves to recommit the bill H.R. 8 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

**SEC. 6. FINDINGS.**

Congress finds the following:

(1) Section 2 of this Act (H.R. 8) extends tax cuts for millionaires instead of helping small businesses with tax cuts to invest in the future and create jobs.

(2) Small businesses would be better served by ending tax breaks for millionaires and instead using that revenue to expand the small business expensing provision, which fosters investment in new plants and equipment.

(3) This Act (H.R. 8) fails to extend expansions to the Child Tax Credit and the Earned Income Tax Credit, and it fails to extend altogether the American Opportunity Tax Credit. This tax relief encourages work, has lifted millions of Americans into the middle class, and helps middle class families pay for the costs of higher education.

**SEC. 7. APPLICATION OF EXTENSION OF 2001 AND 2003 TAX RELIEF TO CERTAIN HIGH-INCOME TAXPAYERS.**

(a) APPLICATION OF EXTENSION OF 2001 TAX RELIEF.—

(1) TREATMENT OF 25-, 28-, AND 33-PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) 25-, 28-, AND 33-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)),

"(B) by substituting '28%' for '31%' each place it appears, and

"(C) by substituting '33%' for '36%' each place it appears.".

(2) 35-PERCENT RATE BRACKET.—Subsection (i) of section 1 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) 35-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 highest rate bracket shall be 35 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 39.6 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) $1,000,000 in the case of subsection (a), (b), and (c), and

''(ii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) HIGHEST RATE BRACKET.—For purposes of this paragraph, the term 'highest rate bracket' means the bracket which would (determined without regard to this paragraph) be the 39.6-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, the dollar amount in subparagraph (C)(i) 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'.''.

(3) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 of such Code is amended—

(A) 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)'',

(B) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(4) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) of such Code 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).

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) of such Code 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''.

(b) APPLICATION OF EXTENSION OF 2003 TAX RELIEF.—

(1) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—Paragraph (1) of section 1(h) of the Internal Revenue Code of 1986 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 39.6 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.—Section 55 of such Code is amended by adding at the end the following new subsection:

''(f) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of any individual, if the taxpayer's taxable income for the taxable year exceeds the applicable amount determined under section 1(i) with respect to such taxpayer for such taxable year, the amount determined under paragraph (2) shall be substituted for the amount determined under subsection (b)(3)(C) for purposes of determining the taxpayer's tentative minimum tax for such taxable year.

''(2) DETERMINATION OF 20-PERCENT CAPITAL GAINS RATE.—The amount determined under this paragraph is the sum of—

''(A) 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 subsection (b)(3)(B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(B) 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 subparagraph (A) and subsection (b)(3)(B).''.

(3) CONFORMING AMENDMENTS.—

(A) The following provisions are each amended by striking ''15 percent'' and inserting ''20 percent'':

(i) Section 531 of the Internal Revenue Code of 1986.

(ii) Section 541 of such Code.

(iii) Section 1445(e)(1) of such Code.

(iv) The second sentence of section 7518(g)(6)(A) of such Code.

(v) Section 53511(f)(2) of title 46, United States Code.

(B) Section 1445(e)(6) of the Internal Revenue Code of 1986 is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(c) APPLICATION OF SUNSETS.—

(1) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (a) 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.

(2) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsection (b) 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.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by subparagraphs (A)(iii) and (B) of subsection (b)(3) shall apply to amounts paid on or after January 1, 2013.

**SEC. 8. ADDITIONAL INCREASE IN SMALL BUSINESS EXPENSING.**

(a) IN GENERAL.—Section 179(b) of the Internal Revenue Code of 1986, as amended by section 3, is further amended—

(1) by striking ''$100,000'' in paragraph (1)(D) and inserting ''$1,000,000'',

(2) by striking ''$400,000'' in paragraph (2)(D) and inserting ''$5,000,000'', and

(3) by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent that reading of the motion be suspended.

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

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. DEFAZIO (during the reading). I ask unanimous consent that further reading be suspended.

The SPEAKER pro tempore. Is there objection?

Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Under the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. DEFAZIO. This is the final amendment to the bill. It won't kill the bill or send it back to committee. If adopted, the bill will be immediately amended and will proceed to final passage.

It's a pretty simple amendment. It would create a tax break for the real job creators in America, which are small businesses and middle-income families. A middle-income person with a job or a small business and enough money to go out and invest and buy products made in America for his business—that's a key component of this—would be allowed an expensing.

The Republican version of the bill would limit the expensing to small businesses to $100,000 a year for the purchases of new equipment made in America. If this amendment is adopted, those same small businesses would be allowed to expense up to $1 million to purchase products made in America, which would put people back to work.

Now, I know we're going to hear of the millionaires and billionaires because this tax increase, or restoration of the Clinton era rates, would only apply to incomes over $1 million. So a millionaire still gets the break on the first $1 million. It's only on income over $1 million that would go to the Clinton era rates.

They'll say they're the job creators and that it would depress job creation. Let's think back to the Clinton administration. We had a 39.6 percent top bracket on the millionaires and billionaires. We had 3.8 percent unemployment in the United States of America,

and we paid down debt for the first time since the Eisenhower administration. I'd like to go back to those bad old days.

Now, we've been doing the Bush tax cuts for 12 years. Where are the jobs? Where are the jobs from cutting taxes on people's incomes of over $1 million? They aren't creating those jobs. Let me give you two quick examples from my district, and they're typical.

□ 1750

I have Palo Alto Software, a small business. They make software for business start-ups. We contacted them, and they said, Yes, we could invest way more both in new hardware, new software, and other things that would enhance our business than $100,000 if we were given this expensing privilege, and we would put more people back to work.

Bulk Handling Systems, they make recycling systems in my district. They had the same answer: If you gave us a million dollars of expensing, we would spend every penny of that on products made in America and put people back to work.

The bottom line is the Republicans want to limit these small businesses, these real job creators, to a $100,000 deduction when they could use a million dollars in expensing and put more people back to work, because their premise is that the millionaire, the person who got hundreds of millions or more in income, that having them not pay more taxes on their income over $1 million will create more jobs than the small business. I don't buy that. I don't think the American people buy that.

There's no limit on what they can do with their huge tax breaks, their very expensive tax breaks. They can buy another vacation home in the Caribbean. They can buy a Lamborghini. Paris Hilton can go on a shopping spree in London or Paris.

This bill limits the expensing and the purchase of equipment to products made in the United States of America. I want to see things made in this country again. I want to put Americans back to work, not people overseas.

It's time that we admitted that we can't afford to continue the tax cuts over $1 million of income.

It would also reduce the deficit over 10 years by $29 billion after we create jobs, after we give this expensing privilege to small businesses.

The choice is yours. You can stick with those who have income over $1 million or you can side with small businesses and American workers. You decide.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I rise in opposition to the motion.

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

Mr. CAMP. It's clear that my friends on the other side are committed to raising taxes at any cost. Does anyone believe that they're going to use that to reduce the deficit? We'll just see more wasteful Washington spending. This isn't a solution. America is at a crossroad. We've had 40 months of 8 percent unemployment. What do we get from them? Not a solution. We get a political ploy.

I appreciate my friend from Oregon touting the benefits of the Clinton administration when we had a Republican Congress. Let me just say I've welcomed the advice of former President Bill Clinton. He said extend all of the current tax rates. Let me just say that this would gut tax reform.

Say ''yes'' to tax reform. Say ''no'' to raising taxes. Say ''no'' to this motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 8, if ordered, and the motions to suspend with regard to House Resolution 750 and H.R. 4365.

The vote was taken by electronic device, and there were—ayes 181, noes 246, not voting 3, as follows:

[Roll No. 544]

AYES—181

Ackerman
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
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
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
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
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—246

Adams
Aderholt
Alexander
Altmire
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
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
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
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
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
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry

Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—3

Akin
Cardoza
Jackson (IL)

□ 1811

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. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 256, noes 171, not voting 3, as follows:

[Roll No. 545]

AYES—256

Adams
Aderholt
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
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
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
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—171

Ackerman
Altmire
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)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
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
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—3

Akin
Cardoza
Jackson (IL)

□ 1819

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 750) providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 3, as follows:

[Roll No. 546]

YEAS—421

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)

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

NAYS—6

Amash
Duncan (TN)
Johnson (IL)
Jones
Kucinich
Paul

NOT VOTING—3

Akin
Cardoza
Jackson (IL)

□ 1826

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THRIFT SAVINGS FUND CLARIFICATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4365) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, 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 Utah (Mr. CHAFFETZ) 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 414, nays 6, answered ''present'' 1, not voting 9, as follows:

[Roll No. 547]

YEAS—414

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—6

Ackerman
Bass (CA)
Jones
Meeks
Paul
Young (AK)

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—9

Akin
Cardoza
Dicks
Hastings (FL)
Jackson (IL)
Kaptur
Lamborn
Southerland
Wasserman Schultz

□ 1833

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.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULTGREN). Pursuant to clause 8 of rule XX, proceedings will now resume

on motions to suspend the rules previously postponed.

## GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 300) to prevent abuse of Government charge cards, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY NEAR PIKE NATIONAL FOREST, COLORADO

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## EXPRESSING SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 127

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would justify under international law increased government control over the Internet and would reject the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content, contrary to international law;

Whereas the position of the United States Government has been and is to advocate for the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the Assistant Secretary of Commerce for Communications and Information, in consultation with the Deputy Assistant Secretary of State and United States Coordinator for International Communications and Information Policy, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

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

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD on H. Con. Res. 127.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Con. Res. 127, a resolution that opposes international regulation of the Internet.

The resolution was introduced by Mrs. BONO MACK in May and passed the House Committee on Energy and Commerce with bipartisan support from more than 60 Members, including Energy and Commerce Committee Chairman UPTON, Ranking Member WAXMAN, and my colleague on the Communications and Technology Subcommittee, Ranking Member ESHOO. I, too, am pleased to be an original cosponsor of this important resolution.

Nations from across the globe will meet in December for the World Conference on International Telecommunications in Dubai. There, the 193 member countries of the United Nations will consider whether to apply to the Internet a regulatory regime that the International Telecommunications Union created for old-fashioned telephone service, as well as whether to swallow the Internet's nongovernmental organization's structure whole and make it part of the United Nations. Neither of these are acceptable outcomes.

Now, among those that are supportive of such regulation is Russian President Vladimir Putin, who spoke positively about the idea of ''establishing international control over the Internet.'' Some countries have even proposed regulations that would allow them to read citizens' email in the name of security. H. Con. Res. 127 rejects these proposals by taking the radical position that if the most revolutionary advance in technology, commerce, and social discourse of the last century isn't broken, well, we shouldn't be trying to fix it.

The Internet is the greatest vehicle for global progress and improvement since the printing press; and despite the current economic climate, the Internet continues to grow at an astonishing pace. Cisco estimates that by 2016 roughly 45 percent of the world's population will be Internet users, there will be more than 18.9 billion network connections, and the average speed of mobile broadband will be four times faster than it is today.

The ability of the Internet to grow at this staggering pace is due largely to the flexibility of the multi-stakeholder approach that governs the Internet today. Nongovernmental institutions now manage the Internet's core functions, with input from private and public sector participants. This structure prevents governmental or nongovernmental actors from controlling the design of the network or the content that it carries.

□ 1840

Without one entity in control, the Internet has become a driver of jobs and information, business expansion, investment and, indeed, innovation. Now, moving away from that multistakeholder model, Mr. Speaker, would harm these abilities and would prevent the Internet from spreading prosperity and freedom.

In May, the Subcommittee on Communications and Technology invited a panel of witnesses, including Federal Communications Commissioner Robert McDowell, to discuss the effects an international regulatory regime would have on the Internet. All agreed that such a regime would not only endanger the Internet, but would endanger global development on a much larger scale. House Concurrent Resolution 127 expresses the commitment of Congress to do all that it can to keep the Internet free from an international regulatory regime.

I'm pleased to report that earlier today, Ambassador Kramer, the leader of the U.S. delegation to the WCIT, gave a speech outlining the position of the United States that seems to be embracing the very principles contained in this resolution. Now, my hope is that the administration stays on this very course.

As the U.S. delegation continues to work in advance of the WCIT, House Concurrent Resolution 127 is an excellent bipartisan demonstration of our Nation's commitment to preserve the multistakeholder governance model and to keep the Internet free from international regulation. The House Committee on Energy and Commerce strongly supports House Concurrent Resolution 127, and I urge the rest of my colleagues in the House to join us.

I reserve the balance of my time.

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

I'm very pleased to join with all of my colleagues. This is an unusual happening on the floor, and I hope there are lots of people tuned in from C–SPAN listening and watching, because it is one of the few times that we've come together in a true bipartisan, 100 percent bipartisan way.

I want to pay tribute to the gentlewoman from California, Representative BONO MACK, for her leadership on this. And I'm very, very pleased to join her and all of the members of the Energy and Commerce Committee on H. Con. Res. 127.

As I said, this is bipartisan and it's bicameral, and it demonstrates the bipartisan commitment of the Congress to preserve the open structure and multistakeholder approach that has guided the Internet over the past two decades.

The distinguished chairman of our subcommittee said that he hopes the administration will remain on this. The administration was there before the Congress took action. There is no light between the administration, the executive branch, the Senate or the House, and that's the way it should be.

Through this open and transparent structure, Mr. Speaker, the Internet has literally transformed into a platform supporting thousands of innovative companies, applications, and services, not just in the United States, but in communities around the world.

I'm very, very proud, because my congressional district is very much a part of Silicon Valley, and many of these companies helped to launch these innovations. In fact, since 1995—this is really stunning—venture capital funds have invested approximately $250 billion—with a B, dollars—in industries reliant on an open Internet, including $91.8 billion on software alone.

But later this year, the World Conference on International Telecommunications—at the committee, we call it WCIT, that's a lot easier—will take up proposals that represent a really fundamental departure from the International Telecommunications Regulations adopted in 1988. Nearly 25 years ago, this treaty provided a framework for how telecommunications traffic is handled among countries, but much has changed since that time.

In addition to proposing new regulations on broadband services, several nations, including Russia, are set on asserting intergovernmental control over the Internet, leading to a balkanized Internet where censorship could become the new norm. While there's no question that nations have to work together to address challenges to the Internet's growth and stability, such as cybersecurity, online privacy, and intellectual property protection, these issues can best be addressed under the existing model.

It's absolutely essential that the United States defend the current model of Internet governance at the upcoming Dubai conference this December because the very fabric of the free and open Internet is at stake.

So I urge all of my colleagues to support this bipartisan resolution which reflects, as I said a few months ago, a viewpoint already shared by the Obama administration, the Federal Communications Commission, and the U.S. delegation to the WCIT, and unite in opposition to proposals that threaten the innovation, openness, and transparency enjoyed by Internet users around the world.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN. I'm now honored to yield 3 minutes to the gentlewoman from California (Mrs. BONO MACK), the sponsor of this legislation, the chairman of the Commerce, Manufacturing, and Trade Subcommittee of the Energy and Commerce Committee, and a very active and effective member of the subcommittee I chair, the Communications and Technology Subcommittee, who has put a lot of time into making sure the Internet remains free and open. This is her resolution. We thank her for her work.

Mrs. BONO MACK. Mr. Speaker, I thank my dear colleague for yielding me the time.

Today, if you browse the Internet and enter the search words ''Russia, China, human rights violations,'' you'll get back nearly 300 million hits. Think about it. Five simple words, 300 million hits.

In the future, how many of these stories will you actually be able to read if Russian President Vladimir Putin and China's Communist Party are allowed to exert unprecedented control over Internet governance?

Here are two words you should Google: ''Good luck.''

As the United States prepares to take part in the World Conference on International Telecommunications in Dubai, we need to provide the delegation with a clear and unmistakable mandate: Keep the Internet free of any and all government control.

At the WCIT discussions, a new treaty on Internet governance will be debated. Most worrisome to me are efforts by some countries to provide the U.N. with extraordinary new authority over the management of the Internet.

That's bad enough. But unlike the U.N. Security Council, the U.S. will not have veto power to prevent censorship or despotic actions which could threaten freedom everywhere. To prevent this from happening, I introduced House Concurrent Resolution 127.

I want to thank my cosponsors, Energy and Commerce Committee Chairman UPTON, Ranking Member WAXMAN, Communications and Technology Subcommittee Chairman WALDEN, and my good friend and the Ranking Subcommittee Member ESHOO for their strong bipartisan support in this effort. I also want to commend Senator RUBIO for championing this critically important cause in the Senate.

In many ways, this is a first-of-its-kind referendum on the future of the Internet. For nearly a decade, the United Nations has been angling quietly to become the epicenter of Internet governance. A vote for our resolution is a vote to keep the Internet free from government control, and to prevent Russia, China, India, and other nations from succeeding in giving the U.N. unprecedented control over Web content and infrastructure.

Last year, e-commerce topped $200 billion in the U.S. for the first time and is up 15 percent so far this year. We also continue to lead the world in online innovation, creating millions of jobs and bolstering our economy at a time when we really need it.

These proposed treaty changes, which have been going on in secret, could have a devastating impact worldwide on both freedom and economic prosperity. If this power grab is successful, I'm concerned that the next Arab Spring will instead become a Russian Winter where free speech is chilled, not encouraged, and the Internet becomes a wasteland of unfulfilled hopes, dreams, and opportunities.

We cannot let this happen. I urge my colleagues to vote ''yes'' for this resolution, and say ''no'' to online censorship by foreign governments.

Ms. ESHOO. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a highly regarded member of our committee.

Mr. DOYLE. Mr. Speaker, I want to add my support for this important resolution to safeguard the Internet from government control.

I'd like to thank my friend and colleague, MARY BONO MACK, and my other colleagues from the Energy and Commerce Committee for introducing this measure, and I was delighted to become an original cosponsor.

□ 1850

This bipartisan resolution sends a clear message to the United Nations. It tells the International Telecommunication Union, which is the U.N. arm handling telecommunications issues, not to adopt regulations that would make it easier for governments to exercise tracking, surveillance, or censorship online.

The Internet has developed into the revolutionary medium it is today because decisions over the structure of the Internet have been made by nongovernmental, expert organizations. These groups invite the participation of a number of stakeholders from academia, the private sector, public interests, and other experts, and they've done a good job of avoiding a lot of the political interference.

At a time when some governments have actively been blocking users from accessing certain Web sites online, I am glad to see my colleagues unite against such repressive actions and in support of Internet freedom. Opposition to Internet censorship has always been a very bipartisan issue. I want to make that clear because sometimes this issue gets confused with other policy issues like net neutrality. Some of my colleagues have argued that net neutrality supporters somehow favor Internet censorship. I believe that users should be able to surf the Internet however they want to without being blocked from certain Web sites or services, which is what net neutrality is all about as well, so I think opposing censorship and favoring net neutrality go hand in hand.

Mr. Speaker, I am glad to see this resolution move forward in a bipartisan fashion. I urge my colleagues to support it.

Mr. WALDEN. I now yield 3 minutes to a member of the Judiciary Committee who chairs the Intellectual Property, Competition, and the Internet Subcommittee and who has been one of our terrific leaders on the Republican side on the Internet with regard to keeping it free and open, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I would like to thank Chairman WALDEN for his great work in this area and for his leadership on this issue.

I rise to strongly support House Concurrent Resolution 127.

Mr. Speaker, several hostile countries continue to pursue a U.N. takeover of the Internet through an organization known as the International Telecommunication Union, or ITU, which is an agency within the United Nations. In fact, a push is being made to negotiate international control of the Internet in Dubai this December. The U.N. is the absolute last entity that should have anything to do with managing the functioning of the Internet.

Currently, the private, nonprofit ICANN, which is the Internet Corporation for Assigned Names and Numbers, performs this function. While ICANN is far from perfect, having this responsibility rest with a private entity helps foster market principles and is the most efficient way to administer the Internet's domain name system and root servers.

We must remain vigilant against efforts by foreign governments to consolidate the control of the Internet into a U.N.-centered body, which would lead to free speech and access restrictions and abuses. House Concurrent Resolution 127 will show Congress' unity behind this concept, and I strongly urge my colleagues to support this important resolution.

Ms. ESHOO. Mr. Speaker, I would now like to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been a recognized intellectual leader on telecommunications and the Internet for a long time in the Congress.

Mr. MARKEY. I thank the gentlelady for her great leadership.

I have served 36 years on the Telecommunications Subcommittee. No Member of Congress has ever done this.

I know that this is an important moment. This is an important resolution because the Internet today is indispensable to our economy, intricately linked to innovation worldwide, and initiates the free flow of ideas around the planet. It is the most successful communications and commercial medium in the history of the world.

In testimony before the Telecommunications Subcommittee in May, Vint Cerf, known to many as the ''Father of the Internet,'' explained:

> To allow any rules that would sequester this innovation and inhibit others would damage the future of the Internet dramatically.

I could not agree more. That is why I strongly support this bipartisan resolution with Ms. ESHOO, Mr. WAXMAN, Mr. WALDEN, and Ms. BONO MACK. This is why we have to be out here together. It is why we must send a bipartisan signal to the rest of the world that the United States will defend an open Internet.

The World Wide Web is essential to our economy. Companies large and small rely on the Web regardless of whether their commercial aspirations are local or global. The Internet's worldwide scope has also helped to foster community and cultural communications across the planet. We have recently witnessed the power of social media in toppling dictators and in promoting democracy across the globe.

What makes the Internet so special is the decentralized, open system that currently governs it. It is chaotic; it is impossible to control; and the multistakeholder process that is in place today ensures the Internet's vibrancy will continue into the future.

Here, domestically, we have to ensure that the broadband barons don't close down this cacophony of voices which are heard and stifle innovation. But globally, yes, a number of countries, including China and Russia, are now proposing measures that strike at the core of what makes the Internet great. Their proposals could stifle innovation, cripple job growth, muzzle democratic principles. These proposed measures include bringing the Internet under intergovernmental control and imposing fees for relaying Internet traffic or termination rates for delivering Internet traffic to its end destination.

We have to resist and reject these regressive ideas. It would undermine the essence of the Internet. It would take us back to the days when, in the satellite world, it was the controlling governmental officials in countries that actually decided what ideas could go into that country and made people pay exorbitant rates in order to get access to those ideas. The Internet—this packet switch system that was invented in the United States—breaks down those barriers. We must ensure that we keep Internet freedom. Thank you all for bringing this great resolution out to the floor here this evening.

Mr. WALDEN. I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I would now like to yield 3 minutes to my distinguished colleague from California, Representative ZOE LOFGREN, who is respected in the House for her knowledge, not only of technology, but of all the wraparound issues that are a part of it.

Ms. ZOE LOFGREN of California. Thank you, Representative ESHOO, and thank you to all who have brought this important bipartisan resolution forward.

I remember, as the Internet was beginning to take off commercially, that we had a discussion here in the government. Again, it was bipartisan, and there was an understanding that the Commerce Department was not going to be able to run the Internet. We did something that was a risk, but it worked out pretty well. We created ICANN, which basically allowed a multistakeholder, nongovernmental organization to do the technology, to assign the names and numbers. They've not been perfect but not half bad.

What is before us today is a threat to what has been, as my colleague Mr. MARKEY has said, the greatest force in modern times for communication, for growth, for low-barrier entry into innovation—the Internet. Whether it is to tax it or to censor it for political or cultural reasons, we are aware that there are those around the world who wish to burn the Internet. We need to take a stand in this body and with our administration to say ''no'' to that.

Whether the attempts to control the Internet from the top down come from

an international body like the International Telecommunication Union or from international trade agreements and treaties—and there have been many threats to the Internet that have been included in our international treaties or even sometimes from our own government—we need to stand up and protect the Internet and the freedom that it embodies.

We know that the multistakeholder approach is critical to the continued robust growth of the Internet. We also know that the transparent, multistakeholder model has made the Internet such a hugely successful global platform for economic growth, human rights, and the free flow of information.

□ 1900

I'm proud to stand with my colleagues on both sides of the aisle to say that America is going to stand up for freedom, we're going to stand up for technology, and we're not going to allow anyone, whatever their intentions may be, to threaten the freedom of the Internet to succeed.

I appreciate Mrs. BONO MACK's efforts in this regard, along with Ms. ESHOO's, and the entire committee. I'm proud to be a cosponsor of the measure. I look forward to its resounding success in a vote tomorrow.

Mr. WALDEN. Mr. Speaker, I continue to reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentlewoman from California has 8 minutes remaining.

Ms. ESHOO. I'll just make some closing comments because I don't have anyone else who is here to speak to this.

Mr. Speaker, I think that everyone who has spoken has really spoken beautifully about this issue, about what the Internet represents not only to individuals, businesses, students, how it has changed how we live, how we work, how we learn, and the jobs that it has produced, what it has done for our national economy, but also what it has done relative to exporting democracy. Of course, the United States is front and center in this.

It's a very interesting thing to me to examine those countries that are thinking another way and want to impose that thinking on the Internet. There are far more closed societies where freedom of thought, freedom of expression is not valued the way we do and other democracies do. So we need to form partnerships with other countries around the world to make sure that the democratizing effect that the Internet actually holds will continue.

I'm proud to join again with my colleagues, with Mr. WALDEN, the distinguished chairman of our subcommittee, and Representative BONO MACK, who led the effort with this resolution. I'm proud that we're all together. And I always want to thank our staff, both on the majority and the minority side of the aisle, for the work that they do on the committee. I thank you all, and I salute you. I look forward to a unanimous vote of the United States House of Representatives in support of a free and open Internet.

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

Mr. WALDEN. Mr. Chairman, I yield myself as much time as I may consume.

Tonight, the U.S. House of Representatives will send a clear and distinct message not only to our negotiators but to the world that we stand for liberty and we stand for freedom. When it comes to the Internet, both of those are incredibly important.

The Internet has brought us economic prosperity not here alone but all over the globe. The Internet has allowed for political discourse as never imagined by the great scholars of Greece and Rome. It's brought us intellectual capabilities. If you think about what you can do on the Internet today to research something, to evaluate something, there are an unlimited number of sources of data. It's improved our lives. It's improved our lives through our political systems. It's allowed people who thought they had no opportunity to effect change to have an overwhelming effect by communicating together. This really is a vote for liberty. It's a vote for freedom. It's a vote for free speech. It's a vote for the things that our Founders believed in when they gave us the Constitution and the Bill of Rights. It's our version of that.

We know that there are forces out there in the world that are opposed to all of those things, because they want command and control of their people, and that's not right. We have an opportunity tonight to send a clear and convincing message that we stand in America for freedom of the Internet, for no government anywhere in the globe taking charge of it and shutting it down and denying that great human spirit that we believe in so much here in America.

Mr. Speaker, I ask my colleagues to join us in a unanimous show of support. I thank my staff and the staff of Representative ESHOO and Ranking Member WAXMAN for their good work on this, and especially to my colleague from California, MARY BONO MACK, who raised this with us early on and worked closely to write a piece of legislation, that, as you can see in a sometimes otherwise controversial House, has brought us all together. That's a real tribute to Congresswoman BONO MACK's work.

With that, Mr. Speaker, I call on my colleagues to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

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. WALDEN. 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.

## RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS ACT OF 2012

Mr. OLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4273) to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4273

*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 ''Resolving Environmental and Grid Reliability Conflicts Act of 2012''.*

***SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.***

*(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—*

*(1) by inserting ''(1)'' after ''(c)''; and*

*(2) by adding at the end the following:*

*''(2) With respect to 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, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.*

*''(3) 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 such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.*

*''(4)(A) 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 it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) 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.*

*''(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such*

*renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the maximum extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such 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''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. OLSON) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. OLSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 4273.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4273, Resolving Environmental and Grid Reliability Conflicts Act of 2012.

My colleagues and I carefully drafted this bill to resolve a conflict between the Federal Power Act and environmental laws and regulations that, if left unresolved, could create serious problems for the reliability of our Nation's electric grid.

Every year, as the heat of summer settles in across our country and demand surges for electricity, the potential for dangerous power outages grows. Some States, such as California, and my home State of Texas, are being warned by electricity regulators that reserve margins could dip dangerously low.

Texas is expected to have a 2,500 megawatt shortfall in generating capacity—equivalent to five large power plants—as early as 2014. This shortfall could cause rolling blackouts across Texas that have the potential to impact more than 25 million people.

□ 1910

As we've seen happen before in our country, and as we are watching it unfold in India this week, an unexpected loss of power can result in significant harm to human health and the environment.

Prior experience shows that in rare and limited circumstances, emergency actions are needed to ensure the reliable delivery of electricity. In these circumstances, the Department of Energy has a tool of last resort to address the emergency. That tool is an emergency order issued under section 202(c) of the Federal Power Act. DOE can order a power plant to generate electricity when outages occur due to weather events, equipment failures, or when the electricity supply is too low and could cause a blackout. As they should, DOE can force a company to comply with a 202(c) order even if it means a technical violation of environmental law. Unfortunately, under current law, a company or individual can be held liable for this technical violation even when they are acting under a Federal order to avoid a blackout.

In recent years, these conflicting Federal laws have resulted in lawsuits and heavy fines for electricity providers who were complying with DOE orders. A power generator in San Francisco had to pay a significant sum as a settlement after they were ordered by DOE to exceed their emissions limits to avoid a blackout. Unless Congress passes legislation to resolve the potential conflict of laws, the effectiveness of this tool is in jeopardy.

As testimony this year before the House Energy and Commerce Committee confirms, the next time DOE invokes 202(c), the power generator may choose to fight the order in court if it conflicts with an environmental law. Conflicting Federal laws put a power generator in a no-win situation—either sue DOE to comply with environmental laws or be sued by third parties for compliance with DOE orders.

H.R. 4273 eliminates the legal conflict facing power generators and their customers by providing a needed safety valve, which clarifies that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation.

Emergency orders are not issued lightly and only under extreme power reliability scenarios. In the last 30 years, this authority has only been used six times. But when the need arises, my legislation will ensure that DOE works to minimize any adverse environmental impacts, meaning they must balance environmental interests with reliability needs.

While I believe DOE may need to use its emergency authority more often in the future given the strain EPA's new power sector rules will put on the electric grid, I still expect DOE emergency authority orders to be the exception, not the rule.

In those rare instances when the authority is invoked, we should not punish generators that are simply following orders from the Federal Government. That's why we must amend the Federal Power Act so that generators are not forced to choose between compliance with an emergency order and environmental regulations.

This conflict is why I introduced this bipartisan legislation to allow America's power companies to comply with Federal orders to maintain grid reliability during a power emergency without facing lawsuits or penalties.

I am extremely pleased with the bipartisan support this bill has received. This is proof that we can find common ground when working to address a critical glitch in Federal law and provide reliable energy supply to all Americans.

I want to thank committee Chairman FRED UPTON, Ranking Member HENRY WAXMAN, and Subcommittee Chairman ED WHITFIELD and Ranking Member BOBBY RUSH for their support and assistance in moving this bill forward. I also want to thank my colleagues on the committee, GENE GREEN and MIKE DOYLE, for working with me to fix this problem and to keep power running for all Americans in an emergency.

Mr. Speaker, I urge my colleagues to support this commonsense, bipartisan legislation that protects energy consumers, the environment, and those who provide the power.

I reserve the balance of my time.

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

The bill before us today is the result of efforts from both sides of the aisle to find a solution that really works for industry, government, and our environment.

Currently, the Department of Energy has the authority to issue a ''must-run'' order to a power provider in emergency cases to protect grid reliability. At the same time, environmental laws and regulations could prohibit a company from complying with a DOE must-run order. So a company is left in the position of choosing which law it violates—environmental rules or an emergency order from the Department of Energy.

In fact, Mr. Speaker, this has happened in the past. During the California energy crisis, and as recently as 2005 in Virginia, a company was issued emergency orders by the Department of Energy. To comply with those orders, the company was temporarily in noncompliance with environmental law. Therefore, after complying with an emergency must-run order, the company was both fined and forced to settle a citizen lawsuit. If it happens once, twice, or 50 times, it will never be proper for the Federal Government to put a company in the position of choosing which law to violate.

Reliability concerns for our electric grid are real, and power plant retirements are being announced nearly every week. In June, the North American Electric Reliability Corporation issued their summer reliability assessment. They told us that reserves in Texas are coming up short to meet peak demand and that the California reserve margin will be extremely tight.

So this bill will fix a clear conflict in Federal laws with a narrow, targeted approach. This bill will ensure that the Department of Energy will have the ability to keep the lights on while still protecting the environment.

The bill before us simply clarifies that if an emergency order issued pursuant to section 202(c) of the Federal Power Act may result in such a conflict with an environmental law or regulation, it shall expire not later than 90 days after issuance. This is to ensure that DOE continues to have the necessary authority to ''keep the lights on'' in true emergencies.

It then gives DOE the opportunity to renew or reissue such an order for an additional 90-day period after consulting with the appropriate Federal agencies and including conditions submitted by such agencies to mitigate adverse environmental impacts. DOE may exclude a recommended condition from the order if it determines the condition would prevent the order from adequately addressing the emergency.

Mr. Speaker, this bill is the result of many months of work with members on both sides of the Energy and Commerce Committee. It is supported by both the chairman and the ranking member of the committee. And I ask my colleagues to support it also.

I want to thank the gentleman from Texas (Mr. OLSON). It has been a pleasure to work with him on this piece of legislation. It is my hope that all our colleagues also support this legislation.

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

Mr. OLSON. I thank my colleague from Pennsylvania for his kind words.

Mr. Speaker, at this time, I see no colleagues on my side of the aisle looking to speak, so I will reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, it is a pleasure for me to now yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), a valuable member of our Energy and Commerce Committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank both my colleague from Pennsylvania and also my neighbor in Texas, Congressman OLSON, for making sure we get this bill to the floor today.

I rise in strong support of H.R. 4273, the Resolving Environmental and Grid Reliability Conflicts Act of 2012. This bipartisan legislation addresses a longstanding conflict in Federal law where a company or individual can be held liable for violating environmental laws when complying with a Federal order to generate power to avoid blackouts.

Section 202(c) of the Federal Power Act gives the Department of Energy the authority to order an electric-generating facility to operate to avoid a reliability emergency. At the same time, environmental laws and regulations may restrict the operation of power plants or transmission lines.

So if a company or publicly owned utility is ordered by the DOE to operate under section 202(c) and at the same time is prohibited from operating in accordance with the DOE order due to environmental limitations, the operator must choose which legal mandate to follow. These conflicting legal mandates should not complicate an electric reliability crisis.

As a long-time member of the Energy and Commerce Committee and someone who has worked on both reliability and environmental legislation during that time, I can honestly say it was never our intention to put electric-generating facilities in the position of having to choose between compliance with one law over another.

And while there have only been a couple of instances to date where a generator has been in this situation, the potential for conflict will only grow as several coal-fired plants are scheduled to be taken offline in the coming years.

And as my Pennsylvania colleague noted, we have potential reliability issues in my and Mr. OLSON's home State of Texas. Even though we are under a separate grid—ERCOT—it's important that we have this distinction corrected.

□ 1920

That's why Congress needs to address this issue, right here, right now or else we risk threatening our electrical reliability. H.R. 4273 clarifies that if an emergency order issued pursuant to section 202(c) of the Federal Power Act may result in a conflict with an environmental law or regulation, the order shall expire no later than 90 days after issuance. This is to ensure that DOE continues to have the necessary authority to ''keep the lights on'' in true emergencies.

However, it then gives DOE the opportunity to renew or reissue the order for an additional 90-day period only after consulting with the appropriate Federal agencies and including conditions submitted by these agencies to mitigate the adverse environmental impacts.

This is not a messaging bill. This is not an anti-EPA bill or an anti air toxic standards bill. Instead, it's a commonsense bill that would address a very worrisome deficiency in current law that is only going to become more prominent in the coming years.

This is one of a handful of bills that actually was supported by both Democrats and Republicans in the Energy and Commerce Committee. It also has support from the utility industry. That's why I encourage my colleagues on both sides of the aisle to support the bill.

Mr. OLSON. Mr. Speaker, I reserve the balance of my time to close.

Mr. DOYLE. Mr. Speaker, we have no further speakers, and at this time I yield back the balance of my time.

Mr. OLSON. Mr. Speaker, in closing, H.R. 4273 is a bipartisan, commonsense piece of legislation that ensures that during a power crisis, the lights will come on when it's dark, the heat will come on when it's cold, and the air conditioning will come on when it's hot. And lives will be saved.

I urge my colleagues to vote for H.R. 4273, and I yield back the balance of my time.

Mr. WAXMAN. I would like to make a few comments on the committee process for H.R. 4273.

As introduced, I had substantial concerns about H.R. 4273. The introduced bill gave the Department of Energy unprecedented and unchecked new authority to waive any federal, state or local environmental law if DOE determines there is an emergency with respect to electric power, and the only references to environmental safeguards in the bill were hortatory. This approach was unacceptable. I also believed that the bill was unnecessary, as federal agencies already have the tools necessary to resolve any conflicts between environmental requirements and emergency orders.

However, the bill's sponsors, the committee Chairman, and the affected industry were willing to engage in serious, substantive negotiations to improve the bill, which produced significant improvements. The version of the bill reported from Committee is narrower in scope and effect, and provides some environmental safeguards.

I would like to extend my thanks to all of the participants in the negotiations for a good-faith and productive process. In particular, I would like to thank Mr. DOYLE and Mr. GREEN for their leadership and hard work on making improvements and producing a bill that can be supported on a broad bipartisan basis. I also want to thank Chairman UPTON and Subcommittee Chairman WHITFIELD and Representative OLSON for working with us. The language of this bill represents a delicate compromise that was very carefully negotiated, and changes to the bill before us could well jeopardize that broad support.

H.R. 4273, as it is before us today, requires any emergency order that may result in a conflict with environmental requirements to require generation only during the hours necessary to meet the emergency and to minimize any adverse environmental impacts to the maximum extent practicable. The reported bill also limits the length of such an order to 90 days, and requires any renewed order to include any conditions identified by the relevant federal environmental agency as necessary to minimize any environmental impacts.

In discussions and testimony on the bill, DOE officials informed the Committee that in any situation where time permits, they always consult with and rely on the relevant expert environmental agency with respect to minimizing environmental impacts of an emergency order, and they assured the Committee that they would continue this practice. This assurance is important to my support for the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. OLSON) that the House suspend the rules and pass the bill, H.R. 4273, as amended.

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

A motion to reconsider was laid on the table.

## RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2011

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 897) to provide authority and

sanction for the granting and issuance of programs for residential and commuter toll, user fee, and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 897

*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 ''Residential and Commuter Toll Fairness Act of 2011''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Residents of various localities and political subdivisions throughout the United States are subject to tolls, user fees, and fares to access certain roads, highways, bridges, railroads, busses, ferries, and other transportation systems.

(2) Revenue generated from transportation tolls, user fees, and fares is used to support various infrastructure maintenance and capital improvement projects that directly benefit commuters and indirectly benefit the regional and national economy.

(3) Residents of certain municipalities, counties, and other localities endure significant or disproportionate toll, user fee, or fare burdens compared to others who have a greater number of transportation options because such residents—

(A) live in geographic areas that are not conveniently located to the access points for roads, highways, bridges, rail, busses, ferries, and other transportation systems;

(B) live on islands, peninsulas, or in other places that are only accessible through a means that requires them to pay a toll, user fee, or fare; or

(C) are required to pay much more for transportation access than residents of surrounding jurisdictions, or in other jurisdictions across the country, for similar transportation options.

(4) To address this inequality, and to reduce the financial hardship often imposed on such residents, several State and municipal governments and multi-State transportation authorities have established programs that authorize discounted transportation tolls, user fees, and fares for such residents.

(5) Transportation toll, user fee, and fare discount programs based on residential status—

(A) address actual unequal and undue financial burdens placed on residents who live in areas that are only accessible through a means that requires them to pay a toll, user fee, or fare;

(B) do not disadvantage or discriminate against those individuals ineligible for residential toll, user fee, or fare discount programs;

(C) are not designed to favor the interests or promote the domestic industry or economic development of the State implementing such programs;

(D) do not interfere or impose undue burdens on commerce with foreign nations or interfere or impose any undue burdens on commerce among the several States, or commerce within particular States;

(E) do not interfere or impose undue burdens on the ability of individuals to travel among, or within, the several States;

(F) do not constitute inequitable treatment or deny any person within the jurisdiction of the United States the equal protection of the laws; and

(G) do not abridge the privileges or immunities of citizens of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the existing authority of States, counties, municipalities, and multi-jurisdictional transportation authorities to establish programs that offer discounted transportation tolls, user fees, and fares for residents in specific geographic areas; and

(2) to authorize the establishment of such programs, as necessary.

**SEC. 3. AUTHORIZATION OF LOCAL RESIDENTIAL OR COMMUTER TOLL, USER FEE OR FARE DISCOUNT PROGRAMS.**

(a) AUTHORITY TO PROVIDE RESIDENTIAL OR COMMUTER TOLL, USER FEE, OR FARE DISCOUNT PROGRAMS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to establish programs that offer discounted transportation tolls, user fees, or other fares for residents of specific geographic areas in order to reduce or alleviate toll burdens imposed upon such residents.

(b) RULEMAKING WITH RESPECT TO THE STATE, LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE OR FARE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR COMMUTERS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems are authorized to enact such rules or regulations that may be necessary to establish the programs authorized under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to limit or otherwise interfere with the authority, as of the date of the enactment of this Act, of States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, busses, ferries, or other transportation systems.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 897.

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

There was no objection.

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

Because of the geographic area in which they live, many Americans don't have as many transportation options as others. As a result, these people are more directly impacted by highway and bridge tolls than others who live in areas with several transportation options.

This bill simply emphasizes that State and local governments have the authority to establish toll programs that offer discounted rates for residents in specific geographic areas. By exercising such authority, State and local governments can mitigate the impact of tolls on residents who have fewer transportation options.

I urge my colleagues to join me in supporting the legislation, and I reserve the balance of my time.

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

Mr. Speaker, I understand the objective of the legislation before the House today—to clarify the existing authority of public authorities to offer discounts in transportation tolls to residents of communities faced with limited transportation access and heavy toll burdens.

Last Congress, the House passed similar legislation. That legislation, at the time introduced by Mr. McMahon of New York, reaffirmed the authority of States and local governments to provide discounted fare or toll rates to residents faced with undue financial hardships imposed by highway and bridge tolls.

We recognize that the residents of Staten Island are forced to endure some of the highest toll burdens in the country. The legislation passed by the last Congress would have provided a targeted approach to address the unique challenges facing communities like Staten Island.

Unfortunately, unlike Mr. McMahon's bill from last Congress, H.R. 897 as currently drafted is overly broad and raises some potentially serious legal issues.

A number of highway user organizations, including the American Highway Users Alliance, have raised concerns that H.R. 897 could lead to discrimination against interstate commerce, and be used in an attempt to preclude constitutional challenges to an individual toll or fare discount program.

Unfortunately, the Committee on Transportation and Infrastructure has not held any hearings to examine the potential implications of this legislation. The Republican leadership has decided to bring this bill to the floor with no notice, at least not to this side of the aisle, under suspension of the rules prior to the important issues raised by this bill being examined and, if necessary, addressed.

Mr. Speaker, the House should be considering legislation to simply reinforce the existing right of communities to reduce the extreme toll burdens borne by captive toll payers. We should not be considering legislation that could be used to implement programs that impede interstate commerce by encouraging States and public authorities to find ways to shift the burden of tolls to out-of-State residents, or truckers, for that matter, or those making longer through trips.

Not all residential-based toll discounts are fair or necessarily appropriate, but some are. The context and how they are implemented are important to determining if they are appropriate.

Unfortunately, as currently drafted, H.R. 897 could be used to remove any case that could be made against a toll discount program. In that sense, it is overly broad and unreasonable.

I would hope that as we move forward, we can address the concerns of the highway user community and ensure that this legislation is not used to preclude challenges to toll discount programs.

With that, I reserve the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GRIMM), the sponsor of this bill.

Mr. GRIMM. Mr. Speaker, I thank the gentleman from Arkansas.

Just to clarify the record, this bill, which I stand in strong support of—but actually before that, let me just say that I want to thank my colleague and friend, GREG MEEKS, for all of his work on this. It was a true bipartisan effort. But this bill, all it does is clarify what is already allowed by law. So to say that it is overly broad, it's almost ridiculous because again, all this does is clarify what is already allowed by law. States and cities already have. There were challenges in court that have failed, and the purpose of this legislation is to make sure that those frivolous challenges do not continue to go forward.

The Residential and Commuter Toll Fairness Act, I feel it is vital to toll discount programs, specifically for my constituents, but for all of New York and throughout this country.

I would like to also thank Chairman MICA, who traveled to my district, to Staten Island, for moving this bill forward and for seeing firsthand in Staten Island the devastating effects and the impacts that tolls can have.

Again, this bill, all it does is continue to clarify and allow the States and municipal governments to offer the discounted toll rates to residents for trips taken on roads, bridges, rail, bus, ferry, and other transportation systems.

I introduced the legislation for one purpose: it was in response to a 2009 case in which the U.S. Court of Appeals for the Second Circuit questioned the constitutionality of discounts for residents of towns bordering the New York Thruway. In New York, we simply can't afford to lose our discounts.

The majority of my district in New York City is an island; it's Staten Island. And the only way to drive on or off the island is to cross a bridge and pay a toll, something many of my constituents do often as part of their daily commute. Without a discount, it costs $13 to cross the Verrazano Bridge. Yes, I said $13 without the Staten Island residential EZ-Pass discount. On the other side of Staten Island, going to New Jersey, the cash tolls on three bridges have just gone up to $12, and that amount is slated to go up in 2015 to $15. That's without the residential discount.

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On Staten Island, we have fought long and hard to reach an agreement on residential toll discounts, which is why this legislation is crucial to making sure we protect those new rates.

The Residential Commuter Toll Fairness Act provides clarification only of the existing authority of local governments to issue or grant transportation toll, user fee or fare discount programs based on residential status. It also provides congressional authorization for discount programs. Passage of H.R. 897 is nothing more than clarification of what can already be done, and I ask for the strong support of my colleagues.

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

First, I would just like to enter in the RECORD a letter from the American Highway Users Alliance dated August 1 expressing concerns about the legislation.

AMERICAN HIGHWAY USERS ALLIANCE,
*August 1, 2012.*

DEAR MEMBER OF CONGRESS: This afternoon, under suspension of the rules, the House will consider HR 897, the Residential and Commuter Toll Fairness Act of 2011, sponsored by New York City Representatives Grimm and Meeks. We write to express serious concerns about this bill.

We are on record in support of greater tolling accountability and fairness for commuters. For example, we have endorsed HR 3684, the Commuter Protection Act, also authored by Congressman Grimm. We share particular concerns about the high costs of tolling for New York City residents. However the provisions of HR 897 are not narrowly constructed for New York's specific problems and have unintended consequences for other toll-payers throughout the country.

HR 897 broadly authorizes local tolling discount programs. If this bill were narrowly constructed to apply to places like Staten Island, New York; where residents are only able to access their homes and businesses via tolled bridges, our concerns would be minimal. But HR 897 allows my State or local jurisdiction to charge discriminatory toll rates for non-residents, even on the National Highway System, and regardless of circumstance or impact on interstate commerce.

In effect, this bill could actually encourage more tolls for all and higher tolls for selected users, authorizing locally popular tolling schemes that, in effect, overcharge interstate and long distance travelers who have no vote at the local ballot box.

If States and local governments widely adopt the practice of tolling non-residents to pay higher rates than locals, it could sharply increase the costs of interstate tourism and freight. These are national concerns requiring caution from Congress. The federal government has an obligation to regulate interstate commerce. As such, HR 897 should be revised to ensure that interstate and non-local traffic is not treated unfairly, by State and local tolling authorities.

Sincerely,

GREGORY M. COHEN,
*President & CEO.*

Second, I think the gentleman from New York makes a compelling case for why the bill should be more narrowly focused.

And third, Mr. Speaker, I may say things on the floor that people disagree with, but I do save my almost ridiculous statements for off the floor and not the floor of the House.

I yield back the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I urge my colleagues to join me in supporting this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill, H.R. 897.

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

A motion to reconsider was laid on the table.

## MILLE LACS LAKE FREEDOM TO FISH ACT OF 2012

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5797) to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5797

*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 ''Mille Lacs Lake Freedom To Fish Act of 2012''.*

***SEC. 2. MILLE LACS LAKE, MINNESOTA.***

*Notwithstanding any other provision of law, the owner or operator of a vessel operating on Mille Lacs Lake, Minnesota, shall not, with respect to such vessel, be subject to any Federal requirement under subtitle II of title 46, United States Code, relating to licensing or vessel inspection.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. CRAVAACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 5797.

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

There was no objection.

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

Mr. Speaker, in March 2010, the U.S. Coast Guard ruled that Mille Lacs Lake was a federally navigable body of water based on historical interstate commerce.

Specifically, the Coast Guard justified their actions by using a U.S. Army Corps of Engineers determination from 1981 that said because lumberjacks in the 1800s floated logs on Mille Lacs Lake and down the Rum River, Mille Lacs Lake should now be made a federally navigable water body. Currently, the Rum River is dammed in three places, and the same Corps of Engineers report said that the dams prohibit through navigation. In addition,

two previous Army Corps determinations in 1931 and 1974 also considered the river nonnavigable.

I would like to submit the U.S. Coast Guard determination for the RECORD.

MEMORANDUM

From: D. L. Nichols, CAPT, USCG, CGD Eight (dl).

To: S. L. Hudson, CAPT, USCG, CG Sector Upper Mississippi River (s).

Subj: Navigability Determination for Mille Lacs Lake, Minnesota.

Ref: (a) 33 C.F.R. §2.36; (b) 33 C.F.R. §3.40–1; (c) 33 C.F.R. §3.45–1.

1. For the purpose of determining its jurisdictional authority, the Coast Guard has determined that Mille Lacs Lake is a ''navigable waterway of the United States.''

2. The geographic boundary between the Eighth Coast Guard District and the Ninth Coast Guard District currently runs through Mille Lacs Lake. This navigability determination is for the entirety of Mille Lacs Lake. The Ninth District Legal Staff has reviewed and agrees with this determination.

3. No federal statute addresses the navigability of Mille Lacs Lake, and no federal court has determined the navigability of the waterway. Furthermore, Mille Lacs Lake is not subject to tidal influence. This navigability determination is based on the historical use of the waterway. Specifically, Mille Lacs Lake has been used, in connection with other waters, as a highway for substantial interstate or foreign commerce.

4. Navigability determinations are administrative findings based on the criteria set forth in 33 C.F.R. 2.36. The precise definitions of ''navigable waters of the United States'' and ''navigability'' are dependent ultimately on judicial interpretation and cannot be made conclusively by administrative agencies.

5. This opinion solely represents the opinion of the Coast Guard as to the extent of its own jurisdiction to enforce laws and regulations, and does not represent an opinion as to the extent of the jurisdiction of the United States or any of its agencies.

MEMORANDUM

From: CGD Eight.

To: File.

Subj: Legal Support for Navigability Determination for Mille Lacs Lake, Minnesota.

*Ref: (a) CGD Eight (dl) memo of 3 March 2010, Navigability Determination for Mille Lacs Lake, Minnesota; (b) 33 C.F.R. §2.36; (c) 33 C.F.R. §3.40–1; (d) 33 C.F.R. §3.45–1.*

1. Purpose. This memorandum documents the legal basis for the Coast Guard's determination of navigability in ref (a).

2. Discussion.

a. Internal waterways of the United States not subject to tidal influence are ''navigable waters of the United States'' if they ''[a]re or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage.'' 33 C.F.R. §2.36(a)(3)(i)(emphasis added). The test is one of historic navigability. *U.S.* v. *Harrell*, 926 F.2d 1036 (11th Cir. 1991). In 1921 the Supreme Court discussed the issue of obstructions by stating that a waterway ''capable of carrying commerce among the states is within the power of Congress to preserve for purposes of future transportation, even though it . . . be incapable of such use according to present methods, either by reason of changed conditions or because of artificial obstructions.'' *Economy Light & Power Co.* v. *U.S.*, 256 U.S. 113, 122 (1921); see also *U.S.* v. *Appalachian Power Co.*, 311 U.S. 377, 408 (''When once found navigable, a waterway remains so.''). When logs are floated on a waterway in interstate commerce, the waterway is a highway for interstate commerce. See id. at 405; *Wisconsin Public Service Corp.* v. *Federal Power commission*, 147 F.2d 743 (7th Cir. 1945); *United States* v. *Underwood*, 344 F. Supp. 486, 490 (M.D. Fla. 1972).

B. In April 1981 the ACOE conducted an historical analysis of commerce on Mille Lacs Lake and the Run River in Minnesota. See encl. (1). Historical accounts in the document reveal a history of interstate commerce on Mille Lacs Lake. Specifically, Mille Lacs Lake was ''used in the transportation of logs'' from 1848 to 1904, and evidence shows that at least a portion of the logs floated were transported to markets outside of the state. Encl (1) at 5.

3. Conclusion. Mille Lacs Lake has been used in the past as a highway for interstate commerce. The Coast Guard thus determines that Mille Lacs Lake is a ''navigable water of the United States'' and the Coast Guard may properly enforce applicable federal law on this waterway.

Enclosure: Army Corps of Engineers (ACOE) memo of 2 April 1981: Navigability Determination for Mille Lacs Lake and Rum River, Minnesota

Now the U.S. Coast Guard is forcing all Mille Lacs Lake fishing guides to spend time and money to obtain a Federal boating license. This license and associated costs can run well over $2,000, and according to testimony by the U.S. Coast Guard in the Transportation and Infrastructure Committee, they have to travel to Toledo, Ohio, or St. Louis, Missouri, in order to apply for these licenses in person and to take the tests.

This new U.S. Coast Guard regulation is killing jobs by making it impractical for some fishing guides to even stay in business and making it even more expensive for tourists to hire their services.

The Mille Lacs Lake Freedom to Fish Act removes this burdensome, administrative overreach from the U.S. Coast Guard and restores to the State of Minnesota the original authority to permit and inspect vessels.

I truly appreciate all the Coast Guard does, I truly do. But the State of Minnesota already patrols Mille Lacs Lake quite well and the Coast Guard's authority over the lake is an unwanted intrusion. It's duplicative, and it's currently nonexistent. This would be a new area of jurisdiction for the Coast Guard requiring additional assets and manpower.

The State has rules and inspection procedures in place to keep its residents safe and has been doing so for as long as anybody can remember. The State is perfectly capable of enforcing boating laws on Mille Lacs Lake, and ultimately Mille Lacs Lake belongs to Minnesotans and should not be controlled by the Federal Government.

We heard from the U.S. Coast Guard on the issue in a Coast Guard Subcommittee hearing on May 24, 2011. Rear Admiral Kevin Cook and Deputy JAG Calvin Lederer testified about the burden this would impose on Minnesota fishing guides. Additionally, they were unable to provide adequate justification for the navigability determination beyond the Army Corps report.

My legislation would stop fishing guides from being forced to spend over $2,000 on obtaining a fishing license they simply just don't need. Ultimately, it will allow Minnesotans to focus on what is most important—enjoying one of Minnesota's most beautiful lakes.

This has been fully vetted by the Mille Lacs Band of Ojibwe and National Association of State Boating Law Administrators. This legislation is also supported by the Minnesota Department of Labor and Industry, fishing guides and resort owners, Minnesota Anglers for Habitat and Minnesota Outdoor Heritage Alliance.

I would like to submit for the RECORD a letter of support from the Minnesota Outdoor Heritage Alliance.

MINNESOTA OUTDOOR HERITAGE ALLIANCE,
*June 31, 2012.*

REPRESENTATIVE CRAVAACK: As president of the Minnesota Outdoor Heritage Alliance (MOHA), I am always interested in legislation that preserves our constitutional right to hunt and fish, improves sportsmen recruitment and retention or increases the economic viability of these pursuits for Minnesota's sportsmen and women. Because of these organizational goals, I am submitting this letter in favor of the Mille Lacs Freedom to Fish (HR 5797) legislation. Since many Minnesota guides are small, family owned concerns that have been in business for many years, additional regulations and fees are not only unnecessary but also cost prohibitive and dangerous to our time honored way of guiding and fishing. Moving this legislation forward will address these concerns and update the laws in a way that is not only safe but beneficial for our fishing industry and our fishing license holders.

Sincerely,

TIM SPRECK,
*MOHA President.*

Senator KLOBUCHAR also introduced companion legislation that has been cosponsored by Senator FRANKEN. In the committee markup, Representative TIM WALZ and Ranking Member RAHALL lent their support as well, making this truly a bipartisan and bicameral piece of legislation.

I'd like to thank Geoff Gosselin and John Rayfield of the Coast Guard Subcommittee staff for their working with me on the language of this amendment, as well as Tom Dillon from legislative counsel. I would also like to thank Joel Amato, the chief boiler inspector from the Minnesota Department of Labor and Industry for providing his guidance and expertise, as well as Mr. Kim Elverum from the Minnesota Department of Natural Resources, and George Nitti of Nitti's Hunters Point Resort.

Although the text of this bill is short, a lot of work went into making sure that this accomplishes the goals of restoring jurisdiction to Minnesota.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 5797 exempts the owners and operators of small passenger vessels operating on Mille Lacs

Lake in central Minnesota from U.S. Coast Guard licensing and inspection requirements.

This bill provides rather narrow regulatory relief. However, because this bill was rushed to legislation, to markup without first having a hearing on the bill itself or having the Subcommittee on Coast Guard and Maritime Transportation consider the specific bill, no one can say for sure what consequences might arise in the future. My concerns are somewhat allayed by learning the State of Minnesota has an adequate program to regulate vessels operating on its inland lakes, including Mille Lacs.

Nonetheless, the Coast Guard has expressed concerns that the limitations imposed on its vessel safety authorities by this bill could create uncertainty and some confusion among the boating public, especially regarding marine casualty investigations and maritime liability.

Notwithstanding these objections, and because the bill, as reported, would no longer vacate the Coast Guard's 2010 determination that Mille Lacs Lake is navigable, I do not object to the bill moving forward today.

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

Mr. CRAVAACK. I thank my respected colleague for his kind remarks, and I ask my colleagues to join me in supporting this important legislation to Minnesota.

I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, H.R. 5797, as amended.

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

The title was amended so as to read: ''A bill to exempt the owners and operators of vessels operating on Mille Lacs Lake, Minnesota, from certain Federal requirements.''.

A motion to reconsider was laid on the table.

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## FARMERS UNDERTAKE ENVIRONMENTAL LAND STEWARDSHIP ACT

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3158) to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3158

*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 ''Farmers Undertake Environmental Land Stewardship Act'' or the ''FUELS Act''.

**SEC. 2. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.**

(a) IN GENERAL.—The Administrator, in implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, shall—

(1) require certification of compliance with such rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons;

(ii) an aggregate aboveground storage capacity greater than or equal to 42,000 gallons; or

(iii) a history that includes a spill, as determined by the Administrator; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity greater than 10,000 gallons but less than 42,000 gallons; and

(ii) no history of spills, as determined by the Administrator; and

(2) exempt from all requirements of such rule any farm—

(A) with an aggregate aboveground storage capacity of less than or equal to 10,000 gallons; and

(B) no history of spills, as determined by the Administrator.

(b) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For the purposes of subsection (a), the aggregate aboveground storage capacity of a farm excludes all containers on separate parcels that have a capacity that is less than 1,320 gallons.

**SEC. 3. DEFINITIONS.**

In this Act, the following terms apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) FARM.—The term ''farm'' has the meaning given such term in section 112.2 of title 40, Code of Federal Regulations.

(3) GALLON.—The term ''gallon'' refers to a United States liquid gallon.

(4) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term ''Spill Prevention, Control, and Countermeasure rule'' means the regulation promulgated by the Environmental Protection Agency under part 112 of title 40, Code of Federal Regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Iowa (Mr. BOSWELL) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 3158.

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

There was no objection.

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

Mr. Speaker, I'd like to thank Members from both parties who joined in cosponsoring this bipartisan bill that will provide regulatory relief to our family farmers, in particular, my colleague, Mr. BOSWELL. Thank you very much.

The EPA-mandated Oil Spill Prevention, Control and Countermeasure program, or SPCC, requires that oil storage facilities with a capacity of over 1,320 gallons make costly infrastructure modifications to reduce the possibility of oil spills.

The regulations require farmers to construct a containment facility, like a dike or a basin, which must retain 110 percent of the fuel in the container. These mandated infrastructure improvements—along with the necessary inspection and certification by a specially licensed professional engineer—will cost many farmers tens of thousands of dollars. In some cases, compliance costs could reach higher than $60,000 for a single farmer in my district.

The SPCC program dates back to 1973, shortly after the Clean Water Act was signed into law. In the last decade, it has strictly come down on agriculture, and the rules have been amended, delayed, and extended dozens of times, creating enormous confusion in the farming community. On top of that, the EPA has failed to engage in effective outreach to producers and cooperatives on SPCC application.

In 2009, the EPA lifted a 2006 rule that suspended compliance requirements for small farms with oil storage of 10,000 gallons or less. The rule applies to more than just fuel. In fact, it applies to hydraulic oil, adjuvant oil, crop oil, vegetable oil, and even animal fat. It was scheduled to go into effect this past November.

Last summer, I headed up an effort to send a bipartisan letter with over 100 cosigners to EPA Administrator Lisa Jackson highlighting problems with the program and requesting a permanent fix. At the very least, I requested a delay so farmers impacted by last year's natural disasters would have more time to comply. The EPA responded only a few weeks before the November deadline and issued a statement saying they would not begin enforcement until May of 2013. While we were thankful for the delay, this action still didn't do anything to fix the burden on small farms. It just kicked the can down the road.

The FUELS Act is simple. It revises the SPCC regulations to be reflective of a producer's spill risk and financial resources. The exemption level would be adjusted upward from an unworkable 1,320 gallons of oil storage to an amount that would protect small farms—10,000 gallons. The proposal would also place a greater degree of responsibility on farmers and ranchers to self-certify compliance if their storage facilities exceed the exemption level. To add another layer of environmental protection, the producer must be able to demonstrate that he or she has no history of oil spills.

Mr. Speaker, this legislation is necessary because the existing regulations are not only burdensome to small farmers; they're unenforceable. According to USDA, the current regulations would bring more than 70 percent of farms into the SPCC regulatory net.

This is more than 1.5 million farms in the SPCC regulatory net next year alone.

The University of Arkansas, Division of Agriculture did a study recently concluding that the FUELS Act would exempt over 80 percent of producers from SPCC compliance. It could save, in my home State, up to $240 million in costs. Over the entire country, it could save small farmers up to $3.36 billion.

This year, the ag sector of the economy is facing a crisis. Over two-thirds of the Nation is being impacted by drought, and farm revenue has dropped substantially. Food costs are projected to skyrocket for consumers. On top of that, the fate of a multiyear farm bill is still unknown, creating long-term uncertainty for the agriculture community. The last thing the government should be doing right now is imposing a regulation on producers that could cost our Nation's family farmers up to $3.36 billion during next year's planting season. There is absolutely no justification for such an expensive regulation, especially when the EPA cannot provide data or even anecdotal evidence of agriculture spills.

By nature of occupation, family farmers are already careful stewards of the land and water. No one has more at stake than those who work on the ground from which they derive their livelihood.

I urge adoption of H.R. 3158 and reserve the balance of my time.

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

Mr. CRAWFORD, I believe that you pretty much covered the details of this. And I see the gentleman sitting beside you there and I'm sure he's going to add to it, so I don't think I'll spend a lot of time repeating what you said. But I want you to know that as a hands-on farmer producer, I appreciate the efforts you put into this to bring this forward because there are just too many times we see where the farmers in your State, my State, and across the country are burdened with these extra expenses and criteria that they don't really need. Because you know, I know, and I think those of us that are familiar with the farming industry, we are stewards of the land. We don't want to ruin the land; we certainly don't want to ruin the water.

So this is a good thing to come forth with this piece of legislation, to put a practical sense, practical application to the situation. It's been delayed and delayed and delayed.

It refers to American farmers. American farmers are very much dedicated to what they represent. And again, those that, as I do and as I'm sure you do and others, when we have fuel on the farm for whatever reason—to run the tractors, the combines, the irrigation pumps, or whatever—we're very careful. The cost of the fuel and the exposure of it being stolen or something is something we don't have a lot of excess sitting around these days anyway. Those that are large operators, seems to me like quite a few of them have got a tank wagon.

So I appreciate what you've offered up here, and I'm very supportive of it.

With that, I reserve the balance of my time.

Mr. CRAWFORD. Again, thank you, Mr. BOSWELL, not only for your support, but your real-world common sense as an ag producer. I appreciate it.

I'd just like to yield 2 minutes to my esteemed colleague from Oklahoma (Mr. LANKFORD) and thank him for his patience.

Mr. LANKFORD. I may not even use all 2 minutes of that, but I do want to be able to just tell the story a little bit of an Oklahoma farm.

The things that they're up against right now are common to farms all across the Midwest. They're dealing with drought right now. They're dealing with the threat of new dust particulate rules coming down from the EPA. They just fought through a battle to try to be able to have family farms be able to function with their own kids working on their family farms or their grandparents' farms, or their cousin's farm down the road—is that permissible or not—point source pollution rules that are coming down on them. Farm truck distance rules, if they want to drive 151 miles in their farm truck and the new regulations they deal with on it. All these different regulations.

And then imagine the Federal Government contacting them and saying, on top of all those rules and all those threatened rules, now you need to go find a professional engineer to check out your fuel tank, and we want to send a regulator to be able to evaluate it. And we want you to have a whole new set of rules around your tank as well. It assumes family farms and farmers don't take care of their land. Nothing could be further from the truth.

A family farm, and farms all around the country, these are individuals that they farm that land, they take care of that land, that water is very important to them. Many of them live on well water itself, and so a spill into their groundwater is incredibly important to them for their own personal family as well. They're great stewards of the land; that's how they make their living.

In addition to that, they're careful guardians of their storage tank because that tank itself, if it spills, they lose a tremendous amount of money; and the margins on a farm are not very high.

I'd like to stand with my colleagues, as well, to say let's respect the farmer for what they're doing already on their land and not send someone from Washington to come check out their farm and check out their tank and be able to evaluate all those things. Let's allow some trust to the commonsense folks in the country that take care of our food and take care of the land and water every single day.

With that, I'd urge my colleagues to support this.

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Mr. BOSWELL. Mr. Speaker, we have no other speakers.

In closing, I feel like we've defined what the need is. This will be very helpful to the Nation's producers, and it's a step in the right direction. So I will urge agreement and support of H.R. 3158. And thank you again for bringing this forth.

I yield back the balance of my time.

Mr. CRAWFORD. Mr. Speaker, again my thanks to the gentleman from Iowa and to those who spoke tonight. I just urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill, H.R. 3158, as amended.

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

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6233, AGRICULTURAL DISASTER ASSISTANCE ACT OF 2012

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–644) on the resolution (H. Res. 752) providing for consideration of the bill (H.R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## MARINE DEBRIS ACT AMENDMENTS OF 2012

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1171) to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1171

*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 ''Marine Debris Act Amendments of 2012''.

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 et seq.), as in effect immediately before the enactment of this Act.

**SEC. 3. SHORT TITLE AMENDMENT.**

Section 1 (33 U.S.C. 1951 note) is amended by striking ''Research, Prevention, and Reduction''.

**SEC. 4. PURPOSE.**

Section 2 (33 U.S.C. 1951) is amended to read as follows:

**"SEC. 2. PURPOSE.**

''The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.''.

**SEC. 5. NOAA MARINE DEBRIS PROGRAM.**

(a) NAME OF PROGRAM.—

(1) IN GENERAL.—Section 3 (33 U.S.C. 1952) is amended—

(A) in the section heading by striking ''**PREVENTION AND REMOVAL**''; and

(B) in subsection (a)—

(i) by striking ''Prevention and Removal Program to reduce and prevent'' and inserting ''Program to identify, determine sources of, assess, prevent, reduce, and remove''; and

(ii) by inserting ''the economy of the United States,'' after ''marine debris on''; and

(iii) by inserting a comma after ''environment''.

(2) CONFORMING AMENDMENT.—Paragraph (7) of section 7 (33 U.S.C. 1956) is amended by striking ''Prevention and Removal''.

(b) PROGRAM COMPONENTS.—Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows:

''(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

''(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

''(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

''(3) undertake efforts to reduce adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

''(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

''(B) development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in its recovery; and

''(4) undertake outreach and education of the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identify, determine sources of, assess, prevent, reduce, and remove marine debris and its adverse impacts on the United States economy, the marine environment, and navigational safety, including outreach and education activities through public-private initiatives.''.

(c) REPEAL.—Section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 and the item relating to that section in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 (33 U.S.C. 1915) are repealed.

(d) GRANT CRITERIA AND GUIDELINES.—Section 3(c) (33 U.S.C. 1952(c)) is amended—

(1) in paragraph (1), by striking ''section 2(1)'' and inserting ''section 2'';

(2) by repealing paragraph (5); and

(3) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6).

**SEC. 6. REPEAL OF OBSOLETE PROVISIONS.**

Section 4 (33 U.S.C. 1953) is amended—

(1) by striking ''(a) STRATEGY.—''; and

(2) by repealing subsections (b) and (c).

**SEC. 7. AMENDMENTS TO DEFINITIONS.**

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Except as provided in subsection (b), section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and appear as section 5 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954).

(2) CLERICAL AMENDMENT.—The item relating to section 2203 in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 is repealed.

(b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2) (33 U.S.C. 1954(c)(2)), as in effect immediately before the enactment of this Act—

(1) is redesignated as subsection (e) of section 5, as redesignated and moved by the amendment made by subsection (a) of this section; and

(2) is amended—

(A) by striking ''ANNUAL PROGRESS REPORTS.—'' and all that follows through ''thereafter'' and inserting ''BIENNIAL PROGRESS REPORTS.—Bienially'';

(B) by inserting ''Natural'' before ''Resources'';

(C) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5) of such subsection; and

(D) by moving such subsection 2 ems to the left.

**SEC. 8. CONFIDENTIALITY OF SUBMITTED INFORMATION.**

Section 6(2) (33 U.S.C. 1955(2)) is amended by striking ''by the fishing industry''.

**SEC. 9. MARINE DEBRIS DEFINITION.**

Section 7 (33 U.S.C. 1956) is amended—

(1) by redesignating paragraph (3) as paragraph (9), and moving such paragraph to appear after paragraph (8); and

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

''(3) MARINE DEBRIS.—The term 'marine debris' means any persistent solid material that is manufactured or processed and directly or indirectly, and intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.''.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

Section 9 (33 U.S.C. 1958) is amended—

(1) by striking ''are'' and inserting ''is'';

(2) by striking ''2006 through 2010'' and all that follows through ''(1)'' and inserting ''through fiscal year 2015'';

(3) in paragraph (1), by striking ''$10,000,000'' and inserting ''$4,900,000''; and

(4) by striking ''; and'' and all that follows through the end of paragraph (2) and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 1171.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1171, the Marine Debris Act Amendments of 2012, reauthorizes the National Oceanic and Atmospheric Administration's, NOAA, Marine Debris Program at currently appropriated levels through 2015. The program has played a crucial role in preventing and reducing the amount of trash on our beaches and in the ocean.

I think it's important to note that this program is not regulatory in nature. It takes a voluntary approach to improving the conditions of our marine environment.

Failure to adequately address marine debris has major consequences on our economy. Large objects floating in our oceans threaten the safe navigation of cargo ships and recreational boaters. Derelict fishing gear costs commercial fishermen millions of dollars in lost revenue. And debris washing up on our shores forces the closing of beaches, a major blow to local economies reliant on tourism.

In Alaska, NOAA's Marine Debris has worked with local partners to conduct more than 20 projects that have removed 750,000 pounds of debris from our shoreline since 2006. But the problem of marine debris is about to get worse for Alaska and other Pacific coast States. NOAA estimates there's 1.5 million tons of debris headed our way as a result of the 2011 Japanese earthquake and the tsunami.

Alaskans are already finding Styrofoam, plastic, wood, and other lightweight debris washing up on our islands. In May, the Coast Guard was forced to sink an abandoned Japanese vessel laden with fuel oil before it broke open on the Southeast panhandle.

Reauthorization of the Marine Debris Program is critical to help Alaska and other coastal States protect our economies and ecosystems and ensure the safety of those transiting our waters.

I want to commend Representative SAM FARR from California for introducing this bill. As an original cosponsor of this important bipartisan effort, I urge all Members to support the bill.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 1171, bipartisan legislation that reauthorizes the Marine Debris Research Prevention and Reduction Act through fiscal year 2016.

Just this June, on the Pacific coast, an entire 70-foot dock washed up on the coast of Oregon. This is only one piece of the estimated 1.5 million tons of marine debris from the disastrous 2011 Japanese tsunami that will wash up on the west coast. Disasters like this are why it is so important that we reauthorize this legislation today.

Marine debris remains a persistent threat to maritime safety and to the health of our oceans and to our lakes.

Thanks to the enactment of the Marine Debris Research Prevention and Reduction Act in 2006, we now have a much better understanding of marine debris and its impact on our shorelines.

This law led to the establishment of effective partnerships between the National Oceanic and Atmospheric Administration, or NOAA, and the United States Coast Guard. It has led to better coordinated research and debris removal activities, and it built greater understanding of the challenges we face in addressing this threat.

Marine debris is a much larger and growing problem than we first thought, and with the recent disaster in Japan, it will continue to grow. Cleaning up marine debris takes coordination between several agencies and States and requires expensive resources to clean up.

Earlier this week, NOAA provided a new analysis estimating that it now costs the agency, on average, more than $4,300 to remove 1 ton of marine debris from the environment. NOAA also said that the dock that washed up on the shores of Oregon will cost $85,000 alone.

Despite what we've learned, and despite the fact that States on the Pacific coast and Hawaii will have to contend with 1.5 million tons of marine debris from the 2011 Japanese tsunami for years to come, the majority has insisted on cutting authorized funding levels for this program in half. Cutting authorized funding for this program at this time seems shortsighted, and I'm confident that the Senate will insist on the higher authorized funding level in any final compromise bill.

But despite those reservations about the reduced funding levels in this bill as reported by the majority, it is imperative that we reauthorize the Marine Debris Act today to address this growing threat in our future.

I want to thank the sponsor of the legislation, the gentleman from California (Mr. FARR), for his extraordinary leadership on this issue. I urge my colleagues to join me in supporting H.R. 1171.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I truly appreciate the support we've seen in a bipartisan fashion here for this legislation known as the Marine Debris Act Amendments of 2012.

This bill was first carried and introduced in the United States Senate by Senator INOUYE and the late Senator Ted Stevens. They recognized, Senator INOUYE from Hawaii, the entire island surrounded by ocean, and so much washes up on the shores of the islands, and Alaska, with probably one of the longest coastlines in the United States, certainly impacts from the ocean on them. And that's why it's so nice and wonderful to have my colleague DON YOUNG from Alaska, the only Representative in the House from Alaska, to be a strong proponent of this.

As he pointed out, Alaska has already seen the consequences of not having reauthorization when the Japanese tsunami has started to wash up. They've spent, in the first wave of the tsunami debris, Alaska's already spent over $200,000 of State money in just aerial monitoring of the local debris from the Japanese tsunami.

What this legislation does in reauthorization is allow States to receive grants from NOAA so that the States can deal with their coastline debris problems.

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It is important we do this for an even bigger purpose, which is that, frankly, life on land is dependent on the quality of life at sea. We know that we have over the years and decades been dumping everything we don't like on land—and can't figure out where else to dump it—into the ocean. At the same time, we take whatever we want out of the ocean. Dumping and taking can upset the system so badly that you have oceans die; and, certainly, we have big parts of the ocean that are dying because of all the debris and waste that are in the oceans.

What this bill does is allow the Coast Guard, in working with NOAA, which is the National Oceanic and Atmospheric Administration, to jointly look at, monitor and figure out ways to clean this stuff up. If we don't do that, we're going to suffer. It's like living in pollution in your own backyard. Eventually, there are consequences.

I think that those of us who have done ocean legislation over the years—and DON YOUNG has been one of the greater ones to understand it—realize that, in solving the problem, it's going to require local action and that it's going to require national and international coordination. It's not our ocean alone. It goes all over the world, and things in the ocean go all over the world. Just think of the old stories about bottles and where they wind up. Now we see with the tsunami that all this Japanese land mass stuff that was washed into the sea is now showing up in Alaska and is showing up in Oregon and has shown up on the beaches in California—in Capitola, where I live.

This problem is also going to require some partnerships between the private sector and the fishermen community, in that it knows where some of these drift nets are, and between the public sector. It's going to require innovative technology. You have to detect it. We have found nets that have been left in Monterey Bay that are too heavy to lift out with conventional craft. We're going to have to go back to the fishing boats and to the families who lost those nets and use their fishing boats, which is a private enterprise supported by the public know-how of how to retrieve those nets. I think it's very exciting. It's certainly going to require education so that people don't keep dumping things they don't want into the ocean.

There are consequences for dumping. California is now addressing it in every local community by just storm water, the fact that all the water that falls on our streets and roads picks up oil and picks up other stuff that isn't compatible with ocean life and washes into it. We have done a lot to clean up sewers and to say we're not going to dump that stuff out into the ocean anymore, but we're still allowing other storm water to get out there. California is addressing this almost community by community, that being: How do we stop storm water and polluted storm water from getting into the ocean?

So this legislation of reauthorizing debris cleanup is much more than just giving NOAA some money to go out there and figure it out. It's really an entire program of figuring out how to keep oceans healthy.

I appreciate the bipartisan support. I appreciate the leadership of Mr. YOUNG, and I appreciate the leadership on the committees. This bill went to two committees—to the Transportation and Infrastructure Committee and to the Natural Resources Committee. Both committees passed it out in bipartisan fashion, and now we have to pass it in the Senate. I hope it's not too late, and I hope Congressman YOUNG will work with me in getting bipartisan support in the Senate so that we can get this bill to the President and get it signed before the calendar year runs out.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California. Mr. FARR has been one of the leaders who has been concerned with the oceans, and this debris bill is crucially important to the State of California and especially to Alaska. Mr. FARR came to me many months ago and said we've got to get this done. We've got to get this done. A lot of people weren't interested, and now we finally get to a point where we see what's occurring from the tsunami, although we may not have that recur again.

The crisis in the ocean, though, is detrimental, as I mentioned in my opening statement, to the fishermen whom I represent and to the recreational people whom I represent. So to get it out of the ocean even before it reaches the beaches is crucially important. The beaches sometimes are sort of fun to beachcomb, but if there is something bad that's in the ocean, we should try to retrieve it sooner, if possible; and when it gets there, we really want to be able to take care of it.

There should be more money—I won't disagree with the gentleman from Washington—but we're moving this down the road. We'll see what happens on the Senate side, and we'll see if we can't get a little more effort, because it's a partnership program that makes

this thing work. A lot of people have interest in Alaska and in trying to clean the beaches after it arrives, and we're trying to get more people interested in cleaning the ocean up before it does arrive. Hopefully, it will work together.

With that, I reserve the balance of my time.

Mr. LARSEN of Washington. I have no more speakers, and I yield back the balance of my time.

Mr. YOUNG of Alaska. I have no more speakers, so I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 1171, the Marine Debris Act Amendments of 2012. I want to commend my colleague and friend Congressman SAM FARR from California for introducing this legislation and continually working for its passage.

As a member of the Subcommittee on Fisheries, Wildlife and Oceans, one of my top priorities was to take action on legislation to address our nation's ocean environment. I am pleased to say that this legislation, H.R. 1171, would continue to combat the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.

This legislation will reauthorize NOAA's existing Marine Debris Program to support important projects throughout the country, including beach cleanups, derelict fishing gear location and removal, and educational campaigns. The program helps to identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety. This reauthorizing language would serve to streamline these programs by avoiding any overlaps or conflicts with other federal agencies.

The legislation would help protect the environment and the economy of coastal communities throughout the Nation. Earlier this year, tsunami debris washed ashore the coasts of Oregon and Washington, calling attention to the need for a comprehensive plan to coordinate clean-up efforts. Indeed, the impacts of the March 2011 tsunami in Japan will continue to impact our shores over the coming months and years and this bill gives us the tools to respond to this situation. In particular, Guam would greatly benefit from the passage of the Marine Debris Act Amendments of 2012 as it would give states and local communities the additional tools needed to effectively care for our marine environments and wildlife.

Again, I applaud Representative FARR for introducing this legislation. I thank Chairman MICA, Chairman HASTINGS, Ranking Member RAHALL and Ranking Member MARKEY for their leadership in bringing this important bill which enhances our understanding of the marine environment to the House floor. I encourage my colleagues to continue supporting this important legislation that addresses one of the most serious threats to our oceans today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1171, as amended.

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

A motion to reconsider was laid on the table.

## RESPA HOME WARRANTY CLARIFICATION ACT OF 2011

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2446) to clarify the treatment of homeowner warranties under current law, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2446

*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 ''RESPA Home Warranty Clarification Act of 2012''.*

***SEC. 2. TREATMENT OF HOMEOWNER WARRANTIES.***

*Section 8 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607) is amended by adding at the end the following new subsection:*

*''(e) HOMEOWNER WARRANTIES.—*

*''(1) IN GENERAL.—Nothing in this section, section 2, or section 3 shall be deemed to include, or be deemed to have included, homeowner warranties or similar residential service contracts for the repair or replacement of home system components or home appliances.*

*''(2) NOTICE BY HOME WARRANTY COMPANY.—Any person that pays another person not employed by the person for selling, advertising, marketing, or processing, or performing an inspection in connection with, a homeowner warranty or similar residential service contract for the repair or replacement of home system components or home appliances shall include the following statement, in boldface type that is 10-point or larger, in any such warranty or contract offered or sold as an incident to or as part of any transaction involving the origination of a federally related mortgage loan:*

*''''NOTICE: THIS COMPANY MAY PAY PERSONS NOT EMPLOYED BY THE COMPANY FOR SELLING, ADVERTISING, MARKETING, OR PROCESSING, OR PERFORMING AN INSPECTION IN CONNECTION WITH, A HOMEOWNER WARRANTY OR SIMILAR RESIDENTIAL SERVICE CONTRACT FOR REPAIRING OR REPLACING HOME SYSTEM COMPONENTS OR HOME APPLIANCES.'*

*''(3) NOTICE BY REAL ESTATE AGENT OR BROKER.—Any person who has contracted to receive payment from a provider of the services described in paragraph (1) for recommending the purchase of a home warranty or similar residential service contract, and is not an employee of such provider, shall provide the potential purchaser, upon first recommending the purchase of a homeowner warranty or similar residential service contract, a written notice containing the following language in boldface type that is 10-point or larger (with the bracketed matter being replaced with the information described by such bracketed matter):*

*''''NOTICE: THIS IS TO GIVE YOU NOTICE THAT [the provider of the notice] HAS RECEIVED OR WILL RECEIVE COMPENSATION FROM [the home warranty company] FOR [the residential service for which the notice provider is being compensated]. YOU ARE NOT REQUIRED TO PURCHASE A HOME WARRANTY OR A SIMILAR RESIDENTIAL SERVICE CONTRACT AND IF YOU CHOOSE TO PURCHASE SUCH COVERAGE YOU ARE FREE TO PURCHASE IT FROM ANOTHER PROVIDER'.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

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

I rise in support of H.R. 2446, the RESPA Home Warranty Clarification Act, and urge my colleagues to support the bill. H.R. 2446 is a bipartisan bill that Mr. CLAY of Missouri and I introduced last year. The bill has 40 cosponsors, including 13 Democrats and 27 Republicans, and I thank the gentleman from Georgia (Mr. SCOTT) for managing this bill.

On March 27, the Financial Services Committee reported out the bill by voice vote. The RESPA Home Warranty Clarification Act would amend the Real Estate Settlement Procedures Act of 1974, or RESPA, to clarify that, as long as a consumer or borrower receives specific disclosures about it, a fee paid to a real estate broker or agent related to the sale of a home warranty is not a RESPA violation.

When Congress passed RESPA in 1974, it intended for the law to provide consumers or borrowers with timely disclosures related to the cost of real estate settlement services. Title insurance, a flood elevation certificate and homeowners insurance are a few examples of services required at a mortgage settlement. Unlike these settlement services, a home warranty is not a required service. For a borrower or a consumer, the purchase of a home warranty is optional. It is a service contract under which a home warranty company provides repair or replacement coverage for a home's system components and/or appliances. A real estate broker or agent typically acts as a representative for the home warranty company that offers the home warranty, and the real estate broker or agent receives a commission from the home warranty company for presenting the home warranty to the home buyer if the homeowner chooses to purchase the warranty.

Congress originally delegated RESPA rulemaking and enforcement authority to the U.S. Department of Housing and Urban Development, HUD. For nearly 20 years, from 1974 to 1992, HUD issued no rules or guidance related to the sale of a home warranty by a real estate broker or agent.

□ 2010

In 1992, HUD issued regulations adding homeowners warranties as a settlement service, but was silent on the matter until recent years. Citing evidence to demonstrate a problem with home warranty-related sale practices, commission arrangements, disclosures, or the product itself between 2008 and 2010, HUD issued an unofficial staff interpretive rule and the subsequent guidance. In short, after 34 years, with no apparent problem with a product that is not required for closing, HUD determined that, under RESPA, it is a violation for a real estate broker or an agent to be compensated by a home warranty company for offering a home warranty to a borrower in connection with the real estate transaction.

Mr. Speaker, HUD clearly is seeking to create a solution where there simply is no problem. HUD's unfounded interpretation doesn't follow the letter of the law as intended by Congress. According to witness testimony received by the Financial Services Subcommittee on Insurance, Housing and Community Opportunity, this misinterpretation of law has resulted in unnecessarily disrupting longstanding business practices that could increase the costs and decrease the availability of home warranties to consumers, as well as unintentionally harm small businesses. H.R. 2446 would clarify longstanding law and practice while restoring certainty related to home warranties in the real estate marketplace.

I'd like to thank my colleague, Mr. CLAY, for working with me on this bill, and I'd like to thank the gentleman from Georgia for managing this bill. I'd also like to thank the bill's 40 bipartisan cosponsors from across the country.

I urge my colleagues to support H.R. 2446, and I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to encourage all of my colleagues to vote in favor of H.R. 2446, the RESPA Home Warranty Clarification Act.

Before I explain exactly why this legislation is so important and vital, let me first take a moment to thank my friend and colleague, and my fellow Financial Services Committee member and the sponsor of this legislation, Mrs. BIGGERT, for her hard work on this bill. The fact that this bill passed both subcommittee and full committee by voice vote is a testament to not only the issue's importance, but also to Mrs. BIGGERT's dedication and openness in alleviating Members' concerns.

Regarding the bill, itself, Mr. Speaker, this legislation will help small businesses. It will help real estate professionals. Most importantly, it will help homeowners by clarifying the law on the sale of home warranties.

Congress enacted legislation many years ago to outlaw kickbacks paid in connection with services that must be performed to close a federally-related mortgage loan. An interpretive rule released by the Department of Housing and Urban Development has, unfortunately, created uncertainty about application of the law to home warranties which are not necessary to close a loan to purchase a home. To eliminate confusion and reduce uncertainty, our bill makes clear that the term ''settlement services'' does not include home warranties.

This legislation also provides new notice requirements applicable to home service contract companies and to real estate professionals so that prospective purchasers of home warranties are aware that a payment may have been made in connection with the selling, advertising, marketing, processing, or performing an inspection in connection with the home warranty.

This simple clarification will allow members of the home warranty industry to pay modest sums to real estate professionals for direct marketing and related services in connection with the sale of a home warranty without a risk of running afoul of a law Congress never intended to be applicable for a completely optional product.

This is the simplification of this law that is very important. It's very simple, but it's very important so that our real estate industry and home mortgage industry can move more smoothly.

Please join me in voting for this commonsense legislation that will benefit consumers and the small businesses that repair and replace home systems covered by home warranties.

With that, Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time if the gentleman is ready to close.

Mr. DAVID SCOTT of Georgia. Likewise, I'm ready to close.

I just want to say in closing that, again, Mrs. BIGGERT has done a wonderful job on this, Mr. Speaker, and should be commended for it. This is a very important and simple piece of legislation, but it will help to iron out and smooth out confusion and allow for our real estate and our housing and our home mortgage industry to move more smoothly. I urge all of my colleagues to vote for it.

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

Mrs. BIGGERT. Mr. Speaker, I encourage all of my colleagues to support this bill, as amended, and I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of H.R. 2446, "The RESPA Home Warranty Clarification Act." The Real Estate Settlement Procedures Act of 1974, or RESPA, was crafted by Congress to only cover those services necessary for closing the transaction of buying a home. A recent interpretive rule issued by the Department of Housing and Urban Development broke this precedent by bringing home warranties under RESPA. This bipartisan act clarifies that home warranties fall outside the scope of RESPA because they are unnecessary for closing.

This bill was passed out of the Financial Services Committee on voice vote, and I am proud that the Committee also passed an amendment that I offered, which adds even more transparency to the bill.

This amended bill would require the real estate broker who recommends the purchase of a home warranty to a homebuyer to disclose that he or she may receive compensation for the recommendation; that the homebuyer is not required to purchase a home warranty contract; and that the homebuyer can purchase a home warranty contract from a provider not recommended by the real estate broker.

This is is essential information for the homebuyer to make an informed choice when deciding whether to purchase a home warranty and I am proud to have added this disclosure requirement to H.R. 2446. This bill makes clear that the term "settlement service" in RESPA does not include home warranties, something Congress never intended.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 2446, as amended.

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

A motion to reconsider was laid on the table.

## PROVIDING FOR USE OF NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN SURCHARGES

Mr. DOLD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3363) to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3363

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

**SECTION 1. NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN SURCHARGES.**

Section 6(b) of the National Infantry Museum and Soldier Center Commemorative Coin Act (Public Law 110–357, 122 Stat. 3999) is amended by inserting before the period at the end the following: '', and for the retirement of debt associated with building the existing National Infantry Museum and Soldier Center''.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MARCH OF DIMES COMMEMORATIVE COIN ACT OF 2011

Mr. DOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3187) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3187

*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 ''March of Dimes Commemorative Coin Act of 2011''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) President Franklin Roosevelt's personal struggle with polio led him to create the National Foundation for Infantile Paralysis

(now known as the March of Dimes) on January 3, 1938, at a time when polio was on the rise.

(2) The Foundation established patient aid programs and funded research for polio vaccines developed by Jonas Salk, MD, and Albert Sabin, MD.

(3) Tested in a massive field trial in 1954 that involved 1.8 million schoolchildren known as ''polio pioneers'', the Salk vaccine was licensed for use on April 12, 1955 as ''safe, effective, and potent''. The Salk and Sabin polio vaccines funded by the March of Dimes ended the polio epidemic in the United States.

(4) With its original mission accomplished, the Foundation turned its focus to preventing birth defects, prematurity, and infant mortality in 1958. The Foundation began to fund research into the genetic, prenatal, and environmental causes of over 3,000 birth defects.

(5) The Foundation's investment in research has led to 13 scientists winning the Nobel Prize since 1954, including Dr. James Watson's discovery of the double helix.

(6) Virginia Apgar, MD, creator of the Apgar Score, helped develop the Foundation's mission for birth defects prevention; joining the Foundation as the head of its new birth defects division in 1959.

(7) In the 1960s, the Foundation created over 100 birth defects treatment centers, and then turned its attention to assisting in the development of Neonatal Intensive Care Units, or NICUs.

(8) With March of Dimes support, a Committee on Perinatal Health released Toward Improving the Outcome of Pregnancy in 1976, which included recommendations that led to the regionalization of perinatal health care in the United States.

(9) Since 1998, the March of Dimes has advocated for and witnessed the passage of the Birth Defects Prevention Act, Children's Health Act, PREEMIE Act, and Newborn Screening Save Lives Act.

(10) In 2003, the March of Dimes launched a Prematurity Campaign to increase awareness about and reduce the incidence of preterm birth, infant mortality, birth defects, and lifelong disabilities and disorders.

(11) The March of Dimes actively promotes programs for and funds research into newborn screening, pulmonary surfactant therapy, maternal nutrition, smoking cessation, folic acid consumption to prevent neural tube defects, increased access to maternity care, and similar programs to improve maternal and infant health.

**SEC. 3. COIN SPECIFICATIONS.**

(a) $1 SILVER COINS.—In recognition and celebration of the founding and proud service of the March of Dimes, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 4. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the mission and programs of the March of Dimes, and its distinguished record of generating Americans' support to protect our children's health.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2015''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that represent the past, present, and future of the March of Dimes and its role as champion for all babies, such designs to be consistent with the traditions and heritage of the March of Dimes;

(2) be selected by the Secretary, after consultation with the March of Dimes and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coin Advisory Committee.

**SEC. 5. ISSUANCE.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—For the coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary of the Treasury may issue coins minted under this Act only during the 1-year period beginning on January 1, 2015.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the March of Dimes to help finance research, education, and services aimed at improving the health of women, infants, and children.

(c) AUDITS.—The March of Dimes shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code. The Secretary may issue guidance to carry out this subsection.

**SEC. 8. FINANCIAL ASSURANCES.**

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

**SEC. 9. BUDGET COMPLIANCE.**

The budgetary effects of this Act, 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 Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DOLD) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous materials on this bill.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 3187, the March of Dimes Commemorative Coin Act of 2011. I'm proud to have introduced this bill and to have worked closely with my friend and colleague from New York, Congresswoman NITA LOWEY.

This legislation authorizes the minting and issue in 2015 of a commemorative coin honoring the 75th anniversary of the March of Dimes and recognizes their landmark accomplishments in maternal and child health. Surcharges on the sales of these special coins will fund critical research and programs to support healthy mothers, healthy infants, and healthy families nationwide.

□ 2020

Mr. Speaker, it's summertime across our Nation, and back home in our districts, children are playing outside with friends or are going swimming at the pool. But more than 75 years ago, children stayed indoors during the summer. Their parents wouldn't let them go to the park or to the pool because of outbreaks of polio. Polio back then could strike any child, and no one knew what the cause was.

The March of Dimes is a nonprofit organization that was founded in 1938 by President Franklin Delano Roosevelt, with a mission to eradicate polio. In FDR's day, polio was an epidemic disease that paralyzed or killed up to

52,000 Americans, mostly children, every year. Even the President had polio.

So during the Great Depression, citizens sent dimes—4 billion of them—to the White House to fund polio research. That effort funded the research by Doctors Salk and Sabin that produced the vaccines that have eradicated polio in the United States and in much of the world.

In the quest for a vaccine, the March of Dimes supported many other research milestones in newborn and child health. For example, in 1953, Francis Crick and March of Dimes grantee Dr. James D. Watson identified the double helix structure of DNA and, in 1962, won the Nobel Prize for mapping the human genome.

Another research breakthrough came in the 1960s when the March of Dimes supported research that developed the first screening test for PKU, a rare metabolic genetic disorder that causes intellectual disabilities. Since that time, the March of Dimes has led the effort to expand newborn screening. Now every baby born in the United States receives screening for dozens of conditions that have the potential to cause catastrophic health problems or death if not detected or treated promptly at birth.

Today the March of Dimes is leading the national effort to reduce premature birth. Every year, nearly 500,000 infants are born far too soon. In my home State of Illinois, almost 13 percent of all infants are born prematurely. Preterm birth is the leading cause of death among newborns. Many of those who survive face a lifetime of serious health problems, including cerebral palsy, intellectual disabilities, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman, and in nearly half of the cases, no one knows why.

The March of Dimes National Prematurity Campaign funds a robust portfolio of research and education programs designed to unveil the causes and address the risk factors of preterm birth. For example, the March of Dimes is working with hospitals to implement best practices that discourage early elective deliveries before 39 completed weeks of pregnancy. Thanks to the dedication of the March of Dimes and others, the United States has seen a decline in the prematurity rate for 4 consecutive years.

Mr. Speaker, the March of Dimes has an extraordinary history of achievement. More than 4 million infants are born every year in the United States, and the March of Dimes helps each and every one through research, education, vaccines, and breakthroughs. The commemorative coin will help fund these vitally important activities.

H.R. 3187 has broad bipartisan support in both Chambers of the Congress, with 304 cosponsors here in the House and 68 in the United States Senate. This legislation complies with all statutory requirements for the commemorative coin program, and the coins will be produced at no cost to the American taxpayer. To claim the surcharges, the March of Dimes will raise matching funds form private sources.

Mr. Speaker, I am proud to have sponsored this bipartisan bill, and I would like to thank the Congresswoman from New York, Representative LOWEY, for her steadfast leadership and hard work to see this day become a reality. I would also like to thank Chairman SPENCER BACHUS and Ranking Member BARNEY FRANK for helping to get this bill to the floor today. I also want to thank my friend from Georgia, for him managing time on the other side today and for his leadership as well.

Mr. Speaker, for 75 years, the March of Dimes has dedicated itself to helping all infants get a healthy start in life, which is what I think is very, very important. I ask my colleagues to join me in voting for H.R. 3187, the March of Dimes Commemorative Coin Act.

I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today to lend my support to this extraordinary and wonderful piece of legislation, an expression of strong bipartisan support.

I certainly want to thank my friend, Congressman DOLD from Illinois, for his leadership on this. It's a pleasure to join with him on the floor today to manage time on this bill.

This bill, H.R. 3187, as was pointed out, is the March of Dimes Commemorative Coin Act. For 75 years now, the March of Dimes organization has worked to prevent infant mortality, premature births, and birth defects in our children in the United States and in other parts of the world. And I can think of no better time and place to honor this wonderful organization than right here and right now in the Halls of Congress.

This organization was originally founded by President Franklin Delano Roosevelt to help treat and prevent polio. The March of Dimes would meet with tremendous success and, through their funding of the work of Dr. Jonas Salk, would contribute greatly to curing that disease.

Having accomplished their original goal, the March of Dimes would turn their attention to promoting healthy women, healthy pregnancies, and healthy babies. The March of Dimes Foundation works not only here in the United States in local communities around the country but, as I mentioned, also around the world to educate and inform women, doctors, and policymakers on the prevention of birth defects and premature birth. This work is so vital, so very important, and really so very precious, Mr. Speaker. And a healthy pregnancy and a healthy birth can mean so much and start the child off on the right foot that will last the rest of their entire life.

This bill is simple, Mr. Speaker. It would allow for the minting, the making of a commemorative coin, which basically will be a silver $1 coin, for this wonderful organization. These coins would then be sold to the general public with a portion going to pay off the cost of minting the coin, but the rest going to support the very, very important work of this foundation.

So I ask, Mr. Speaker, that my colleagues join me in voting in favor of this bill, and in so doing, we'll be sending a big thank-you to the March of Dimes for their hard work and for their dedication over the last 75 years.

Mr. Speaker, I will also mention the fact that we support them each year in our special cooking and preparation for their major fundraiser that many Members of Congress and our families and our wives take part in. What an extraordinary organization doing an extraordinary thing for those who are most precious to us, that is, the children of the United States of America.

I reserve the balance of my time.

Mr. DOLD. Mr. Speaker, before I yield, I do want to just thank my good friend from Georgia (Mr. SCOTT) for his leadership and support of the March of Dimes.

He talked a little bit about the recent fundraiser that the March of Dimes held, where Members of Congress actually were cooking for this fundraiser. What he failed to mention was that I believe Mr. SCOTT—and Mrs. Scott, for that matter—actually won the cooking contest. So thank you again. It was one of the few places I know we went back for seconds. I really appreciate that.

Mr. DAVID SCOTT of Georgia. I thank the gentleman.

Mr. DOLD. Mr. Speaker, at this time, I would like to yield 2 minutes to my good friend, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman from Illinois for yielding, and I commend him for his hard work on this important bill.

I rise in support of the bill, H.R. 3187, the March of Dimes Commemorative Coin Act of 2011.

This legislation recognizes the tremendous achievements of the March of Dimes in protecting the health of infants and mothers across the United States.

Founded by President Franklin Roosevelt, as was noted, in 1938, the March of Dimes was instrumental in eradicating polio. The organization then turned its sights on birth defects, premature birth, and infant mortality.

For decades, the March of Dimes has been on the forefront of medical research. It educates parents and medical professionals about healthy pregnancies and has helped significantly expand access to neonatal intensive care for premature and sick infants.

□ 2030

H.R. 3187 recognizes the accomplishments of this great American success story of goodwill and public service, and it celebrates the 75th anniversary

of the March of Dimes through a commemorative coin.

I'm pleased to have been an original cosponsor of this important bill, and I urge my colleagues to join us in paying a fitting tribute to an organization known as the ''champion for all babies.''

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I have no more speakers, so I will just close my remarks.

Again, it is a pleasure working with you on this bill, Mr. DOLD. And what a noble occasion this is for such a worthy cause.

Thank you for mentioning about my wife. I give all credit to my wife for that cooking she did. I think it was shrimp and grits and let's see, and gumbo, her mother's gumbo, and it won first prize at that event. It is such a wonderful occasion, and to have all Members of Congress who participate with this fund-raising effort every year is just wonderful. I just urge a unanimous vote.

I yield back the balance of my time.

Mr. DOLD. Mr. Speaker, in closing, I just want to again commend my colleague. This is a bipartisan bill, broad bipartisan support, talking about the Commemorative Coin Act for the March of Dimes, truly a wonderful organization that really helps protect our nearest and dearest, our children. I just want to thank my colleagues for their leadership and support, and urge swift passage.

I yield back the balance of my time.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 1, 2012.*

Hon. SPENCER BACHUS,
*Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 3187, the ''March of Dimes Commemorative Coin Act of 2011,'' which is scheduled for floor action the week of July 30, 2012.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 3187 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3187, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,
*Chairman.*

COMMITTEE ON FINANCIAL SERVICES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, August 1, 2012.*

Hon. DAVE CAMP,
*Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 3187, March of Dimes Commemorative Coin Act of 2011, which is scheduled for Floor consideration under suspension of the rules on Wednesday, August 1, 2012.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 3187 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202–225–7502.

Sincerely,

SPENCER BACHUS,
*Chairman.*

The SPEAKER pro tempore (Mr. BROOKS). The question is on the motion offered by the gentleman from Illinois (Mr. DOLD) that the House suspend the rules and pass the bill, H.R. 3187, as amended.

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

A motion to reconsider was laid on the table.

## PRO FOOTBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. RENACCI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4104) to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4104

*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 ''Pro Football Hall of Fame Commemorative Coin Act''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Pro Football Hall of Fame's mission is—

(A) to honor individuals who have made outstanding contributions to professional football;

(B) to preserve professional football's historic documents and artifacts;

(C) to educate the public regarding the origin, development, and growth of professional football as an important part of American culture; and

(D) to promote the positive values of the sport.

(2) The Pro Football Hall of Fame opened its doors on September 7, 1963. On that day a charter class of 17 players, coaches, and contributors were enshrined. Among the group were such legends as Sammy Baugh, Red Grange, George Halas, Don Hutson, Bronko Nagurski, and Jim Thorpe. Through 2012, there are 273 members who have been elected to the Pro Football Hall of Fame. Three distinct iconic symbols represent an individual's membership in the Hall of Fame: a bronze bust, a Hall of Fame gold jacket, and a Hall of Fame ring.

(3) The Pro Football Hall of Fame has welcomed nearly 9 million visitors from around the world since opening in 1963. The museum has grown from its original 19,000-square-foot building to an 118,000-square-foot, state-of-the-art facility as result of expansions in 1971, 1978, 1995, and most recently in 2011–2013. In addition, major exhibit renovations have been completed in 2003, 2008, and 2009.

(4) The Pro Football Hall of Fame houses the world's largest collection on professional football. Included in the museum's vast collection are more than 20,000 three-dimensional artifacts and more than 20 million pages of documents including nearly 3,000,000 photographic images.

(5) The Pro Football Hall of Fame reaches a world-wide audience of nearly 15,000,000 people annually through visitors to the museum, participants in the annual Pro Football Hall of Fame Enshrinement Festival, three nationally televised events, the Hall of Fame's Web site, social media outlets, special events across the country, and through the museum's Educational Outreach videoconferencing programs.

**SEC. 3. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 4. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the game of professional football.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2016''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts and the Pro Football Hall of Fame; and

(2) reviewed by the Citizens Coinage Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2016.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin;

(2) $10 per coin for the $1 coin; and

(3) $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Pro Football Hall of Fame, to help finance the construction of a new building and renovation of existing Pro Football Hall of Fame facilities.

(c) AUDITS.—The Pro Football Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

**SEC. 8. FINANCIAL ASSURANCES.**

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, shall be disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

**SEC. 9. BUDGET COMPLIANCE.**

The budgetary effects of this Act, 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 Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. RENACCI) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. RENACCI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on this bill.

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

There was no objection.

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

Mr. Speaker, I rise today to urge approval of H.R. 4104, the Pro Football Hall of Fame Commemorative Coin Act. Since being introduced on February 28, 2012, we have gathered 294 cosponsors.

I would like to give a special thanks to Representatives STIVERS and SHULER for helping me collect such a large and bipartisan group of cosponsors. I would also like to thank the chairman and ranking member of the House Financial Services Committee, Representative BACHUS and Representative FRANK, for their support.

The bill before us celebrates the 50th anniversary of the Pro Football Hall of Fame, the pride of Canton, Ohio. The Hall opened its doors on September 7, 1963. Six legends were enshrined that day: Sammy Baugh, Red Grange, George Halas, Don Hutson, Bronko Nagurski, and Jim Thorpe. These titans were the first of the 273 men who are now enshrined in the Hall of Fame. And I must add that 23 of those members are from Ohio.

Americans from all walks of life have enjoyed the game of football for decades, and the Pro Football Hall of Fame ensures the achievements of the gridiron's greatest will be remembered and preserved for generations of future fans.

Since its opening almost 50 years ago, the Pro Football Hall of Fame has attracted more than 9 million visitors to Ohio from across the world. Through its media and Internet outreach, nearly 15 million more participate in Hall-related activities.

The Pro Football Hall of Fame's efforts go beyond preserving the history of the gridiron. Two of the Hall's core missions are educating youth and promoting positive values.

A few highlight programs exemplify its missions: Camps for Kids, designed to promote good nutrition and physical fitness; the Hall's Black History Month program, which details the African American experience in professional football; the Hall of Fame Reader, a kindergarten through 12th grade summer literacy program; and teacher workshops for graduate and continuing education studies.

These educational programs are designed to strengthen core curriculum knowledge and skills across key learning areas: the arts, geography, health, history, language arts, math, and science.

Mr. Speaker, this legislation recognizes and celebrates the accomplishments of our sports heroes, but it also will help support those exceptional philanthropic efforts. Each coin will be sold for an amount that recovers all real and imputed cost plus a surcharge, so there is absolutely no cost to the taxpayer. Once the Hall raises matching funds from the private sector, it may claim the surcharges that will be available to help finance the expansion and renovation of its facilities and carry out its mission.

We are now at the goal line and prepared to put this legislation into the end zone. I urge all Members to support this bill.

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

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

Mr. Speaker, I want to thank the sponsors of this bill. I want to thank the gentleman from Ohio for sponsoring this bill and bringing this bill to the floor.

Indeed, the Pro Football Hall of Fame is the pride of Canton, Ohio. It is also the apple of the eye of all Americans.

When we think of the National Football League, we immediately think of the grand names in football history. The gentleman from Ohio named the initial inductees. Initially coming into my mind are individuals such as Jim Brown or Jerry Rice or Johnny Unitas or Joe Montana, Walter Payton. These are household names that are housed now forevermore in the Hall of Fame and the National Football League.

But we forget that the National Football League and the Hall of Fame says: We're giving back. We're not going to just be involved in keeping the fame and the records of the NFL. We understand that we are an American sport, and so we're going to give back to the American people. Especially our young people, our children who, like me, growing up, idolized many of the players that are now in the Hall of Fame.

So what the Hall of Fame does is to make sure that it gets involved in programs that the gentleman from Ohio just talked about, Camps for Kids, to help promote nutrition and physical fitness.

We often hear in this society that we're talking about, people are too obese. Well, the NFL recognizes that, and the NFL Hall of Fame, the Pro Football Hall of Fame, as a result, makes sure there are programs promoting good nutrition, eating good foods, exercise.

Particularly it has been very important to me when I look at the Hall of Fame's Black History Month program, which details the African American experience. I can recall growing up with my father talking about Marion Motley with the Cleveland Browns at the time and the history that he played in helping and promoting others. And this gives us all-around history about every American.

Kindergarten through 12th graders, a literacy program. We talk about the need to make sure that our young people are able to compete. You can't compete if you're not literate. The Pro Football Hall of Fame makes sure that every child that it can touch will also be a reader.

We want to be competitive in health and history and language and arts and math and science. The Pro Football Hall of Fame has a program that it takes throughout America to help make that happen.

And so this Commemorative Coin Act will help them, at no cost to the taxpayers, run these programs and preserve its facilities so that it can continue to build a legacy of a strong American game, but of also making sure that all of America's children and all of America's people have an opportunity to grow up, to be literate, to be healthy, and to be competitive globally with anyone.

□ 2040

So indeed, I urge all of my colleagues to vote ''aye'' for the Pro Football Hall of Fame Commemorative Coin Act, and I reserve the balance of my time.

Mr. RENACCI. Mr. Speaker, I want to thank the gentleman from New York for his inspiring comments.

I would agree that the Pro Football Hall of Fame is a great asset not only to the city of Canton, the State of Ohio, and America, and the accomplishments that it provides other than just enshrining inductees are a great asset to this hall.

I reserve the balance of my time.

Mr. MEEKS. Having no further speakers, I yield back the balance of my time.

Mr. RENACCI. Mr. Speaker, at this time, I ask my colleagues to join me in passing H.R. 4104, and I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
*Washington, DC, August 1, 2012.*

Hon. SPENCER BACHUS,
*Chairman, Committee on Financial Services, Washington, DC.*

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 4104, the ''Pro Football Hall of Fame Commemorative Coin Act,'' which is scheduled for floor action the week of July 30, 2012.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 4104 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future,

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4104, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, August 1, 2012.*

Hon. DAVE CAMP,
*Chairman, Committee on Ways and Means, Washington, DC.*

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 4104, Pro Football Hall of Fame Commemorative Coin Act, which is scheduled for Floor consideration under suspension of the rules on Wednesday, August 1, 2012.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 4104 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202–225–7502.

Sincerely,

SPENCER BACHUS,
*Chairman.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. RENACCI) that the House suspend the rules and pass the bill, H.R. 4104, as amended.

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

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, procedures will resume on motions to suspend the rules previously postponed.

## AUTHORIZING APPOINTMENT OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3706) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## LA PINE LAND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## ADAM WALSH REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the

bill (H.R. 3796) to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## RECODIFICATION OF EXISTING LAWS RELATED TO NATIONAL PARK SERVICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1950) to enact title 54, United States Code, ''National Park System'', as positive law, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## STUDENT VISA REFORM ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3120) to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## CHILD PROTECTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4362) to provide effective criminal prosecutions for certain identity thefts, and for other purposes.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

## EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6062) to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

□ 2050

## FEDERAL LAW ENFORCEMENT PERSONNEL AND RESOURCES ALLOCATION IMPROVEMENT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1550) to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime, and for other purposes, as amended.

The Clerk read the title of the bill.

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

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

The title was amended so as to read: ''A bill to direct the Attorney General to give priority in the allocation of Federal law enforcement personnel and resources to States and local jurisdictions that have a high incidence of homicide or other violent crime.''.

A motion to reconsider was laid on the table.

## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 35 minutes as the designee of the minority leader.

Ms. EDWARDS. Mr. Speaker, you know, they say that he who pays the piper plays the tune; but unfortunately in today's campaign finance system, it's just like one Johnny One Note, and it's about millionaires and billionaires.

I rise today, Mr. Speaker, to speak on an important issue. The fact is that our democracy is for sale to the highest bidder. Super PACs, millionaires and billionaires are taking over our election. They're doing what ordinary individuals don't have any capacity to do, and the impact on policymaking and on elections is debilitating. It makes voiceless the very people, Mr. Speaker, who most need a voice in these very troubling times. Our seniors, young people, poor people, working people, women, middle-income families, and small business owners, all of them have just been shut down because of this system. But it's worse now than it was even in the dark days of Watergate.

Now, before coming to Congress, Mr. Speaker, I spent nearly 15 years of my career actually working on issues related to campaign finance reform, election law, voting rights, and government ethics, from my time as a lawyer

to my service as executive director of several nonprofit organizations; and I just can't think of a worse time than this time that we're living in now.

The complexity of balancing important constitutional considerations is really important, but appropriate public policy is also important; and we're just not striking that balance. In fact, Mr. Speaker, if you think about it, in the days following Watergate and the reforms that came thereafter, much of the way that we thought about our campaign finance system and that we thought about the role of money in politics and its relation to policymaking was almost completely circumscribed by pretty much one decision and a couple of others, the Buckley v. Valeo decision and all the cases that followed.

During that time, we could not have imagined a more desolate campaign finance landscape, in fact, than the one we have here today, Mr. Speaker. Here we are facing the Supreme Court's 2010 decision in Citizens United v. The Federal Election Commission. Now, you would think that a lot of people would not really be familiar with any one Supreme Court decision, but in fact all across this country people are outraged by that decision because it has been devastating to the political system.

Now, Mr. Speaker, my congressional district is in the metropolitan Washington area, in the Maryland suburbs, and so we get the benefit in this area of hearing advertising that comes on television from Virginia. Now, Virginia is a battleground State in the Presidential elections, and so that means that we get to experience in Maryland, where we wouldn't ordinarily, all of the election advertising. What we see is ad after ad. And you can't even read the small print on the ad. You don't know who's paying for it. You don't know where it's coming from. You don't know what's behind it because none of that is disclosed. You hear hammering one candidate or hammering another candidate.

And so here you sit, as an ordinary person at home just wanting to get up and take care of your family and make sure that your kids are okay, and this political system has gone amuck and awash in campaign dollars, money coming from all sorts of sources.

But what Citizens United did was it upended the role of the people in the process and took away our voice in the face of unlimited, undisclosed sources of money that did not, in the past, have a place in the campaign finance mix. Well, Mr. Speaker, I think this can't continue. We can't allow it to go unchecked. It's just been too debilitating to people at home. It has an impact all across the board on participation, on whether people feel that they have a voice in policymaking, on the candidates who choose to run for elected office or not. I can understand why the American people feel like, you know what, I just want to shut down because the system simply isn't working for me.

So here we are, Mr. Speaker, and I'm glad to have this opportunity to say a few words this evening because we're 97 calendar days away from the November 2012 election, but we're 16 legislative days away. That means that Congress—every elected Member of the House and the Senate—has 16 legislative days, 16 days of opportunity to restore sanity to the campaign finance system, to let the people know that we actually care about whether their voice is important, versus the voices of the millionaires and the billionaires who get to set the agenda. Sixteen days. There's a lot that you can do in 16 days—or you can do nothing. That's the choice that we have today.

So there can't be any doubt that in fact we've entered a really unprecedented era in our political system, where super PACs rule. I didn't even know what a super PAC was, most Americans probably didn't, but we sure do now, where one person, one vote has been more appropriate for a history lesson than a description of the electoral process.

How did we get to this framework that allows a free rein to outside organizations, to corporations and their treasuries, to the wealthy, allowing them to raise unlimited amounts of cash to influence American elections? The question really is that we got here because of Citizens United.

So, 2 years ago, the Supreme Court, in a 5–4 ruling, said, you know what, we're going to invalidate everything we've known about the campaign finance system; the Federal Election Campaign Act—which has been rendered pretty much useless; the bipartisan—and I'll repeat that, bipartisan, Mr. Speaker, Campaign Reform Act that was a way that Republicans and Democrats came together for things like disclosure and limiting contributions and circumscribing the role of money in politics, and in a 5–4 decision, the United States Supreme Court threw it all out. In doing so, what the Court did was it struck down long-time prohibitions against corporate use of general treasury funds for independent expenditures and for communicating in elections.

Now, what the American people need to understand, Mr. Speaker, is that means that no matter what corporation you are, maybe you represent insurance companies or the financial sector or the energy sector or any number of sectors that certainly hire a lot of employees, and they have shareholders, but what the Supreme Court said is we're going to reach into the corporate piggy bank and we're going to allow corporations—for the first time ever, really, in our modern-day politics—to spend their money directly on campaigns.

Now, Mr. Speaker, corporations have name-brand identity, so they don't do this willy-nilly. So what do they do? They pass it through an organization that's a shadow organization so we don't know where that money is coming in directly until after the fact. Maybe we see three-point type on a television screen that flashes right by, Mr. Speaker; but the fact is the American public doesn't know.

□ 2100

Now, there had been long-settled cases in this country that said that corporations actually didn't have the ability to spend out of their corporate treasuries when corporations are formed for all kinds of reasons, but not really to spend out of their treasuries like people, real people can and should in the political process. But Citizens United changed all of that.

Then came another case. Now keep in mind, this is just in the last 2 years that our system has been completely upended. Then came another case called speechnow.org v. the Federal Election Commission. And what the United States Court of Appeals for the District of Columbia decided was that contributions to political action committees that only make supposed independent expenditures can't be limited. That's right: unlimited contributions from political action committees. These have come to be known as super PACs.

And why are they so super? Because it's unlimited money, and it's just gushing into the political system. In States all across the country that are the favored battleground States, people in those States, and States like North Carolina and Virginia and Ohio and other States, can actually see that money firsthand because it's just being spent like crazy.

And you know what? With 97 days, Mr. Speaker, left until the election, there will be more.

In fact, I think that the American people will be so sick and tired of the advertising and not knowing who's behind it and the cross-messaging and things that may or may not be true, but you have no way of checking it, the American people are going to be so sick and so outraged that they will continue to demand, as they have been, that we return some sanity to the system.

These court decisions, of course, have said that corporations have equal rights to those of an individual. Can you imagine that your local corporation that does a great job of hiring people in your community is on par with an individual when it comes to making a political contribution? But that is, in effect, the land that we live in right now.

The result has been a stunning influx of money that threatens to erode our democratic process and leads us to even lower voter participation rates. The danger of Citizens United and the cases that followed was actually heralded by Justice Stevens in his dissenting opinion in the case. And he couldn't have been more prescient. Here's what he said. He warned that it would ''undermine the integrity of elected institutions around the Nation.''

Well, you don't have to look very far, Mr. Speaker, to know that the American people understand and believe that our institution is about as low as you can go. I mean, all of us have seen the numbers; and it can't be separated, the way that the American people feel about our elected officials, feel about our elected institutions, feel about the ability of our institutions to respond to their everyday needs. We must know that that is deeply connected to the role, the perverse role of money and politics.

I don't have to tell the American people. Mr. Speaker, you don't have to tell the American people because they know. They know in their gut that it's actually wrong for corporations to reach in their treasuries and spend on campaigns. They know in their gut that it's wrong for a handful of millionaires and billionaires to control the agenda, to control the policy, to control the message. They know it's wrong.

Now, Justice Kennedy, in his majority opinion—and, remember, the majority won in Citizens United—stated that ''independent expenditures simply do not give rise to corruption or the appearance of corruption.''

Clearly, the Justice has not really participated in politics because you don't have to look very far to know that, in fact, the corruption is actually rampant. Now, there is the appearance of corruption, maybe not out right. Nobody's buying or selling a vote. That's not the point.

But the point is that it appears to be just really dirty. Most people look at our politics, they look at the nastiness, and you know what, Mr. Speaker? They just want to wash their hands.

Now, it's possible that this flow of super PACS into elections would allow for independent expenditures; but the fact is there's nothing independent about it. It's not independent when a family member starts a super PAC. It's not independent when a former business partner starts a super PAC. It's not independent when former colleagues and coworkers start a super PAC and then begin spending on elections not very far from the candidate. And the American people understand this.

Now, we can try to pretend that it's something different, but it's not different. The operations of these super PACs provide a stark contrast to the flawed assumptions that the Court made in its ruling.

It's up to us in the Congress, in 16 legislative days, 97 days before this important election, to change that dynamic, to say that for the future, that for going forward, we understand that there is no role for this kind of money in our politics. There's no role for it in our elections.

And so, although these organizations have been supposedly declared independent by the courts, the reality is that they flout the coordination rules that have set up, that supposedly would keep them independent, staffers, family, friends of a particular candidate that the super PAC is supporting.

No great secret. In fact, coming out of the Republican primary elections, it was no secret at all who the millionaires and the billionaires were putting their money behind. And so, while the official campaign and the candidate are allowed to keep their hands clean, and I use that term loosely, clean, these shadow arms of a campaign are used to launch unrelenting attacks against an opponent that they pretend or that are unaffiliated with a particular candidate or an election strategy. It's almost laughable. And in fact I think people at home, when they're not tuning out, in fact they're laughing at us.

Justin Stevens' warning materialized initially in the 2010 election. I know that I recall that because for the first time in our history, corporate and wealthy individuals really began to flood the airwaves. And here we are in 2012, and in that 2-year interim, boy, have they figured out this system, Mr. Speaker. And it's all over the place, flooding the entire electoral process.

In the 2010 election cycle, the spending by corporations and outside groups actually multiplied fourfold from the 2006 election, going to nearly $300 million, astonishing at that time. But you know what? You haven't seen anything yet.

Let's take a look at where we are today. From 2008 to 2010, the average amount spent for a House seat, that is, for a winning candidate, increased 32 percent, from about $2 million to over $2.7 million. But as we know, the worst really was yet to come.

At the start of the 2012 Republican Presidential primaries, we really began to see the creep and the crawl and the impact and the danger of Citizens United. And the results, as I said, were on full display in Iowa. Super PACs there actually outspent candidates 2–1. That's right, the so-called independent expenditure groups outspent the actual candidates. The super PACs had a bigger voice than the actual candidates for the Republican primary.

Republican Presidential hopeful and former Speaker of this House, Newt Gingrich, who, at the time, actually supported the Supreme Court's decision, what did he see? He saw his poll numbers plummet after a barrage attack of about $4 million in negative advertising that was paid for by Restore Our Future, a super PAC supporting former Governor Mitt Romney and run by his former staffers.

The same group then poured nearly $8 million into the Florida primary, with Winning Our Future, a super PAC supporting former Speaker Gingrich spending a $6 million ad buy.

Let's look at the numbers. And I'm sure the American public, Mr. Speaker, must be saying, I can't believe they spend that much money on politics. But surely they do.

And after being targeted by Restore Our Future, former Speaker Gingrich, who, keep in mind, said that he had supported Citizens United, concluded, ''I think,'' referring to the anonymous ads, ''that it debilitates politics.'' He said, ''I think it strengthens millionaires and it weakens middle class candidates.''

I couldn't agree with him more. I could not agree with him more.

□ 2110

Mr. Speaker, the landscape has continued to darken as we march toward the general election with groups that are collecting and planning to spend enormous sums of money.

American Crossroads and Priorities USA reportedly plan to raise and spend $240 million and $100 million respectively on the election. Just recently, National Public Radio reported that Republican super PACs and other outside groups, including Karl Rove, the Koch brothers, and Tom Donohue of the U.S. Chamber of Commerce—supposedly independent—plan to spend a combined $1 billion before election day. That's right. The American people need to understand that. $1 billion. Unless we think that this is just about Republicans, Democrats are trying to play, too. It doesn't matter who is playing. It's wrong.

According to the Center for Responsive Politics, as of August 1—that's today—705 groups have organized as super PACs and have reported receipts of over $318 million and independent expenditures already of more than $167 million in the 2012 election cycle. That's as of today and here we are. They've got 97 more days to raise more money, to spend more money and to do all of that undercover. I want to put it into stark contrast because just a couple of weeks ago, just 2 weeks ago, the numbers stood at 678. Today, it's 705—who knows what it will be next week?—with receipts of $281 million. Now those receipts are $318 million. Can you do a little math on a multiplier? Because this thing is like rapid fire all across the country in this election cycle. The growth is really out of control.

Citizens United will continue to allow super PACs to permeate the airwaves with distortions and with half-truths, all of it in an attempt to alter the political discourse. This is not about what candidates are saying individually. It's hard to even hear directly from them because we're hearing so much from the super PACs.

I can recall many years ago when I began working on issues of campaign finance reform, it was the Republicans who said, Do you know what, we don't want all that other regulation, but we love disclosure. It turns out that now, in the day when the majority opinion in Citizens United declared that the one thing that wasn't off limits is actually disclosure, Democrats have put forward a disclosure bill called DISCLOSE, introduced by my colleague from Maryland, CHRIS VAN HOLLEN. Many of us have signed onto it. That

disclosure bill was brought up in the Senate. It has been brought up over here in the House. And do you know what? It has gone nowhere. It's the same people who over the last 20 years or more, even since Buckley v. Valeo—certainly more—said we support disclosure. We are robust supporters of disclosure, but not today. Not today, Mr. Speaker. Not today. They don't want to disclose anyone—any individual, any corporation—that's behind these contributions.

Why is that?

It's about politics, Mr. Speaker. It's because maybe it's working in the favor of those who don't want disclosure, who don't want their names out there, who don't want the American public, whether it's in my district or in any other district, to know who they are and to know what's being spent.

Of course, I envision that, like many Members of Congress, you could run the risk as a Member of Congress, to be sure, in speaking out against this nasty, dirty, unlimited money in our politics, and they'll all gang up on you. I'm going to take that risk, Mr. Speaker, because I happen to believe that the American people are sick and tired of it. They want us to do something about it. It's important for us to speak out about that because otherwise we lose everything. We lose participation. We lose people wanting to be involved and engaged in politics and wanting to run for elected office. Those who pay the piper just get to carry on in the process. We can't allow that to happen.

So I believe in disclosure, but I don't think we can end at disclosure. I think we have to go a step farther. We want to promote that kind of transparency, though, in the political process. We want to enhance the public reporting by corporations and unions and all outside groups. I'm happy to let anybody know who is funding my elections. All of us should be pleased to do that because we know that it contributes to the public confidence in us as elected officials. I want to stand by any ad and say I approve of this message. Well, a corporation should stand by and say that it approves of that message, too. I want to know who is behind those ads.

I think we still have 16 legislative days left in this Congress. Bring DISCLOSE to the floor. It's time to do the right thing. Now, I don't control the agenda on the floor, Mr. Speaker. The Republican majority does. They do have the capacity to bring reforms to this floor before we do anything else.

I also think this campaign finance problem requires some other things, too, which is why I've supported the Fair Elections Now Act. It's in the Senate as S. 750, and here in the House it's H.R. 1404. It's modeled after successful programs in the States. There are some people who believe the States are the laboratories for democracy. I share that belief. The States have experimented with ways in which you could fund campaigns to encourage different and more diverse people to run for elective office and with ways that you could clean the dirty money out of the system so that we're not governed by making phone calls and asking people for money to fund our campaigns. I think that the Fair Elections Now Act actually does that, and it's why I've supported it.

What would happen is we would create a voluntary program where congressional candidates could actually qualify for funding to run for competitive elections and campaigns. In exchange, what those participating candidates would do—and what I would do as a candidate—is agree to strict campaign limits and to forgo all private fundraising.

To the American public, Mr. Speaker, what I would say is, If you don't own your elections, then who does?

Right now we know that we don't own our elections. We need that kind of reform. So I believe those interim reforms are really necessary. Yet as an attorney and as somebody who has spent decades working on campaign finance, I think that we have to go farther.

I think that what the Court says is, Congress, you don't have any authority to regulate except by doing disclosure. To me, what that means is that it requires the serious consideration of an amendment to the Constitution. I don't take that lightly. In fact, as an advocate and as a donor long before I came to Congress, I spent the better part of my career shunning attempts by reform groups who would come to me and who wanted me to work on reforms that required us to amend the Constitution. I always said no.

The reason is that I think amending the Constitution is a serious step and requires serious consideration, but here the Supreme Court really hasn't left us any choice. In fact, in a couple of cases from Citizens United, they inasmuch have said so. They said pretty directly, Congress, you don't have the authority to regulate campaigns except to the extent that you do disclosure.

So I have made a proposal to amend the Constitution. I worked with Laurence Tribe, a noted constitutional professor. I worked with colleagues here in the Congress, including the then-House chairman of the Judiciary, JOHN CONYERS in the last Congress. I reintroduced that amendment in this Congress because I think that the time is now. I've always questioned the rationale for the Court's decision, but I've done a reality check because writing this decision requires us to start in the Halls of this Congress. It requires us to continue on to the States with a constitutional amendment. So I've introduced this amendment.

I know that, since then, there have been a number of other constitutional amendments introduced. Just last week, I testified over in the Senate Judiciary Subcommittee on the Constitution where there is the consideration of a constitutional amendment in the Senate. Now is the time.

The other thing that we could do in these legislative days, in addition to bringing the DISCLOSE Act to this floor, is to convene serious hearings among serious people about amending the Constitution so that we can restore sanity to our system and to make sure that our citizens' voices count more than those voices of those just digging into corporate treasuries.

I don't think there is even one way to do this, but I think it's important to put something on the table. I urge the consideration by this House of House Joint Resolution 78, which is an amendment to the Constitution. It goes on the very limited track of saying that Congress, indeed, has the authority that it needs under our Constitution to make the changes that we need to of the campaign finance system in order to make sure that elections are owned by the American people.

□ 2120

It's a really simple thing to do, and let's take it to the legislatures.

Because so many of my colleagues have introduced constitutional amendments also, many of us have actually joined with people all across this country. In fact, millions of people across this country are calling for us to be on the side of democracy, and we've signed on to a declaration for democracy. I'm a proud declarant for democracy. We have 275 cities and towns from New York to Boulder, to Los Angeles, all across the country, big cities, small cities, who have called on a declaration for democracy to pass anti-Citizens United resolutions. We might differ on the subtleties on what this resolution might be, but that's the job of the United States Congress, to hear it out, to hear all sides, to hear from constitutional scholars about how we need to do this, but to do this together for the American people.

Over 1,854 public officials across the country, including 92 Members of the House, 28 senators, and over 2,000 business leaders across the country have said it's time for us to take a stand for democracy. They've signed their name to our declaration for democracy. I would encourage all of our colleagues, before you leave town, sign your name to the declaration for democracy. Show the American people that we stand on their side.

There's no doubt that it's a bold step to amend a document that's only been amended 27 times, and some would question the need to fix the problem with a constitutional amendment. But the Supreme Court pretty much answered that question unequivocally. The Supreme Court has also said, You know what, if Congress wants to do something, then Congress has to act in this way. I don't question that the Supreme Court made this decision. I accept that. It was a 5–4 ruling. That's the way our system works. The other part of our system is that free thinking Members of the United States House of Representatives and of the Senate

come together to do what's right for the American people.

Mr. Speaker, here's what I would say in closing. Millionaires and billionaires are really doing simply what ordinary citizens can't do anymore. They've got all the strings. I can understand, Mr. Speaker, that there are people at home who just really aren't sure where they fit in this system. They're not sure what it means for their elected officials to be responsive to them because they believe that there's somebody out there who has more money and, as a result, more power and, as a result, more influence than they do at home.

I've traveled all across this country, and I have to tell you that it doesn't matter whether you're in Maine or Montana, or you're all the way down through the South of this country and all across this great landscape, people really want to feel that they have some power, that they have some influence. Mr. Speaker, they just don't have that right now.

I just don't even know another way to say that there's a ''for sale'' sign on the doors. I see poor old Uncle Sam here. He's looking mighty sad, Mr. Speaker. I've never seen a more sad looking Uncle Sam. Part of the reason is because he's shackled. He's shackled by $100 million from Priorities USA Action. Uncle Sam is shackled by $300 million from Karl Rove and American Crossroads. Uncle Sam is shackled by $61 million from only 26 billionaires. Uncle Sam is shackled by $39 million from who knows who else. And poor Uncle Sam, sad with his hand out, is shackled by $400 million from the Koch Brothers, shackled by $100 million from Sheldon Adelson.

We could put a lot more up there, Mr. Speaker, but it's time for the United States Congress to remove the shackles of money from Uncle Sam so that we don't continue to sell our democracy. It's time for us to remove the shackles. It's time for us to say to the millionaires and billionaires, You've got to play just like the person who gives $5 or $1. Not a lot of people give money to political campaigns. I can certainly understand that.

Mr. Speaker, I would close by urging us to use the 16 legislative days that are left to restore democracy, to restore sanity, by acting for the American people to restore the campaign finance system.

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

## 20TH ANNIVERSARY OF PRIESTS FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 35 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. BACHMANN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Minnesota?

There was no objection.

Mrs. BACHMANN. Today, Mr. Speaker, we mark the 20th anniversary of Priests for Life, and I'm pleased to yield 1 minute to my colleague, JEAN SCHMIDT, of Ohio.

Mrs. SCHMIDT. Thank you for giving me 1 minute.

I do want to celebrate the 20th anniversary, and I want to celebrate three pro-life advocates in my own hometown. The first is Archbishop Dennis Schnurr, who has been unequivocally in the forefront of this movement. I have stood with Archbishop Schnurr in front of Planned Parenthood of Greater Cincinnati praying the rosary. I have walked with him in the Cross the Bridge for Life. I've watched him get on a bus with schoolchildren and come up here to Washington for the March for Life. Auxiliary Bishop Joseph Binzer is another pro-life advocate who has walked the walk and talked the talk. And most importantly, my own parish priest, Father Michael Cordier, who again has come up here to Washington with a group of students from St. Elizabeth Ann Seton and St. Andrew to March for Life, but most importantly in his own personal life has witnessed his brother and his sister-in-law with a very challenged girl, Sophia Cordier, who not only exemplified what the meaning of life is, but as she passed into her eternal reward earlier this year, has become an emblematic portion of the right-to-life movement in greater Cincinnati.

Mrs. BACHMANN. Mr. Speaker, I now yield 3 minutes to Mr. WALBERG of Michigan.

Mr. WALBERG. I thank the gentlelady. I thank you for commanding this time to call attention to people, heroes of life like Father Frank Pavone.

Congressman RON PAUL, one of our colleagues, shared a poem with me on the floor one day. It caught my attention. It's called ''The Anvil'':

> Last eve I passed beside a blacksmith door, and heard the anvil ring the vesper chime;
> Looking in, I saw upon the floor old hammers, worn with beating years of time.
> 'How many anvils have you had,' said I, 'To wear and batter all these hammers so?'
> 'Just one,' said he, and then with twinkling eye, 'The anvil wears the hammers out, you know.'
> And so, thought I, the anvil called the master's Word, for ages skeptic blows have beat upon;
> Yet, though the noise of falling blows was heard, The anvil is unharmed, and the hammers gone.

Father Pavone and others who command the interest in life understand the power of truth, the truth that comes with the Creator, a Creator who has designed life itself for good and for the best interests of all.

In our great document, the Declaration of Independence, it said:

> We hold these truths to be self-evident, that all men are created equal and are endowed by their Creator with certain unalienable, God given rights, among them, the right to life, liberty and the pursuit of happiness.

□ 2130

And so, Mr. Speaker, I would just refer back to the truth. Tonight, as we think about life and honor and organizations like Priests for Life and others who understand the truth that are contained in words like this, ''Behold, children are a gift of the Lord, The fruit of the womb is a reward''; of the prophet Jeremiah, of whom it was said, ''Before I formed you in the womb, I knew you. Before you were born, I set you apart,'' that's life before even the womb was open.

And then that beautiful psalm, Psalm 139, says:

> For You formed my inward parts. You wove me in my mother's womb. I will give thanks to You, for I am fearfully and wonderfully made. Wonderful are Your works, and my soul knows it very well. My frame was not hidden from You when I was made in secret and skillfully wrought in the depths of the Earth. Your eyes have seen my unformed substance. And in Your book were all written the days that were ordained for me, when as yet there was not one of them.

Father Frank, we thank you for your work and the Priests for Life. We thank all of those who stand for life.

Mr. Speaker, I thank this body for the opportunity to speak for the principle that God created life for a purpose, and we must adore it and continue it on.

Mrs. BACHMANN. Mr. Speaker, I now yield to Representative CHRIS SMITH of New Jersey, the leading voice for the pro-life cause and for the unborn across the United States.

Mr. SMITH of New Jersey. I thank my good friend for yielding and thank her for calling this very important Special Order.

For two decades, I, along with countless others, have been moved, inspired, and motivated to defend the weakest and most vulnerable among us by the remarkable life and pro-life witness of Father Frank Pavone. Ordained to the Roman Catholic priesthood by Cardinal John O'Connor in 1988, Father Pavone celebrates 20 years since the founding of Priests for Life, the organization he so effectively leads.

A prolific writer and gifted speaker, Father Pavone takes the gospel message of love, forgiveness, truth, and reconciliation both to friendly audiences who draw encouragement from his messages and to those—especially post-abortive women—who suffer and are in deep pain.

I have heard Father Pavone challenge priests to more robustly defend the sanctity of life, especially in their homilies. In promoting the gospel of life, he insists no venue should be forsaken or ignored. Whether it be from the pulpit or in the public square, Father Pavone couldn't be more clear: Speak out with candor, clarity and

compassion—silence is not an option. Silence, I've heard him say, does a woman contemplating abortion no favor whatsoever. She needs pro-life options, real alternatives presented in a meaningful way. She needs understanding and genuine support. And others who might help her need to know that their willingness to assist might be the difference between life and death.

In like matter, Father Pavone and Executive Director Janet Morana are unceasing in their efforts to tangibly aid post-abortive women who often suffer not only physical damage from abortion but lifelong negative emotional, psychological, and spiritual consequences. The Silent No More Awareness Campaign provides a safe place for women who have had abortions to grieve and find peace.

Amazingly, Father Pavone also steadfastly reaches out to the actual purveyors of death in the abortion industry. This good priest sees not just the abortionist and their enablers committing violence against women and babies, but what might be if we genuinely care about their souls. Father Pavone reminds us that we are to pray for them, care for them, all while tenaciously opposing the deeds that they do.

Abby Johnson, a woman who ran a Planned Parenthood abortion clinic for 8 years in Texas, said of Father Pavone:

> Father Frank Pavone has been a staple in my house for many years, even during my Planned Parenthood years. Every week, I would record and watch Defending Life on EWTN. I enjoyed watching him, even if I disagreed. I loved how outspoken he was and how he didn't seem to live in the gray. You know, everything seemed black-and-white for him. Right and wrong was clear.
>
> I remember watching him during the Terri Schiavo tragedy. I was drawn to his gentle spirit. I had seen two sides to him—or was it? One side was so unabashedly, unapologetically, and passionately against abortion. The other was a man who had an incredibly compassionate heart and a kind spirit. This was the man who was helping a family grieve the loss of their daughter. But now I see they are the same. Father Frank is for life, all life. His compassion for life fuels his passion.

Mr. Speaker, Priests for Life turns 20, doing best what it has done so faithfully, defending the least of these as if it were the Lord, Himself.

Mrs. BACHMANN. I thank you, Mr. SMITH, for your important pro-life voice, and thank you for the years of steadfastness on this issue. And we do thank Father Pavone and also Priests for Life.

Now I would like to yield to a wonderful Member from Nebraska, Mr. JEFF FORTENBERRY, an important pro-life voice here in the United States Congress.

Mr. FORTENBERRY. I thank the gentlelady from Minnesota for yielding, and thank you for your stalwart and courageous stand for life tonight.

Women deserve better than abortion, and of course celebrating an extraordinary organization such as Priests for Life who have tried to heal the wounded and protect those who are most vulnerable is, of course, an extraordinary cause.

Mr. Speaker, as my colleagues and I gather on the floor, I am going to turn the subject to another matter because we are marking what could possibly be considered one of the most significant turning points in the history of our Nation. But it is not a cause for celebration.

In America, where we have a legacy of principle that undergirds our Nation and makes it possible to create prosperity—not just material means, but a flourishing of the potential of each person—where does that principle come from? Well, we've all heard the line from the earliest of our founding documents, the Declaration of Independence, which goes like this:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

This is the operative philosophical paradigm of our culture, so much so we don't even think about it—that our rights are not conferred by a king or a government. They are inherent, based upon the dignity of each person.

And as we worked this out in the early stages of our development of our country, we wrote a Constitution which basically did one thing: It defined power, and it defined power as coming from the consent of the government, consistent with our operative philosophical paradigm of the inherent dignity and rights and responsibilities of each individual person.

Beyond that, the consent of the governed turns that power over to representatives who then make prudential judgments about what is in the common good. We make the law and are held accountable by the people in elections.

We then spread that power out. We developed three branches of government: the Congress makes the law; the President enforces the law; and the judiciary interprets the law in order that we have even more balance of power to ensure that it is not abused.

But then we took it a step further. There were still concerns that we had defined where power is coming from—from the natural inherent dignity of the person—but we also wanted to define what government must not do, and so we wrote the Bill of Rights, the first 10 amendments to the Constitution. And the First Amendment starts with these words:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Now, Mr. Speaker, the threats to religious liberty in our country are often more subtle than in other parts of the world. But as a legislator, what has grieved me deeply is that, for the first time in the history of health care in the United States, Americans are being forced to choose to either obey the government or violate their personal convictions. Buried in the President's 2010 health care law was a provision empowering the Secretary of Health and Human Services, Kathleen Sebelius, to issue rules on preventative services.

□ 2140

Who could have predicted that she would use her authority, sanctioned by President Obama, to force everyone to purchase drugs and procedures—including abortion-inducing drugs—that violate the fundamental ethical sensibilities of many Americans.

No American should be forced to choose between their conscience and their livelihood. No American should be forced to stand for their deeply held, reasoned beliefs, or stand convicted by government coercion. No American should be forced to choose between their faith and their job. This is wrong. It is a false choice. It is unjust. It is unnecessary. It is un-American, and it is an affront to the very purpose of our government derived from the consent of the governed.

America owes its unique character and strength to empowering, protecting, and upholding the inalienable rights of her citizens. Health care should be about the common good, caring for the sick, and healing the wounded. Health care policy should not be a vehicle to drive divisive ideology, forcing Americans to violate deeply held beliefs. The Health and Human Services mandate violates the fundamental principle of religious liberty and the rights of conscience so dear to this country. America owes its unique character and strength to empowering, protecting, and upholding those rights of her citizens.

Mr. Speaker, Karen McGiveny-Llechtl, one of my constituents, sent me this email:

> As a woman's health practitioner and a Catholic, I need the ability to stay within my faith boundaries. I would be unable to work if I was required to provide the services this mandate has imposed.

Indeed, it is sad that the Health and Human Services ruling seems most perniciously targeted at faith-based providers who are the backstop of compassionate care for our most vulnerable. Throughout our history, the U.S. health care service has in large measure owed its success to the doctors, nurses, and health care providers staffing faith-based institutions. These institutions, including hospitals and university clinics and nonprofit health institutions, serve the common good of all Americans. The government should celebrate the contribution of these faith-based entities, which fulfill the mission of helping the sick and serving the poor. Without them, we will see reduced access to high-quality care, especially for vulnerable persons who have

traditionally relied on these benevolent organizations of civil society. Several health care practitioners have told me personally that they would choose to leave their professions rather than compromise their beliefs. But undoubtedly, some will not obey the government. And our government has effectively condemned them.

Another man who was condemned for his beliefs had this to say:

> I submit that an individual that breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is, in reality, expressing the very highest respect for the law.

So wrote Dr. Martin Luther King from the Birmingham jail.

The purpose of our government is to create just structures for societal order, empowering liberty, beginning with the affirmation of the natural rights of the person, including the most basic right of conscience. In my office, there is a copy of a draft of the Bill of Rights. The rights of conscience were initially included in that draft. But by the final version, that right was formalized by the concept of religious freedom, perhaps given that the rights of conscience were such an ordinarily understood concept that its fullness did not need provision. James Madison, the architect of the Constitution, wrote that ''conscience is the most sacred of all property,'' linking conscience rights to the foundation of religious liberty.

In 1809, Thomas Jefferson stated that:

> No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of civil authority.

The Health and Human Services mandate violates the fundamental principle of religious liberty and rights of conscience so dear to our country. No American should be forced to choose between violating their conscience in order to serve the public. From the faith-based hospital to the business person providing health care coverage in their insurance plan to their employees, to the school established for children with special needs, no American should be forced to choose between their faith and their job.

This is why so many people of goodwill, regardless of their religious traditions or their political affiliation, consider the Health and Human Services mandate to be a gross affront to the very essence of what it means to be an American. And all of us must choose our response. This is not simply a religious issue. It's not a Catholic issue. It's not an Evangelical issue. It's an American issue. We all have a responsibility to decide, informed by our faith, what our country means to us, and what it demands of us in this moment.

Last Friday, there was a Federal judge who ruled in a court case in this regard, and I think Federal Judge John Kane in Hercules v. Sebelius got it right. He had this to say:

> The government's interests are countered, and indeed outweighed, by the public interest in the free exercise of religion.

I thank the gentlelady from Minnesota for her leadership on this important issue, and so many others.

Mrs. BACHMANN. I thank you, Mr. FORTENBERRY, a father of five. And I'm a mother of five, and so I thank you.

Mr. Speaker, I will give just a few remarks on Priests for Life and on their 20th anniversary. Tonight is a very important night because, as we know, it has been 40 years since the infamous Roe v. Wade decision removed legal protection for those who are unborn, the youngest members of our society, those who still remain in the womb of their mother.

And since that time, numerous groups have risen up to restore that protection to the unborn and to educate the public about the issue that we all know as abortion, and to provide compassionate service, both to those who need alternatives to abortion and those who need healing after abortion.

I stand here today with my colleagues in the United States Congress to honor one extremely important institution known as Priests for Life as they celebrate 20 years of advocacy and service to the unborn. As many people across America know, Priests for Life is led by Father Frank Pavone. He is one of the strongest voices for the unborn throughout the world, as well as for children in America, and he stands strong because as we know, contrary to what its name might suggest, Priests for Life isn't just for priests, and it's not just for Catholics.

The work of Priests for Life has enabled Americans of every walk of life, every ethnicity, every faith background, every political affiliation, to awaken their consciences about the life issue, to speak up for the unborn. And here's just a few of the outreach efforts, Mr. Speaker, that Priests for Life have been involved in.

Every year, Priests for Life holds nearly 1,000 retreats across America for men and women who have lost a child to abortion. Priests for Life also runs the very important Silent No More awareness campaign to mobilize men and women who have lost a child to abortion but who have gone on to experience healing through God and who now want to share their testimony.

One of the full-time members of Priests for Life is a very important voice in the United States, Dr. Alveda King. I was just with her this last weekend. Americans know her as the niece of Dr. Martin Luther King, Jr. Alveda heads up the effort to reach the black community with the truth of abortion and how it disproportionately impacts unborn black children in the United States.

Priests for Life also sponsors a nonpartisan voter registration drive, focused on saving innocent human life and helping to heal the hurt of men and women as they are post-abortive. Through churches, they distribute voter guides. They train clergy on what they can do within the limits of the law to foster political responsibility.

Now, it is very difficult to find any national initiative to the pro-life movement that either Father Frank Pavone or Priests for Life are somehow not deeply involved in. For example, in February of this year, 2012, Priests for Life launched a lawsuit against the Health and Human Services mandate, which we have heard much about this evening, that requires job creators to offer health insurance coverage for morally objectionable practices.

□ 2150

This mandate is an enormous affront to our First Amendment religious liberty rights in the United States and it needs to be stopped, because never before has this government, Mr. Speaker, required a job creator to provide insurance that includes contraception, abortion-causing pills and sterilization. No organization, no American, Mr. Speaker, should have to violate their religious beliefs because of this President's health care dictates. I am a mom to 28 kids, five natural born children, 23 foster children. I believe with every fiber in my being that every child matters and that we should have a right to life for every American, because every life is precious, every life is sacred, and every life is made in the image and likeness of a holy God. Every life matters.

I'm extremely proud to be a part of the pro-life movement that is truly a voice for the voiceless and to have been affiliated with Priests for Life and Father Frank Pavone. As we take note of the 20th anniversary of one of the leading pro-life organizations in our Nation, I wish to thank this evening Priests for Life for everything they continue to do to protect and defend the sanctity of every human life.

I would now like to yield to one of the strongest pro-life voices in the State of Texas, well-known and beloved to Americans all across this Nation, Representative LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Minnesota, my very, very dear friend.

This is an important day, Priests for Life marking 20 years. As a Christian, as a Southern Baptist, it is an honor to pay tribute to the Catholic priests who have stood strong, stood for life, that precious one of the trilogy that was set out in the Declaration of Independence. But first life. Only if you have life can you then go to liberty and have a chance at a pursuit of happiness.

For those of us who believe the scripture written in the Old Testament, as did our founders, most all of them—in fact a third of the signers of the Declaration of Independence, over a third, were ordained Christian ministers—but certainly George Washington and even Ben Franklin, even though some history teachers mislead their students these days. They all believed in those scriptures.

When you look at the fall of the northern kingdom of Israel, it's a little scary, because, as I've read, one of the

things that God was angry over was that people had fallen into such incredible idol worship that they were willing to sacrifice their own children. That is so abominable. How could anybody love such idols and idol worship such that they would sacrifice their own child and allow the taking of their own child's life?

And then I thought about abortion in this country, and we have no room to talk. For 20 years, Priests for Life have known that, and they have stood firm that the most essential right of our Creator is life, and you can't get to liberty until you start with life.

And then the irony of all ironies, today, the first day that the Catholic church and really all of us who are Christians, all of us who believe in freedom of religion, all of us that in fact actually believe the Constitution means what it says have been slapped down by this administration. Regardless of what the Supreme Court says, the First Amendment makes clear, as my friend from Nebraska (Mr. FORTENBERRY) says:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Or prohibiting the free exercise thereof.

And we have friends, Christian friends, who believe with all their heart it is a right to practice their religion, and they have these religious beliefs, and this administration has demeaned them to the point that it would release a quote as was pointed out by Amy Payne with the Heritage Foundation today, when quoting the Health and Human Services Department:

> The Obama administration will continue to work with all employers to give them the flexibility and resources they need to implement the health care law in a way that protects women's health while making commonsense accommodations for values like religious liberty.

Values nothing. It's a constitutional right that this administration is trodding on and trampling and stomping on. And if it will take this right, what's next? Can Jews not worship on the Sabbath because it's inconvenient? But maybe this administration will help try to accommodate that value.

Or how about communion? Maybe this administration will find at some point it's really not healthy, and so they'll try to accommodate the religious conviction, the freedom of religion, as a value. They'll try to work with people who believe this to the core of their hearts.

You go back to the founding. We didn't even have a Constitution. Ben Franklin sat for 5 weeks, virtually, listening to all the rancor back and forth. He finally rises, 80 years old, gout, trouble getting up, overweight, a couple of years or so from meeting his Judge, and he points out, We've been going for nearly 5 weeks. We've got more noes than ayes on virtually everything, and he asks:

> How has it happened, sir, that we've not once thought of humbly applying to the Father of Lights to illuminate our understanding? In the beginning contest with Great Britain when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered.

Now that's not a deist, and it's someone who does not believe in the accommodation of a religious value. He believed in religious freedom. Not only that, he believed in the power of prayer because in that same speech that we know is his speech, because he wrote it out in his own hand, he says:

> I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it possible that an empire could rise without His aid?

Ben Franklin said:

> We have been assured, sir, in the sacred writing—

Not that we're accommodating, but that we believe in—

> We've been assured in the sacred writing that unless the Lord build it, they labor in vain that build it. I firmly believe this. I also believe without His, God's, concurring aid, we will succeed in our political building no better than the builders of Babel.

Now, here we are over 200 years later trying to accommodate what Ben Franklin said that stirred the hearts of those and even stirred Randolph to say, You know what: Let's take a break. Let's go listen to a preacher preach the word all together as a constitutional convention and then come back. And they did and they came back with a new spirit and they gave us a Constitution that this administration is now trodding and trampling upon.

God, the God of which Ben Franklin spoke, without whom we will succeed in our political building no better than the builders of Babel, is now being told by this administration that they'll accommodate as best they can, but make no mistake, they're trampling on the rights that Priests for Life have been preaching about for 20 years.

I thank my friend for yielding.

Mrs. BACHMANN. I thank our friend from Texas.

I just want to say, we've had so many Members of Congress that wanted to be down here on the floor this evening and there was only so much time.

I would like to thank also Congresswoman BLACK of Tennessee, Congressman HUELSKAMP of Kansas, Congressman LANKFORD of Oklahoma, Congresswoman BLACKBURN of Tennessee. Also, I want to thank Congressman TRENT FRANKS of Arizona. We had many in addition to the Members that we have heard from this evening: Congressman FORTENBERRY of Nebraska, Congressman WALBERG of Michigan, and Congresswoman SCHMIDT of Ohio, in addition to Congressman SMITH of New Jersey. I want to thank them, Congressman GOHMERT of Texas, and so many other pro-life Members of Congress. This is an important night. We thank Priests for Life for 20 years of standing firm for the cause of the unborn. We will get there yet. Thank you, Father Frank.

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

Mrs. BLACKBURN. Mr. Speaker, today the Obama Administration is following through on their HHS mandate that violates religious freedom as today begins the date where the rule goes into effect. 24 separate lawsuits across the country have been filed representing 76 plaintiffs.

On Friday, a Carter-appointed judge in Denver provided a preliminary injunction against the HHS mandate to the Newland family, the Catholic owners of a HVAC company in Colorado. This case, led by Alliance Defending Freedom, is a welcomed initial victory for religious freedom. We will need the courts or the Congress to reverse this tragic disregard for American's First Amendment right to freedom of religion without government interference.

Protecting the First Amendment has to be our First priority. The first words of the First Amendment read: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

What happened to the promise that "if you like the health care you have you can keep it?"

The radical mandate makes it so religious-based institutions are forced to defy a Higher Order at the will of a Goverment Order. Religious liberty is a sacred and fundamental right. It's central to who we are as a country, a country founded by people who fled Europe for their religious beliefs.

If President Obama does not reverse his administration's attack on religious freedom, Congress, led by the People's House, will do it for him.

People who go to church on Sunday and who put money in an offering plate shouldn't have to worry that their donations will go to pay for things that they don't believe in their hearts to be good.

The House is going to address this matter fairly and deliberately, through the appropriate legislative channels in the House Energy & Commerce Committee.

The rule announced by the Obama Administration's Department of Health & Human Services would require faith-based employers—including Catholic charities, schools, universities, and hospitals—to provide services they consider immoral. Those services include sterilization, abortion-inducing drugs and devices, and contraception (FDA approved items).

The effect is government crowding out religious-based institutions. Government is using raw political force to impose a government view on society where religious institutions are not welcome to serve or practice their faith freely. It is government forcing private and religious institutions off the public square. They're forcing resources off the table that serve the public good. Since when was that a good idea?

## PUBLICATION OF BUDGETARY MATERIAL

### REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2012 AND 2013 BUDGET RESOLUTIONS

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to section 404 of H. Con. Res 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, and sections 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year

2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates. The revision reflects the budgetary impact of H.R. 8, the Job Protection and Recession Prevention Act of 2012, which would extend for one year through 2013, certain tax policies enacted in 2001, 2003, and 2010 and would provide relief from the Alternative Minimum Tax. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolutions, pursuant to sections 101 of H. Con. Res. 34 and H. Con. Res. 112.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

| | Fiscal year | | |
|---|---|---|---|
| | 2012 | 2013 | 2013–2022 |
| Current Aggregates:[1] | | | |
| Budget Authority | 2,858,503 | 2,793,848 | [2] |
| Outlays | 2,947,662 | 2,891,589 | [2] |
| Revenues | 1,890,365 | 2,293,339 | 32,472,564 |
| The Job Protection & Recession Prevention Act of 2012 (H.R. 8): | | | |
| Budget Authority | 0 | 0 | [2] |
| Outlays | 0 | 0 | [2] |
| Revenues | 0 | −227,950 | −383,203 |

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

| | Fiscal year | | |
|---|---|---|---|
| | 2012 | 2013 | 2013–2022 |
| Revised Aggregates: | | | |
| Budget Authority | 2,858,503 | 2,793,848 | [2] |
| Outlays | 2,947,662 | 2,891,589 | [2] |
| Revenues | 1,890,365 | 2,065,389 | 32,089,361 |

[1] Sections 407 and 506 of H. Con. Res. 34 and H. Con. Res. 112, respectively, stipulate that adjustments to allocations and aggregates shall apply while the measure is under consideration and take effect upon enactment of that measure. The current aggregates reflect the original budget resolution levels adjusted only for those measures, which were provided an adjustment during consideration and that have been enacted into law. At present, the original aggregates in H. Con. Res.34 have been adjusted by −$42 million for budget authority; −$254 million for outlays and −$1,046 million for revenues for measures enacted into law. No adjustments to the aggregates in H. Con. Res.112 have been enacted into law.

[2] Not applicable because annual appropriations acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

| House Committee on Ways and Means | 2012 | | 2013 | | 2013–2022 Total | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Current allocation: | 1,030,960 | 1,031,280 | 985,036 | 982,582 | 11,683,572 | 11,672,931 |
| Changes for the Job Protection and Recession Prevention Act of 2012 (H.R. 8) | 0 | 0 | 0 | 0 | +19,561 | +19,561 |
| Revised Allocation: | 1,030,960 | 1,031,280 | 985,036 | 982,582 | 11,703,133 | 11,692,492 |

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 679. An act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

## ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 2, 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:

7150. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

7151. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on Foreign Affairs.

7152. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-400, ''Heat Wave Safety Temporary Amendment Act of 2012''; to the Committee on Oversight and Government Reform.

7153. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-399, ''Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012''; to the Committee on Oversight and Government Reform.

7154. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Seventh Annual No FEAR Report to Congress for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

7155. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2120-02] (RIN: 0648-XC083) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters [Docket No.: FAA-2012-0087; Directorate Identifier 2011-SW-029-AD; Amendment 39-17091; AD 2012-12-11] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0600; Directorate Identifier 2012-SW-017-AD; Amendment 39-17076; AD 2012-11-12] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation Helicopters [Docket No.: FAA-2012-0562; Directorate Identifier 2012-SW-038-AD; Amendment 39-17068; AD 2012-11-05] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0645; Directorate Identifier 2010-NM-009-AD; Amendment 39-17052; AD 2012-10-03] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0991; Directorate Identifier 2010-NM-134-AD; Amendment 39-17110; AD 2012-13-08] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0040; Directorate Identifier 2011-NM-121-AD; Amendment 39-17108; AD 2012-13-06] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2010-1115; Directorate Identifier 2010-NM-221-AD; Amendment 39-17111; AD 2012-13-09] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0673; Directorate Identifier 2012-NM-091-AD; Amendment 39-17109; AD 2012-13-07] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model Airplanes [Docket No.: FAA-2012-0441; Directorate Identifier 2012-CE-011-AD; Amendment 39-17106; AD 2012-13-04] (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7165. A letter from the Chairman, International Trade Commission, transmitting the Commission's report entitled, ''The Year in Trade 2011''; to the Committee on Ways and Means.

7166. A letter from the Chairman and Vice-Chairman, U.S.-China Economic and Security Review Commission, transmitting notification of a public hearing held on ''The Evolving U.S.-China Trade and Investment Relationship''; jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Laura Richardson (Rept. 112–642). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 3158. a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms (Rept. 112–643). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX: Committee on Rules. House Resolution 752. Resolution providing for consideration of the bill (H.R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes (Rept. 112–644). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. HARTZLER (for herself, Mr. GRAVES of Missouri, Ms. JENKINS, Mr. LANKFORD, Mr. COLE, Mr. AKIN, and Mr. SHIMKUS):

H.R. 6244. A bill to amend the Federal Power Act to permit States to prohibit the Federal Energy Regulatory Commission from enforcing certain requirements of a license, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself and Mr. CHAFFETZ):

H.R. 6245. A bill to amend chapter 29 of title 35, United States Code, to provide for the recovery of computer hardware and software patent litigation costs in cases where the court finds the claimant did not have a reasonable likelihood of succeeding, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. HOLT, Ms. WILSON of Florida, Mr. HINCHEY, Mr. CONYERS, Mr. CLYBURN, Ms. FUDGE, Ms. EDWARDS, Mr. BARTLETT, and Mr. VAN HOLLEN):

H.R. 6246. A bill to amend the Help America Vote Act of 2002 to require the deposit in the National Software Reference Library of the National Institute of Standards and Technology of a copy of any election-dedicated voting system technology used in the operation of a voting system for an election for Federal office, to establish the conditions under which the Director of the National Institute of Standards and Technology may disclose the technology and information regarding the technology to other persons, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 6247. A bill to protect the Federal Columbia River Power System, Power Marketing Administration customers, and Bureau of Reclamation dams and other facilities and to promote new Federal and other hydropower generation; to the Committee on Natural Resources, 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. CALVERT (for himself, Ms. CHU, Mr. BILBRAY, Mr. GOSAR, Mr. LEWIS of California, Ms. MCCOLLUM, Mr. HINOJOSA, Mr. GARY G. MILLER of California, Mr. MCCAUL, Mr. SCHIFF, Mr. GALLEGLY, Mrs. BONO MACK, Mr. ISSA, and Mr. CAMPBELL):

H.R. 6248. 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, and in addition to the Committees on Agriculture, and 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. BLUMENAUER:

H.R. 6249. A bill to establish a Water Protection and Reinvestment Fund to support investments in clean water infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARENTHOLD:

H.R. 6250. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games; to the Committee on Ways and Means.

By Ms. BONAMICI (for herself, Ms. HERRERA BEUTLER, Mr. SCHRADER, Mr. MCDERMOTT, Mr. DEFAZIO, Mr. LARSEN of Washington, Mr. HONDA, Mr. BLUMENAUER, Mr. THOMPSON of California, Ms. CHU, Ms. SPEIER, Mr. SMITH of Washington, Mr. DICKS, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. HAHN, Mr. WALDEN, and Mr. STARK):

H.R. 6251. A bill to amend the Marine Debris Research, Prevention, and Reduction Act to establish an expedited award process for grants to address marine debris emergencies, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. BONO MACK (for herself and Mr. BUTTERFIELD):

H.R. 6252. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 6253. A bill to authorize the Maritime Administrator to make grants to States or port authorities to cover the cost of repair and construction activities relating to certain commercial strategic seaports, and for other purposes; to the Committee on Armed Services, 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. CARNAHAN (for himself and Mr. LATOURETTE):

H.R. 6254. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. CARNAHAN (for himself, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TSONGAS, Mrs. MALONEY, Ms. SPEIER, Mr. MURPHY of Connecticut, Mr. MORAN, Mr. CONYERS, Mr. MCGOVERN, Ms. PINGREE of Maine, and Ms. LEE of California):

H.R. 6255. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. STARK, Ms. RICHARDSON, Ms. LEE of California, Mr. CUMMINGS, Ms. JACKSON LEE of Texas, Ms. NORTON, Ms. MOORE, Mr. KUCINICH, and Ms. EDWARDS):

H.R. 6256. A bill to ensure prompt access to Supplemental Security Income, Social Security disability, and Medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mrs. CHRISTENSEN, Ms. BASS of California, Mr. CLEAVER, Mr. TOWNS, Ms. LEE of California, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. CLARKE of New York, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. SCOTT of Virginia, Ms. FUDGE, Ms. MOORE, Ms. WILSON of Florida, Ms. RICHARDSON, Ms. EDWARDS, Ms. WATERS, Ms. BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. MEEKS, Mr. FILNER, and Mr. FATTAH):

H.R. 6257. A bill to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes; to the Committee on Natural Resources.

By Ms. DEGETTE (for herself, Ms. SCHAKOWSKY, and Ms. CASTOR of Florida):

H.R. 6258. A bill to amend title XIX of the Social Security Act to provide medical assistance to uninsured newborns under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 6259. A bill to amend the Federal Election Campaign Act of 1971 to require the Federal Election Commission to establish and operate a website through which members of

the public may view the contents of certain political advertisements, to require the sponsors of such advertisements to furnish the contents of the advertisements to the Commission, and for other purposes; to the Committee on House Administration.

By Ms. ESHOO:

H.R. 6260. A bill to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GOHMERT (for himself, Mr. MULVANEY, Mr. CHABOT, Mr. LAMBORN, Mr. POSEY, Mr. FLEMING, Mr. BRADY of Texas, Mrs. LUMMIS, Mr. KELLY, Mr. FRANKS of Arizona, Mr. HARRIS, Mr. DUNCAN of South Carolina, and Mr. LABRADOR):

H.R. 6261. A bill to amend title 37, United States Code, to provide for the continuance of pay and allowances for members of the Armed Forces, including reserve components thereof, during lapses in appropriations; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, and Mr. GARAMENDI):

H.R. 6262. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families, small businesses, and family farms; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. HONDA, and Mr. RANGEL):

H.R. 6263. A bill to establish a commission to study how Federal laws and policies affect United States citizens living in foreign countries; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, Ways and Means, the Judiciary, House Administration, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself and Mr. LATOURETTE):

H.R. 6264. A bill to authorize a pilot program for Federal agencies to enter into contracts with the private sector for property management, and for other purposes; to the Committee on Transportation and Infrastructure, 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. RANGEL:

H.R. 6265. A bill to renew and modify the temporary duty suspensions on certain cotton shirting fabrics; to the Committee on Ways and Means.

By Mr. RUNYAN:

H.R. 6266. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. SCHOCK (for himself, Ms. JENKINS, and Mr. POE of Texas):

H.R. 6267. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 6268. A bill to amend the Internal Revenue Code of 1986 to repeal the phasedown of the credit percentage for the dependent care tax credit; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 6269. A bill to amend the Food and Nutrition Act of 2008 to expand the eligibility of certain veterans while they have disability claims pending under title 38 of the United States Code; to the Committee on Agriculture.

By Ms. SPEIER:

H.R. 6270. A bill to amend the Federal Crop Insurance Act to require annual disclosure of crop insurance premium subsidies in the public interest; to the Committee on Agriculture.

By Mr. TIPTON:

H.R. 6271. A bill to amend the Internal Revenue Code of 1986 to exclude certain farmland and family-owned business interests from the value of the gross estate of decedents; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H. Res. 750. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment; considered and agreed to. considered and agreed to.

By Mr. SCOTT of South Carolina:

H. Res. 751. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to. considered and agreed to.

By Mr. MEEKS:

H. Res. 753. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by supporting education, awareness outreach, and research specifically focused on how prostate cancer affects African-American men; to the Committee on Energy and Commerce.

By Mr. PETERSON:

H. Res. 754. A resolution expressing support for the designation of the third week in October as National School Bus Safety Week; to the Committee on Education and the Workforce.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

257. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 161 memorializing the Congress to explore funding opportunities for the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

258. Also, a memorial of the Joint Interim Committee on Energy of the General Assembly of the State of Arkansas, relative to Interim Resolution 2011-008 urging the Administration and the Congress to enable the construction of one or more centralized interim fuel storage facilities; to the Committee on Energy and Commerce.

259. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution requesting the President and the Congress to restore proper funding under the federal Clean Water Act; to the Committee on Transportation and Infrastructure.

260. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution urging the President and the Congress to work together to enact the Social Security Fairness Act of 2011; to the Committee on Ways and Means.

261. Also, a memorial of the Senate of the State of Colorado, relative to Senate Joint Memorial 12-003 memorializing the Congress to amend 26 U.S.C. sec. 6033; to the Committee on Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. HARTZLER:

H.R. 6244.

Congress has the power to enact this legislation pursuant to the following:

Article I: Section 8: Clause 3 The United States Congress shall have power

''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. DEFAZIO:

H.R. 6245.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

By Mr. JOHNSON of Georgia:

H.R. 6246.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution. This provision permits Congress to make or alter the regulations pertaining to Federal elections.

By Mr. HASTINGS of Washington:

H.R. 6247.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2; Article I, Section 8, clause 18; and Article I, Section 8, Clause 3.

By Mr. CALVERT:

H.R. 6248.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 and Clause 18, and Article IV, Section 3, Clause 2.

By Mr. BLUMENAUER:

H.R. 6249.

Congress has the power to enact this legislation pursuant to the following:

The Constitution of the United States provides clear authority for Congress to pass legislation regarding taxes. In particular, Article I of the Constitution clearly describes the Congressional authority to levy excise taxes, providing ''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises . . .'' (U.S. Const, Art. I, §8, cl. I).

By Mr. FARENTHOLD:

H.R. 6250.

Congress has the power to enact this legislation pursuant to the following:

Art 1 §8 cl.1

By Ms. BONAMICI:

H.R. 6251.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the US Constitution.

By Mrs. BONO MACK:

H.R. 6252.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clause 1 of section 8 of article I of the Constitution.

By Ms. RICHARDSON:

H.R. 6253.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 and Clause 13 of the United States Constitution.

By Mr. CARNAHAN:

H.R. 6254.

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. CARNAHAN:

H.R. 6255.

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. CARSON of Indiana:

H.R. 6256.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 1.

By Mr. CLAY:

H.R. 6257.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: 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; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Ms. DEGETTE:

H.R. 6258.

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;'' and Article I, Section 8, Clause 18: ''The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. DEUTCH:

H.R. 6259.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the US Constitution

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such Regulations, except as to the Place of chusing Senators.

By Ms. ESHOO:

H.R. 6260.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. GOHMERT:

H.R. 6261.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution sets forth the power of appropriations states ''No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law. . . .''

Article I, Section 8, Clause 1 states that ''The Congress shall have the Power. . . to pay the Debts and provide for the common Defense and general Welfare of the United States . . .''

Article I, Section 8, Clauses 12 and 13 state that Congress shall have the power ''to raise and support Armies. . .'' and ''to provide and maintain a Navy.''

By Mr. LOEBSACK:

H.R. 6262.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mrs. MALONEY:

H.R. 6263.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. MYRICK:

H.R. 6264.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 with respect to the power of Congress to make rules regarding the disposal of the property of the United States.

By Mr. RANGEL:

H.R. 6265.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. RUNYAN:

H.R. 6266.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SCHOCK:

H.R. 6267.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7 and Article I, Section 8 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 6268.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Ms. SPEIER:

H.R. 6269.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Ms. SPEIER:

H.R. 6270.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Mr. TIPTON:

H.R. 6271.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

## ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SCOTT of South Carolina and Mr. CALVERT.

H.R. 127: Mr. COBLE.

H.R. 139: Mr. COURTNEY.

H.R. 153: Mr. SCOTT of South Carolina.

H.R. 263: Mr. KEATING.

H.R. 288: Mr. DAVIS of Illinois.

H.R. 289: Ms. LEE of California.

H.R. 297: Mr. ROKITA.

H.R. 303: Mr. MARCHANT.

H.R. 329: Mr. FITZPATRICK.

H.R. 333: Mr. REHBERG and Mr. MARCHANT.

H.R. 458: Mr. TIERNEY and Mr. LOEBSACK.

H.R. 531: Mr. BISHOP of New York.

H.R. 574: Ms. WOOLSEY.

H.R. 591: Mr. MCGOVERN.

H.R. 640: Mr. CARSON of Indiana and Mr. TIERNEY.

H.R. 719: Mr. RYAN of Ohio and Mr. GUINTA.

H.R. 733: Mrs. BACHMANN.

H.R. 735: Mrs. MILLER of Michigan.

H.R. 749: Mr. ROKITA.

H.R. 750: Mr. STUTZMAN.

H.R. 798: Mr. BISHOP of New York.

H.R. 812: Mrs. MILLER of Michigan.

H.R. 829: Ms. SPEIER.

H.R. 860: Ms. MATSUI.

H.R. 942: Mr. DENHAM, Mr. AMODEI, and Mr. DONNELLY of Indiana.

H.R. 965: Mrs. MCCARTHY of New York and Ms. ROYBAL-ALLARD.

H.R. 978: Mr. HINCHEY.

H.R. 998: Mr. CARNEY and Mrs. CHRISTENSEN.

H.R. 1063: Mr. KING of Iowa and Mr. LONG.

H.R. 1195: Mr. BISHOP of New York.

H.R. 1204: Mr. RANGEL.

H.R. 1206: Mr. FLAKE, Mrs. LUMMIS, and Mr. GARY G. MILLER of California.

H.R. 1236: Mr. KINGSTON.

H.R. 1244: Mr. BONNER.

H.R. 1259: Mr. DENT.

H.R. 1265: Mrs. EMERSON, Mr. NUGENT, Mr. LATTA, and Ms. FOXX.

H.R. 1279: Mr. LAMBORN.

H.R. 1291: Mr. KEATING.

H.R. 1370: Ms. ROS-LEHTINEN, Mr. HUIZENGA of Michigan, Mr. RIVERA, and Mr. DIAZ-BALART.

H.R. 1464: Mr. JOHNSON of Ohio.

H.R. 1509: Mr. KIND.

H.R. 1513: Mr. COFFMAN of Colorado.

H.R. 1546: Mr. PAULSEN and Mr. KELLY.

H.R. 1614: Mr. KING of New York.

H.R. 1621: Mr. WOLF, Mr. JOHNSON of Ohio, and Mr. GRIFFIN of Arkansas.

H.R. 1639: Mr. HINOJOSA and Mr. PERLMUTTER.

H.R. 1653: Mr. ROKITA, Mr. JOHNSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HULTGREN, and Mr. LUETKEMEYER.

H.R. 1781: Mr. PASCRELL.

H.R. 1936: Mr. LEWIS of Georgia.

H.R. 1964: Mr. ROKITA.

H.R. 1993: Mr. PAULSEN.

H.R. 2016: Ms. BONAMICI and Mr. TIERNEY.

H.R. 2032: Mr. LANDRY and Mr. LONG.

H.R. 2094: Mr. OWENS.

H.R. 2140: Ms. BALDWIN.

H.R. 2168: Mr. MARKEY.

H.R. 2198: Mrs. EMERSON.

H.R. 2239: Mr. POSEY.

H.R. 2364: Mr. HONDA.

H.R. 2382: Mr. RANGEL, Mr. SCHRADER, Mr. MILLER of Florida, and Mr. PAULSEN.

H.R. 2402: Mr. FLEMING, Mr. STUTZMAN, Mr. WALBERG, Ms. BUERKLE, Mr. JORDAN, Mr. GARRETT, Mr. AKIN, Mr. MULVANEY, and Mr. PRICE of Georgia.

H.R. 2479: Mr. KIND.

H.R. 2655: Mr. CLEAVER.

H.R. 2672: Mr. OWENS and Ms. LORETTA SANCHEZ of California.

H.R. 2695: Mr. OWENS.

H.R. 2721: Mr. BERMAN and Ms. TSONGAS.

H.R. 2746: Mr. CONNOLLY of Virginia and Mr. STARK.

H.R. 2794: Mr. MCDERMOTT, Mr. LOEBSACK, and Mr. MORAN.

H.R. 2827: Ms. HAYWORTH.

H.R. 2866: Mr. LANCE and Mr. PALLONE.

H.R. 2925: Mr. LATTA, Mr. MANZULLO, and Mr. DAVIS of Illinois.

H.R. 2960: Mr. JOHNSON of Illinois.

H.R. 2969: Mrs. BACHMANN.

H.R. 2978: Mr. MANZULLO and Mr. HURT.
H.R. 2989: Mr. LARSON of Connecticut.
H.R. 2992: Mr. SCALISE.
H.R. 3032: Mr. BARTLETT.
H.R. 3102: Mr. CONNOLLY of Virginia.
H.R. 3151: Mr. HONDA.
H.R. 3187: Mr. OWENS.
H.R. 3238: Mrs. CAPPS and Mr. LYNCH.
H.R. 3242: Ms. VELÁZQUEZ.
H.R. 3264: Mr. STUTZMAN.
H.R. 3269: Mr. LYNCH.
H.R. 3423: Mr. OWENS.
H.R. 3458: Mr. LOEBSACK and Mrs. EMERSON.
H.R. 3487: Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROSS of Florida, and Mr. SOUTHERLAND.
H.R. 3612: Mr. GARY G. MILLER of California.
H.R. 3618: Mr. BLUMENAUER.
H.R. 3627: Mr. YOUNG of Alaska and Mr. BASS of New Hampshire.
H.R. 3634: Mr. CAMP.
H.R. 3656: Mr. RANGEL.
H.R. 3661: Mr. MURPHY of Connecticut, Mr. SCHILLING, Mr. KEATING, Ms. HANABUSA, and Mr. GEORGE MILLER of California.
H.R. 3767: Mr. HARRIS, Mr. GRIJALVA, and Mr. GOSAR.
H.R. 3769: Mr. MCGOVERN.
H.R. 3798: Mr. DOGGETT and Mr. PALLONE.
H.R. 3849: Mr. CARSON of Indiana.
H.R. 3861: Mr. AMASH.
H.R. 3978: Mr. CLAY.
H.R. 3993: Mr. MARCHANT.
H.R. 4122: Mr. JOHNSON of Ohio.
H.R. 4160: Ms. BUERKLE and Mr. GOHMERT.
H.R. 4169: Ms. MCCOLLUM.
H.R. 4235: Mr. DOGGETT.
H.R. 4271: Mr. HONDA.
H.R. 4315: Mrs. NAPOLITANO.
H.R. 4369: Mr. GOODLATTE.
H.R. 4373: Mr. CONNOLLY of Virginia.
H.R. 4396: Mr. HEINRICH.
H.R. 4405: Mr. JOHNSON of Ohio.
H.R. 5284: Mr. LARSON of Connecticut, Mr. NEAL, and Mr. SCHOCK.
H.R. 5542: Mrs. NAPOLITANO.
H.R. 5684: Ms. SUTTON.
H.R. 5741: Mr. FARR.
H.R. 5746: Mr. LARSON of Connecticut.
H.R. 5787: Mr. RANGEL and Mr. MCGOVERN.
H.R. 5796: Mr. BARLETTA, Mr. ROSKAM, and Ms. HIRONO.
H.R. 5817: Ms. HANABUSA.
H.R. 5846: Ms. JENKINS, Mr. KINZINGER of Illinois, and Mr. OWENS.
H.R. 5864: Mr. BLUMENAUER.
H.R. 5903: Mr. OLVER and Ms. HIRONO.
H.R. 5911: Mr. BERG.
H.R. 5938: Ms. SCHWARTZ.
H.R. 5943: Mr. PETRI, Mrs. EMERSON, and Mr. ALTMIRE.
H.R. 5948: Mr. CULBERSON.
H.R. 5977: Mr. BERMAN.
H.R. 5990: Mr. ROGERS of Kentucky.
H.R. 6012: Mr. TIERNEY and Mr. ENGEL.
H.R. 6025: Mr. GOSAR.
H.R. 6061: Mr. CLARKE of Michigan and Ms. NORTON.
H.R. 6092: Mr. POLIS and Mr. FARR.
H.R. 6097: Mr. BARTLETT.
H.R. 6111: Mr. JOHNSON of Ohio.
H.R. 6112: Mr. BURTON of Indiana.
H.R. 6113: Mr. BARLETTA.
H.R. 6128: Ms. LINDA T. SÁNCHEZ of California.
H.R. 6134: Ms. PINGREE of Maine.
H.R. 6138: Ms. HAHN, Mr. KUCINICH, Ms. CASTOR of Florida, and Mr. QUIGLEY.
H.R. 6147: Mr. WILSON of South Carolina.
H.R. 6150: Ms. BONAMICI, Ms. WOOLSEY, and Mr. DAVIS of Illinois.
H.R. 6151: Mr. PRICE of North Carolina.
H.R. 6164: Mr. HUELSKAMP.
H.R. 6165: Mr. CARTER, Mr. BROOKS, and Mr. BURTON of Indiana.
H.R. 6174: Mr. COLE, Mr. SCHOCK, Mrs. ELLMERS, Mrs. EMERSON, Mr. GUINTA, and Mr. PAUL.
H.R. 6187: Ms. WILSON of Florida.
H.R. 6188: Ms. CHU.
H.R. 6199: Mr. CANSECO.
H.R. 6203: Mr. SCHILLING.
H.R. 6213: Mr. CASSIDY.
H.R. 6229: Mr. KING of New York.
H.R. 6241: Mr. PASCRELL and Mr. BISHOP of New York.
H.J. Res. 106: Mr. GALLEGLY and Mr. COBLE.
H.J. Res. 110: Mr. BURTON of Indiana.
H.J. Res. 115: Mr. COURTNEY, Mr. RYAN of Ohio, and Mr. SHIMKUS.
H. Con. Res. 101: Mr. TIERNEY.
H. Con. Res. 129: Mr. JOHNSON of Ohio and Mr. GARY G. MILLER of California.
H. Res. 298: Mr. BRALEY of Iowa.
H. Res. 506: Mr. HONDA.
H. Res. 583: Mrs. DAVIS of California.
H. Res. 671: Mr. DEFAZIO and Mr. JONES.
H. Res. 676: Mr. MANZULLO, Mr. PALLONE, Mr. FRELINGHUYSEN, and Mrs. MCCARTHY of New York.
H. Res. 742: Mr. LEVIN.
H. Res. 745: Mr. SENSENBRENNER.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, AUGUST 1, 2012 No. 116

# 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 God, the light of the world, as You illuminate our path, may we walk in the brightness of Your presence. Use our Senators to select the plans that most honor You. May they feel concern when our Nation drifts from Your precepts and labor to restore those values that will keep America strong. Lord, help them to do their very best each day and leave the results to You. Give them the wisdom to lift each other's burdens by being as encouraging to others as You have been to them.

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, August 1, 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.

## VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 476, which is the Veterans Jobs Corps Act, sponsored by Senator NELSON of Florida.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a Veterans Jobs Corps, and for other purposes.

Mr. REID. Madam President, the first hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

CYBER SECURITY

Yesterday I filed cloture on the cyber security bill. As a result, the filing deadline for first-degree amendments is 1 p.m. today. We will let the Senate know about votes scheduled. We are trying to do one on Burma and the African trade bill that we have wanted to do for a long time, but Republicans have held it up to this point. But we will see what we can do to move forward on that.

Madam President, last week GEN Keith Alexander, commander of the U.S. Cyber Command, was asked to rate how prepared America was to face a cyber terrorist attack on the scale of 1 to 10. Here is what he said: ''From my perspective I'd say around a 3.''

Keep in mind, 1 is totally unprepared, 10 is totally prepared. Three is what he said. One of the country's top national security experts gave us 3 out of 10, a failing grade by any standard.

He went to say that the type of cyber attacks that could black out the United States for weeks or months are up seventeenfold in the last 3 years. The Nation's top security experts have said a cyber 9/11 is imminent. They say frailties in our defenses against these attacks are most urgent. They are a threat to our national security. Nothing is more important.

So it was with disappointment last night that I filed cloture on legislation to reinforce our defenses against these malicious attackers. Some are countries, some are organizations, some are individuals. National security experts have been plain about the urgent need to act. They say the question is not whether to act but whether we will act in time.

One need only look at the headlines in papers all over America today—all over the world today. As we speak, 600 million people in India are without electricity. It is not believed there was any terrorism involved. It is believed it relates to the unusual weather, probably based, many experts say, on global warming. They have never had such heat in India, which has put a tremendous burden on their fragile power system.

This legislation we are trying to finish has been worked on for years—years—not this Congress but going into last Congress. I was pleased to hear last week that many of my colleagues were working on thoughtful amendments to improve and strengthen this measure in spite of the untoward pressure by the Chamber of Commerce to kill this legislation. Senators on both sides have worked hard to address every concern raised by the private sector about this legislation. Senators LIEBERMAN and COLLINS have been exemplary. The bill that is before this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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body now is not nearly as strong as I would like, but that is what compromise is all about. I accept what they believed they had to do.

I expected a healthy debate on this important issue. I also expected to process many relevant amendments. Unfortunately, that was not good enough for a few of my Republican colleagues. Instead of substantive amendments that deal with our Nation's cyber security, they are insisting on political show votes. Instead of substantive amendments that deal with our Nation's cyber security, they are looking at all kinds of other things. I had thought they were going to be serious about this, but they are not. The threat is clear, and protecting the computer networks that control our electric grids, water supplies, and financial systems should be above political wrangling. So I was doubly disappointed to watch a bipartisan process derailed by ideological attacks—for example, on a woman's right to choose her health care generally.

As 47 million Americans were set to gain access to preventive services with no out-of-pocket costs, Republicans insisted once again on a vote to repeal these benefits. They want to roll back the clock to the days when insurance companies could discriminate against women. Why? Because they were women. They had a preexisting disability—their gender.

To make matters worse they are willing to kill a bill that will protect our Nation from cyber terrorism in the process. But this is not a new tactic. You may remember, as we all do—and I was reminded of that yesterday by a question that was asked of me by the distinguished assistant leader, Senator DURBIN, that reminded the entire Senate that on a surface transportation bill that put 3 million jobs at risk, their first amendment was by Senator BLUNT on women's access to contraception.

Still, I admit I was surprised that Senator MCCONNELL would so brazenly drag partisan politics into a debate over a measure crucial to national security. It is today when the health care bill that we passed designates women will no longer be second-class citizens in relation to health care. So I cannot imagine a more untimely attack on women than yesterday.

Yesterday Senator MCCONNELL and I received a letter from General Alexander, who runs the National Security Agency—he is one of the top leaders there—urging us to move more quickly. Here is what he wrote, partially:

> The cyber threat facing the nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. We need to move forward on comprehensive legislation now. I urge you to work together to get it passed.

What more do we need? What more does the Chamber of Commerce need so that they can release my Republican colleagues? I share General Alexander's concern.

Mr. DURBIN. Will the majority leader yield for a question.

Mr. REID. I will be happy to.

Mr. DURBIN. I would like to ask the majority leader if he is aware of the statement we had on the floor of the Senate by Senator WHITEHOUSE, who has been one of the leaders in putting together the cyber security bill relative to an incident at the Chamber of Commerce? I would like to read it, if I may, very briefly. And I quote Senator WHITEHOUSE from page S5720 of the July 31 CONGRESSIONAL RECORD:

> Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored in its systems, including information about 3 million members, and they remained on the U.S. Chamber's network for at least 6 months and possibly more than a year. The Chamber only learned of the break-in when the FBI told the group that servers in China were stealing their information.
>
> Even after the Chamber was notified and increased its cyber security, the article stated that the Chamber continued to experience suspicious activity, including a ''thermostat at a townhouse the Chamber owns on Capitol Hill . . . [that communicated] with an Internet address in China . . . and . . . a printer used by the Chamber executives spontaneously . . . printing pages with Chinese characters.

As Senator WHITEHOUSE has said:

> These are the people we are supposed to listen to about cyber security.

Can I ask the Senator from Nevada if he was aware that the chamber opposition to the cyber security bill certainly belies the fact that they have been hacked by the Chinese themselves, and they didn't even know it until the Federal Bureau of Investigation reported it?

Mr. REID. Madam President, in answer to my friend, we are living in a modern world. A thermostat—isn't that what the Senator just said?

Mr. DURBIN. That is right.

Mr. REID. Is the connectivity to what China wants to get from the Chamber of Commerce. Remember, that is only one way they get this information. But the numerous instruments we carry around—BlackBerrys, iPhones, all these kinds of things, instruments we have at home—every one of those is a vehicle to find out what is going on in my life, your life, the life of the Chamber of Commerce. I cannot imagine how my Republican friends can follow this lead. I don't know who. We have had Republican leaders in the past, on security—they have all said do something about this.

I would love to have a bipartisan bill to work through this with some amendments. I do not expect anyone to think the bill Senator LIEBERMAN and Senator COLLINS did is perfect. But it is a lot better than nothing. I hope people, when we vote on this tomorrow, will invoke cloture and pass their bill.

I had no choice but to file cloture. I am going to continue to work with all Senators to find out if we can reach a compromise.

I wish I had better news. Ignorance is bliss. I wish I did not know as much. I wish the briefings I had down in the classified area of the Capitol—a lot of that information is kind of scary. It is scary that we are not doing something about this bill.

Would the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The majority leader's time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

The Senator from Georgia.

Mr. ISAKSON. Madam President, while the majority whip is on the floor, I want to pay him a compliment about some remarks I am going to make this morning. A group of 6 people in the Senate, three Republicans and three Democrats, about a year and half ago began getting together to deal with our fiscal problems in this country, both entitlements as well as our tax system as well as spending. I commend him for his work on that because I am going to talk exactly about what this Senate and this Congress has to do in the months ahead to deal with the fiscal cliff we are about to go over, but I want to acknowledge the fact that many of us, most importantly the distinguished majority whip, have been working on solutions that we are going to have to take if we are going to save the Republic and the economy.

I wanted to pass that on to the distinguished majority whip.

In my State of Georgia, the most recent report on unemployment posted our unemployment rate at 9 percent. In our State we advertise foreclosures every Friday and leading up to the first Tuesday. We set a record in the month of July on the number of foreclosures being advertised.

Yesterday in my office I had a meeting with the President of Lockheed. They are headquartered in Fort Worth, but they have one of their largest manufacturing facilities in Marietta, GA. They are going to have to send out their notice of potential layoffs that will take place because of sequestration. We just got the second quarter GDP report that said we are still slowing down and going down to 1.5 percent from a previous quarter of 2 percent. All indicators are that we are heading to a second bump in our economy, and what has been a very protracted and weak recovery is beginning to fail, and we are looking at a fiscal problem that is going to affect this country for decades to come.

I encourage my colleagues in the Senate to recognize the clock is running and time is running out. We can no longer postpone doing those things

we must do as a Congress to save the Republic and save our economy and begin producing jobs in this country. The most important thing our people need is certainty. They need certainty in regulation, and they need certainty in tax policy. The American people need to know we are going to do what we have to do to save this Republic and to save this economy. For the few minutes I have this morning, I wish to talk about that. All the solutions are on the table. The problem is that none of us seems willing to take them off the table and put them on the floor and deal with it.

Let's talk about spending. Our deficit has been announced for this particular fiscal year to be $1.2 trillion, $100 billion less than the total spending of the U.S. Government. We have to cut discretionary spending. We can't totally balance our books by cutting discretionary spending. We have entitlements. Our entitlements are growing because of what? Our economy. Why are food stamps up from $35 billion to $87 billion? Because a lot people are hungry and a lot of people are out of work. Why are AFDC and many other programs rising rapidly? It is due to the economy. If we can deal with the spending and if we can deal with entitlements, then we can begin to bring back certainty and our economy will come back and our jobs will come back and there will be less pressure on the entitlement programs.

We are going to have to also recognize that ''entitlements'' is not the right word for programs such as Medicare and Social Security. Those are contracts with the American people. I pay 6.2 percent of my income—the President does as well—to the payroll tax for my Social Security. I paid 1.35 percent for my entire life to Medicare. That is a contract with my government. We have to fix those programs.

Social Security is easy. Social Security is fixable by moving the eligibility date to the outyears. For my grandchildren, eight of whom are under 8 years old, that ought to be 69 or 70 years old before they become eligible. We don't need to cut their benefit or raise their tax, but we need to actuarially put out their eligibility. That is what Ronald Reagan and Tip O'Neill did in 1983 to save Social Security until the current pressure it is under right now.

Medicare is the tough animal to deal with. We are going to have to recognize that we have to get out of the fee-for-service business and then do a premium support business. That way, we can quantify premium support and know how much we are spending, and the American people have the choice of buying the insurance and the coverage for Medicare that they want. It ought to be means tested. We ought to make sure that those who can afford more insurance, like myself, have less support and those who are in need have more support. But it should be quantified in terms of support for premiums, not a fee-for-service reimbursement system.

In terms of our revenues, everybody always wants to talk about taxes. Last week we had a debate that was meaningless and worthless over political positions of two political parties on tax systems. We need to look at Bowles-Simpson. We need to clean up our Tax Code. We need to use the tax expenditures that we get as income by reducing them and waiving them. We need to use that income to reduce the rates on corporate taxes and all the marginal rates of taxation so we can encourage people to spend their money, invest their money, and make our Tax Code simple. We don't need to raise taxes, we need to raise their attitude. We need to improve the plight the American taxpayers have today by giving them certainty and a tax code that is clean, a tax code that is fair, and a tax code that produces jobs, revenues, and growth.

My message this morning is this: If we go up to probably Friday when we go home for the month of August and we come back in September for 60 days and wait until the election, we are putting off dealing with issues that affect our economy, affect our people, and affect our future. I, for one, stand ready the minute the leaders are ready to put these issues on the floor, and let's vote on them. Let's deal with the future of the American people, their taxes, their entitlements, and the guarantees we made to them on Social Security and Medicare. Let's deal with our responsibility. Let's not sequester spending, let's cut where we should cut and let's add money where we should add money. Let's run this country like a business and not like a political action committee.

I yield to the Republican leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican is recognized.

DEFENSE SEQUESTER

Mr. MCCONNELL. Madam President, yesterday I came to the floor to draw attention to the administration's transparent attempts to conceal the impact of defense cuts President Obama demanded as part of last year's debt-ceiling deal. I was referring, of course, to the administration's Monday notification to businesses that work with the government that they are under no obligation to warn employees who might lose their jobs as a result of these cuts. Incredibly, the administration's argument was that they don't expect the cuts to happen even though the President had not done a thing to prevent them and even though Congress had to pass a law requiring the administration to tell us what the cuts would look like.

So let's be clear. The administration officials who sent out this notification instructing businesses to keep quiet about these cuts know just as well as I do that the cuts are coming unless Senate Democrats act or the President of the United States finally decides to come up with a credible plan to replace them.

The only reason the administration sent out this guidance to employers earlier this week was to keep people in the dark about the impact these defense cuts will have until, of course, after the election. So the White House is clearly trying to hide the ball from all of us. The clearest proof of that is the fact that no one even denied it after I noted it here just yesterday. But if we did need further proof, we actually got it yesterday when the Obama administration's Office of Management and Budget issued guidance of its own to departments and agencies telling folks they should prepare for the cuts.

So let's get this straight. Government workers should prepare for cuts, but private businesses and their employers should not. Not a week seems to pass that we don't see more evidence of the President's absolute contempt for the private sector, and here is the latest. The Federal Government is told to prepare for cuts, and yet the private sector businesses are specifically told it would be ''inappropriate'' to tell people they could lose their jobs. The cuts to the Defense Department under sequester are the law of the land, and until Congress changes that fact they are totally foreseeable.

Yesterday the Director of OMB exempted appropriations for military personnel from the sequester, providing even more certainty that the cuts to defense will fall upon training, maintenance, and weapons procurement and development. So the fact is that private businesses have a higher degree of certainty that their workforces will be hit. Yet here is the administration's message: If you are in the public sector, prepare for cuts. If you are in the private sector, don't even warn your employees that their jobs actually may be on the line.

What a perfect summary of this administration's approach to the economy and jobs over the past 3½ years. Private businesses didn't earn their success; somebody else made that happen. Now the President says: If you work hard in the private sector, you don't even deserve to know if your job is on the chopping block. The private sector is doing just fine; it is the government that needs help. That is the message of this administration.

Just as disturbing is what this says about the administration's approach to our national defense. The President's own Defense Secretary has said these cuts would hollow out our Armed Forces. Yet the President has not said a word about how he plans to responsibly replace them or, if he accepts a weakened national defense, how he will carry them out. Congress had to actually pass a law forcing him to make these plans clear to everybody. Now, he hasn't signed the bill yet. It went to him by voice vote out of the Senate last week. The defense cuts that will be triggered under the sequester are in addition to the $487 billion in cuts to the Department identified by Secretary Gates.

It is time for the President to provide the leadership to avoid these reductions that will render his own strategy unsustainable. A lot of people are wondering how they will be affected by these cuts. The fact that many of them will be voting in swing States in November is no reason to leave them wondering about their fate any longer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

THE DEFICIT

Mr. JOHNSON of Wisconsin. Madam President, I have been listening to the debate on spending and taxes and our debt and deficit. I come to the floor this morning with a few visual aids and charts and graphs to try to dispel some of the myths I have been hearing.

The first myth I constantly hear is about the Draconian cuts being proposed in the House budget. I think this chart pretty well dispels that by showing that 10 years ago, in 2002, the Federal Government spent $2 trillion. This last year—this year—we will spend about $3.8 trillion. We have doubled spending in just 10 years. The debate moving forward shows that under the House budget, we would spend $4.9 trillion. President Obama's budget proposes spending $5.8 trillion. I think it is clear to see from this chart that nobody is proposing net cuts in spending. We are just trying to limit the rate of growth in spending.

Another way of looking at spending is over 10 years. In the 1990s, the Federal Government over a 10-year period spent $16 trillion. The last decade, from 2002 through 2011, the Federal Government spent $28 trillion. Again, the debate moving forward is, over the next 10 years do we spend $40 trillion, as the House budget proposes, or do we spend $47 trillion? Again, no cuts, just trying to reduce the rate of growth.

Let's talk a little bit about what the Federal Government has spent under the current administration. Over the 4 years of President Obama's administration, the Federal Government in total will spend $14.4 trillion. Think back to the last graph. That is almost as much as we spent in the decade of the 1990s. The entire deficit for that time period was $5.3 trillion. In other words, we had to borrow $5.3 trillion of the $14.4 trillion we spent; that is, about 37 cents of every dollar spent, we borrowed. We put that debt burden on the backs of our children, our grandchildren, and our great-grandchildren.

I often hear that the whole problem with the deficit is caused by the war costs or the 2001 to 2003 tax cuts. We added those to the chart here. We can see that the total amount over that 4-year period of the overseas war costs and the Bush tax cuts was $1.2 trillion. It is less than 25 percent of the total deficit. Again, they are a factor but not the cause of the deficit. The cause of the deficit primarily is spending.

This chart basically shows what has been happening over the last 50 years. The structural deficit we have incurred is a basic result, on average, of the Federal Government spending 20.2 percent of the gross domestic product from 1959 to 2008, prior to this administration. On the other hand, revenue generation averaged about 18.1 percent of GDP, which gives us a 2.1-percent structural deficit. That is why our debt has continued to grow.

Under this administration, starting with the recession, that structural deficit exploded, with tax revenue dropping to about 15 percent and spending skyrocketing to 25 percent and now to about 24 percent. It is on a trajectory to hit 35 percent by the year 2035. Clearly, that is unsustainable.

Another way of taking a look at the tax cuts of 2001 and 2003, in terms of their total effect on our deficit figure, is to actually put them on a bar chart. The red bars represent the total deficit. The blue portions on the bottom of those red charts are the actual reductions in revenue from those tax cuts. We can see it is not a very large figure. In total, over that—I guess that is an 11-year time period, the total Bush tax cuts were about $1.7 trillion, while the entire deficit was about $7.5 trillion. The tax cuts represent about 22 percent of that total deficit—but, again, when we take a look at the last 4 years, a far smaller portion of the deficit, because the primary deficit over the last 4 years has been on the spending side of the equation.

What does the President offer us for solutions? Last year, he proposed the Buffett rule. In a speech on September 26, in proposing the Buffett rule, he used the basic principle of fairness that he said the Buffett rule represents, and if that was applied to our Tax Code, it could raise enough to not only pay for his jobs bill, it would also stabilize our debt and deficits for the next decade. Think about what President Obama said there. He said the Buffett rule would not only pay for his jobs bill but would stabilize our debt and deficits for the next decade. Here is the chart and here is the fact: The Buffett rule for 4 years—4 years of the Buffett rule, it was projected, would raise about $20 billion total. President Obama's 4 years of deficit is $5.3 trillion. So let's state it a different way: $5,300 billion. It doesn't take a math major to realize $20 billion doesn't even come close to stabilizing a deficit of $5,300 billion. President Obama misled the American people. I think the President of the United States has a far higher duty to the American people. He should be honest with them.

Last week, we debated the other tax proposals offered by our friends on the other side of the aisle. In proposing this and actually, unfortunately, passing this piece of tax legislation, the majority leader said this piece of legislation is about debt. It is about the debt, he said. We have to do something about the debt, and we have tried mightily to do that. We have tried mightily.

Again, let's take a look at the facts. The first years of that tax legislation—the only years that count—would have raised $67 billion a year on average compared to last year's deficit of $1,326 billion. Is that trying mightily to fix the debt and deficit? I don't think so.

If we were serious about fixing our debt and deficit situation, if we were trying mightily to do that, we might have tried passing a budget in the last few years. We might have actually brought appropriations bills to the floor so they could be debated and passed in the House and signed into law so we would not be faced with what we are faced with right now, which is a continuing resolution to fund the government in 2013.

Again, dispel the myth: The Democrats' tax proposal would do nothing—almost nothing—to stabilize our debt and deficit. It is simply a political exercise. It is political demagoguery. It is class warfare.

I ask the American people to consider a simple question: Are they for increasing taxes on the productive sector of our economy, the small businesses, those 1 million small businesses that would be affected by this? The money that would be taken out of those small businesses that they would use to expand their business, to buy capital equipment, to increase wages, to pay for health care, and invest in 401(k) plans, it does not stabilize the debt and deficit. It does nothing to do that.

I think Republicans basically agree with President Obama and President Clinton. Back on August 5, 2009, just as we were coming out of recession, President Obama said: ''You don't raise taxes in a recession.'' I agree with that. Republicans agree with that.

Back in December—the last November and December of 2010—right after the lameduck session when all the tax rates were extended for 2 years, President Obama said: ''If we allow these taxes to go up . . . the economy would grow less.''

He was right. Back then, by the way, average growth in our economy was about 3.1 percent. During the last four quarters now, the economy has only grown about 2 percent. Our economy is in worse shape. It only grew at 1.5 percent in the last quarter. We can see the downward trajectory.

Of course, President Clinton also said probably the best thing we could do is to extend all the tax rates to take that sense of uncertainty off the table. That is what Republicans are proposing.

Let's not increase taxes on any American at this point in time. Let's not threaten any kind of government shutdown. As much as fiscal conservatives do not like the Budget Control Act or those spending limits, we think it is reasonable policy to pass a 6-month continuing resolution so a responsible leader can come into this town and actually start fixing our debt and deficit situation.

That is what Republicans are all about, taking the uncertainty of a shutdown off the table, taking the uncertainty of what people's tax rates

will be over the next year off the table, and being responsible.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SMALL BUSINESSES

Mr. HELLER. Madam President, I don't believe any State has felt the brunt of this recession more than the State of Nevada. We are a State that leads the Nation in unemployment, leads in foreclosure, and leads the country in bankruptcy.

There is not an evening that goes by or a day that goes by that I am not thinking about what can we do to create jobs and get our economy moving. In order to help small businesses thrive again, we must tear down the barriers to growth and opportunity and launch this Nation into its next great chapter.

Small businesses are our Nation's economic backbone and they were built on the very same values of hard work and determination our Nation was founded upon. This issue is very personal to me. I spent most of my childhood working at my father's automotive shop in Carson City—Heller's Engine and Transmission. At this small business my dad taught me how to fix engines and transmissions but, more importantly, I learned about hard work, I learned about personal responsibility, and I learned how to provide an important service to our community.

Although my father's shop has been closed for some time, I have asked him what he would do as a small business owner in today's environment. First of all, he said, you couldn't open that same shop, not with the regulations, the taxes, the overhead that would be involved from what this government has produced. But his simple answer is he would have to close his shop because of the uncertainty and the costs due to all the Federal regulations and mandates.

Contrary to what some in Washington may believe, my father built his business and he worked long hours to make it successful. It was through this business that he provided for my mother and my five brothers and sisters. I can't thank my father enough for the values he instilled in me. It is humbling to think that all around our country sons and daughters are still learning from their parents who are making a living at their small businesses. These businesses are often struggling to make payroll, pay suppliers and, in some instances, can't even afford to pay themselves. These Americans are fighting every day to achieve the American dream, but what they get from Washington is more attacks on their livelihood in the form of new regulations, new mandates, and, of course, every day the talk of new taxes. Just last week, the majority party offered a tax plan that would kill 6,000 jobs in Nevada and more than 700,000 jobs nationwide. In a stagnant economy suffering from chronic unemployment, we should be looking for ways to strengthen job growth, not pushing destructive tax increases that serve as nothing more than political talking points.

Every week I hold telephone townhall meetings with Nevadans from across the State. Lately, a lot of Nevadans have discussed how some in the majority party are willing to take our economy off a fiscal cliff if Republicans will not vote for tax increases on small businesses.

For the past 2 weeks, I have asked all those participating in these townhall meetings if they believe this type of partisan politics is good for the economy. We shouldn't be surprised to know that a vast majority believe partisanship at the expense of the economy needs to end, and with that I agree.

Last Friday, I visited Joe Dutra, who owns Kimmie Candy in Reno, at his factory. He talked about how he is fighting to grow his business with his kids, John and Kathryn. Unfortunately, instead of supporting small businesses throughout our country, Washington has been making a difficult situation even worse. Joe has been getting a lot of heat lately from the press because he is standing up against politicians who belittle his efforts and has had the courage to fight the destructive policies coming out of Washington.

Let me assure my colleagues that Joe built his business and works hard to keep it going. That is what many small businesses across this country want to do. They want nothing more than to expand their businesses, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. Instead of encouraging this, Washington has increased their burden with miles of regulatory redtape. They passed a health care law that is costing jobs and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

Small businesses are the lifeblood of our economy and will be a key component to our recovery. It is far past time Washington recognized this by encouraging their growth and getting our Nation on the right track.

Thank you. I yield the floor. 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.

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 3467 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JOHANNS. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. 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.

PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, as I begin to talk this morning about the wind production tax credit, I think we all know that tax credits have encouraged our wind industry to invest in that great, new, cutting-edge form of power, and that has resulted in the creation of thousands of American jobs and wind projects all over our country. Forty-eight States have a stake in our wind energy industry. But the production tax credit that has driven this investment in American manufacturing and job creation is about to expire at the end of this year.

I have been coming to the floor on an ongoing basis to make the case that we ought to extend the wind production tax credit as soon as possible.

I know the Acting President pro tempore has been here on a couple of occasions when I have spoken about this issue before. In fact, this is the 14th time I have come to the floor to speak to this important opportunity but also the peril that awaits us if we do not extend the wind production tax credit. The key here is that we have created uncertainty. The wind energy industry is beginning to back off investments for next year. They need certainty. They need predictability.

I have come to the floor today to talk, as I have been on each occasion, about a particular State and that State's contribution to the wind industry. Today I want to talk about North Dakota. It is a State with enough wind energy potential that it could meet more than 240 times its own electricity needs—240 times its own electricity needs. In fact, we know North Dakota sits in an ocean of wind, and it could power much of the Midwest if we could get that electricity to the city centers that need it, and if we keep the wind production tax credit in place.

What I want to talk about in particular in North Dakota are a couple of manufacturing facilities there. In the late 1990s, LM Glasfiber opened a facility in Grand Forks, which is in eastern North Dakota, close to the border of Minnesota, as shown on this map. They produce wind turbine blades there. And just a few years ago, DMI Industries—a company that manufactures the towers—opened a factory in West Fargo. That is also in eastern North Dakota. It is south of Grand Forks, over here, as shown on this map, on the Minnesota border as well.

These wind turbines—and the Acting President pro tempore knows this—are magnificent machines. They sit on

towers that in some cases are 100 meters tall. The wind blades themselves are like aircraft wings. The cell that sits on the top of the towers, where the gear box and all the technology is—these are very technical, very complicated, very sophisticated machines, and manufacturing them brings out American greatness. The point I am making is these are two important facilities in North Dakota.

I also want to talk about the leadership that exists in North Dakota when it comes to wind energy. I want to start with our colleague, Senator CONRAD. He has been a proponent of the production tax credit for over a decade. His reasoning is that this is a great opportunity for North Dakota, as well as for the country, and the wind production tax credit creates certainty.

His colleague Senator HOEVEN has also taken up the cause during his first term in the Senate.

One of the key points I want to make here is those two Senators are from two political parties. Yet they each support the wind production tax credit. Last month, North Dakota hosted a renewable action energy summit in Bismarck, and both Senator CONRAD and Senator HOEVEN attended. During this summit national leaders talked about how North Dakota's robust and diverse energy sector has provided the model for creating jobs and helping reduce our Nation's dependence on foreign oil.

I have to say this strikes me as the most intelligent kind of policy. It is a mix of traditional energy sources with sustainable energy such as wind. What you get from that is advanced technology. You have certainty for developers. You spur investment. You create jobs. I applaud North Dakota's leadership in putting in place a smart energy policy, an all-of-the-above energy policy, as well as our colleagues' work on this subject.

The point I am making is that North Dakota recognizes investment in wind energy is an investment in jobs. Some of those numbers make that point. Some 2,000 jobs in North Dakota are supported by the wind energy industry. Those jobs are there no doubt because of the existence of a tax credit. I would add that the tax credit is a production tax credit. So you produce the power and then you get the tax credit. This is not speculative. This is not hoping that something will happen. This is based on production of electrons. That is why it is such a powerful tool. It has been used in the past, by the way, in other energy sectors. You produce power, you produce energy, you are rewarded with an energy tax credit.

Besides jobs, the wind industry provides $4 million annually in property tax and land lease payments that go to supporting local communities and vital services tied to those communities. Where does North Dakota rank nationally? Well, they rank 10th in terms of installed wind capacity, and third in the Nation in percentage of electricity derived from wind, with almost 15 percent of their entire power supply coming from wind energy projects. That is the equivalent in North Dakota of 430,000 homes being powered by wind.

That number—I know this is important to the Presiding Officer—equals about 3 million metric tons of carbon dioxide that are not released into our atmosphere every year. It is simple: The wind industry is important to America's future and it should be incented in communities that can support it, such as in North Dakota.

The wind production tax credit is that incentive. Without a doubt, if the PTC is allowed to expire, this important American industry will shrink, move overseas, and take thousands of American jobs with it. So as I have done when I come to the floor, I am imploring our colleagues to work with me, to work with us to stop this possibility from becoming a reality. Wind energy is not a partisan issue.

As I have noted, many of our colleagues agree with me, whether they are on this side of the aisle or the other side of the aisle. They understand if we do not extend the PTC we risk losing thousands of jobs and crippling a very important, successful, existing industry. So it would be a decision that we would all regret for a long time if we let the PTC expire.

As I close, I again implore and urge my colleagues to work on this together. If we believe in energy independence and job creation, as we say, then we need to work together. Let's show Americans that we understand the economy is job one. One of the ways we can create new jobs is to extend the wind production tax credit. One of the ways we lose jobs is if we let the wind production tax credit expire. So we ought to be passing the PTC as soon as possible.

The production tax credit equals jobs. It is crucial to our future. Let's not let the wind production tax credit be a casualty of election year partisanship. We cannot—America cannot—afford it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

DISASTER RELIEF

Mr. MERKLEY. Madam President, I thank my colleague from Colorado for his remarks about the production tax credit. This is incredibly important to the wind industry. It is a big factor in the economy of Colorado and certainly a substantial factor in the economy of Oregon. So I join him in making the case, if you will, that we need to make sure we continue to drive forward this clean energy manufacturing economy that produces zero carbon dioxide.

I can tell you, I recently had the chance to drive from the northern border of Oregon to the southern border in an electric Leaf. We have enough charging stations now along the interstate to make this possible. It was miraculous to not produce a single molecule of pollution out of that car trip.

If that energy for that car is coming from wind, then not any—zero—carbon dioxide is produced, a zero impact on global warming. So certainly what is very good for the American worker, for the American economy, is also good for our air and the environment here in our Nation and around the world. We must get this production tax credit passed. I will continue to work with him to make this happen.

I rise today to address a critical issue for Oregon's ranchers and farmers who are dealing with wildfire devastation—huge devastation. I am going to put up some pictures. We have had in the last month the largest fires in Oregon in over a century. An enormous amount of land has been burned in the process.

The Long Draw fire in Malheur County burned 557,000 acres or, to translate that, that is about 900 square miles. This is the largest wildfire in Oregon since the 1800s. This chart shows the incredibly powerful flames these ranchers and farmers have been dealing with. As these flames sweep across the grasslands, the cattle and other livestock are often killed in the process. The land does not quickly recover because of the intensity of the fire and how it affects the soil.

Let me give you another view of this same fire. This is actually a picture taken from Nevada looking toward Oregon. You see this massive wall, this massive wall of smoke coming across. It is an incredible sight to behold when a fire is in full rage as this was.

The Long Draw fire was one of the major fires, but the Miller Homestead fire was another. It burned about 250 square miles. Here again, you can see the dramatic flame front southeast Oregon was fighting. This is moving through the sagebrush, continuously progressing, moving very quickly when the wind is driving it, creating an enormous wall of smoke.

Let's take one more view. Here we see the aftermath of the fire when it was stopped by a road as an interlude. It completely destroyed land on one side of the highway, and what it looked like, this green grassland, this was not all dry and parched, this green grassland, before the fire moved through.

In addition to these two huge fires, we have had a number of others—the Lexfalls fire in Jefferson County; the Baker Canyon fire in Jefferson and Wasco Counties; the West Crater fire in Malheur County, each of these having a substantial impact in addition to the Miller Homestead and the Long Draw fires.

Together, these fires have consumed over 1,100 square miles. That is roughly an area the size of Rhode Island. So an entire State would fit into the area burned in Oregon. These fires are now under control, and southeastern Oregon is surveying the damage and picking up the pieces.

One of the things they would immediately turn to, our farmers and our ranchers, would be the disaster assistance that has always existed within the farm bill. But guess what. These disaster assistance programs are not

available because the House has failed to act on the farm bill. This Senate passed the farm bill, a bipartisan bill, Republicans and Democrats coming together.

In it are the reauthorizations of four key programs. One of them is the Livestock Indemnity Program that addresses when there is a natural disaster like this, addresses the death and the loss of cattle and other livestock.

A second is the Emergency Assistance for Livestock Program called the ELAP. But it basically addresses the lost value of forage on private land, and then the LFP program, or Livestock Forage Disaster Program, that addresses the loss of forage on public land. Those of you who are not from the West may not be aware that a lot of our livestock is operating on land that is leased to our ranchers. So when a fire like this affects those public lands, it also is affecting the value of the lease to those farmers and the ability of their livestock—those that have survived the fire—to be able to find forage and continue to live.

It is deeply disturbing that the House has not voted on the farm bill and sent it to conference. I urge them to act on this quickly. Without these key disaster relief programs, ranchers and farmers who have lost livestock and grazing land are left with few options. That is wrong. A rancher in southeastern Oregon who has been devastated by these wildfires should not pay the price because the House of Representatives will not bring a farm bill that it can pass and send to conference.

Let's be clear. The best solution to this problem, as well as many other issues, would be for the House to pass the bipartisan Senate farm bill. This would bring timely relief to all of those who have suffered in the disaster, and certainly to the farmers and ranchers across Oregon who have been struck by the largest fire in this century, a fire larger than the State of Rhode Island.

But if we can get consensus to bring immediate relief in the face of the inaction by the House, then we should do so. That is why I have introduced the Wildfire and Drought Relief for Farmers and Ranchers Act to extend the most urgently needed programs immediately. This would extend the programs for livestock indemnity. This would extend the program for forage loss on public lands and forage loss on private lands.

I urge my colleagues to take the same bipartisan spirit they brought to the farm bill to recognize that this Chamber has already voted to extend disaster programs and, if necessary, move quickly to extend these disaster programs, if necessary by themselves, in order to help our ranchers, to help our farmers who have been affected by these natural disasters, including this once-in-a-century fire in the State of Oregon.

Again, I encourage the House of Representatives to immediately get the farm bill to conference. This should be done in the context of many programs that need to be renewed that have been worked out. But in absence of that, let's find a way to move quickly to assist our farmers and ranchers in the face of devastating natural disasters.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANNIVERSARY OF I–35W BRIDGE DISASTER

Ms. KLOBUCHAR. Madam President, I rise today to speak on the 5-year anniversary of the horrific collapse of the I–35W bridge in Minneapolis, and to pay tribute to those who lost their lives on that tragic summer day.

As I said the day after the bridge collapse, ''A bridge just should not fall down in the middle of America.'' Not a bridge that is a few blocks from my house. Not an eight-lane highway. Not a bridge that I drive over every day with my husband and my daughter. But that is what happened that sunny summer day in Minneapolis, MN.

I can't even begin to count how many times I have thought about that bridge, and everyone in our State actually remembers where they were the day it collapsed. It was one of the most heavily traveled bridges in our State, and in all that day 13 people lost their lives and scores were injured. So many more could have been killed if not for the first responders, if not for the volunteers, who instead of running away from the disaster, when they had no idea what actually happened, ran toward it and rescued their fellow citizens.

Everyone was shocked and horrified, but on that evening and in the days that followed, the whole world watched as our State came together, as they did in the minutes and hours after the collapse. I was proud to be a Minnesotan.

The emergency response to the bridge collapse demonstrated an impressive level of preparedness and coordination that should be a model for the Nation. We saw true heroes in the face of unimaginable circumstances. We saw an off-duty Minneapolis firefighter named Shannon Hanson, who grabbed her lifejacket and was among the first at the scene. Tethered to a yellow life rope in the midst of broken concrete and tangled rebar, she swam from car to car searching for survivors up and down in that river.

We saw that schoolbus perched precariously on the falling bridge deck. I called it the miracle bus. Inside there were dozens of kids from a very poor neighborhood, who had been on a swimming field trip. Their bus was crossing the bridge when it dropped. Thanks to the quick action of responsible adults and the children themselves, they all survived, they all got off that bus.

Although you can never feel good about a tragedy like this one, I certainly felt good about our police officers, firefighters, paramedics, and all the medical personnel who literally saved dozens and dozens of lives.

On this, the 5-year anniversary of the bridge collapse, we should again honor those heroes and the countless lives they saved.

For a minute, I want to tell you a few examples. A woman named Pamela Louwagie, who writes for the Star Tribune, gathered some of their stories this weekend. Some of these people I know. Lindsey Patterson Walls was in a Volkswagen that went over the bridge; she kicked out the doors and windows and was able to get out and survive. She is putting the collapse to work in her career. She is a youth worker who counsels children and teens and she discovered that her trauma, as hard as it was, wasn't so different than that of her clients. She felt insecure in the world, wondering whether another bridge would collapse under her, and she realized that the homeless teens she counsels felt insecure, wondering where they would sleep at night. It is a lesson she takes with her every day in her job.

Betsy Sathers is someone I have come to know. Her husband was 29 years old when he died in that bridge collapse. They had just gotten married and they planned on having a family. She decided to adopt children from Haiti. In the aftermath of that earthquake, she already knew the names of these children she was going to adopt. She would not let those kids just be left in that rubble. She contacted our office. We worked with her and brought Alyse and Ross back from Haiti, and she is their mother. I saw them this weekend with their big smiles and their mom. That is an inspirational story.

The Coulter family was in their minivan—the kids, the mom, the dad. It was clear at the beginning that they were severely injured and the mom, Paula, they didn't think would survive. Also, after they learned that maybe she was going to make it—she had devastating injuries to her brain and her back—one time during one of the surgeries, they had to jolt her heart back to life. They had suggested that her family start looking for nursing home care. But she didn't give up—Paula and her family didn't give up. After 2 years, with the help of some great therapists, she could walk and move again and go back to her counseling job part time, and two summers ago she and her trainer ran a 5K race. That is inspirational.

Then there is the bridge itself. After it collapsed, it was so clear to us that we had to rebuild it and we had to rebuild it right away. In just 3 days, Senator Coleman and I worked together in the Senate to secure $250 million in emergency bridge reconstruction funding. Representative Jim Oberstar led the way in the House. Approval of the funding came with remarkable speed in this Chamber. It was bipartisan and we

were able to get the funding. From the moment that bridge started construction to the end, it took less than a year to rebuild a bridge that is now a 10-lane highway.

Today, the new I–35W bridge is a symbol of pride and the resilience of a community. This weekend, when I was at the Twin Cities heroes parade with our veterans, the organizer looked at me proudly and said: Tonight they are lighting up the 35W bridge red, white, and blue. So it literally has become a symbol of hope in our State.

The new bridge is a hundred-year bridge with more lanes than before. It is also safer. The bridge includes state-of-the-art anti-icing technology, as well as shoulders, which the old bridge didn't have.

Of course, bridge safety was on the minds of all Americans, especially those of us in Minnesota, following the bridge collapse. Immediately afterward, the Minnesota Department of Transportation inspected all 25 bridges in Minnesota with a similar design as the I–35W bridge. This inspection led to the closing of the Highway 23 bridge in St. Cloud, where bulging of gusset plates was found. I remember seeing it. It accelerated its planned replacement of that bridge, which opened in 2009.

But the reforms were not all structural. Since then, the department of transportation in our State has improved the way the inspections and maintenance functions of the department handle critical information and necessary repairs.

Just as in Minnesota, bridge safety became a priority nationally as well. After the National Transportation Safety Board identified gusset plates as being heavily responsible for the collapse, a critical review of gusset plates was conducted on bridges across America, and there was new attention focused on deterioration of steel and weight added to bridges over the years through maintenance and resurfacing projects.

The national organization that develops highway and bridge standards, the American Association of State Highway Transportation Officials, updated bridge manuals that are used by State and county bridge engineers across the Nation.

I will say that 5 years later we have still not made as much progress as I would have liked. The Federal Highway Administration estimates that over 25 percent of the Nation's 600,000 bridges are still either structurally deficient or functionally obsolete.

The American Society of Civil Engineers gave bridges in America a C grade in its 2009 Report Card for America's Infrastructure and a D for infrastructure overall.

We did take a positive step forward with the recent bipartisan transportation bill that will help State departments of transportation fix bridges and improve infrastructure.

For Minnesota, that bill means more than $700 million for Minnesota's roads, bridges, transit, congestion mitigation projects, and mobility improvements.

The bill gives greater flexibility to State departments of transportation to direct Federal resources to address unique needs in each State. It also establishes benchmarks and national policy goals, including strengthening our Nation's bridges, and links those to Federal funds. It reduces project delivery time and accelerates processes that will reduce in half the amount of time to get projects under way.

However, we all know more needs to be done. While other countries are moving full steam ahead with infrastructure investments, we seem to be simply treading water, and in an increasingly competitive global economy standing still is falling behind.

China and India are spending, respectively, 9 and 5 percent of their GDP on infrastructure. We need to keep up. We need to build our infrastructure. That is why I authored the Rebuild America Jobs Act last fall, which would have invested in our Nation's infrastructure. It would have also created a national infrastructure bank—something the occupant of the chair is familiar with—to help facilitate public-private partnerships, so that projects could be built that would otherwise be too expensive for a city, a county, or even a State to accomplish on its own. We included a provision to set aside a certain amount of funding for road projects. Unfortunately, while we got a majority of the Senate voting to advance this bill, we were unable to break the filibuster.

So 5 years to the day after the I–35W bridge fell into the Mississippi River, we know we have much to do to ensure our 21st century economy has the 21st century infrastructure we need. I know I am committed to move forward and work in a bipartisan way to address our Nation's critical bridge and infrastructure needs and prevent another tragedy like the collapse of the I–35W bridge.

They didn't distinguish on that bridge on that day 5 years ago who was a Democrat or Republican. Certainly those first responders—the cops and firefighters—didn't ask what political party somebody belonged to. They simply did their job. That is what we need to do in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

CYBERSECURITY ACT OF 2012

Mr. LIEBERMAN. Madam President, I rise to speak about the Cybersecurity Act of 2012, which is numbered S. 3414.

Last night, the majority leader, Senator REID, filed a cloture motion which would ripen for a vote on tomorrow. Senator REID said he was saddened to have to file that motion. He also used a word we don't hear much when he said he was ''flummoxed'' by the need to file a cloture motion on bipartisan legislation that responds to what all of the experts in security in our country from the last administration and this one say is a critical threat to our security, which is the lack of defenses in the cyber infrastructure that is owned by the private sector.

Senator REID was saddened, as I was, that he had to file for cloture because, of course, there can be disagreements about how to respond to this threat to our security and our prosperity. Hundreds of billions of dollars of American ingenuity and money have already been stolen by cyber thieves operating not only from within our country but, more often, from outside. So you can have differences of opinion about how to deal with the problem. But the fact that people started to introduce totally irrelevant amendments, such as the one to repeal ObamaCare—well, that is a debatable issue. We have debated it many times, as the House has, but not on this bill, which we urgently need to pass and send to the House and then go into conference and then, hopefully, pass something and send it to the President.

I was at a briefing with more than a dozen Members of the Senate, representing a wide bipartisan group and ideological group, with leaders of our security agencies—cyber security agencies, including the Department of Defense, Department of Homeland Security, FBI, NSA, and they could not have been clearer about the fact that this cyber threat is not a speculative threat. The fact is we are under attack over cyber space right now. In terms of economics, we have already lost an enormous amount of money. GEN Keith Alexander, Chief of U.S. Cyber Command, described the loss of industrial information and intellectual property, and just plain money, through cyber theft as ''the greatest transfer of wealth in history.'' That is going on.

We are also under cyber attack by enemies who are probing the control systems, the cyber control systems that control not the mom-and-pop businesses at home, not the Internet systems over which so many of us shop these days, but the cyber systems that control the electric supply, that control all of our financial transactions, large and small, that control our transportation system, our telecommunication system—all the things we depend on to sustain our society and our individual lives. That is who we are talking about here.

It is the greatest transfer of wealth in history. But our enemies are already probing those private companies' cyber systems that control that kind of critical infrastructure I have described. There is some reason to believe that because of the vulnerability of those systems and lack of adequate defenses, they have already placed in them malware, bugs—whatever we want to call it. In the old days, we used to call it a sleeper cell of spies and, more recently, in terms of terrorism, a sleeper cell of terrorists.

Let me put it personally, without stating it definitively on the floor. I worry that enemies of the United States have already placed what I call

cyber sleeper cells in critical cyber control systems that control critical infrastructure in our country. Everybody will say that some companies that own critical infrastructure are doing a pretty good job of defending it and us, but some are not. That is one of the reasons this bill has occurred—to try to create a collaborative process where the private sector and the public sector can act together in the national interest.

The businesses themselves that control cyber infrastructure—God forbid there is a major cyber attack on the United States—are going to be enormous losers. They are going to be subject, under the current state of the law, to the kind of liability in court that may bring some of them down. It may end their corporate existence.

Mr. CARPER. Would the Senator yield for a question?

Mr. LIEBERMAN. I would be glad to yield to my friend from Delaware for a question. He is the cosponsor of our main bill, S. 3414.

Mr. CARPER. The message the Senator is conveying today is so important. I hope folks who are unsure about supporting our legislation are listening.

I was briefed earlier today by a large multinational company. One of its divisions is manufacturing, among other things, helicopters. Apparently, within the last 12 months, maybe even 6 months, the plans for developing and manufacturing one such helicopter were hacked and obtained by another nation—presumably the Chinese. So they will develop and will build their version of our helicopters. They won't be built by Americans. They will not provide American jobs. It will not provide revenues to that company or tax revenues to our Treasury; they will really be apprehended, if you will, by another nation. That is the reality of this theft.

So I was reminded just this morning of what the Senator is talking about, what General Alexander says is the largest economic threat in the history of our country, and it is taking place. I was reminded of that this morning, and I just wanted to share that with the Senator.

Mr. LIEBERMAN. I thank the Senator from Delaware very much. I think he crystallized the moment we are in.

I mentioned that Senator REID filed a cloture motion that will ripen tomorrow. Again, he did it in sadness, and I was sad he had to do it. This is an issue on which I had hoped we would overcome gridlock—special interest driven, ideologically driven, politically driven—but we couldn't do it, so the majority leader did exactly what he had to do, in my opinion, in the national security interest.

This does two things. One, as my colleagues know and I repeat just to remind them, we have a 1 p.m. deadline when any Member of the Senate can file a first-degree amendment to this bill. That is important to do. And I want to say that the managers of the bill—Senator COLLINS' staff, the Republican cloakroom, my staff, the Democratic cloakroom—are going to be working on these amendments to see if we can begin to move toward a finite list so we can give some sense of certainty.

Senator REID has been very clear. He has not wanted to, to use an idiom of the Senate, fill the tree, which is to say limit amendments. He has wanted to have an open amendment process, which really ought to happen on a bill of this kind, but open for germane and relevant amendments, not amendments on repealing ObamaCare or, I say respectfully, on enacting more gun control. Those are both significant and substantial issues, but they are going to block this bill from passing if people insist on bringing them up here.

So the first and positive consequence of Senator REID's cloture motion—one we all signed—is to require that amendments people have been talking about filing have to come forward by 1 p.m., and bipartisan staffs will be working to winnow that down to a finite list.

Second, if we don't have an agreement on a finite list and we cannot vitiate the cloture vote for tomorrow, then Members of the Senate—every one, in their own heart and head—will have to make the decision as to whether to vote against taking up this bill while all the nonpolitical experts on our security—GEN Keith Alexander, Director of Cyber Command within the Pentagon, head of the National Security Agency, and one of the jewels and treasures of our government protecting our security, appealed to Senators REID and MCCONNELL in a letter yesterday stating that this legislation is critically necessary now.

This legislation will give our government and the private sector operators of critical cyber infrastructure powers they do not have now, authorities they do not have now to collaborate, to take action, to share information, to adopt what General Alexander in a wonderful phrase said is the best computer hygiene, the best cyber hygiene to protect our country.

So that is the question facing Members of the Senate in the face of that kind of statement of the urgency of some form of cyber security legislation in this session from the Director of Cyber Command, an honored, distinguished veteran of our uniformed military—U.S. Army in this case.

Are we going to find it hard to get 60 Members of the Senate to vote to take up this bill and debate it? I hope not. For me, it would be hard to explain—I will put it that way—why I would vote against it no matter what the controversy is.

I would say to my friend from Delaware, who has been involved, that I will yield to him if he wants to make a statement, but we have been working really hard with three groups: the group who sponsored S. 3414, the Cybersecurity Act of 2012; the group who sponsored SECURE IT, Senators HUTCHISON, CHAMBLISS, MCCAIN, et al.; and the third group, the bipartisan group that sprung up because of the urgency of this clear-and-present danger to America, led by Senator KYL and Senator WHITEHOUSE, who is also on the floor and really has played an important role in bringing the two sides—if I can put it that way—closer together. Frankly, there was a chasm that separated us at the outset. We have changed our bill. We have made it much more voluntary—carrots instead of sticks, as the Senator and I have said. But still there are differences, and I would just say shame on us if we can't bridge those differences on national security, of all topics.

So this is an important day to see if we can come together. Senator COLLINS and I are ready and willing to meet with the sponsors of the other bills—Senator KYL, Senator WHITEHOUSE—to see if we can come to some kind of agreement on critical parts of this legislation and to come up with a finite list we can support.

Just a final word. I wish to thank the majority leader, Senator REID. Senator REID has a tough job, and it is obviously battered by the political moment we are in, whenever we are in it. And of course this is a particularly political moment—partisan—because of the election season and the campaign we are in. But I have known HARRY REID for quite a while, and I have the greatest confidence and trust in him and an awful lot of affection. He is a personal friend. He got briefed about the cyber security threat more than a year ago, and he called me in and we talked about it. He said he was really worried, that we had to do something in this session of Congress to protect our security, and he has been steadfast in that belief and has refused to give up.

Senator REID filed the cloture motion to bring this to a head and hopefully to get to that finite list of amendments. And I think he is going to stretch, within the process and time, the great authority and power the majority leader has—some people say it may be the only power these days, but I think he has more because of his skills—in controlling the schedule. I think if there is a hope that we can bring a bill together and pass a cyber security bill, Senator REID is going to give us every opportunity to do that. So I wanted to put on the record my thanks to him for his own commitment to improving the cyber security of our country because he has listened to the experts and they have convinced him. This is rising to be a greater threat to America than any other threat we face today, and that is saying a lot, but I believe it.

I thank the Chair, and I yield the floor for my friend from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Madam President, I am joined on the floor by Senator WHITEHOUSE, so we might take a moment

here with the chairman to have a little bit of a colloquy and then head off to another hearing.

While he is here, I wanted to say a special thank-you to Senator WHITEHOUSE for the work he and JON KYL, our colleague from Arizona, and CHRIS COONS, our colleague from Delaware, and others have done in really helping to put the meat on the bones, if you will, of our original legislation. And they have done great work. I really admire them, and I thank all of them.

Over at the other end of the Capital, they have spent a whole lot of time in recent weeks and months on the issue of Fast and Furious, and I wanted to mention that one of the reasons I think the American people are furious with us is we are not moving fast enough to deal with the economy and to create jobs. Yet government doesn't create jobs. Presidents don't create jobs. Governors don't create jobs. As a former Governor, I know this. Members of the Senate don't create jobs. We help create a nurturing environment for jobs and job creation. That includes a lot of things, such as a world-class workforce, access to capital, infrastructure, access to reasonably priced energy and reasonably priced health care. But it also includes, as we go forward in time, the assurance that if a company spends a lot of money—a lot of R&D and investments—and it comes up with a really good idea that has commercial application, that before it can even build that idea, create that idea, or sell that idea in this country and manufacture and sell it around the world, the idea is not going to be stolen—stolen—by someone from another country who will use that idea to make money on their own.

That introduces an uncertainty in this country we have never had to worry about before. We just have not had to worry about that before. But, as General Alexander has said and has been quoted here already today, the greatest economic thievery in our history is underway right now through cyber security. This is as much a jobs issue as it is a security issue. It is an economic security issue, and we have to be mindful of that.

I have spoken to some of our friends over at the chamber of commerce with whom we work on a variety of issues and said to them that we need their involvement and support. We need them to help us get through this. If they have good ideas, if they have read the legislation as it is redrawn and want to share those ideas with us today, Democrats and Republicans, that would be a huge help.

I hope everybody over at the chamber is watching today, and I hope they hear this request for them to be more involved in a constructive way. It is not so much that we need them in the Senate, we need them as a country, and the folks who are their members across the country need them to be involved as well.

This legislation started out as more of a command-and-control deal where our Department of Homeland Security was going to say: These are our standards, and we expect companies and industries in critical areas to comply with these, and that is it.

That is an oversimplification of the original legislation, but we have moved so far away from that, it is amazing. We have moved from a command-and-control system to one where we say to critical industries, sensitive industries: Listen, you figure out amongst yourselves what the best practices and standards ought to be for protecting you and your businesses and your ideas. You figure it out, you share those ideas, develop those ideas, really, in a collaborative way with a council that includes the Department of Commerce, the Department of Justice, the Department of Defense, Homeland Security. And then, in an interim process, we refine those ideas, refine those best practices, and refine those standards, which would then be implemented. If companies don't want to comply with them, they do not have to. It is on a voluntary basis. If they do, there are rewards. If they do not, they do not participate in those rewards, including protection from liability.

Sometimes we get stuck on legislation, and we just say: This is it, and we are not going to change it. This is it, and we are not going to let you do that. But here we have changed this legislation dramatically and I think for the better. Some people say we changed it too much in order to get to ''yes.''

The last thing I would say before I yield to Senator WHITEHOUSE is that the legislation before us is not a Democratic idea, nor is it a Republican idea. This is not a conservative idea. This is not a liberal idea. This is a good idea, and this is an idea that has gotten better over time. This is an idea whose time has come. And we need to be mindful of the fury across our country. We need to move faster to take good ideas like this and make them better and to implement them.

With that, I yield to Senator WHITEHOUSE, and again a big thank-you for the great work he and Senators COONS and KYL have done, as usual.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, at this point I will speak, if I may, in the nature of a colloquy with the chairman and with the Senator from Delaware, but first let me thank the Senator from Delaware for his very kind remarks. Senator CARPER, as everybody knows in the Senate, is really a bellwether of bipartisanship, and he constantly seeks cooperation. So I appreciate very much his efforts to bring us together.

The chairman has been working very hard on these bills for many years, and the bill on the floor now is the product of considerable work in his committee—Homeland Security and Governmental Affairs Committee—considerable work in the Intelligence Committee, and considerable work in the Commerce Committee primarily, although we in the Judiciary Committee have had some input as well. So while there has been no specific hearing on the assembled bill, because it covers so many committees, it has to be brought together at some point, and its components have had extensive committee work. So we have all put a lot of effort into this, and we have actually all come a very long way, I believe.

Our window is very short, and I hope and expect we can use the hours ahead of us literally to work to close this gap. But I believe the distance we have come, and particularly that last bit of distance, when the chairman changed S. 3414 to go from a traditional mandatory regulatory system to the new voluntary standards, really has moved us in enormous ways. We are almost on the 1 yard line now, and I believe it would be such a shame, with things being that close, if we couldn't close the deal.

I would like to ask the chairman to react to that assessment of our situation, and I would also like to ask him to react to one other point, which is that the House took action on cyber security but it only did so in the form of legislation on information sharing. All of our information—the letter yesterday from General Alexander and everything we have heard from our national security officials—is that is not enough.

We have two really important jobs. One is information sharing, and the other is defending America's privately owned critical infrastructure—our electric grids, our communications networks, our data-processing systems. Those are our great liability. Those are the things Secretary of Defense Panetta was referring to when he said that the next Pearl Harbor we confront could very well be a cyber attack.

So are we as close as I think and is it important that the Senate do its job because the House simply failed to address the critical infrastructure part of our responsibilities?

Mr. LIEBERMAN. Again, I thank our friend from Rhode Island for the extraordinarily constructive role he has played—unusual here, unfortunately—in bringing the group of eight Members, four Democrats and four Republicans, together. Senator WHITEHOUSE, along with Senator KYL of Arizona, created a bridge that really invited Senators COLLINS, FEINSTEIN, ROCKEFELLER, CARPER, and me to come halfway across to change our bill from mandatory to voluntary.

So my answers to the Senator's two questions are yes and yes. We are a lot closer than we were really just a month ago—a matter of weeks ago. There is a remaining difference, and it is real. But considering where we have come from, if we show a willingness to compromise—and again, as I have said over and over, not a compromise of principle—that acknowledges that if everybody in the Senate insists on getting 100 percent of what they want on

a bill, nobody is going to get anything because nothing is going to pass. So we have come back from our 100 percent quite a lot, and we are still open to ideas that will enable us to achieve what we need to achieve here in improving our cyber security, which means changing where we are now.

That is why, as my friend from Rhode Island knows, we are going to keep meeting today with the other leading sponsors of the bill and with the peacemakers in between to see if we can find common ground and avoid what I think could be a very disappointing cloture vote—a very divisive, very destructive cloture vote—tomorrow.

The second point is a very important one; that is, the House has acted, but it has only acted with regard to information sharing. This is important, but it is only half the job. The information sharing, in brief, says that private companies that operate critical infrastructure can share with other private companies if they are attacked or as they begin to defend themselves so they mutually can strengthen each other. They can also share with the government, and the government, particularly through the Department of Homeland Security and the National Security Agency, can help the private sector strengthen itself. Those kinds of communications, which are critical and would seem natural, don't happen now in too many cases because the private sector is anxious about liability that it might incur. Even the public sector is limited in how much it can reach out or help. So it is important that the House has addressed that part of it.

I will say—and not just parenthetically—that there has been very significant concern of a lot of Americans and a quite remarkable coalition of groups—remarkable in the sense that it is right to left, along the ideological spectrum—about the personal privacy rights of the American people, that they not be compromised as a result of this information sharing.

Those privacy advocacy groups are not happy with the House information-sharing bill. I am pleased they have praised what we have tried to do as a result of negotiations with colleagues in this Chamber who are concerned about privacy. The point Senator WHITEHOUSE makes is so true, but that is only half the job. Everybody who cares about cyber security has said it.

There was, I must say, an encouraging, inspiring, for us, editorial in the New York Times today, supporting essentially S. 3414, the underlying bill, and crying out to us to take action and not get dragged down into gridlock by special interest thinking. But here is a statistic that jumped out at me. I saw it once before, but we have not heard it in this debate. In a Times editorial today entitled ''Cybersecurity at Risk,'' this sentence: ''Last year, a survey of more than 9,000 executives in more than 130 countries by the PricewaterhouseCoopers consulting firm found that only 13 percent of those polled had taken adequate defensive action against cyberthreats.''

That is worldwide. But I can tell you from what I know, the number in our country is not much better. That is why we need this set of standards, best practices, computer hygiene—no longer mandatory but we create an incentive. It is as if a company chooses to go into what my friend from Rhode Island has quite vividly described as Fort Cyber Security. We are going to build Fort Cyber Security of the best practices to defend cyber security, and we are going to leave it to the companies that operate critical infrastructure totally on their own whether they want to go into Fort Cyber Security. If they do, they will have some significant immunity from liability in the case of a major attack.

My answer to the Senator's questions are yes and yes. I just want to come back to something the Senator said at the outset of his remarks. I never know how much this argument weighs on Senators' minds, but once again it is being made here, which is this bill has received no hearings; it is not ready for action.

Good God. I went back and looked at the RECORD. I attended my first hearing on cyber security held in what was then the Governmental Affairs Committee—it is now the Homeland Security and Governmental Affairs Committee—chaired then by Senator Fred Thompson in 1998, 14 years ago. I can tell my colleague that in recent years, Senator COLLINS and I have held 10 hearings on the subject of cyber security. That is only in our committee. That is not counting judiciary, intelligence, commerce—I think foreign relations may have held some hearings on it too. In fact, we held a hearing just earlier this year, I believe it was March, on cyber security and the legislation that we knew we were going to bring forward. This has been heard.

I wish to say this too. I mentioned Senator REID's commitment to doing something about cyber security. Last year—I am trying to think, but I cannot remember a time on another bill where I saw this happen—Senator REID asked the Republican leader, Senator MCCONNELL, to join him in calling in the Democratic chairs and the ranking Republican members of all the relevant committees, relevant to cyber security that we just talked about, and made an appeal that we work together to bring one bill which he would then, as he has done before when a subject covers more than one committee, blend into a single bill and bring to the floor under majority leader's authority pursuant to rule XIV of the Senate rules, which he has done today.

So there has not been a specific hearing on this bill, but Lord knows there have been a lot of hearings and this bill has been vetted and negotiated not only with many Members of the Senate but by our committee and all the other committees—by stakeholders, private stakeholders, by some of the very businesses and business organizations that now seem to be the main block to moving forward on the bill.

I probably responded to my friend at greater length than I might have or perhaps more than he expected, but his questions were right on target, and I thank him for giving me the opportunity.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. LIEBERMAN. Yes.

Mr. WHITEHOUSE. I mentioned, to use the Senator's words, it was important to help the private sector strengthen itself. Some of the debate that has surrounded this bill has suggested that if we just get the heavy hand of government out of the way and let the nimble private sector do its thing to protect critical infrastructure, all will be well, and that a purely private sector way of proceeding is the best way to proceed.

In that context, the Senator mentioned the study that showed that only 13 percent of the private businesses that were reviewed were adequately cyber security prepared. The NCIJTF, which is the FBI-led joint task force that protects our national cyber infrastructure, has said that when they detect a cyber attack and they go out to work with the corporation that has been attacked, 9 out of 10 times the corporation had no idea. It is not just a government agency, the NCIJTF, saying that, there is a company called Mandiant which is sort of ''Who are you going to call? Ghost Busters.'' When someone is hit, they come in and help the companies clean up. They say the same thing: Out of 10 times, these companies had to find out that they had been penetrated from a government agency telling them, ''By the way, you have been hacked. They are in there.''

In fact, he said 48 out of the last 50 companies they dealt with had no idea. The Aurora virus hit 300 American companies, and only three of them knew it. The chamber of commerce, which is very active in this debate, had Chinese hackers with complete impunity throughout its cyber systems without knowing about it for at least 6 months. It was only when the government said, ''By the way, guys, your info was on a server in China,'' that they realized, ''Oh, my gosh; we have been hacked too.''

Then the Senator has used the statistic I have used before—that General Alexander, who is head of Cyber Command, has adopted—which is that America is now on the losing end of the biggest transfer of wealth in history through illicit means as a result of cyber industrial espionage—stealing from us our chemical formulas, our manufacturing processes, and various things that create value in the country.

So I am not just pinpointing individual examples. If we look at it from

a macro point of view, we are getting our clocks cleaned in this area. The private sector, it seems to me all of the evidence suggests, is an area in which it is not adequately protecting itself without a government role to spur cooperation and to set an agreed standard that NSA and the people who are watching this with real anxiety every day know is an adequate standard to meet the needs.

If the Senator from Connecticut would respond, I would be grateful.

Mr. LIEBERMAN. Basically, I would say I agree. There is not much I could add to that. This is not legislation that is a solution in search of a problem. This is a real problem. Again, we are hearing it from all the cyber security experts.

If the private sector owners of critical cyber infrastructure—electric power grids, telecommunications, finance, water dams, et cetera—if they were taking enough defensive action, we wouldn't want to act, but they are not. And we understand why. We have talked about this. A lot of the CIOs—chief information officers—in companies get frustrated that their CEOs don't want to devote enough time and resources to beefing up their cyber defenses.

The Senator said something very important, which is cyber theft and cyber attack is so insidious that a lot of people and companies who are victims of cyber attack don't even know it. My great fear is that there is a lot of malware or bugs—I called it cyber cells earlier—planted in some of our critical cyber control systems in our country waiting for the moment when an enemy wants to attack us.

Senator REID yesterday pointed to the terrible tragedy in India where the power system has gone out. There is no evidence there was a cyber attack, but I saw today that 600 million people are without electricity. It has had a terrible effect on quality of life, on the economy, et cetera. Unfortunately, this is what an enemy who is capable today could do to us, and they are out there.

Mr. WHITEHOUSE. The only reasonable conclusion one could draw is that it would be prudent to view, with some caution and some skepticism, the claims of folks who are hacked and penetrated at will—and who often usually don't even know it—that: Don't worry. Trust us. We can take care of this. Everything is fine.

Mr. LIEBERMAN. I thank my friend. And, of course, I agree. That is why we are legislating—but we are trying to legislate as minimally as we possibly can—to begin to solve this problem.

I yield the floor. The Senator from Maryland is here. The Senator from North Dakota is here.

Mr. HOEVEN. I thank the Senator. I certainly want to accommodate the schedule.

Mr. LIEBERMAN. In the order of fairness, we yield to my friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ENERGY

Mr. HOEVEN. Madam President, I rise to speak as if in morning business on the subject of energy.

I commend my colleagues for their excellent work on cyber. I look forward to working with them, and I thank them for the incredible amount of work and diligence they are putting into this extremely important effort. I rise this morning to speak on the incredible importance of energy security for our country.

Last week I introduced the Domestic Energy and Jobs Act along with 30 sponsors on the legislation. It is a comprehensive plan for energy security for our country. When I say energy security, what I mean is producing more energy than we consume; getting our Nation to energy security by not only producing enough energy for our needs, but even beyond that. It is absolutely doable. There is no question we can do it.

It is about pursuing an all-of-the-above strategy, and I mean truly pursuing an all-of-the-above strategy; not saying it and then picking certain types of energy we want and don't want but, instead, creating a climate and a national comprehensive energy policy that truly empowers private investment to develop all of our energy resources and all types of energy.

The Domestic Energy and Jobs Act is actually a package of energy bills. Many of these have already passed the House, and we have introduced them now in the Senate as well—13 separate pieces of legislation pulled together into this energy package, with energy leaders from both the House and the Senate. It clearly demonstrates that we have a strategy, we have a comprehensive energy plan to move our country, and it is ready to go.

If we look at the situation right now, there are hundreds of billions of dollars of private investment, of capital that would be invested in energy projects in this country, but they are being held up. These projects are being held on the sidelines because of the inability to be permitted or because of burdensome regulation. We need to create the kind of approach, the kind of business climate, the kind of energy policy that will unleash that private investment. That is exactly what this legislation does.

First, it reduces the regulatory burden so these stalled energy projects—again, hundreds of billions of dollars in private investment, not government spending but in private investment—that would move forward with energy projects that would not only develop more energy more cost effectively and more dependably, but also with better environmental stewardship, deploying the latest, greatest technology that would produce the energy, and do it with better environmental stewardship—not only for this country but actually leading the world to more energy production with better environmental stewardship.

But these projects are held up either because they can't get permitted or because they can't get through the regulatory redtape to get started and get going. This legislation cuts through that.

It also helps us develop the vital infrastructure we need for energy development. A great example is the Keystone XL Pipeline, a $7 billion 1,700-mile pipeline that would move oil from Canada to our refineries in the United States, but that would also move oil from my home State—100,000 barrels a day for starters—to refineries. We need that vital infrastructure. That is just one example.

This legislation also develops our resources on public lands as well as private lands. So we are talking about expedited permitting both onshore and offshore, on private lands and on public lands, including for renewables. It sets realistic goals. It sets a market-based approach that would truly foster all of our energy resources rather than picking winners and losers. It would also put a freeze and require a study of rules that are driving up gasoline prices that are hitting families and businesses across this country. And it includes legislation that Senator MURKOWSKI of Alaska has added to our package that would require an inventory of critical minerals in the United States and set policies to develop them as a key part of developing a comprehensive energy approach and a comprehensive energy plan for our country.

So what is the impact? The U.S. Chamber of Commerce in March of last year put forward a report. In that report they showed there are more than 350 energy projects nationwide that are being held up either due to inability to get permitted or regulatory burden, as I have described—more than 350 projects—that if we could just greenlight these projects, they would generate $1.1 trillion in gross domestic product and create 1.9 million jobs a year just in the construction phase.

So this legislation truly is about energy—more energy, better technology, and better environmental stewardship. But it is also very much about creating jobs—creating jobs at a time when we have more than 8.2 percent unemployment, more than 13 million people out of work and looking for work. This will create an incredible number of jobs. It is about creating economic growth.

Look at our debt and our deficit. Our debt is now approaching $16 trillion. We need to get this economy going and growing to reduce that deficit and reduce that debt along with controlling our spending. But we need economic growth to get on top of that debt and deficit. As I described, just the 350 projects alone and $1.1 trillion in GDP to help create that economic growth, to put people to work, and help reduce our deficit and our debt.

Let's talk about national security. The reality is with the kind of approach I am putting forward in the

United States and working together with our closest friend and ally Canada, we can get to energy security without a doubt in 5 to 7 years. That means producing more energy than we consume within 5 to 7 years. Think how important that is.

Look what is going on in the Middle East. Look what is going on in Syria. What is going to happen there? Look at what is going on in Iran and their efforts to pursue a nuclear weapon and what is going to happen with the Strait of Hormuz. An incredible amount of oil goes through that area. Look at what is happening in Egypt with the Muslim Brotherhood. Do we really want to be dependent on the Middle East for our oil?

I think the American people have said very clearly no, and we don't have to be. We just need the right approach to make it happen right here and to work with our closest friend and ally, Canada.

The reality is developing our energy resources is an incredible opportunity, and we need to seize it right now, with both hands. We can do it. That is exactly the plan we are putting forward.

Earlier this year we passed legislation through the House and through the Senate in conjunction with the payroll tax credit legislation. Attached to it we required the President to make a decision on the Keystone XL Pipeline. He chose to turn it down. Shortly after that, the Prime Minister of Canada, Stephen Harper, went to China. He met with Chairman Wu and China's energy leaders, and he signed a memorandum of agreement. That memorandum of agreement between China and Canada called for more economic cooperation and more energy development, with China working in conjunction with Canada.

Just last week, CNOOC—one of China's largest government-controlled companies—made a $15 billion tender offer for the Nexen Oil Company, a large oil company in Canada, to purchase their interests in the Canadian oil sands. It also includes mineral interests offshore, lease interests offshore of the United States in the gulf region, as well as in the North Sea area. But primarily it is an acquisition by the Chinese of huge amounts of tracts in the oil sands in Canada.

So just what we said: If we don't work with Canada on projects such as the Keystone XL Pipeline, the oil that is produced in Canada, instead of going to the United States will go to China or Americans will be put in the position of buying Canadian oil from the Chinese because of a failure to act on key projects such as the Keystone XL Pipeline because we are not acting on the kind of energy policy we are putting forward right here.

Ask the American people what they want. What they want is that we move forward with the energy package we put forward, and we need to do it. If we check gas prices, they are now back up to $3.50 a gallon national average. When the current administration took office, it was $1.85 national average per gallon. That is a 90-percent increase. What ramifications does that have for our economy? What ramifications does that have for small businesses? What ramifications does that have for hard-working American families? I think we all know the answer to that.

The time to move forward is now. It couldn't be more clear. We control our own destiny. We need to take action. We need to move forward on the kind of energy plans that truly benefit our people and our country. I call on my colleagues to join me in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I come to the floor today to talk about cyber security, the pending Lieberman-Collins bill, and the need to act—and the need to act before we adjourn for the August break.

I come today to the floor as I did when I spoke yesterday. I don't come as a Democrat, I come as an American. If ever there was an issue where we have to forget if we are red States or blue States, it is this issue.

I am going to stop my remarks. I note the Senator from Arizona is on the Senate floor, and I know he was scheduled to speak at 12:45. I was scheduled to speak at 11:30. I have about 10 minutes. I just want to acknowledge where we are.

So resuming my comments, Madam President, what I wanted to say is this: This is when we have to forget we are red States or blue States, we have to forget what we have on our bumper stickers, and we have to come together and not be the red State party or the blue State party but to be the red, white, and blue party for the United States of America. We must put aside partisan differences and ideological viewpoints. We need to act, and we need to act in the defense of the United States of America.

The Senate has a great opportunity today and tomorrow to pass legislation to protect, defend, and deter a cyber attack on the critical infrastructure of the United States of America.

What do I mean by critical infrastructure? It is our electrical power grid, our financial services, our water supplies. It is those things that are the bread and butter of keeping America, its businesses, and its families going. Through voluntary participation, we can work with the private sector that owns and operates the critical infrastructure to keep our critical infrastructure hardened and resilient against attack.

I worry about the possibility of an attack. We know there are already attacks going on, particularly in our financial services. We know our personal identities are being hacked, and we know small business is being attacked. I will give examples later on. Not only do I worry about an attack, I equally worry about our inertia, where we do nothing.

I bring to the attention of the Senate and all those watching that Leon Panetta, the Secretary of Defense, called our cyber vulnerability our potential digital Pearl Harbor. The Presiding Officer is from New York. We don't want a cyber 9/11. We can act now. We can act when it is in our power to protect, defend, and deter these attacks. That is what I want. I want us to have a sense of urgency. I want us to go to the edge of our chair. I want us to put our best thinking on to be able to do the kind of job we need to do to find a sensible center on how we can do that.

Right now our adversaries are watching us. We are debating on how we will protect America from cyber attacks, and it looks like we are doing nothing. When all is said and done, more gets said than gets done. Our adversaries don't have to spy on us. They can look at the Senate floor and say: What the heck are they doing? What are they going to do? They are going to look at us and say: There they go again.

We know our own inability to pass legislation, our own partisan gridlock and deadlock works for our predatory enemies in a positive way. They are saying, well, our first line of attack is for them to do nothing. They are thinking how they can make sure the critical infrastructure is vulnerable. How can they weaken the critical infrastructure? One way is by not passing legislation and putting in those hardened, resilient ways to protect, defend, and deter. Our adversaries are laughing right this minute. They just have to watch us. Well, this is no laughing matter.

What is the intent of a cyber attack? What is the intent? Is it the same intent as a nuclear attack? Is it the same attempt as flying into the World Trade Center? It is all the same. It is to create chaos, it is to create civil instability, and it is to create economic catastrophe that makes 9/11 look minuscule.

Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. Remember when we did the cyber exercise here where it showed what would happen? The stop lights go down, the lights go out in the hospitals, the respirators go off, business shuts down, commerce shuts down, 9–1–1 shuts down, America is shut down, and we will be powerless and impotent to put it back on in any quick and expeditious manner.

Right now we are in the situation where we have an early missile detection. We know the cyber attack will come. We need to do something. With this cyber attack, think of the chaos of no electricity. Just think of it. We have all lived through blackouts, and we had a terrible freak storm here a few weeks ago. No matter how late Pepco, BG&E, and Dominion was in responding, they can get the electricity back on. What happens if they can't get the electricity back on? What happens if they can't get it back on for

weeks or longer? There we are powerless, impotent, and the President of the United States is wondering what to do.

Remember, the attack is to humiliate, intimidate, and cripple: humiliate by making us look powerless, intimidate by showing there is this power over us, and to cripple our functioning as a society. I find it chilling.

We saw an attack on a little country called Estonia. That is how I got into this. I was sitting on the Intelligence Committee—I can say it now because it has been more than 5 years ago—and it was brought to my attention that Estonia—a brave little country that resisted communism, challenged the Soviet Union, and is now a part of NATO—was being attacked. The electricity was going off around Estonia. We thought, from the Intelligence Committee, it would be the first cyber attack on a NATO nation, and we were going to trigger the NATO Charter article V that an attack on one is an attack on all.

Thanks to the United States of America and our British allies, we had the technical know-how to go in and help them. Who is going to have the technical know-how to help us? We have the technical know-how right now to make our critical infrastructure hardened and resilient. We shouldn't harden our positions so we can't get to a resilient critical infrastructure.

I could go on with examples. I know my colleague from Arizona wants to come to the floor, but I just want to say one more thing. I have been involved in this from not only my work on the Intelligence Committee, but we fund the Justice Department through the Appropriations Committee, and they are very involved and hands on with the policy issues around the FBI.

Now, if Director Mueller were here, he would say the FBI currently has 7,600 pending bank robbery cases. Guess what. He has 9,000 pending cyber banking attacks. There are more cyber heists than there are regular heists. That doesn't make it right.

Now, is a cyber attack coming? Is it something out of Buck Rogers or Betty Rogers or the cyber Betty Crocker cookbook or whatever? The NASDAQ, as the gentlelady from New York knows, the NASDAQ and New York Stock Exchange has already been attacked. Hackers repeatedly penetrated the computer networks at the NASDAQ stock market. The New York Stock Exchange has been the target of cyber attacks. That sounds so vague but, remember, successful attempts to shut down or steal our information are going on every day.

Madam Chair, do you remember in 2010 the Dow Jones plunged 1,000 points because of a flash crash? That was a result of turbulent trading. That can be manipulated by cyber, and it could happen several times a week. What are we going to do?

Our banking industry clears $7 trillion worth of financial goods, products, and actual real money every day. Imagine what would happen if that was thrown into turmoil or shut down. I don't want to go through grim example after grim example, but let me say this: Good people in this body have been working on both sides of the aisle.

We are close, and I urge my colleagues now: Let's either vote for cloture or come to a regular agreement to be able to offer amendments. For those who worry about the costs, for those who worry about regulation, for those who worry about homeland security, I understand that. That is why I would be willing to sunset the bill so we can always look ahead and reevaluate this. I want everyone to know if a cyber attack comes and happens to the United States and we have failed to act, we will overreact, we will overregulate, and we will overspend.

Why do I have a sense of urgency right now? Let me say this: When we adjourn tomorrow for the August break, we don't come back until September 10. We will go out somewhere around October 1. That means if we don't act by tomorrow or Friday, we will essentially only have about 14 working days in September to do this. Well, we can't let this go.

I conclude my remarks by saying this: To my colleagues on both sides of the aisle, let's be the red, white, and blue party. Let's come to the middle ground. Let's do what we need to do to protect and defend the United States of America. There are good people who have been working on this. Some have extraordinary national security credentials. Let's put our best heads together and come up with the best amendments. Let's come up with the best protections of the United States of America, and let's do it by tomorrow night.

God bless America. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask to engage in a colloquy with the Senator from Georgia, Mr. CHAMBLISS, the Senator from South Carolina, Mr. LINDSEY GRAHAM, and if he wants to, the Senator from Indiana, Mr. COATS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, before I go to the issue we want to discuss, I want to point out in this debate that has become so impassioned that the issue of cyber security is one of transcendent importance, and I want to again reiterate my respect, appreciation, and affection for both Senator LIEBERMAN and Senator COLLINS.

I also point out to my colleagues that the people who are directly affected by this—and that is the business community of the United States of America—are unalterably opposed to the legislation in its present form. They are the ones who will be affected most dramatically by cyber security legislation. The U.S. Chamber of Commerce, which represents 3 million businesses and organizations of every size, sector, and region, has a strong letter which supports the legislation we have proposed.

I finally would just like to say that I have had hours and hours of meetings with my colleagues on both sides of the aisle trying to work this out. I believe we can work this out. We understand that cyber security is important and of transcendent importance. But to somehow allege that the business community, the 3 million businesses in America, should be left out of this discussion, of course, is not appropriate nor do I believe it will result in effective cyber security legislation.

NATIONAL SECURITY LEAKS

I really came to the floor today to talk about the issue of the leaks, the leaks which have directly jeopardized America's national security. At the Aspen Security Forum, just in the last few days, the head of Special Operations Command, Admiral McRaven, observed that the recent national security leaks have put lives at risk and may ultimately cost America its lives unless there is an effective crackdown. Admiral McRaven, the head of our Special Operations Command said:

> We need to do the best we can to clamp down because sooner or later it is going to cost people their lives or it is going to cost us our national security.

This is another national security issue, my friends, and I appreciate very much the fact that Governor Romney rightly referred to these leaks as contemptible and a betrayal of our national interests.

I wish to point out to my colleagues that, yes, there are supposedly investigations going on and, according to media, hundreds of people are being interviewed. Well, I am no lawyer. I am no prosecutor. Senator GRAHAM may have some experience in that. But what about the 2009 G20 economic summit when, according to the New York Times journalist David Sanger, ''a senior official in the National Security Council'' tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying and where ''most of the rest of the national security staff was present.'' There the journalist was allowed to review satellite images and other evidence that confirmed the existence of a secret nuclear site in Iran.

I wonder how many people have the key to the Presidential suite in that Pittsburgh, PA hotel? We might want to start there. Instead, we have two prosecutors, one of whom was a strong and great supporter of the President of the United States. And the same people—I am talking about the Vice President of the United States and others—who strongly supported a special counsel in the case of Valerie Plame and, of course, the Abramoff case. We need a special counsel to find out who was responsible for these leaks.

I ask my colleague Senator GRAHAM if he has additional comments on this issue. It has receded somewhat in the

media, but the damage that has been done to our national security is significant. It has put lives at risk, and it has betrayed our allies. This is an issue we cannot let go away until those who are responsible are held accountable for these actions.

Mr. GRAHAM. Madam President, my comment, in response to the question Senator MCCAIN has, is what we do today becomes precedent for tomorrow. So are we going to sit on the sidelines here and allow the Attorney General—who is under siege by our colleagues in the House about the way he has handled Fast and Furious and other matters—to appoint two U.S. attorneys who have to answer to him to investigate allegations against the very White House that appointed him? The reason so many Democrats wrote to President Bush and said, You cannot possibly investigate the Scooter Libby-Valerie Plame leak because it involves people very close to you—well, let's read some of the letters. BIDEN, DASCHLE, SCHUMER, and LEVIN letter to President Bush, October 9, 2003:

> We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel.

Senator BIDEN:

> I think they should appoint a special prosecutor, but if they're not going to do that, which I suspect they're not, is get the information out as quick as they possibly can. This is not a minor thing . . . There's been a federal crime committed. The question is who did it? And the President should do everything in his power to demonstrate that there's an urgency to find that out.

Then he goes on later and says:

> There's been a federal crime committed. You can't possibly investigate yourself because people close to you are involved.

In the Abramoff scandal, which involved Jack Abramoff, a person very close to House leadership and some people in the Bush administration, and our Democratic colleagues, 34 of them, said the following:

> FBI officials have said that the Abramoff investigation ''involves systematic corruption within the highest levels of government.'' Such an assertion indicates extraordinary circumstances and it is in the public interest that you act under your existing statutory authority to appoint a special counsel.

So our Democratic colleagues back during the Bush administration said, We don't trust you enough to investigate compromising national security by having an agent outed allegedly by members of your administration. We don't trust the Republican Party apparatus enough to investigate Jack Abramoff, because you are so close to him, and you should have a special counsel appointed.

Well, guess what. They did.

Here is what I am saying. I don't trust this White House to investigate themselves. I think this reeks of a coverup. I think the highest levels of this government surrounding the President, intentionally, over a 45-day period, leaked various stories regarding our national security programs, to make the administration look strong on national security. I don't think it is an accident that we are reading in the paper about efforts by the administration and our allies to use cyber attacks against the Iranian nuclear program as a way to try to head Israel off from using military force. I don't know if it happened, but the details surrounding the cooperation between us and Israel and how we engaged in cyber attacks against the Iranian nuclear program are chilling and something we should not read about in the paper.

The second thing we read about in the paper was how we disrupted the underwear bomber plot where there was a double agent who had infiltrated an al-Qaida cell, I believe it was in Yemen, and how we were able to break that up; and the man was given a suicide vest that was new technology and couldn't be detected by the current screening devices at the airports, and how we were able to basically infiltrate that cell, and God knows the damage done to our allies and that operation.

Mr. MCCAIN. Could I ask my friend, isn't it also true that this individual had some 23 family members whose lives were also placed in danger because of the revelation of his identity?

Mr. GRAHAM. That is what we have been told in the paper.

We also have a story about the kill list—a blow-by-blow description of how President Obama personally oversees who gets killed by drones in Pakistan, and at the end of the day, I am not so sure that is something we should all be reading about.

But if that is not enough, what about releasing the Pakistani doctor—the person who allegedly helped us find bin Laden, and his role in this effort to find bin Laden is also in the paper, and now he is in jail in Pakistan.

The sum total is that the leaks have been devastating. They have put people's lives at risk. They have compromised our national security, unlike anything I have seen, and people expect us to sit on the sidelines and let the White House investigate itself? No way.

Those who wrote letters in the past suggesting that Bush could not impartially investigate himself, where are they today? Is this the rule: We can't trust Republicans, but we can trust Democratic administrations to get to the bottom of things they are involved in up to their eyebrows?

Do we think it is an accident that all of these books quote senior White House officials? There is a review of one of the books the Senator from Arizona mentioned that talked about the unprecedented access to the National Security Adviser. There is a vignette in one of the books where the Secretary of Defense goes up to the National Security Adviser and suggests a new communications strategy when it comes to the programs we are talking about: Shut the F up. Well, that makes great reading, but at the end of the day, should we be reading about all this? People's lives are at stake. Programs have been compromised. Our allies are very reluctant now to do business with us.

This was, in my view, an intentional effort by people at the highest level in the White House to leak these stories for political purposes. And to accept that Eric Holder is going to appoint two people within his sphere of influence and call it a day is acceptable. That is not going to happen. We are going to do everything we can to right this ship, and we are asking no more of our Democratic colleagues than they asked of the Bush administration.

To our Democratic colleagues: How do you justify this? How do you justify that you couldn't investigate Abramoff without a special counsel and you couldn't investigate what Scooter Libby may or may not have done without a special counsel, but it is OK not to have one here? How do you do that?

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois.

Mr. DURBIN. The Senator asked whether this side would like to explain our position. I would be happy to do it at this point, but I can wait until my colleagues finish their colloquy, so it is their choice.

Mr. GRAHAM. Whatever the Senator from Illinois wishes to do. I am dying to hear how my Democratic colleagues think it is good government not to have a special independent counsel investigate the most damaging national security leak in decades. I am dying to hear the explanation.

Mr. DURBIN. There is no need to die. I hope the Senator from South Carolina will continue living a good life because he is such a great Senator. But I am asking if my colleague wants me to join in this dialogue or would he rather make his presentation?

Mr. GRAHAM. Well, I tell you what. Why don't we let my colleague speak, and then the Senator from Illinois will have all the time he needs. What does my colleague, the Senator from Georgia, Mr. CHAMBLISS, think?

Mr. CHAMBLISS. Well, I am dying to hear his explanation too, let me say that.

First of all, let me say that I join in with everything my two colleagues have said with respect to, No. 1, the volume of the leaks that have come out in recent weeks. We all know this town has a tendency to leak information from time to time, but never in the volume and never with the sensitivity of the leaks we have read about on the front page of newspapers around the country as we have seen in the last few weeks.

Irrespective of where they came from, to have folks who may be implicated in the White House, and the

White House appointing the two individuals who have been charged with the duty of prosecuting this investigation, reeks of ethical issues. I don't know these two U.S. attorneys, but everything I know about them is they are dadgum good prosecutors and they are good lawyers. But why would we even put them in the position of having to investigate in effect the individual who appointed them to the position they are in? That is why we are arguing that a special counsel is, without question, the best way to go. I am interested to hear the response from my friend from Illinois to that issue.

Let me talk about something else for a minute, and that is the impact these leaks have had on the intelligence community. The No. 1 thing that individuals who go on the intelligence committees in both the House and the Senate are told—and I know because I have served on both of them and continue to serve on the Senate Intelligence Committee—is to be careful what you say. Be careful and make sure you don't inadvertently—and obviously advertently—reveal classified information. Be sure that in your comments you never reveal sources and methods.

Well, guess what. The individuals who were involved in these leaks were very overt in the release of sources and methods with respect to the issues Senator GRAHAM referred to as having been leaked. Not only that, but lives were put in danger, particularly the life of the individual who was an asset who worked very closely with respect to the underwear bomber issue. We know that to be a fact.

But there is also a secondary issue, and that is this: We have partners around the world we deal with in the intelligence community every single day, and we depend on those partners and they depend on us to provide them with information we have and likewise that they give to us. A classic example was detailed of one of these particular leaks on the front page of the New York Times. Today why in the world would any of our partners in the intelligence community around the world—those partners who have men and women on the front lines who are putting their life in harm's way and in danger every single day to gather intelligence information and share that information with us—why would they continue to do that if they are now concerned about that information being written about on the front page of newspapers inside the United States and blasted all over television or wherever it may be?

The answer is pretty simple. Very honestly, there are some strong considerations being given by some of our partners as to how much information they should share with us. That creates a very negative atmosphere within the intelligence world.

Lastly, let me say that we dealt in the Intelligence Committee with our authorization bill recently in which we have tried to address this issue from a punishment standpoint.

There are certain things that individuals are required to do when they leave the intelligence community and go write a book. One of those things is they have to present their book to an independent panel of intelligence experts, and that panel is to review the information and then decide whether any of it is classified and shall not be released. In one of the instances we have, one of those individuals never submitted his book to that panel. In another instance, an individual submitted his book to the panel, and the panel said: You need to be careful in these areas. And the advice from that panel was pretty well disregarded.

One of the provisions in our bill says if someone does that, if someone fails to submit their book to that panel, or if they disregard what that panel tells them to do, then they are going to be subject to penalties. Part of those penalties include the possible removal of their right to a pension from the Federal Government—the portion the government is obligated to pay them, not what they have contributed.

Our intelligence bill is being criticized by some individuals out there. And guess who it is? It is the media and it is the White House. What does that tell you about their fear and their participation in the release of classified information?

So this issue is of critical importance. It simply has to stop for any number of national security reasons, but the ones that have been addressed by my colleagues obviously are to be highlighted. I look forward to whatever comments the Senator from Illinois may have with respect to justifying—I know he is not going to justify the leaks because I know him too well, but whatever his justification is for proceeding in a prosecution manner the way the Department of Justice is going versus what the Bush administration did and appointing a special counsel in a case that, by the way, pales in comparison to the leaks that took place in this particular instance.

Mr. MCCAIN. Mr. President, before we turn to our friend from Illinois for his, I am sure, convincing explanation as to why a special counsel is not required, even though it was, in the opinion of his side, in a previous situation, I want to just, again—and the Senator from Georgia and the Senator from South Carolina will also corroborate the fact that we have been working and working, having meeting after meeting after meeting, on the issue of cyber security.

We believe we have narrowed it down to three or four differences that could be worked out over time. Among them is liability. Another one is information sharing. But I think it is also important for us to recognize in this debate the people who are most directly affected in many respects are the business communities, and it is important that we have the input and satisfy, at least to a significant degree, those concerns.

There are those who allege that a piece of legislation is better than no legislation. I have been around this town for a long time. I have seen bad legislation which is far worse than no legislation. So we understand certainly—I and members of the Armed Services Committee and others understand—the importance of this issue.

We also understand that those who are directly affected by it—those concerns need to be satisfied as well. I commit to my colleagues to continue nonstop rounds of meetings and discussions to try to get this issue resolved. To this moment, there are still significant differences.

I say to my friend from Illinois, I look forward to hearing his convincing discussion.

I thank the Senator and yield the floor.

Mr. President, I ask unanimous consent that the Senator from Illinois be involved in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I did not know if the Senator wanted to make his unanimous consent request that he came to the floor to make.

Mr. MCCAIN. No.

Mr. DURBIN. The Senator is not going to make it?

Mr. MCCAIN. No. The Senator will object.

Mr. DURBIN. Yes, I will.

Mr. President, I want to thank my colleague from Arizona. Occasionally, historically, on the floor of the Senate there is a debate, and this may be one of those moments. I hope it is because it is a worthy topic.

Let's get down to the bottom line. I have served on the Intelligence Committee, as some of my colleagues have. We know the important work done by the intelligence community to keep America safe. They literally risk their lives every day for us, and they are largely invisible. We do not see them at the military parades and other places where we acknowledge those warriors who risk their lives, but these men and women do it in so many different ways.

When I spent 4 years on the Senate Intelligence Committee—and my colleagues, I am sure, feel the same—I went out of my way to make sure I was careful with classified information so as to continue to protect this country and never endanger those who were helping us keep it safe all around the world.

So the obvious question raised by the Republican side of the of the aisle is whether this President, President Barack Obama, thinks differently; whether President Obama believes we should cut corners and not be so careful when it comes to the leaking of classified information.

My answer to that is look at the record. Look at the record and ask this basic question: When it comes to prosecuting those believed to have been

guilty of leaks of classified information, which President of the United States has prosecuted more suspected individuals than any other President, Democrat or Republican? Barack Obama.

On six different occasions—five in the Department of Justice and one in the Department of Defense—they pursued the active prosecution of those they believed were guilty of leaking classified information that might endanger the United States.

Let me add another personal observation. It was last year when my friend Bill Daley, then-Chief of Staff to President Obama, came to Chicago for a luncheon. It was a nice day. We had a nice luncheon. It was very successful. He said he had to get back to Washington. He was in a big hurry. He never said why. He told me later—he told me much later—after this occurred: I had to get back because we had a classified meeting about hunting down Osama bin Laden. We were sworn to secrecy at every level of government so that we never, ever disclosed information that we were even thinking about that possibility.

Bill Daley took it seriously. The President takes it seriously. Anyone in those positions of power will take it seriously. To suggest otherwise on the floor of the Senate is just plain wrong, and it raises a question about this President's commitment to the Nation, which I think is improper and cannot be backed up with the evidence.

Now, let's look at the evidence when it comes to the appointment of a special prosecutor. Let me take you back to those moments when a special prosecutor named Patrick Fitzgerald from the Northern District of Illinois was chosen to investigate the leak of classified formation.

Let me put it in historical context. We had invaded Iraq. We did it based on assertions by the Bush-Cheney administration about the danger to the United States. One of those assertions dealt with Africa and certain yellow cake chemicals that might be used for nuclear weapons and whether they were going to fall into the hands of the Iraqi leadership.

It was one of the arguments—there were many: weapons of mass destruction, and so forth, that turned out to be totally false—leading us into a war which has cost us dearly in terms of human lives and our own treasure.

So one person spoke out. Former Ambassador Joe Wilson, who identified himself as a Republican, said: I do not believe there is any evidence to back up the assertion about the yellow cake coming out of Africa.

Well, he was punished. Do you remember how he was punished? He was punished when someone decided to out his wife Valerie Plame. Valerie Plame had served as an intelligence agent for the United States to protect our Nation, and someone decided that in order to get even with Joe Wilson they would disclose the fact that his wife worked in the intelligence agencies.

Then what happened? If you will remember, when that story broke, the intelligence community of the United States of America said: We have been betrayed. If one of our own can be outed in a political debate in Washington, are any of us safe? A legitimate question.

So there was an obvious need to find out who did it, who disclosed her identity, endangering her life, the life of every person who had worked with her, and so many other intelligence agents.

Mr. President, do you recall what happened? I do. The Attorney General of the United States, John Ashcroft, recused himself from this investigation. It was the right thing for him to do because the questions about this disclosure of her identity went to the top of the administration. He recused himself and appointed Patrick Fitzgerald, the U.S. attorney for the Northern District of Illinois, a professional, a professional prosecutor with the U.S. Department of Justice.

Well, the investigation went on for a long time. At the end of the investigation, the Chief of Staff of the Vice President of the United States was found to have violated a law. That came out, and eventually we learned the identity of who actually disclosed the name of Valerie Plame. It was a serious issue, one that called for a special counsel, and, if I remember correctly, there were even Republicans at that point joining Democrats saying: Let's get to the bottom of this. If this goes all the way to the top, let's find out who is responsible for it. So it was the appropriate thing to do.

Now, take a look at this situation. This President, who has activated the prosecution of six individuals suspected of leaking classified information, takes very seriously the information that was disclosed related to the al-Qaida techniques and all the things they were using to threaten the United States.

What has he done as a result of it? Let's be specific because I really have to call into question some of the statements that have been made on the floor. To say that the administration is covering this up, as to this leak, is just plain wrong.

At this point, the Department of Justice has appointed two highly respected and experienced prosecutors with proven records of independence in the exercise of their duties. U.S. Attorney Machen has recently overseen a number of public corruption prosecutions in the District of Columbia. U.S. Attorney Rosenstein has overseen a number of national security investigations, including one of the five leak investigations that have been prosecuted under this President. The Justice Department has complete confidence in their ability to conduct thorough and independent investigations into these matters in close collaboration with career prosecutors and agents.

This is not being swept under the rug. This is not being ignored. This is being taken seriously by this administration, as every leak of classified information will be taken seriously.

I know it is an election year. We are fewer than 100 days away from the election, and I know the floor of the Senate is used by both parties this close to the election. But I want to make it clear this President has a record of commitment to protecting the men and women who gather intelligence for America. He has a record of prosecuting more suspects for leaks of this information than any other President in history. He has, through his Attorney General, appointed two career criminal prosecutors to look into this case and said they will have the resources and authority they need to get to the bottom of it. That is the way to do it.

Will the day come when we say perhaps a special counsel is needed? I will not ever rule that out. Perhaps that day will come. But it is wrong to come to the floor and question this President's commitment to our intelligence community. It is wrong to come to the floor and question the credentials of these two men who have performed so well in the service of the Department of Justice in years gone by.

I thought Senator MCCAIN was going to make a unanimous consent request. If he wishes to, let me yield to him at this point.

Mr. MCCAIN. I would be glad to respond to my friend.

First of all, obviously, he is in disagreement with the chairperson of the Intelligence Committee because she said these leaks were the worst in the 11 years she has been a member of the Senate Intelligence Committee. So, obviously, the Abramoff and the Valerie Plame investigations are not nearly as serious, and they certainly were not when we look at the incredible damage, according to Admiral McRaven, according to anyone who is an observer of the incredible damage these leaks have caused.

Again, the chairperson of the Intelligence Committee said it is the worst she has ever seen. Admiral McRaven, as I said, said these have put lives at risk and may ultimately cost Americans their lives.

I wonder if my colleague from Illinois is concerned when, according to his book, Mr. Sanger said: ''A senior official in the National Security Council'' tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying, and—I am quoting from Mr. Sanger's book—where ''most of the rest of the national security staff was present.'' There, the journalist was apparently allowed to review satellite images and other ''evidence'' that confirmed the existence of a secret nuclear site in Iran.

When leaks take place around this town, the first question you have to ask is, Who benefits? Who benefits from them? Obviously someone who wants to take a journalist up to the presidential suite would make it pretty

easy for us to narrow down whom we should interview first. Who had the key to the presidential suite? Who uses the presidential suite in a hotel in Pittsburgh? These leaks are the most damaging that have taken place in my time in the Senate and before that in the U.S. military. Yes, six people have been prosecuted. Do you know at what level? A private. The lowest level people have been prosecuted by this administration. And this administration says they have to interview hundreds of people in the bottom-up process.

I can guarantee you one thing, I will tell the Senator from Illinois now, there will not be any definitive conclusion in the investigation before the election in November. That does not mean to me that they are not doing their job, although it is clear that one of these prosecutors was active in the Obama campaign, was a contributor to the Obama campaign. I am not saying that individual is not of the highest caliber. I am saying that would lead people to ask a reasonable question, and that is whether that individual is entirely objective.

Americans need an objective investigation by someone they can trust, just as then-Senator BIDEN and then-Senator Obama asked for in these previous incidents, which, in my view, were far less serious and, in the view of the chairperson of the Intelligence Committee, are far more severe than those that were previously investigated. I would be glad to have my colleague respond to that.

Mr. DURBIN. First, let me say that whatever the rank of the individual—private, specialist, chief petty officer—if they are responsible for leaking classified information, they need to be investigated and prosecuted, if guilty.

Mr. MCCAIN. Absolutely.

Mr. DURBIN. So the fact that a private is being investigated should not get him off the hook. I would——

Mr. MCCAIN. I do not think it gets him off the hook. I think it has some significance as compared to this kind of egregious breach of security that has taken place at the highest level. We know that.

Mr. DURBIN. I would say to my friend from Arizona, if I am not mistaken, it was a noncommissioned officer at best and maybe not an officer in the Army who is being prosecuted for the Wiki leaks. So let's not say that the rank of anyone being prosecuted in any way makes them guilty or innocent. We need to go to the source of the leak.

Mr. MCCAIN. No. But my friend would obviously acknowledge that if it is a private or a corporal or something, it has not nearly the gravity it does when a person with whom the Nation has placed much higher responsibilities commits this kind of breach.

Mr. DURBIN. Of course. It should be taken to where it leads, period. But let me also ask—I do not know if quoting from a book on the floor means what was written in that book is necessarily true. Perhaps the Senator has his own independent information on that.

Mr. MCCAIN. But no one has challenged Mr. Sanger's depiction. No one in the administration has challenged his assertion that he was taken by ''a senior official in the National Security Council to the presidential suite.'' No one has challenged that.

Mr. DURBIN. I would say to the Senator, I do not know if that has to do with the information that was ultimately leaked about al-Qaida. It seems as though it is a separate matter. But it should be taken seriously, period. What more does this President need to do to convince you other than to have more prosecutions than any President in history of those who have been believed to have leaked classified information?

If you will come to the floor, as you said earlier—and I quote, the investigation is ''supposedly going on.'' I trust the administration that the investigation is going on. What evidence does the Senator have that it is not going on?

Mr. MCCAIN. I say to my friend, it is not a matter of trust, it is a matter of credibility because if an administration has the same argument that then-Senator BIDEN used and Senator Obama used in opposition to the administration investigating the Abramoff case and the Valerie Plame case—they argued that it is not a matter of trust, it is a matter of credibility with the American people whether an administration can actually investigate itself or should there be a credible outside counsel who would conduct this investigation, which would then have the necessary credibility, I think, with the American people. I think that there is a certain logic to that, I hope my colleague would admit.

Mr. DURBIN. Let me say to the Senator that in that case, the Attorney General of the United States, John Ashcroft, recused himself—recused himself. He said there was such an appearance of a conflict, if not a conflict, he was stepping aside. It is very clear under those circumstances that a special counsel is needed. In this case, there is no suggestion that the President, the Vice President, or the Attorney General was complicit in any leak. So to suggest otherwise, I have to say to Senator MCCAIN, show me what you are bringing as proof.

Mr. MCCAIN. I am bringing you proof that this Attorney General has a significant credibility problem, and that problem is bred by a program called Fast and Furious where weapons were—under a program sponsored by the Justice Department——

Mr. DURBIN. When did the program begin?

Mr. MCCAIN. Let me just finish my comment. A young American Border Patrol agent was murdered with weapons that were part of the Fast and Furious investigation. What has the Attorney General of the United States done? He has said that he will not come forward with any information that is requested by my colleagues in the House.

So I would have to say that, at least in the House of Representatives and with many Americans and certainly with the family of Brian Terry, who was murdered, there is a credibility problem with this Attorney General of the United States.

Mr. DURBIN. I say to my colleague and friend Senator MCCAIN, I deeply regret the loss of any American life, particularly those in service of our country.

Mr. MCCAIN. I am convinced of that.

Mr. DURBIN. And I feel exactly that about this individual and the loss to his family. But let's make sure the record is complete. The Fast and Furious program was not initiated by President Obama, it was started by President George W. Bush.

Mr. MCCAIN. Which, in my view, does not in any way impact the need for a full and complete investigation.

Mr. DURBIN. Secondly, this Attorney General, Mr. Holder, has been brought before congressional committees time after time. I have been in the Senate Judiciary Committee when he has been questioned at length about Fast and Furious, and I am sure he has been called even more frequently before the House committees.

Third, he has produced around 9,000 pages of documents, and Chairman ISSA keeps saying: Not enough. We need more. Well, at some point it becomes clear he will never produce enough documents for them. And the House decided to find him in contempt for that. That is their decision. I do not think that was necessarily proper.

But having said that, does that mean every decision from the Department of Justice from this point forward cannot be trusted?

Mr. MCCAIN. No. But what I am saying is that there is a significant credibility problem that the Attorney General of the United States has, at least with a majority of the House of Representatives——

Mr. DURBIN. The Republican majority.

Mr. MCCAIN. On this issue, which then lends more weight to the argument, as there was in the case of Valerie Plame and Jack Abramoff, for the need for a special counsel.

Mr. DURBIN. I do not see the connection. If the Attorney General and the President said: We are not going to investigate this matter, Senator MCCAIN, I would be standing right next to the Senator on the floor calling for a special counsel. But they have said just the opposite. They have initiated an investigation and brought in two career criminal prosecutors whom we have trusted to take public corruption cases in the District of Columbia and leaks of classified information in other cases. And he said: Now you have the authority. Conduct the investigation.

They are not ignoring this.

Mr. MCCAIN. Those two counsels report to whom? The Attorney General of the United States.

Mr. DURBIN. And ultimately report to the people.

Mr. MCCAIN. So I would think, just for purposes of credibility with the American people, that a special counsel would be called for by almost everyone.

Look, I understand the position of the Senator from Illinois. We have our colleagues waiting. I appreciate the fact that he is willing to discuss this issue. I think we have pretty well exhausted it.

Mr. DURBIN. May I turn to one other issue the Senator raised, if he has a moment?

Mr. MCCAIN. Sure.

Mr. DURBIN. The pending bill, cyber security—this is a bill which I hope we both agree addresses an issue of great seriousness and gravity in terms of America's defense. I know the Senator from Arizona and some of his colleagues have produced an alternative. I support the bipartisan bill that Senators LIEBERMAN and COLLINS have brought to the floor.

The major group who opposes the passage of the cyber security bill is the U.S. Chamber of Commerce, an organization that represents the largest businesses in America, and what I have heard the Senator from Arizona say over and over is that they have to be an important part of this conversation and this discussion. I think Senator LIEBERMAN and Senator COLLINS would say: We have engaged them. We have listened to them. We have made changes consistent with what they were looking for. But clearly they have not reached the point where they are satisfied.

I learned yesterday, when Senator WHITEHOUSE of Rhode Island came to the floor, that, in fact, the U.S. Chamber of Commerce really turns out to be pretty expert on this issue of cyber security. And I call the attention of the Senator from Arizona, if he is not aware of it, to a Wall Street Journal article of December 21, 2011. This Wall Street Journal article is entitled ''China Hackers Hit U.S. Chamber,'' and it starts by saying:

> A group of hackers in China breached the computer defenses of America's top business lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter. The complex operation involved at least 300 Internet addresses. . . . Four chamber employees who worked on Asian policy had six weeks of their emails stolen.

The article goes on to say that the Chamber of Commerce did not notice this breach that went on for 6 months. The Federal Bureau of Investigation brought it to their attention. And then they learned that the Chinese had not only hacked into the computer mainframe, they had somehow hacked into the computer-driven thermostats in their office, and at times in the office of the U.S. Chamber of Commerce, their copy machines and fax machines were spitting out pages with Chinese characters on them. They were completely compromised by this cyber attack. Now they come us to as experts on how to avoid a cyber attack.

I ask unanimous consent that the Wall Street Journal article be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 21, 2011]

CHINA HACKERS HIT U.S. CHAMBER—ATTACKS BREACHED COMPUTER SYSTEM OF BUSINESS-LOBBYING GROUP; EMAILS STOLEN

(By Siobhan Gorman)

A group of hackers in China breached the computer defenses of America's top business-lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter.

The break-in at the U.S. Chamber of Commerce is one of the boldest known infiltrations in what has become a regular confrontation between U.S. companies and Chinese hackers. The complex operation, which involved at least 300 Internet addresses, was discovered and quietly shut down in May 2010.

It isn't clear how much of the compromised data was viewed by the hackers. Chamber officials say internal investigators found evidence that hackers had focused on four Chamber employees who worked on Asia policy, and that six weeks of their email had been stolen.

It is possible the hackers had access to the network for more than a year before the breach was uncovered, according to two people familiar with the Chamber's internal investigation.

One of these people said the group behind the break-in is one that U.S. officials suspect of having ties to the Chinese government. The Chamber learned of the break-in when the Federal Bureau of Investigation told the group that servers in China were stealing its information, this person said. The FBI declined to comment on the matter.

A spokesman for the Chinese Embassy in Washington, Geng Shuang, said cyberattacks are prohibited by Chinese law and China itself is a victim of attacks. He said the allegation that the attack against the Chamber originated in China ''lacks proof and evidence and is irresponsible,'' adding that the hacking issue shouldn't be ''politicized.''

In Beijing, Foreign Ministry spokesman Liu Weimin said at a daily briefing that he hadn't heard about the matter, though he repeated that Chinese law forbids hacker attacks. He added that China wants to cooperate more with the international community to prevent hacker attacks.

The Chamber moved to shut down the hacking operation by unplugging and destroying some computers and overhauling its security system. The security revamp was timed for a 36-hour period over one weekend when the hackers, who kept regular working hours, were expected to be off duty.

Damage from data theft is often difficult to assess.

People familiar with the Chamber investigation said it has been hard to determine what was taken before the incursion was discovered, or whether cyberspies used information gleaned from the Chamber to send booby-trapped emails to its members to gain a foothold in their computers, too.

Chamber officials said they scoured email known to be purloined and determined that communications with fewer than 50 of its members were compromised. They notified those members. People familiar with the investigation said the emails revealed the names of companies and key people in contact with the Chamber, as well as trade-policy documents, meeting notes, trip reports and schedules.

''What was unusual about it was that this was clearly somebody very sophisticated, who knew exactly who we are and who targeted specific people and used sophisticated tools to try to gather intelligence,'' said the Chamber's Chief Operating Officer David Chavern.

Nevertheless, Chamber officials said they haven't seen evidence of harm to the organization or its members.

The Chamber, which has 450 employees and represents the interests of U.S. companies in Washington, might look like a juicy target to hackers. Its members include most of the nation's largest corporations, and the group has more than 100 affiliates around the globe.

While members are unlikely to share any intellectual property or trade secrets with the group, they sometimes communicate with it about trade and policy.

U.S. intelligence officials and lawmakers have become alarmed by the growing number of cyber break-ins with roots in China. Last month, the U.S. counterintelligence chief issued a blunt critique of China's theft of American corporate intellectual property and economic data, calling China ''the world's most active and persistent perpetrators of economic espionage'' and warning that large-scale industrial espionage threatens U.S. competitiveness and national security.

Two people familiar with the Chamber investigation said certain technical aspects of the attack suggested it was carried out by a known group operating out of China. It isn't clear exactly how the hackers broke in to the Chamber's systems. Evidence suggests they were in the network at least from November 2009 to May 2010.

Stan Harrell, chief information officer at the Chamber, said federal law enforcement told the group: ''This is a different level of intrusion'' than most hacking. ''This is much more sophisticated.''

Chamber President and Chief Executive Thomas J. Donahue first learned of the breach in May 2010 after he returned from a business trip to China. Chamber officials tapped their contacts in government for recommendations for private computer investigators, then hired a team to diagnose the breach and overhaul the Chamber's defenses.

They first watched the hackers in action to assess the operation. The intruders, in what appeared to be an effort to ensure continued access to the Chamber's systems, had built at least a half-dozen so-called back doors that allowed them to come and go as they pleased, one person familiar with the investigation said. They also built in mechanisms that would quietly communicate with computers in China every week or two, this person said.

The intruders used tools that allowed them to search for key words across a range of documents on the Chamber's network, including searches for financial and budget information, according to the person familiar with the investigation. The investigation didn't determine whether the hackers had taken the documents turned up in the searches.

When sophisticated cyberspies have access to a network for many months, they often take measures to cover their tracks and to conceal what they have stolen.

To beef up security, the Chamber installed more sophisticated detection equipment and barred employees from taking the portable devices they use every day to certain countries, including China, where the risk of infiltration is considered high. Instead, Chamber employees are issued different equipment

before their trips—equipment that is checked thoroughly upon their return.

Chamber officials say they haven't been able to keep intruders completely out of their system, but now can detect and isolate attacks quickly.

The Chamber continues to see suspicious activity, they say. A thermostat at a town house the Chamber owns on Capitol Hill at one point was communicating with an Internet address in China, they say, and, in March, a printer used by Chamber executives spontaneously started printing pages with Chinese characters.

''It's nearly impossible to keep people out. The best thing you can do is have something that tells you when they get in,'' said Mr. Chavern, the chief operating officer. ''It's the new normal. I expect this to continue for the foreseeable future. I expect to be surprised again.''

Mr. MCCAIN. First of all, could I say that is just unfair. They are not claiming to be experts on cyber attacks. They are claiming that there are issues of liability, issues of information sharing, and other issues that they believe will inhibit their ability to engage in business practices and grow and prosper. So to say that somehow they claim they are experts on cyber security, they are not, but they are experts on how their businesses can best cooperate, share information, resist these attacks, and come together with other people and other interests to bring about some legislation on which we can all agree.

There are 3 million businesses and organizations that are represented here, I say to my colleague, so it seems to me that we should continue this conversation with them, particularly on issues of information sharing and liability. But to somehow say ''well, we talked to them, but we did not agree with anything they wanted to do'' is not fair to those 3 million businesses. We are making some progress. But please don't say they portray themselves as experts.

By the way, they hacked into my Presidential campaign, which shows they really were pretty bored and did not have a hell of a lot to do. But, anyway, go ahead.

Mr. DURBIN. I am sure that wasn't the case. I am sure it was a fascinating treasure trove of great insights and information.

But let me just say to my friend from Arizona, I am asking only for a little humility on both sides, both in the public sector and the private sector, by first acknowledging, as our security advisers tell us, that this is one of the most serious threats to our country and its future, and we should be joining with some humility, particularly if you have been victimized, whether in your campaign or in your offices, to understand how far this has gone. The FBI, according to Senator WHITEHOUSE when he came to the floor, found 50 different American businesses that had been compromised and hacked into by the same type of operation. Forty-eight were totally unaware of it. They did not even know it occurred. What we are trying to do is to get these businesses to cooperate with us so that we share information and keep one another safe.

At the end of the day, it is not just about the safety of the businesses—and I think it is important that they be safe—but the safety of the American people. This is really a serious issue.

Mr. MCCAIN. Can I say to my colleague, first of all, to somehow infer that businesses in America are less interested in national security than they are in their own businesses is not, I think, a fair inference. But let me also say that what they want to do is be more efficient in the way they can do business.

For example, information sharing—as you know, there is a serious problem with liability if they are not given some kind of protections in the information sharing they would do with each other and with the Federal Government. So we want to make sure they have that security so that they will more cooperatively engage in the kind of information we need. That is a vital issue. That is still something on which we have a disagreement.

I have no doubt that the comments of the Senator from Illinois about how important this issue is are true. Nobody argues about that. But we have to get it right rather than get it wrong. The Senator from Illinois and I have been here a long time, and sometimes we have found out that we have passed legislation that has had adverse consequences rather than the positive ones we contemplated. By the way, I would throw Dodd-Frank in there. No company is too big to fail now. I would throw in some of the other legislation we have passed recently, which has not achieved the goals we sought.

That is why we need, in my view, more compromise and agreement. I believe we can reach it. I give great credit to both of our cosponsors of the bill, but please don't allege that this is ''bipartisan'' in any significant way. Most of the Republican Senators oppose the legislation in its present form. All Republican Senators understand the gravity of this situation and the necessity of acting.

Mr. DURBIN. I say to my friend from Arizona, I hope we get this done this week. I know it is a big lift, and it is a lot to do. But I believe the threat is imminent, and I believe it is continuous. If we don't find a way through our political differences to make this country safer, shame on us.

I believe Senator COLLINS is from the Senator's side of the aisle and is proud of that fact. So it is a bipartisan effort. She worked with——

Mr. MCCAIN. It depends upon your definition of ''bipartisan.''

Mr. DURBIN. Well, it is clearly bipartisan with Senators LIEBERMAN and COLLINS. I also say that to raise the question of Dodd-Frank and appropriate government oversight and regulation—I suggest that we reflect on three things: LIBOR, Peregrine Investments, and the Chase loss of $6 billion.

To say that we should not have government oversight of our financial institutions that dragged us into this recession we are still trying to recover from—I see it differently. We vote differently when it comes to that. I think there is a continuing need for government oversight of these financial institutions.

Mr. MCCAIN. These institutions are not averse to government oversight. They are averse to legislation that harms their ability to share that information because if they face the threat of being taken into court for that, then obviously there is some reluctance. They also know how much has been lost because of the lack of cyber security to China and other countries. They are the ones who have been most directly affected. They are intelligent people, smart people, and they want this legislation to pass in a way that is the most effective way to enact legislation on this very serious issue.

I look forward to continuing the conversation with my friend from Illinois. I think both of us learn a bit from our conversations, and I thank him for his continued willingness to discuss the issue.

Mr. DURBIN. I thank my friend, the Senator from Arizona. I hope other colleagues will engage in this kind of exchange. I don't know if we convinced one another, but we certainly leave with the same level of respect with which we started. I hope those who have followed the debate have heard a little more about both sides of the issue in the process.

Mr. MCCAIN. I yield the floor.

## CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 55, which was submitted earlier today by Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 55) directing the House of Representatives to make a correction in the enrollment of H.R. 1627.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 55) was agreed to, as follows:

S. CON. RES. 55

*Resolved by the Senate (the House of Representatives concurring),* That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans

who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike ''Andrew Connelly'' and insert ''Andrew Connolly''.

## VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored and grateful to follow that very enlightening and energetic exchange between two of the most able and respected Members of this body on a range of issues.

One of them I want to address now, and I want to particularly thank the Presiding Officer for his contribution, my distinguished friend from Minnesota, who has really addressed so instructively some of the privacy concerns in various proposals in an amendment I have joined. I think his work on that issue is really reflective of the approach that has been brought to this issue of cyber security—an issue that this entire body, in my view, has a historic opportunity and also a historic obligation to address this week, deal with it now authoritatively and effectively and in a way that the Nation expects us to do it.

I thank not only the Presiding Officer but a bipartisan group of colleagues, beginning with Senators LIEBERMAN, COLLINS, ROCKEFELLER, FEINSTEIN, and CARPER, who deserve our appreciation for drafting this bill and bringing it to the floor, and a number of other colleagues, including, along with the Presiding Officer, Senators WHITEHOUSE, MIKULSKI, COONS, COATS, BLUNT, AKAKA, and KYL. I mention this number because I think it is an important fact about the process that has brought us to this point. It really reflects the kind of collegial approach that is so important to this legislation.

This legislation has undergone very significant and substantial revisions to reflect suggestions made by myself and our colleagues, and this bill will give the government and private sector an opportunity to collaborate and share information so that they can confront the ongoing, present, urgent cyber threat directly and immediately.

This bill is not a top-down approach; it is voluntary in its direction to the private sector. What it says to critical industries—industries that are critical to our infrastructure—is that you determine what the best practices are, you tell us what the standards should be, and then those standards will be shared throughout the industry and overseen by a council that the Departments of Commerce and Justice and Defense and Homeland Security will be involved in implementing. And if companies comply with those standards—voluntary standards—they receive benefits that will enlist them in the program, benefits that will form incentives in the form of limited immunity in the event of an attack. If companies decline to comply, if they are not provided with sufficient incentives, in their judgment, there is no compulsion, no legal mandate that they need to do so. To use an often overused imagery, what we are talking about here is a carrot, not a stick, in solving one of the most pressing and threatening challenges our country faces today. It is the challenge of this moment, the challenge of our time.

I have been in briefings, as has been the Presiding Officer and other Members of this body, with members of the intelligence community and others who have, in stark and staggering terms, presented to us the potential consequences of failing to act.

Just last week, GEN Keith Alexander, the chief of the U.S. Cyber Command and the Director of the National Security Agency, said that intrusions on our essential infrastructure have increased 17-fold between 2009 and 2011 and that it is only a matter of time before physical damage will result. He has said that the loss of industrial information and intellectual property—putting aside the physical threat and taking only the economic damage—is ''the greatest transfer of wealth in history.''

We are permitting with impunity the greatest transfer of wealth in history from the United States of America to adversaries abroad, companies based overseas, at a time when every Member of this body says our priority should be jobs and protecting the economy of this country. It is an economic issue, not just a national security issue. In fact, cyber security is national security.

The United States is literally under attack every day. General Alexander described 200 attacks on critical infrastructure within the past year. He alluded to them without describing them in detail. And on a scale of 1 to 10, he said our preparedness for a large-scale cyber attack—shutting down the stock exchange or a blackout on the scale comparable to the one in India within the past few days—is around a 3 on a scale of 1 to 10. That situation is unacceptable.

We are, in a certain way, in a period of time now that is comparable to 1993, after the first World Trade Center bombing. Remember, in 1993 the World Trade Center—1,336 pounds of explosives were placed in a critical area of the World Trade Center, killing 6 people, injuring 1,000, fortunately, at that point, failing to bring down the building, which was the objective. That first bombing was a warning as well as a tragedy. America, even more tragically, disregarded that warning in failing to act. We are in that period now, comparable to 1993 and before 9/11, when the country could have acted and neglected to do so. We cannot repeat that failure now. We cannot disregard the day-to-day attacks, the serious intrusions that are stealing our wealth and endangering our security, our critical grid, transportation, water treatment, electricity, and financial system. The scale of damage that could be done is horrific, comparable to what 9/11 did. We have an obligation to act before that kind of damage is faced in reality by the country.

We have been adequately and eloquently warned on the floor of this body, in private briefings available to Members of this body, and in the public press, to some extent. One of the frustrations I think many of us feel is that we cannot share some of the classified briefings we have received which would depict in even more graphic and dramatic terms what this Nation faces. Some of these attacks are launched by foreign countries that seek to do us harm. Some are launched by domestic criminals who simply want to steal money. Some are sophisticated and some are very crude.

Former Deputy Secretary William Lynch has detailed just one attack in which a foreign computer hacker—or group of them—stole 24,000 U.S. military files in March of 2011. As others have noted on the floor as recently as a few minutes ago, in late 2011 the computers of the U.S. Chamber of Commerce were completely compromised for more than a year by hackers. Yet today the U.S. Chamber of Commerce has essentially opposed the voluntary standards-based plan to help secure our Nation against attack. In fact, how extraordinary it is that certain parts of this bill have actually combined a consensus among the business community, the privacy advocates, as well as public officials, the National Security Agency. That consensus on privacy, again, reflects a profound and extraordinary feature of this bill, which is that we are coming together as a nation to face a common problem in a way that is demanded by the times and threats we face.

Shawn Henry, the Executive Assistant Director of the FBI, has said that ''the cyber threat is an existential one, meaning that a major cyber attack could potentially wipe out whole companies.'' That is the reason the business community has been involved and should support these proposals.

These attacks are not only ongoing, they have been occurring for years. These criminals are infiltrating our communications, accessing our secrets, and sapping our economic health through thefts of intellectual property.

Finally, Secretary of Defense Leon Panetta, as has been frequently quoted, said:

> The next Pearl Harbor we confront could very well be a cyber attack that cripples our power system, our grid, our security systems, our financial systems, our government systems.

The panoply of harm is staggering, and we cannot wait for that harm to be a reality to this country. The consequences comparable to 9/11 are tragic to contemplate. FBI Director Mueller has said the cyber threat, which

cuts across all programs, will be the No. 1 threat to our country.

FBI Director Mueller speaks the truth. We must make sure our government has the tools and authority they have asked for. The NSA, the Department of Defense, the Department of Homeland Security, our business community and privacy advocates are all united in feeling this threat must be confronted. We have the opportunity but we also have a historic obligation to make sure we move this bill and that it moves forward so we do not squander this opportunity.

I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

THANKING KATHARINE BEAMER

Mr. CARDIN. Mr. President, if I might, let me first thank Katharine Beamer for her service to the Senate and to the American people. She has been an incredibly valuable part of my staff, detailed from the Department of State to my Senate office. She has helped me deal with preparations for my responsibility, as the Presiding Officer knows, while serving on the Senate Foreign Relations Committee as we deal with the confirmation of ambassadors. It is important to be adequately prepared to deal with the many foreign visitors who come to our office and to deal with foreign policy issues.

I particularly want to thank her for her help in the so-called Magnitsky bill, a bill that passed out of the Senate Foreign Relations Committee and has been also supported in the Senate Finance Committee. She has been a critical part of our team in developing the necessary support so that bill could move forward.

I want to thank her for her help on the Cardin-Lugar provisions that provide transparency among mineral companies so we can trace the resources of developing countries, allowing those resources to benefit the strength of a country's economy rather than become a curse.

And I want to thank Katharine Beamer for her help on a lot of human rights issues she has been involved with, including the issue of Alan Gross.

Senator DURBIN has spoken on the floor and has brought to our attention the human rights violations of a Marylander who is today in a prison in Cuba. Alan Gross was providing help to a small Jewish community in Cuba. He wasn't doing it in any secret manner. He was trying to provide them a better opportunity to communicate with the Internet. He was very open about what he was doing in Cuba and was doing it in order to advance the ability of a community to keep in touch around the world.

As a result of that activity, Alan Gross, a Marylander, was arrested and imprisoned, tried and convicted, and sentenced to 15 years in prison. His appeal to the Cuban Supreme Court was denied in August of 2011. For the past 2½ years, since December 3, 2009, Alan Gross has been imprisoned in Cuba—over 2½ years.

Throughout my legislative career, I have worked hard to improve the relationship between Cuba and the United States, particularly among the people of Cuba and the people of the United States. I have worked on ways to ease certain restrictions so we can improve the climate between our two countries. But what the Cuban Government is doing today in continuing to imprison Alan Gross is absolutely outrageous. It violates international human rights standards and it is against any sense of humanity.

I am going to continue to speak out about it and urge the Cuban authorities to do what is right. This has gained international attention and there have been efforts made by other dignitaries from other countries to try to get Alan Gross's case heard in a proper manner. I particularly want to acknowledge Senator DURBIN's extraordinary leadership on this issue. Senator DURBIN took the time, when he was in Cuba, to meet with Alan Gross. I have been with Senator DURBIN when we have met with Alan Gross's family. I have been with Senator DURBIN when we have tried to engage other international diplomats to implore the Cuban authorities on a humanitarian basis to release Alan Gross.

There was no reason for his arrest. There was no reason for his conviction. There is no reason for his being in prison today. But one doesn't have to get too much involved in that issue to suggest that the Cuban authorities should release Alan Gross on a humanitarian basis. I say that because his health is in question. Alan's health has steadily deteriorated during his imprisonment. He has lost over 100 pounds, suffers from a multitude of medical conditions, including gout, ulcers, and arthritis, that have worsened without adequate treatment.

Of equal concern as his own health are the conditions of his beloved mother and daughter, both of whom are suffering from cancer. The Gross family should not have to suffer through another day of this desperate situation without Alan at home for support.

So for all those reasons, we speak out today to once again urge the Cuban authorities to do the right thing as far as human rights and their legal system and release Alan Gross. They should do the right thing from a humanitarian point of view and let Alan Gross come home to his beloved family so he can be supportive of them during this difficult time in their lives. We urge them to do the right thing so we can have a better relationship between the people of Cuba and the people of the United States. They should release Alan Gross because it is the right thing to do.

We are going to continue to speak out about this. I know many of us have looked for different ways in which to help the Gross family and we will continue to do that. But the simple, right thing for the Cuban authorities is to release Alan Gross today, and we urge them to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL STRENGTH

Mr. MANCHIN. Mr. President, I rise today to announce a rare opportunity for the people of my State, who care so much about the future of our country.

When I travel all around my beautiful State of West Virginia, one of the biggest concerns I hear from the people is simply that our Nation's finances are in such bad shape we could be the first generation that leaves this country and leaves our next generation in worse shape than we received it.

I am determined to make sure that doesn't happen, and I am sure the Presiding Officer is as well. I am determined to bring people together to fix our finances and put this country back on the right path. I am also determined that all our children and grandchildren will be able to live a more fulfilling and prosperous life than we do.

But we are running out of easy options to put our country's financial house in order. And every day we delay a big fix, the price will be higher, the changes will be more painful, and the choices will be more stark. With our country's finances so far out of control, all of the priorities we all care about—whether it is creating jobs, maintaining the best military in the world, keeping the core of vital programs such as Social Security, or educating the next generation—are in jeopardy.

If we care about rebuilding America—investing in our highways and our roads, our airports, our water and sewer systems—we cannot do it if we don't pay for it. If we care about creating jobs and giving our businesses certainty, we can't do that either if we can't pay for it. And if we care about educating the next generation and preparing this generation with the skill sets they need for the jobs of today and tomorrow, we can't do it if we can't pay for it.

If we care about having an energy policy that uses all of our domestic resources in the cleanest possible manner; if we care about developing technology for clean coal; if we care about finally ending our dependence on foreign oil from hostile countries, we can't do it if we can't pay for it.

If we care about having the best military in the world, one that can defend the liberty of this great Nation at home and, where needed, abroad, we simply can't do it if we can't pay for it.

If we care about helping the vulnerable, the sick, the weak, and keeping our vital core promises—such as Social Security, Medicare, Medicaid, and Head Start—we simply can't do it if we can't pay for it.

Any nation that wants to be a strong nation, that wants to invest in its priorities and wants to leave the country in better shape for the next generation cannot be shackled by crippling debt. If the Federal Government can't get its financial houses in order, the hard truth is all these priorities I spoke about will be slashed—sooner than any of us would like to admit.

Whether we consider ourselves a Democrat, a Republican, an Independent, or we have no affiliation at all; whether we consider ourselves a liberal, a conservative, or a centrist—wherever we fall in the spectrum—none of the priorities we care about on all those sides can happen unless we can pay for it. The old saying is as true today as it ever has been: You can't help others if you're not strong enough to help yourself.

It is time to make America strong again.

Let me give some troubling figures that illustrate how bad it has gotten: The debt hole we have dug for ourselves now equals the entire amount of goods this country produces; in other words, our gross domestic product. That hasn't happened since 1947.

Think of the next group of lawmakers who will be sitting where we sit in 2033, which is just around the corner. They are going to have to look Americans in the eye and tell them the Social Security check they are receiving will only be 75 percent of what is owed to them. They will have to say it is because the group who came before us didn't do their job.

Think of 10 years from now, truly around the corner, when every man, woman, and child in this country will owe more than $79,000 to pay off our national debt. Today it is about $50,700, which is way too high, but it is only going to get worse if we don't do our job and fix it.

There are 3 million jobs going unfulfilled in this country because they say the workforce doesn't have the right skills in order to perform those jobs, and our unemployment rate has been the highest for the longest period of time. That is not acceptable.

Who exactly is supposed to pay for all this debt? If we do the math, the picture isn't pretty. We are not balancing our budget, we are not training people for the jobs of the future, and we are leaving our children and grandchildren a massive debt that, as of today, equals the entire economic production of this great Nation.

To me, however we do the math—even if we use funny Washington accounting tricks—this situation adds up to a train wreck at best. I am determined to prevent this oncoming train wreck, and I will do all I can, working with my colleagues on both sides of the aisle. I have said people back home didn't send me to Washington to put the next generation into more debt. They sent me to, hopefully, help get them out of debt.

Putting this country back on the right path will hurt, but we have to be willing to come together across party lines. We have to determine our highest priorities and make tough choices. That is what the people of West Virginia sent me to do, not to cater to any one special interest group.

There are plenty of politicians who will talk about fixing the problem, who will pay lip service to coming up with a plan, who will talk a good game—what we call talk the talk—but can't walk the walk. But in the end, the problem will continue to fester if we don't do something.

I am not one of those politicians who can turn a blind eye to our debt and walk away from it. The people of West Virginia expect more. They expect me to make hard choices and work with both Democrats and Republicans to do the right thing for our State. No matter how hard it will be to fix our problems—and it is clear everyone will need to have a little skin in the game and share these sacrifices—I am determined to do it.

But no Senator—no matter how committed they may be—can do it alone. That is why I am so pleased to announce that two of the Nation's greatest financial leaders will be coming to West Virginia to hold an open forum with the people of our State about the future of our finances, and we call that ''Our Finances and Our Future.'' Former Senator Alan Simpson, a Republican from Wyoming, and Mr. Erskine Bowles, a Democrat who is the former White House Chief of Staff under President Bill Clinton, are two of the toughest and smartest people in this country when it comes to our finances.

Since I have been here, the most bipartisan effort to fix our finances has been led by Erskine Bowles and Alan Simpson. They were asked to head the President's National Commission on Fiscal Responsibility and Reform. It was bipartisan when it began, it has stayed bipartisan all this time, and it has grown with the number of Senators from both sides of the aisle who understand we need a big fix that comes from both sides of the aisle in a bipartisan way.

Bowles and Simpson paint a grim picture about the problems we are facing. In December of 2010, they laid out a serious blueprint for a solution—one that isn't perfect but that has earned more support from members of both parties than anything else that has been proposed in Washington.

Since then, too many of our leaders have put their heads in the sand about this proposal and the choices we face. But West Virginia is different from most of the States. We welcome the hard truth because we know we have to face the truth. Believe me, we can handle the truth in West Virginia.

On September 10, West Virginians will have an opportunity to hear some truth telling. I am so proud that Alan Simpson and Erskine Bowles will hold a forum, ''Our Finances and Our Future: A Bipartisan Conversation about the Facts,'' at our magnificent cultural center. They will present the facts—and there is no doubt the facts are dire—and lay out the magnitude of the problem we face, and then we will talk about solutions. It is a rare opportunity to have a frank bipartisan conversation about the grave conditions of our Nation's finances.

I am inviting all West Virginians—be it business, labor, senior groups, the young people who are expected to pay off our debt, and anyone else with an interest in our future—to come and participate in this session. We will talk about what this framework will do, which is to find the balance between revenue and spending, fundamentally changing our Tax Code and cutting spending. In short, it will make our system more fair.

Let's look first at the Tax Code. There are some Americans who, because of their connections and ability to hire lobbyists, have manipulated our Tax Code so they get special tax breaks. That is not right. Too many corporations that depend on the strength of this great Nation—as has been noted, such as G.E.—are paying nothing or virtually nothing in taxes. That is wrong. It is not right.

We need to make our tax system more fair and straightforward. The bipartisan Bowles-Simpson plan would end many of those loopholes and lower tax rates for everyone. When it comes to our spending, right now in this country we spend so much more than we can afford. I know so many Americans who tell me they would be more than happy to pay more—if we were using it in the right direction—to pay down our debt and to invest in infrastructure.

But we are not spending well. I have always said public servants can do one or two things with public tax money: We can either spend it or invest it. Frankly, we have been doing too much spending and not enough investing.

Our annual deficit—the amount we spend versus the amount we take in—is about $1.2 trillion this year alone. Looking into the future, if nothing changes, we will have deficits every year for the next decade. No one can tell me we can sustain that pace and still afford Social Security, Medicare, Medicaid, defending this Nation, and educating our children. The math doesn't add up. The bipartisan Bowles-Simpson framework addresses this by cutting more than $2 trillion for our spending over the next decade.

After we address our spending and our Tax Code, guess what happens. Our interest payments—the amount we are spending every year just for the privilege of borrowing money from countries such as China to finance our day-to-day operations—will go down nearly $700 billion over the next 10 years.

That is the bipartisan Bowles-Simpson framework. Yes, it will have some painful cuts, and, yes, everyone will have to share in the sacrifice. But because the pain is spread out, no one takes too deep a hit. That is why I believe this proposed blueprint is the

only plan that has garnered any real show of bipartisan interest from the beginning of its inception to today.

When I became Governor of the great State of West Virginia, our State finances were in a tough place. We had to make very hard choices about our priorities, and not everyone was happy with those decisions. Seven or eight years ago, people believed West Virginia was hopeless; that we would always be challenged; that our finances would always be on the brink; that we wouldn't be able to invest in our priorities; that our economy would always be stagnant; that our credit ratings would always be miserably low; that we wouldn't be able to turn any of that around.

But I will tell you what. At the end of my term, we had lowered tax rates, reduced our food tax, ended our fiscal years with a budget surplus each and every year, and increased our credit rating three times in 3 years during the greatest recession because we put our priorities based on our values of what was important to West Virginia. Together, we weathered the recession better than 45 States. We are finally getting the last piece of our puzzle in place with a fix to the retirement system.

I can tell you this: I am not talking about fixing our Nation's finances from some ivory tower, from some rigid ideological position. I am talking about this country's finances because I know how much it costs all of us to live in debt. I know the burden of high interest payments and the way it robs us of the opportunity to pay for more important priorities. I know how much stronger this country will be when we manage our debt. I know because we came together in West Virginia and improved the quality of life in our State, and I know we can do it together in this country.

The truth is, Democrats don't have a lock on good ideas and neither do Republicans. But with less than 100 days to go before the election, we are not going to hear many Democrats giving Republicans any credit and we won't hear many Republicans acknowledging that Democrats have anything to bring to the table.

That is a true shame. We will not fix our problems with a go-it-alone attitude because the only way America has ever solved our problems is to put partisanship aside and come together for the good of this great Nation.

Put America first. The West Virginia fiscal summit is just one honest way we can take an important step toward, coming together to solve our problems and one more way for the people of West Virginia to show this great Nation that we can—and will—do the heavy lifting it will take to put this country back on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

RENEWABLE FUELS STANDARD

Mr. GRASSLEY. Mr. President, the president and CEO of Smithfield Foods, Larry Pope, took to the opinion pages of the Wall Street Journal again to blame all that ails him on the renewable fuels standard for ethanol.

Some may recall he did the same thing back in April 2010 when commodity prices were rising. At that time, he perpetuated a smear campaign and blamed ethanol in an attempt to deflect blame for rising food prices while boosting Smithfield's profits. With this newspaper article, he is back at it again.

I start by referring to Mr. Pope as Henny Penny from the children's folktale ''Chicken Little.'' Every time Smithfield has to pay a little more to America's corn farmers to feed his hogs, Mr. Pope starts with the same argument that the sky is falling, and it is all ethanol's fault.

Mr. Pope's opinion piece in the Wall Street Journal might lead some to believe he is very knowledgeable about the ethanol industry. But there are many areas of ethanol he doesn't know much about.

He continues to perpetuate the myth that ethanol production consumes 40 percent of the U.S. corn crop. Mr. Pope states: ''Ethanol now consumes more corn than animal agriculture does.''

Everyone with a basic understanding of a livestock farm—even a kernel of corn—or of an ethanol plant knows that is not a true statement. According to the U.S. Department of Agriculture, 37 percent of the corn crop is used in producing ethanol. But—and a very important but—the value of corn does not simply vanish when ethanol is produced.

One-third of the corn—that is, 18 pounds out of every 56-pound bushel—reenters the market as a high-value animal feed called dried distillers grain. I would imagine millions of hogs raised by our farms every year are fed a diet containing this ethanol coproduct. For sure it is a very big feed product for cattle. Of course, Mr. Pope appears to be unaware of its existence.

When the distillers grains are factored in; that is, 18 pounds out of the 56 pounds that is left over after you make ethanol, 43 percent of the corn supply is available for animal feed. Only 28 percent is used for ethanol—unlike the 40 percent Mr. Pope says. This is the inconvenient truth of ethanol detractors. They prefer to live in a bubble where they believe ethanol is diverting corn from livestock use. That is just not the case.

Mr. Pope also proclaims that ''ironically, if the ethanol mandate did not exist, even this year's drought-depleted corn crop would have been more than enough to meet the requirements for livestock feed and food production at decent prices.''

I would like to ask Mr. Pope why he thinks that is the case. Why did farmers plant 96 million acres of corn this year when normally they would plant between 86 and 88 million acres of corn? Why have seed producers spent millions to develop better yielding and drought-resistant traits so we can produce more corn on less acres? The answer is simple: Because this gigantic industry of ethanol is there to consume more corn and more production on each acre.

If not for ethanol, it is very clear farmers wouldn't have planted 96 million acres of corn this year because those are more acres of corn than farmers have planted in this country since 1938. Without ethanol, I doubt we would have seen investment in higher yielding and more drought-tolerant corn plants by our seed corn companies.

I happen to think Mr. Pope is an intelligent man, but he is woefully uninformed on the issue of what the ethanol industry and the demand for corn has done for the size and genetic improvement of the corn crop. It is easy to understand Smithfield's motives. They benefit from an abundant supply of corn, just not the competing demand for it.

What is Smithfield's primary problem? Again, the answer is simple: cost and profit. They still want to pay $2 for a bushel for corn. This is an important point that I hope people understand. For nearly 30 years, until about 2005, companies such as Smithfield had the luxury of buying corn below the cost of production. Corn prices remained for about 30 years between $1.50 a bushel and $3 a bushel. Farmers routinely lost money. The Federal Government then provided economic support for the farmers. Producers such as Smithfield had the best of both worlds. They were able to buy corn below the cost of production, and they were able to let the Federal Government subsidize their business by guaranteeing a cheap supply of corn.

In the view of corporate livestock producers, subsidies are fine—if they allow them to buy corn below the cost of production. Anybody could look like a genius with that sort of a business model.

Mr. Pope also continues to overstate the impact of corn prices on the consumer. Agriculture Secretary Vilsack recently stated that farmers receive about 14 cents of every dollar spent on food at the grocery store. Farmers get 14 percent and everybody else gets 86 percent, yet the farmers of America are the problem? It happens that that 14 cents works out to be about 3 cents of that 14 cents is because of corn.

A research economist at the U.S. Department of Agriculture recently stated that a 50-percent increase in the price of corn will raise the total grocery shopping bill by about 1 percent. To put it in perspective, the value of corn in a $4 box of corn flakes is about 10 cents.

Mr. Pope also exaggerated the impact of ethanol on food prices in 2010, and he is doing it again. He is using the devastating drought that we now have—over 62 percent of the country and worse in the Midwest, of Iowa where I live—to once again undermine our Nation's food, feed, and fuel producers,

and he is doing it—why? To make more money.

Repealing the renewable fuel standard will not bolster Smithfield's profits. Because of the flexibility built into the renewable fuels mandate, a waiver will not significantly reduce corn prices. A recent study by Professor Bruce Babcock, Iowa State University, found that a complete waiver of the renewable fuel standard—that is what the mandate is called—might reduce the corn prices by only 4.6 percent. That report goes on to state:

> The desire by livestock groups to see the additional flexibility in ethanol mandates may not result in as large a drop in feed costs as hoped.

They continue:

> . . . the flexibility built into the Renewable Fuels Standard allowing obligated parties to carry over blending credits from previous years, significantly lowers the economic impact of a short crop, because it introduces flexibility into that mandate.

The drought is enormous in both scale and severity. But we will not know the true impact until September when harvest begins. The latest estimates from the U.S. Department of Agriculture indicate an average yield of 146 bushels per acre. That would result in a harvest of 13 billion bushels. This would still be one of the largest corn harvests.

I suggest those claiming that the sky is falling withhold their call for waiving or repealing the renewable fuel standard. It is a premature action that will not produce desired results and it would increase our dependence upon foreign oil and it would drive up prices at the pump for consumers.

On another point with regard to taxes and the proposals around the Hill to increase taxes, I want to say that over the past few years my colleagues on the other side have come to the floor repeatedly to present a revisionist story regarding the fiscal history of the last two decades. On several occasions I have come to the floor to refute this history. Yet, again and again, the other side continues to present the same distorted facts, including lots of speeches last week.

The general misguided argument is that all of the economic and fiscal success of the 1990s is thanks to big tax increases by the Clinton administration and the 2001 and 2003 bipartisan tax relief is responsible for all of our economic ills and fiscal problems.

Neither of these claims is supported by facts or a basic understanding of economics. I will begin with the Clinton tax increase to which people are giving so much credit. Many on the other side of the aisle argue that the Clinton tax increases are proof that tax increases will not harm our economy today—when they have even heard their own President say otherwise several times, until recently, that you should not increase taxes when you have a depression. These people frequently ask, ''If our economy grew in the 1990s with higher marginal tax rates, how can it be bad to raise marginal taxes to these former levels?'' Engrained in this argument is the assertion that tax hikes can actually be good for our economy.

This assertion fails to take into account numerous economic factors that occurred alongside the Clinton tax increases. The fact is that the economy grew not because of the 1993 tax increases but despite them.

The economy of the mid-1990s is a result of economic conditions that we may never see again. It was a time of great economic expansion due in large part to the advent of the Internet economy. The Internet spawned new technologies and created efficiencies in our economy that have never been matched. In turn, these new technologies and efficiencies spurred start-up businesses and new industries. Many seem to forget the huge Y2K fear that gripped the Nation, causing billions and billions in spending that helped prop up what became the infamous Internet bubble that blew up on all of us. Nevertheless, before the bubble burst these factors led to historically low unemployment and high workforce participation. Claiming that this was due to Clinton tax increases is equal to Vice President Gore claiming that he invented the Internet.

My colleagues on the other side of the aisle would be hard-pressed to find many economic studies indicating tax increases are stimulative. The focus of economic research in this area is not about whether tax increases are harmful or beneficial to the economy. Rather, the focus seems to be on the degree to which tax increases are very harmful to the economy. Admittedly, there are wide variations in views of economists on the responsiveness of individuals and businesses to taxes. However, even studies by economists who can hardly be labeled as conservative have concluded that tax increases have a significant negative effect on the economy.

For instance, a 2007 study by Christina Romer, President Obama's former chief economist, found ''tax increases are highly contractionary,'' and ''have very large effects on output.''

In fact, this study found that a tax increase of 1 percent of gross domestic product could lower real GDP by at least 3 percent.

Another likely contributor to the growth of the 1990s was a peace dividend we reaped from the end of the Cold War. We have Ronald Reagan's staredown of the Soviet Union to thank for that phenomenon. The end of the Cold War allowed for a reduction of government spending as a percent of GDP. Coupled with priorities pushed by the Republican-led Congress to reach a balanced budget and to reform welfare, spending as a percentage of GDP dropped to its lowest point in 30 years. With the Government spending less of the people's money, more was left in the hands of the private sector. This allowed the private sector to innovate, to invest, and eventually create jobs. The peace dividend is also the largest contributor to reining in deficits in the 1990s.

The biggest source of deficit reduction, 35 percent, came from the reduction of defense spending. The next biggest source of deficit reduction, 32 percent, came from other revenue because of a growing economy. Another 15 percent came from interest savings.

Let's get to the Clinton tax increase in reducing deficits. The Clinton tax increase, on the other hand, only accounted for 13 percent of the deficit reduction—only 13 percent.

There are further factors that contributed to the economic growth of the 1990s, including the expansion of free trade in the 1997 reduction in the capital gains tax rate. However, in the interest of time I am going to go on to other issues. One thing is clear, though, from this period of the 1990s. The economic growth of that time was not thanks to the Clinton tax increase nor was it a major player in bringing our deficit into balance.

Today we cannot rely on the unique economic conditions we experienced during that decade of the 1990s, some of which were artificial, to buttress the negative effects of the tax increase. In fact, we are in the middle of one of the worst economic eras since the Great Depression. Unemployment has remained above 8 percent now for over 41 straight months, almost 3½ years, in other words. Economic growth has been anemic.

Each passing day economic indicators are pointing more and more to the chance of a double-dip worldwide recession. Last Wednesday it was reported that Great Britain's economy contracted at the rate of .7 percent. Then on Friday it was reported that our own economy is stalling. Real GDP grew at an annual rate of just 1.5 percent, continuing its downward trend for three straight quarters. In a recent blog post, Nobel Laureate economist Gary Becker addressed the question of whether raising taxes on high-income earners is a very good idea. In his post, Professor Becker entertained arguments—these were arguments by the supporters of the tax increases—by hypothesizing that there is a 50–50 chance that higher taxes on the so-called rich would damage the economy.

Of course I believe, as does Professor Becker, that in reality this chance is much higher than 50–50. However, even granting the other side this generous assumption he concluded the benefit of raising taxes was outweighed by the potential damage they would cause. According to Professor Becker, even if richer individuals only slightly reduce their work hours and reduce their effort at work, the gain in tax revenue from these individuals would not be great. In contrast, ''the costs to the economy in the chance that higher taxes greatly discourage their efforts is likely to be substantial in terms of fewer hours worked and less work effort by high-income individuals, reduced incentives to start businesses,

less investment in their human capital, investing abroad rather than in [this country] . . . and even migration abroad.''

Yet my colleagues on the other side of the aisle are pushing billions of dollars in tax increases. Last week they voted to increase taxes on nearly 1 million flowthrough businesses. Their vote to increase taxes on job creators came on the heels of an Ernst and Young study detailing its ramifications. This study concluded that these proposed tax hikes—on top of the 3.8-percent tax increase on dividends, interest, and capital gains that was added to pay for the health care reform bill—would reduce our economic output by 1.3 percent. The Ernst and Young study also found that real aftertax wages would fall by 1.8 percent as a result of President Obama's policies.

Even in the face of this information, my colleagues on the other side seem all too willing to gamble with the chance that our stalling economy can withstand such a hit. By doing this, they are playing Russian roulette with our economy.

To my colleagues I ask: How certain are you that tax increases on job creators will not be damaging the economy? If you have any doubt, I suggest don't pull the trigger.

I wish to shift gears a little bit to address the record of the 2001 and 2003 tax relief. Just as a perfect storm of good economic conditions blew at the back of the Clinton administration, a perfect storm of bad economic conditions and unpredictable events blew in the face of the Bush administration.

It is undisputed that at the end of the Clinton administration, the Congressional Budget Office was projecting a 10-year budget surplus of $5.6 billion. Keep in mind, though, that CBO's projection was based on assumptions that did not pan out.

The CBO failed to predict the bursting of the tech bubble that was so beneficial in the previous years. CBO also did not predict the September 11, 2001 tragedy that wreaked havoc on our economy.

In reaction to the economic recession from these events, Congress enacted the bipartisan 2001 tax relief that cut tax rates across the board, providing tax relief to virtually all taxpayers. Then in 2003, Congress expedited this relief so the benefit of lower rates would take effect more quickly. This resulted in one of the shortest and shallowest economic recessions yet on record. The economy grew for 25 straight quarters, making it the fourth longest period of economic expansion since 1930. Additionally, we had 47 straight months of private sector job gain.

Moreover, the expanding economy led to higher than expected revenues. That is a fact. Revenue actually rose in the years following the tax relief bill, peaking at 18.5 percent of GDP in 2007, well above the historical average of around 18 percent.

In fact, the Congressional Budget Office projects that if we extended all the 2001 and 2003 tax relief today, revenues would once again exceed the historical average. Under this scenario, the CBO projects that by 2022 revenues will reach 18.5 percent of GDP.

From 2004 to 2007, the deficit also shrank from a high of $412 billion to a low of $160 billion. That means the budget deficit was cut by more than half in 3 years. Given the trillion dollar deficits we are experiencing under President Obama, a deficit below $200 billion would be very welcome news. Yet CBO projects that even if all the tax increases in President Obama's budget were enacted, deficits would never drop below $500 billion in the 10-year period from 2013 to 2022.

I will give President Obama credit when he says he took office in very tough economic times. The bursting of the housing bubble and the resulting financial crisis gave him a very high hill to climb, but any assertion the 2001 and 2003 tax relief is related to these events is without merit. There is plenty of blame to go around for the housing bubble. It was the culmination of housing policies spanning administrations of both parties. It was further fueled by the Federal Reserve providing historically low interest rates and cheap credit.

However, the President's policies have failed at getting us out of this mess. The President's party passed the President's nearly $1 trillion stimulus bill. He claimed this would keep the unemployment rate below 8 percent. However, the unemployment climbed to a high of 10.1 percent and has never dropped below 8 percent during his almost 4 years in office.

The President's party also passed the health care bill, which the President sold as a job creator, and the financial reform bill that was supposed to fix our financial system. However, both of these bills, which the President signed, have actually turned out to be costly to our economy and a hindrance to job creation.

Now President Obama appears ready to gamble with the economy. He appears to go all in on raising taxes on our Nation's job creators. In doing so, he is betting that raising taxes on the so-called wealthy will result in a political payoff exceeding the chance his actions will throw us back into recession. It is not so long ago that I remember the President saying what I have already referred to in this speech: ''You don't raise taxes in a recession.'' The President's statement is as true now it was then.

Let's end the political theater of holding votes for the purpose of campaign ads. Let's instead actually do what the people sent us here to do. Let us not drive the American economy head long off the fiscal cliff.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for up to 15 minutes on two subjects.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, first of all, I rise today to address the important legislation pending before this body, S. 3414, the Cybersecurity Act of 2012. I followed this debate, and I want to particularly compliment Senator LIEBERMAN, Senator COLLINS, Senator ROCKEFELLER, Senator FEINSTEIN, and folks such as Senator KYL and Senator WHITEHOUSE who have been trying to find some common ground in this area. I hope at some point in the next day or so we will be able to proceed to this bill and have it fully debated.

Many Senators bring different levels of expertise to this issue. As someone who spent 20 years in the technology field and in telecom in particular before entering government service, and has had the honor to serve for the last 3½ years on the Intelligence Committee, the Commerce Committee, and the Banking Committee, three of the committees that all immediately intersect with the challenges around cyber, I can add a bit of my perspective to this debate.

Let me start with concerns that have been raised by some of the opponents to this legislation. In the area around cyber, we need to make sure we have appropriate information sharing. How do we set some standards? Who should enforce those standards? I think most all of us, and anyone who has looked into this area, would recognize it is not a question of when we are going to have a major cyber attack or if we are going to have a cyber attack, it is only a question of when. We have already—as has been reported in the press in a number of fashions—been attacked on a daily basis by foreign agents, criminal elements, hackers who are constantly probing our country's cyber defenses on the public and private side. One of the reasons I think it is so important to move on this legislation soon is I have great fears that when we have a major cyber element or cyber attack, Congress may, as they have done so many times in the past, overreact because we didn't take action on something we knew was imminent.

I do think this piece of legislation—and, candidly, I could have supported an even stronger piece of legislation—is a great first step in this area. I am going to come back in a moment to some amendments I hope to offer to this legislation to deal with some of the concerns other Members and folks have raised on this issue.

Let's talk about why we need cyber legislation and why we need it now. Inaction is not a solution. Every national security expert—not just from the current administration but previous administrations, and most Members of Congress—agrees that the status quo is not sustainable. Over a 5-month period between October of 2011 and February of 2012, there were 50,000 cyber attacks

on private and government networks. We are told between 2009 and 2011 attacks on U.S. infrastructure increased by a factor of 17.

As more and more nations and rogue actors get more sophisticated with computer and technological knowledge, these numbers are going to grow exponentially. As the FBI has said, cyber espionage, computer crime, attacks on critical infrastructure will surpass terrorism as the No. 1 threat facing the United States. Think how many things we have done appropriately in the previous administration and this administration in terms of homeland security to protect our Nation against the threat of terrorists. We now have the Director of the FBI saying the cyber threat will soon surpass terrorism in terms of a threat to our Nation.

I know as a former businessman that we are already seeing manifestations of this threat in other areas. Intellectual property theft is one of the most insidious threats we face right now. A former FBI agent who specialized in counterintelligence and computer intrusion has said that in most cases companies don't realize they have been burned until years later when a foreign competitor puts out the very same product, only making it 30 percent cheaper. We have lost our manufacturing base in many ways. By not putting appropriate cyber protections in place, are we really prepared to lose our R&D base as well?

Some say cyber is different. Cyber is different in certain ways, but in many ways it is similar. Just as we would never have a nuclear facility without guards and a wall and a fence or—I see my good friend, the Senator from Louisiana—we would never have power facilities or levees without appropriate protections, how is it we would not have some level of standards and information sharing of threats that are coming in amongst not only our public sector entities but our private sector entities as well?

As a matter of fact, as a former businessman, I have been surprised at some of the resistance from some business organizations that are saying this requirement of both information sharing and some minimum standards would actually be a burden on us. In many ways I actually think somewhat the opposite because there are a number of businesses right now that have taken the responsible step and put in place significant cyber protections while competitors in their industry, because they are not putting those same protections in place, are actually free riders on the system. Yet, not if but when we have a major cyber event, if one of those companies that has not put appropriate protections in place ends up causing dramatic harm to our economy or to that industry sector, all the industries and all the businesses in that sector will in one way or another end up paying the price. Again, this is one of the reasons why we need both this information sharing and some level of standards.

I know to try to move forward in terms of actual or mandatory standards, we are not going to have them at this point. We have set up a measure—and again, I commend Senator KYL and Senator WHITEHOUSE for working through what I think is a pretty darn good compromise where there would be an industry group that would develop, in effect, best practices. It is hard with the government and bureaucracy moving so slowly to keep up with something like technology that would allow an industry group to come up with, in effect, best practices. Those companies that adhere to those best practices would actually receive legal and other protections so we could encourage folks to make sure we have in place the kind of protections that all industries and our country need.

To make clear that we don't have mandatory standards, we have put in place—I have been working with Senator SNOWE on a couple of amendments. I believe there are other Members who will join us on at least one of these amendments. The first amendment is very important and hopefully will go some distance in terms of clarifying one of the issues that seems to be a major subject of debate in this legislation, and that is to modify—again working with the chairs of the committee, we may even move beyond this modification to elimination—a key section of the bill, section 103. It will make clear that the standards set by this bill, the protection of infrastructure, are indeed voluntary. This amendment makes it clear that this bill does not in any way alter the authority of any Federal agency to regulate the security of critical infrastructure. Again, there were some concerns that there might have been a mistake in the earlier draft. This amendment makes clear that the standards that are developed by industry working groups will be voluntary and that nothing in this legislation will allow any Federal agency to regulate the security of critical infrastructure.

I believe this amendment should alleviate the concerns of some that the bill might put in place mandatory standards for infrastructure protection—again, despite the very clear language that already exists in the bill that standards are voluntary. It is my understanding this amendment will be considered as part of a broader set of solutions negotiated by Senator LIEBERMAN, and whether our amendment comes forward or whether it is broadened into a managers' package, I hope it will clarify this portion of the debate about mandatory versus voluntary.

Voluntary is a good first step. The fact that this will be developed by industry working groups, the fact that this will not be subject to the lagging time of government bureaucracy or rulemaking, hopefully, will move us in the right direction.

A second amendment, again, one I have been working on with Senator SNOWE, is a bit more technical, and particularly as to my colleagues on the Commerce Committee, I hope we will be able to gain some support from them. This amendment seeks to ensure that the authority provided to DHS to sole-source highly specialized products will result in the procurement of interoperable, standards-based products and services whenever possible.

What does that mean in English? It means when government goes out, and particularly during sole-sourcing of a solution set, too often—and I have seen this in my old industry of telecom years in and years out—people will develop a particular product or solution that works for that company's only set of standards, and when the government subsequently or other private sector entities go on and buy or replace or expand whatever particular system it is, if it is not interoperable with the rest of the telecommunications system or the rest of the network, then we are really not getting value for our dollar.

Again, this is a small issue in the context of cyber security, but both Senator SNOWE and I believe it is important for the purpose of competition, and it should lower the overall cost of key technologies and services for the taxpayer.

So as I close on my first comments, I hope we will be able to move forward before the break on the question of cyber security. I think great progress has been made in the negotiations. I know there are a lot of issues that remain to be resolved, but I would reinforce what so many other colleagues have already said. It is not a question of if we are hit by a cyber attack, it is only a question of when in terms of a major incident. Let's get ahead of the game.

TRIBUTE TO FEDERAL EMPLOYEES

DIANE BRAUNSTEIN

Let me take two more moments and rise on one other issue. As many of my colleagues and the floor staff know, I come down on a fairly regular basis to honor great Federal employees. With all of the challenges we face with the fiscal cliff—I see my good friend and partner here, the Senator from Oklahoma, and both he and I are always trying to look for ways we can get better value for the taxpayer. One of the things we need to do is find ways to reward and recognize the good work of so many Federal employees who share that goal of getting better value for the taxpayer. I know the Senator from Oklahoma has particularly worked with the GAO on a number of occasions to find and root out duplication and other issues of where we can save dollars.

I come down on a regular basis to recognize Federal employees—because so many times they are under assault—when they do good things. Today I do that one more time, with recognition of another great Federal employee, in this case Diane Braunstein, who is the Associate Commissioner for the Office of International Programs for the Social Security Administration. She has

overseen the creation of the Compassionate Allowance Program, which has allowed thousands of seriously ill Americans to gain quick approval for much needed Social Security benefits in a matter of days or weeks rather than months or years; although in this area of Social Security disability we need to make sure only the appropriate beneficiaries are receiving those funds.

For years, the Social Security Disability Insurance Program has faced backlogs and delays in processing claims. In 2011 there were on average 700,000 pending cases. We need to do a better job of evaluating and weeding out some of those cases. Couple this with what used to be a lack of caseworker knowledge on rare illnesses, and the result was a number of applications with rare illnesses being incorrectly denied Federal benefits. They then had to face an appeals process which took years to complete.

Beginning in 2008, Ms. Braunstein partnered with patient advocacy groups and NIH to come up with a list of 25 cancers and 25 rare diseases that would automatically qualify an applicant to receive benefits. To further improve the speed and efficiency and cost effectiveness of this process, an easy-to-use reference guide and training program was put together to aid caseworkers.

According to Social Security Commissioner Michael Astrue, when Ms. Braunstein began work on the compassionate allowances, some Americans were waiting 2 to 4 years for a decision. Now those with the most devastating disabilities get approved for benefits in a matter of days. In 2010, the program was able to assist an estimated 45,000 people, and 65,000 people in 2011.

I hope my colleagues will join me in honoring Ms. Braunstein for her innovation and excellent work she has done as well as her commitment to public service.

Again, we have some hard choices to make beyond the question of cyber security, but as we approach this fiscal cliff there will be more asked of all Americans and there will be more asked of our Federal employees. We will have to continue to find ways to ratchet out those programs that are duplicative, those areas where we are not getting value for our dollar.

Again, I know this is an issue of concern to the Senator from Louisiana and the Senator from Oklahoma. But when we find initiatives that work, and we find Federal employees who are helping us provide value, particularly for those in need at a good price, they deserve this recognition.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, first, before I begin the topic I wish to speak about, I thank Mr. WARNER, the Senator from Virginia, for his leadership. He has many Federal employees, many defense contractors in Virginia. He, as a Senator from Virginia, recognizes the great threat to our Nation today in cyber security. The Senator knows very well that there are literally thousands of attacks taking place as we speak. That is why as we get ready to go back to our States for the August recess and visit with constituents, we are pressing very hard for a positive vote to move forward on the debate to fashion a cyber security bill for our Nation. So I thank the Senator for his leadership and, of course, the tremendous Federal employees who do get beat up all the time but, in fact, do remarkable work for our Nation and for the world.

So I thank the Senator from Virginia.

(The remarks of Senator LANDRIEU pertaining to the introduction of S. 3472 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. I thank Senator COBURN for letting me speak in advance of his time on the floor.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

ARMY WEAPONRY

Mr. COBURN. Mr. President, it is pretty unusual for me to come to the floor to say I want to spend money. But I have had a longstanding problem as I sign the letters of condolences to hundreds of families in Oklahoma who have lost their loved one by serving this country.

I come to the floor to offer a critique on one of the most important things to the people who truly put their lives on the line for this country. It is a national security issue, but it is truly about our men and women in uniform and the most important deployed weapon system over the last 10 years of war; that is, the Army service rifle and their other small arms.

There is nothing more important to a soldier than his rifle or her rifle. There is simply no excuse for not providing our soldiers with the best weapon, not just a weapon that is ''good enough.''

As I go through this, I am going to give a history of what the military has done—or, rather, basically what they have not done—in terms of having available for our soldiers a weapon that is capable of giving them the best possible chance when they serve our country.

Over the last few years, we have spent $8,000 per soldier on new radios, but we still are using a weapon that is 25 years old when it comes to their M4.

I first got involved in this when I got e-mails. I gave many in the Oklahoma National Guard—who served multiple tours, with lots of life lost in Iraq and Afghanistan—I gave those soldiers my personal e-mail, and I said: If you are having a problem over there, e-mail me.

I started hearing about the malfunction, the lack of effectiveness of the M4 for the Oklahomans who were over there. It is the same weapon the career Army has. It is the same weapon everybody who is issued a standard rifle is given, except for our special forces and others in the world who have a better rifle than the U.S. soldier on the ground fighting on our behalf.

I have noted before in the CONGRESSIONAL RECORD that I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. It is an important position. She is in charge of $28 billion worth of expenditures. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition for our troops in combat. Ms. Shyu has been very responsive to me and has provided some information regarding the Army's future plans for small arms and ammunition.

So when I started getting the questions from our troops in Iraq and Afghanistan, I started looking into what was happening. Most of our soldiers know exactly what to do and how to care for their rifle. They know how to take care of it. So we looked into the issue. What we found was that there were several studies that raised questions about the reliability of the M4 rifle and whether there was a better weapon out there for our troops.

For example, a special operations forces report in February 2001 said the M4's short barrel and gas tube increased the risk that a round might not eject from the rifle properly after it is fired. In other words, they fire it and the round does not come out. That is called a jam—when you are having bullets coming at you and your rifle is jamming.

What we did was we set up a test, and the Army would not do it. So I put a hold on the Secretary of the Army Pete Geren's nomination. We talked, and he assured me we would have a new competition for a new rifle for our troops. That was in 2007.

Here we are, 5 years later, and the Army is now telling us we are going to complete a new competition in 2014. But in the meantime, we had a test done against our soldiers' rifle and others available in the world, in terms of a dust test, and we came in last.

So we are sending our troops to defend us and fight for a cause that we have put blood, sweat, tears, and $1 trillion into, and we are sending them with one that does not work the best.

My question to the Army is, Why? I can tell you why. Because the guys who are responsible for making the decision on purchasing the rifles are not the guys who are out there on the line. Because if they were, we would have already had this competition and our service men and women would be getting new rifles.

It is not that we cannot do it because what we learned—as we went back in

and reupped in Afghanistan—we determined that the MRAP was not suitable for the rocky terrain as compared to what we used it for in Iraq.

In less than 16 months and after rapid testing and fielding, new MRAP All-Terrain Vehicles—that was designed specifically for Afghanistan; a complicated piece of vital equipment, costing $½ million each—started arriving in Afghanistan.

So it is not that we cannot supply our soldiers with a new rifle. It is not that it cannot be done. It is that we refuse to do it.

For $1,500, we can give every person on the line something equivalent to what our special forces have today.

Let me show some history.

The average age of our troops rifle is 26 years. The average age of the German military rifle, small arms, is 12 years. For the U.S. special operations forces, theirs is 8 years. Guess what. They have new technology. Our regular frontline guys, they do not get it. They cannot have it. It costs the same, but they cannot have it because it is not a priority for the leadership in the Army to give the most deployed piece of equipment our troops need—that defends them, protects them, and gives them the ability to come home alive—we will not give it to them. It is shameful. It is shameful.

Let me give a history of what happened just once in Afghanistan.

It was called the battle of Wanat. On July 13, 2008, in the battle of Wanat, in Afghanistan, 200 Taliban troops attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through our lines and entered the main base before eventually being repelled by artillery and aircraft.

What is notable about the battle was the perceived performance of the soldiers' small arms weapons in the initial part of the battle.

Here are some quotes:

> My M4 quit firing and would no longer charge when I tried to correct the malfunction.

> I couldn't charge my weapon and put another round in because it was too hot, so I got mad I threw my weapon down.

It would be bad enough if this was the first time it happened. But it is not the first time it has happened. It has happened multiple times to our troops in our present conflicts.

All we have to do is go back to what happened with the M16 when they were first used in Vietnam. There were instant reports of jamming and malfunctions. One tragic but indicative marine action report read:

> We left with 72 men in our platoon and came back with 19. Believe it or not, you know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

That is occurring now, except it is not getting any press. Again, I would ask my colleagues in the Senate: Why would we not give our soldiers the capability that almost every other soldier has except ours?

There is another aspect of this that I think needs to be shared; that is, the fact that it is all about acquisitions and culture rather than about doing the right thing. I do not like giving this talk critical of the leadership of the Army. But when it is going to take 7 years to field a new rifle and in 18 months we can build and design a completely new $500,000 piece of equipment, an MRAP, for Afghanistan or when we can spend $8,000 per troop to give them a new radio—which are all going to be replaced in the next 2 years with another $8,000—and we cannot give them a $1,500 H&K or something equivalent, there is something wrong with our system. Our priorities are out of whack.

If the Department of Defense had spent just 15 percent less on radios, they could give every soldier in the military a new, capable, modern weapon, and it does not just apply to their rifle.

One of the biggest complaints, after the M4, is the fact that the regular Army gets a 9-millimeter pistol that weighs over 2 pounds, but our special operations forces get a .45-caliber pistol that weighs less than 1½ pounds. That is a big difference when you are out there all day. But the most important thing is, a .45-caliber round is twice the size of a 9-millimeter round, so when you are shooting it and you hit somebody, it is going to take them down. A 9-millimeter does not. So we are giving them an inferior pistol throughout the military.

Then, finally, here is what an M4 carbine looks like compared to an HK416, as shown on this chart. One other point I would make. This piece of equipment fires on automatic. This other piece of equipment—because the military wants to save some bullets—will not fire on automatic. So our soldiers are facing people who have automatic fire and they can fire in bursts of three and at half the rate of what they are facing.

Why would we do that? The real question is, we are asking people to defend this country. For essentially the same amount of money, we can buy an old-style, 26-year-old M4 or we can buy a brandnew one that gives them everything they need and gives them the best weapon. Do they not deserve that?

A lot of people do a lot of things for our country. But nobody does for our country what the soldier on the frontline does—nobody. This is a moral question, Mr. Secretary of the Army. This is a moral question. Get the rifle competition going.

Members of Congress, members of the Senate Armed Services Committee, do not allow this to continue to happen. Do not allow this to continue to happen. There is no excuse for it. We should be embarrassed. We should be ashamed. Because what we are doing is sending our troops into harm's way with less than the best that we can provide for them.

As I have noted, I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. This is an extremely important position for an organization as large as the U.S. Army which spends $28 billion per year on acquisition of goods and services. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition to our troops in combat. Ms. Shyu has been responsive to me and provided some information regarding the Army's future plans for small arms and ammunition.

I first got involved in the Army small arms issue 6 years ago when Oklahoma National Guard soldiers told me that their issued weapon, the M4 carbine, was jamming in Iraq. These soldiers were told by their superiors that jamming resulted from poor weapons maintenance on their part and not from any fault of the rifle. While cleaning and proper maintenance of a weapon are extremely important, sand and dust in Iraq are a daily occurrence and any small arms weapon our troops use there should be able to fire reliably in spite of some sand and dust.

Also, the National Guard soldiers from my State—as is the case for Guard soldiers from many if not all of our States—are somewhat more likely to hunt or serve as police officers or security guards in their civilian lives. In other words, National Guard soldiers in the infantry generally know better than most how to care for rifles. So my staff looked into this issue and found that there were studies that raise questions on the reliability of the M4 and whether there was a better weapon out there for our troops. For example, a special operations forces report in February 2001 said that the M4's short barrel and gas tube increased risk that round might not eject from the rifle properly after firing.

I also learned that in the early 1990s Colt received funding from the Army to produce the M4 carbine, which would be a shorter variant on the M16 rifle. This was not done through a competition and was considered merely an extension of Colt's original M16 contract.

This lack of competition would later greatly benefit Colt. In 1999 Colt charged the military less than $600 per M4 carbine. This would rise to more than $900 in 2002 and more than $1,200 for a fully equipped carbine in 2010 when the wars in Iraq and Afghanistan resulted in more M4s being bought.

So in 2007 I raised these questions and even put a hold on the nomination of Secretary of the Army Pete Geren. To his credit, he ordered a full and open competition for a new carbine rifle no later than the end of 2009.

It is now 2012 and the Army still has not completed a competition for a new carbine rifle, now scheduled for 2014. The window for the regular Army soldiers to battlefield test an improved rifle in a war we have been in for 12 years is rapidly closing. This extended and lengthy process is for a weapon

system that—while vital—costs less than $2,000 each.

This 7-year effort differs greatly from their effort to field new armored combat vehicles in Afghanistan. According to the Government Accountability Office, in 2008 Army leaders determined that the Mine Resistant Ambush Protected, MRAP, vehicle was not suitable for the rocky terrain of Afghanistan. In less than 16 months and after rapid testing and fielding, new MRAP all-terrain vehicles, M–ATV, a complicated piece of vital equipment costing $500,000 each—started arriving in Afghanistan.

In contrast, according to the Government Accountability Office, the Department of Defense spent more than $11 billion buying newer models of existing legacy radios from 2003 to 2011 and is currently planning on spending billions more on even newer radios to replace the ones just purchased for Iraq and Afghanistan. There are only 1.4 million troops on active duty so the Department of Defense has spent nearly $8,000 per troop on new radios. A brand new rifle—that soldiers don't have—costs around $1,000 to $1,500.

If the Department of Defense had just spent 15 percent less on the billions and billions they spent on newer models of legacy radios in the last 10 years, every soldier in the Army could have had a brandnew carbine rifle going to war.

In addition to the rifle, there remains a great need for improvement of the Army's service pistol. This pistol, usually given to officers but also as an additional weapon to some infantry soldiers, is the M9 Beretta. This pistol entered the Army in 1985, 27 years ago, and fires a 9mm round. The M9 pistol had the lowest satisfaction rate of any weapon surveyed by the military in 2006 on troops returning from Iraq and Afghanistan with half feeling that the 9mm ammunition is insufficient.

Is the Army's failure to modernize its rifles, pistols and machine guns a recent occurrence? Sadly no, the Army's reluctance to field new weapons runs throughout its history. In far too many instances U.S. Army troops have entered battle with an inferior weapon to their adversaries and either during or after the war ended the Army was reluctant to change and adapt to the superior weapons.

In 1776 colonial forces faced the British at the Battle of Brandywine where the British used a new breech loading weapon that loaded at the rear of the weapon rather than the muzzle or front of the weapon. As a result trained British soldiers could fire more than twice as fast as trained colonial American soldiers. The breech loading weapon was not used much in the Revolutionary War but where it was used, such as at the Battle of Brandywine, it was described as acting magnificently: 93 British killed and 400 wounded compared to over 300 Americans that died, 600 wounded, and 400 prisoners captured.

However when Americans again fought the British in the War of 1812—36 years later—the Americans were still using the same muzzle loading weapon they fought with during the Battle of Brandywine.

U.S. Army troops at war against Mexico in 1845 did not have breech loading rifles, but rather continued to carry muzzle-loading rifles when fighting against Mexico—nearly 80 years after the breech-loading rifle was invented.

During the Civil War one Union officer in particular was unsatisfied with the Army's standard muzzle-loaded rifle and decided to do something about it. Colonel Wilder, commander of the Union's ''Lightning Brigade'' decided to go around the Army bureaucracy. His men spent $35 out of their paychecks to buy Spencer Repeating Rifles direct from the factory for his mounted cavalry. In one of the first battles using this new rifle Wilder's ''Lightning Brigade'' of 1,000 soldiers defended the Union flank against over 8,000 Confederate troops that could not pass. At one point one company of Colonel Wilder's men held off ten times as many Confederate troops using their repeating rifles for 5 hours.

However, the Army did not widely adopt the repeating rifle after the Civil War. More than 30 years later in the Spanish-American War, 5,000 American soldiers armed with single shot rifles attacked fewer than 1,000 Spanish soldiers armed with a German 'Mauser' repeating rifle. While Americans won the battle by attrition (there were 10,000 U.S. troops in reserve), the U.S. Army suffered over 1,400 casualties, with 205 killed, while the Spanish lost fewer than 250, with 58 killed, before surrendering.

A telling American newspaper column title from 1898 aptly summarizes the problems: ''The [U.S. Army] Gun: It is Inferior in Many Respects to the Mauser [rifle] used by the Spaniards.'' The article states unequivocally that the ''enemy's [Spain's] weapon is easier to load [and] can be fired more rapidly''.

The 20th Century would see a great deal of further modernization, improvement, and innovation in the area of small arms to include lighter fully automatic assault rifles capable of firing at a rate of more than 10 rounds per second rather than per minute.

The United States entered World War I with a Springfield 1903 rifle, named for the Armory and the year it was produced, which was possibly the third best rifle in the world at that time. The British Enfield-Lee rifle held ten rounds instead of 5 and could fire upwards of 20 rounds per minute. The American rifle held only 5 rounds and fired 10 rounds per minute which was similar, but still inferior to the German rifle that was capable of firing more rounds per minute.

The U.S. Army did enter World War II with one of the last great battle rifles, the M1 Garand, but its success during that conflict may have blinded the Army to a revolutionary development in small arms: the invention of the modern lightweight fully-automatic assault rifle. From 1942 to 1944 Germany invented the world's first assault rifles—rifles that could fire 550 to 600 rounds per minute and held detachable 30 round magazines. However, it would be over two decades later before U.S. Army soldiers were permitted to have lightweight assault rifles.

Shortly after World War II ended the Soviet Union invented the AK–47 fully automatic assault rifle. This rifle's success is easily stated: over 90 million AK–47s or derivatives have been built. It is very likely a weapon that has inflicted more casualties than any other weapon on earth. Soviet troops had this rifle nearly 20 years before the United States Army would issue assault rifles to its soldiers.

In 1958, an American inventor named Eugene Stoner developed the AR–15 rifle in less than 9 months, which would eventually become the M16. This revolutionary rifle weighed six pounds and fired at a rate between 700 and 900 shots per minute with little recoil and the lightweight but still deadly 5.56mm ammunition meant soldiers could carry more firepower than before.

However, it took the then-Chief of Staff of the Air Force General Curtis LeMay to purchase 85,000 of them for use by Air Force base defense airmen before they got into the military at all. The U.S. Army was strongly opposed to the M16. Some of these weapons were used by Special Forces troops serving as advisers in Vietnam, increasing the pressure for the Army to adopt it. The Army initially refused the AR–15s stating the ''lack of any military requirement.''

At this point, it should be clarified that the Army has used the phrase ''lack of a requirement'' for more than 50 years to justify slowing down and not innovating in the area of small arms. I first encountered the phrase ''lack of a requirement'' in 2006 when asking why the Army couldn't field a better carbine rifle that didn't jam in the desert. I am hearing the same phrase today when I ask why soldiers can't have a better light machine gun or pistol. Soldiers have complained about these weapons but they can't have a new one because there is no ''military requirement.'' Congress is often frustrated by the term ''military requirement'' because it can be used to deflect responsibility from the person using it. It says the Army is fearful of offering its judgment on whether or not someone made a weapon that is better than what the Army has, so it instead says that the weapon is not needed.

It took intervention by President Kennedy and Secretary of Defense McNamara to order the Army to adopt the M16 rifle—the military version of the AR–15. Then what happened in Vietnam was a tragic occurrence that took the direct involvement and investigation of Congress and deaths of thousands of soldiers to remedy.

When the M16s were first used in Vietnam there were nearly instant reports of jamming and malfunctions. One tragic but indicative Marine after-action report read:

> We left with 72 men in our platoon and came back with 19. Believe it or not, you know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

Before the necessary fixes could be made to the weapon which included switching back to the original type of ammunition propellant and issuing cleaning supplies in early 1967, nearly ten thousand American soldiers had been killed. Before the Army made the changes these soldiers were told—much as soldiers are told today—that problems with their weapons are their fault: a lack of care and cleaning or operator error. There is no formal process where soldiers are required to provide feedback to Army leadership on a jammed weapon in order to accurately note issues with reliability.

There were six warnings from various arsenals and offices within the Department of Defense as to the problems with the M16. However, the Army Materiel Command and Army senior leaders would not listen. It took public pressure and a massive congressional investigation by the House Armed Services Committee to get to the bottom of the problems with the Army's small arms in Vietnam. It was discovered that the Army was using a different ammunition propellant—procured from a sole-source contract—that caused the M16 to jam. After Congressional intervention, the original propellant was used and the problems with the M16 nearly disappeared. After Vietnam, the Army formally adopted the M16 as its service rifle and by 1968 nearly all troops surveyed said they preferred the M16 to any other rifle.

The post-Vietnam era saw changes for the M16 weapon, few of them positive. In 1980 the Army adopted a different, heavier 5.56mm round that required different rifling for the caliber which marginally improved penetration of armor and helmets but at the cost of greatly reducing.

U.S. troops would find out in Iraq and Afghanistan that the enemy did not wear helmets or armor. As a result the rounds would penetrate through the enemy and exit the other side without causing enough damage to incapacitate him and he kept fighting. Soldiers have regularly reported having to fire multiple rounds into enemy combatants in Iraq and Afghanistan as a result.

In 1982 the Army also altered the M16 to prohibit soldiers from firing on full automatic. The current M16A2 rifle has a choice between semiautomatic and three-round burst. The M16A2 is now the only major assault rifle in the world fielded for military use that does have a full automatic capability.

As I said the problems we see with small arms procurement may not be sinister, but they are serious and they are current.

On July 13, 2008 in the Battle of Wanat in Afghanistan around 200 Taliban attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through U.S. lines and enter the main base before eventually being repelled by artillery and aircraft. What is notable about the battle was the perceived poor performance of the soldiers' small arms weapons in the initial part of the battle. Some selected quotes from the report:

> My M4 quit firing and would no longer charge when I tried to correct the malfunction,

> I couldn't charge my weapon and put another round in because it was too hot, so I got mad and threw my weapon down.

Nine soldiers died and twenty-seven were wounded at the Battle of Wanat in Afghanistan.

For too much of its history from the Revolutionary War to today the Army has shown a slowness and reluctance to adopt improved small arms weapons and ammunition developed by others. It has also been slow to recognize and fix problems with its small arms. The Army has repeatedly engaged in poor negotiating and contracting on behalf of the American people. Senior Army leaders continue to go work for incumbent small arms manufacturers after they retire.

However, a major problem is also Congress. There have been far too few hearings and oversight on the topic of small arms. The House Armed Services Committee report in 1967 stands out as an exception that proves this point. Senior military leaders in uniform and civilians are regularly challenged and questioned—and in some cases chewed out—on all manner of programs and weapon systems here by Members of Congress including medical benefits, stealth fighter jets, missile defense, the size of the Army and Navy, and armored vehicles.

However, for some reason Congress, for the most part, has seen fit to give the Army a pass on small arms. For some reason the oversight committees responsible do not aggressively and regularly question whether the Army's rifle—the most deployed weapon system for the last ten years—is the best that American industry can offer our troops. There are many small arms experts that are independent of the industry that can inform Congress on this issue. I call on my colleagues to hold long overdue hearings on this topic with independent witnesses as soon as possible and will continue my efforts on this issue to raise awareness and push the Army to procure the best weapons and ammunition for our troops.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. 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. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DROUGHT

Mr. MORAN. Back home in Kansas, we are spending our time down on our knees and then looking up to the sky. We are praying and hoping for rain. Our State, along with much of the country, is in a very serious drought. Crops are dying. Cattle are hungry and are being sold off and water is in scarce supply.

Every county in Kansas, all 105, have now been declared disaster communities. Half of the continental United States is in the worst drought since 1956, and the situation is expected only to get worse. In this photograph, my friend Ken Grecian from Palco, KS—it is a little town in northwest Kansas—is pictured here with dry grass and hungry cattle. Over the past few weeks, Ken has had to reduce his herd at lower prices than before because there is not enough feed to feed the cattle. Ken is similar to many producers who have been diligently building their herds of cattle over many years and are now seeing those cattle sold due to the drought, undermining their efforts, year after year, to develop a herd.

Paul and Tommie Westfahl from Haven, KS, just a little bit north and west of Wichita, and their two daughters Jenna and Raegan are pictured standing next to their failed crops. South central Kansas has been hard hit this year by the drought. The corn on the right never got above chest high and dried up months before it was time to harvest.

Paul swathed and will soon bale his failed beans on the left of the photo and try to save some of that for feed for cattle this winter. Hard times are there and they are not over.

The United States has a long history of drought and recovery. From the Dust Bowl to today, we have faced periods of drought. The thirties were often called the worst of hard times. Don Hartwell, a farmer on the Kansas and Nebraska border, captured how hard it was when he wrote this in his diary on May 21, 1936:

> 15 years ago, the Republican River bottom was a vast expanse of alfa and corn fields. Now, it is practically a desert of wasted, shifting sand, washed-out ditches, cockle burs, and devastation. I doubt very much if it ever can be reclaimed.

A few weeks later he wrote in his diary, ''I wonder where we will be a

year from now?'' In the 1930s, folks were faced with severe drought which resulted in the Dust Bowl. People were forced to abandon their farms and ranches and give up the only way of life they knew. Crops, livestock, and livelihoods vanished with the dust. They were unimaginable times. Thankfully, those unimaginable times passed and the rains came and the Republican River bottom was reclaimed.

This happened with the help of the good Lord and by individual efforts by those who refused to give in to those bad times, to give in to nature. If we look at the drought now and compare it to that of the 1930s, we will notice a huge difference. There is no Dust Bowl. The programs and conservation management tools that were used have worked. The forward-thinking American farmers and ranchers, the landowners who adopted new land and livestock management practices have made conservation the most effective drought mitigation effort available today.

But conservation programs are in danger. While many conservation practices can be planned and executed by individual farmers and ranchers, certain programs administered by the Department of Agriculture deserve our attention so these important initiatives do not expire on September 30. In just about 60 days, farm programs will expire, and that means more uncertainty, compounding an already disastrous drought situation.

Right now, farmers and ranchers are wondering the same thing Don Hartwell wondered in 1936: Where am I going to be 1 year from now? As Congress debates the future of domestic agricultural policy, it is critical risk mitigation tools are included for farmers and ranchers. Most important among these tools is crop insurance. With the absence of direct payments in both the House and Senate versions of a new farm bill, crop insurance is and will remain the last protective tool available to those producers.

Viable crop insurance ensures that a farm operation can survive difficult times, when there is drought or hail or flood, in hopes that they can experience a successful yield the following year. Farmers always have hope: Tough times now? Come back next year. But crop insurance, as valuable as it is, does not cover all the problems agriculture producers face, and particularly livestock producers are not usually generally eligible for crop insurance coverage.

These producers require risk mitigation and a safety net just like producers covered by crop insurance. Disaster programs for livestock, along with crop insurance for cultivation agriculture, give producers the security they need to plan and invest for the future.

Currently, ranchers and cattlemen are left with few disaster programs. The 2008 farm bill disaster farm programs expired this year, leaving producers across our drought-stricken country with less protection from Mother Nature. These programs are an important safety net for farmers and ranchers. Farmers and ranchers such as Ken and Paul deserve to know what the future of these programs will be.

We should not expect producers to plant crops or to buy and sell livestock if they do not know what the rules are. Putting these programs back in place and ensuring a sound safety net is vital for drought recovery, continued conservation work, and for the affordable food supply for the people of our country. Kansas farmers and ranchers should not have to keep guessing. It is too important to their families, their industry, and their Nation for more delay.

We must give agricultural producers the long-term certainty and support they deserve. While we wait for Washington, we will continue to hope and pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on the motion to proceed.

CLIMATE CHANGE

Mr. KERRY. Mr. President, a number of us have spoken with increasing concern—I think probably most Senators have come to the floor in the course of the last months to express their alarm about the politics that surround big issues in our country that demand action and not partisanship, not acrimony, but which we continue to simply find a way to avoid. We have been artists in the politics of avoidance here in Washington over the course of too long a period now.

The debt and the fiscal cliff are obviously perfect examples of where, despite all of the warnings and all of the expert advice we get, Congress is fundamentally stuck in political cement of our own mixing. No one will credibly deny here the existence of the fiscal cliff, the crisis of our budget, the tax system, and so forth. So that, at least as an issue that is avoided, gets a credible amount of words being thrown at it.

But there is another issue that, in many ways, is just as serious because of its implications for all that we do on this planet, but which doesn't any longer elicit that kind of concern or expressions of alarm on both sides of the aisle, or from that many Senators. The two words that have described this particular issue over a long period of time now have actually become somewhat words of almost skepticism in many quarters in America, or a kind of shrug, where people say: I don't know what I can do about it. It is not something I ought to worry about. Somebody else will take care of it, or maybe it is not real. Those words are ''climate change.''

Climate change, over the last few years, has regrettably lost credibility in the eyes and ears of the American people because of a concerted campaign of disinformation, a concerted campaign to brand the concept as somehow slightly outside of the mainstream of American political thinking. I have to say it has been a remarkably effective campaign. You can't sit here and say it hasn't worked. Every opportunity to cast a pall on facts with some kind of cockamamie theory has been taken advantage of, and a lot of money has been spent in this process of disinformation and discrediting.

People used to joke years and years ago about those who argued that the Earth was flat. For a long period of time, people argued that the Earth was flat, even though the evidence of astronomers and explorers evidenced that it was in fact quite the opposite. So we have, in effect, with respect to climate change in America today what is fundamentally a ''flat Earth caucus''—a bunch of people, some in the U.S. Congress itself, who still argue against all of the science, all of the evidence, that somehow we don't know enough about climate change or that the evidence isn't sufficient or that it is a hoax. We have Members of the Senate who argue it is a hoax. But that is all they do. They make the argument it is a hoax, but they don't present—and they can't—any real, hard, scientific, peer-reviewed evidence to the effect that it is in fact a hoax. The reason they can't is there are 6,000-plus peer-reviewed studies, which is the way science has always been done in America. If you are a scientist and you are a researcher, you do your science and research, and then your analysis is put to the test by your peers in those particular disciplines. They pass on the methodology, the pedagogy by which you arrived at your conclusions.

We have more than 6,000 of those kinds of properly peer-reviewed analyses of the science of climate change, and the other side of the ledger has not one—not one, zero—peer-reviewed analysis that says human beings aren't doing this to the atmosphere and that humans are not contributing or the main cause of what is happening in terms of the warming of the surface of the Earth.

What has happened is that in America we all know it. We are seeing it in campaigns because of Citizens United. You have these unfathomable amounts of money being thrown into the political system—millionaires and billionaires who plunk down millions of dollars—a $10 million or $20 million check at a whack—and then what is happening is people buy their facts. They create their facts out of whole cloth.

As we all have been reminded so many times in the last year, certainly, because of this new debate we are having in America—as our colleague, with whom I was privileged to serve here, Pat Moynihan, reminded us again and again, everyone is entitled to their own opinion in America, but you are not entitled to your own facts. But in fact, in

American politics today, that is not true. Apparently, you are, because you can go out and buy them. You can buy some scientist to whom you give some appropriate amount of funds, and he does a study with a particular conclusion that has to be found, and they produce a whole bunch of hurly-burly to surround it and suggest that those are, in fact, facts.

The result of this is that over the last year and a half or 2 years, we have had this concerted assault on reason, an assault on science. This isn't the first time in the history of humankind we have been through these things. Galileo was put on trial for his findings and, as we all know, there have been countless periods of time—that is why we went through an Age of Enlightenment, Age of Reason, as people challenged these old precepts that weren't based on fact but were sort of raw belief and/or political interests in some cases, or religious interests in some cases. A handful of Senators here, including Senator BOXER, Senator WHITEHOUSE, Senator SANDERS, Senator LAUTENBERG, the occupant of the chair, and Senator FRANKEN have recently spoken out about this very process by which an incredibly important, legitimate issue of concern to all Americans—to everybody in the world—is being completely sidelined because of the status quo interests of powerful corporations and other interests in America that don't want to change, or some of whom find political advantage in somehow buying into the theory discrediting it.

This has not been an issue on which there is a profile of courage by some in the U.S. Congress who are prepared to stand up and say what they know is true, but what has become far more convenient to avoid. I believe the situation we face is as dangerous as any of the sort of real crises that we talk about.

Today we had a hearing in the Foreign Relations Committee on the subject of Syria. We all know what is happening with respect to Iran and nuclear weapons, and even the possibility of a war. This issue actually is of as significant a level of importance because it affects life itself on the planet, because it affects ecosystems on which the oceans and land depend for the relationship of the warmth of our Earth and the amount of moisture there is and all of the interactions that occur as a consequence of our climate. It involves our health because of policies that we do or don't choose to pursue with respect to pollution in the air.

Pollution didn't used to be a question mark in American politics. We fought that fight in the 1960s and 1970s. Rachel Carson started this enormous movement for reasonableness when she warned Americans they were living next to toxic wells and water that had been polluted by companies that put mercury or other poisons into the Earth, which went down into the water supply, and people got cancer and died. America decided in the early 1970s—with the first Earth Day in 1970 itself, and the actions that Congress took after that in response to the American people—everybody decided we didn't want that pollution in the air. We actually passed legislation in 1972, 1973, and 1974 that created the EPA.

America didn't even have an Environmental Protection Agency until Americans said we want to be protected, and the people in Congress responded to that. We passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Marine Mammal Protection, Coastal Zone Management, and all of these came about because of an awareness among the American people because they wanted to make a different set of choices or have their politicians do so on their behalf. Now, suddenly, there is an assault on the EPA, the Clean Air Act and, all of a sudden, pollution doesn't matter. That is what we are talking about.

Greenhouse gases are, in fact, a pollutant. The particulates that come with that have the same effect on human beings in terms of their breathing, their lungs, the input in some of their food and water, which ultimately impacts cancer, emphysema, and other diseases that come as a consequence of the quality of air we breathe. Yet we have this whole notion now that somehow we have gone too far, that we have done enough, or that the job has been done and we can go home, when, in fact, it is exactly the opposite. With respect to pollution, there are choices, and with respect to health, the single greatest cause of young Americans going to the hospital in the summertime and costing billions of dollars to the American people is environmentally induced asthma. That environmentally induced asthma comes about as a consequence of the ingredients that go into the air. All of this is related.

In addition, there is not one person in the Senate who doesn't know that we are still more dependent than we want to be on foreign oil. We are better than we were, and we have made improvements, but we are still more dependent than we want to be on foreign oil. We could be doing better with respect to that if we pursued an intelligent energy policy. We still don't have an energy policy after the years we have been talking about doing it in the Senate and elsewhere.

Why is that important to climate change? Because energy policy is the solution to the problem of climate change. If you have an effective energy policy, then you are dealing not only with your independence issues, but with the sources of carbon and other greenhouse gases that are causing the problem today. Twenty years ago this year, I was privileged to go with the Senator from New Jersey, Senator LAUTENBERG, Senator John Chafee, Senator Al Gore, Senator Wirth, and others, down to Rio, where we took part in the first Earth Summit, which President George Herbert Walker Bush took seriously. To the great credit of George H. W. Bush, he not only sent a delegation, he personally went down there and spoke about the issue. He helped to embrace a forward-leaning idea. I think 160-some nations signed onto an agreement to try to restrain greenhouse gases. That was back in 1992. It was incredible.

Here we are, 20 years later, and we could not even get the time for the Senate to send a delegation down there, let alone enough people who thought it was important and of interest. The Earth summit, 20 years later, came and went without any major step forward or progress, and the procrastination continues.

Mr. President, today I remember the debate when we came back from Kyoto, in 1998 or so, and we had a debate in the Senate about whether the United States should take part in the Kyoto Treaty. We all know now, as a matter of long history, that we didn't because it was viewed as being too unilateral. In fact, everybody had the question of, what about China? We can't possibly sign up for this because China will not do it, and they will go racing ahead of us and continue to grow their economy at the expense of the United States.

Well, Mr. President, guess what. Today China is the leading clean energy producer in the world. China. The United States of America invented the technologies 50 years ago—of solar and wind, renewable energy technologies such as turbines, the transmission, and so forth, and photovoltaics. About 4 years ago, China had about 9 percent of the market. That was 4 years ago. Two years ago, China had 40 percent of the market. Today China has over 70 percent of the global solar market, and the United States, which invented the technology, doesn't have one company in the top 10 solar panel producers, solar energy producers in the world.

You know what is happening. Ninety-five percent of what China produces it exports to other countries, including the United States. So here we are, we give up our lead, and we don't get the jobs. Everybody is screaming about jobs. The energy market is a $6 trillion market with about 6 billion users. Just to put that in perspective, the market that created the great wealth of the 1990s in the United States was in fact a $1 trillion market with about 1 billion users. That was the technology market. We saw it with personal computers and with the rest of the telephone communications technology of the 1990s. We didn't even have an Internet in the United States until about 1995 or 1996 when that began to be commercialized. Yet in that short span of time we created more wealth in America than we had ever created at any time in America's history. We created 23 million new jobs because we led in that new industry.

Here we are today staring at the potential of this extraordinary industry—the energy market—and we are just

sitting on our hands while other countries take it and run with it and grow their economies. We are sitting around saying: Where are the jobs?

It is an insult. It is an insult to our intelligence. It is an insult to every American's aspirations about where they would like to see our country go. And the fact is it is not just China, but India, Mexico, Brazil, South Korea, and countless other countries have taken greater advantage of this than the United States.

One of the principal reasons we have trouble getting that market moving is we refuse to put a real price on the price of carbon. Carbon has a price. Everything we are doing to our country and to our communities today as a result of pollution is a price we are going to pay. But that price is not subsumed into the price of products, the price of doing business or anything else because we just avoid it altogether.

A lot of people here continue, unfortunately, to avoid the science and just not deal with the reality of what is happening. But 2 days ago, Mr. President, in the New York Times, there was a very important op-ed that appeared, written by a well-known climate skeptic Dr. Richard Muller, a professor of physics at the University of California at Berkeley. He has written many times about how he did not believe the science was adequate or had produced it. Let me read his words. This is Dr. Muller:

> Call me a converted skeptic. Three years ago I identified problems in the previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

That is what this former climate skeptic has said. Bottom line: We need to be armed with the facts, not with empty rhetoric. That is exactly what Dr. Muller set out to do. Let me quote him again:

> We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data collection selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from human intervention and data adjustment (our work is completely automated and hands-off). In our papers we demonstrate that none of these potentially troublesome effects unduly biased our conclusions.

Now, obviously, we all know the future has a hard way of humbling people who try to predict it too precisely, but I have to say, when the science is screaming pretty consistently over a period of 20 years—and not just screaming at us to say it is coming back correctly but that it is coming back with faster results in greater amounts than the scientists predicted—as a matter of human precaution that ought to be an alarm bell and people ought to take note.

Here again is what Dr. Muller says:

> What about the future? As carbon dioxide emissions increase, the temperature should continue to rise. I expect the rate of warming to proceed at a steady pace, about one and a half degrees over land in the next 50 years, less if the oceans are included.

And then he says ominously:

> But if China continues its rapid economic growth—

And I say, as a matter of parentheses, who doesn't believe China isn't going to do everything in its power to continue its growth path and do what it is doing? So he says:

> But if China continues its rapid economic growth (it has averaged 10 percent per year over the last 20 years) and its vast use of coal (it typically adds 1 new gigawatt per month), then that same warming could take place in less than 20 years.

Less than 20 years, folks. In North Carolina recently State Senators actually voted not to do any planning for the potential of sea level rise, even though scientists today tell us the sea level is rising. Ask insurance companies about what they are thinking in terms of their potential exposure and liability as we look down the road with respect to the disasters that could come as a consequence of these changes.

So the plain fact is we have all of the evidence—and I am not going to go through all of it right now, but it is there for colleagues to analyze—countless studies of what is happening in terms of the movement of forests—literally, movement—as it migrates, and species that have left Yellowstone National Park and migrated north. Talk to the park rangers. Talk to the folks in Canada and in Colorado and Montana and other places about the millions of acres of pine trees that have been destroyed by the pine bark beetle that now doesn't die off because it doesn't get as cold as it used to. Talk to people in Canada and in the Northern United States who used to skate on ponds that used to freeze over but that don't freeze over anymore.

There are hundreds of examples. Talk to the Audubon Society. Ask them about the reports from their members about certain plants and shrubs and trees that don't grow in the same places they used to. There is a 100-mile swath in the United States now where there has been a migration of things that grow and don't grow. This is going to have a profound impact on agriculture in our country as we go forward if it continues. And I would just share with my colleagues why that is true beyond any scientific doubt.

The first scientist who actually wrote something about global climate change was a Swedish scientist by the name of Arrhenius, and he wrote around the turn of the 19th century—1890 or something, I don't remember the year. But he is the guy who first said there was this relationship to the gases trapped in the atmosphere and this thing called the greenhouse effect. In fact, science has now determined to a certainty the reason we can breathe on Earth today, the reason it is warm enough for us to live, the reason life itself exists on Earth is because there is a greenhouse effect. And it is called a greenhouse effect because it behaves just like a greenhouse.

The light comes down from the Sun at a very direct angle on many things on Earth and is reflected back from things such as the ice and snow and off roofs and parking lots and other things. But in the ocean and in certain other dark spots it is subsumed into that mass, and it goes back much more opaque than it comes down in its directness. The reason, therefore, for the greenhouse gas is that it doesn't escape. It doesn't break out of the thin veneer of the atmosphere that contains the gases that create the greenhouse effect, which actually creates an average temperature globally of about 57 degrees Fahrenheit.

That is why life can exist; we have a greenhouse effect. And it stands to absolute high school, if not elementary-middle school logic, if a certain amount of gases are contained, and there has always been balance to some degree, and you add to that massively and thicken the amount that is there, less heat is going to escape and we wind up augmenting that effect of the greenhouse.

Scientists tell us now—and I am not a scientist, but I learned how to listen to them and at least read the science and try to think about it—that in order to keep the temperature of the Earth somewhere near where it is today or within the permissible range of change, we have to keep our greenhouse gases at—originally, they said—450 parts per million. As they then noticed the damage and did more calculation, they came and said: No, 350 parts per million.

Why is this important? Because today, as we are here assembled in the Senate, we are now at 397 parts per million. We are above where they say you have to hold it. And worse, without doing anything—and we are not doing anything—we are only adding amounts; we are moving at a rate that will take it up to 500 or 600 parts per million. If that happens, we will be at a tipping point with respect to the amount of temperature change—5 to 7 degrees—and nobody can predict with certainty what happens, except that we know the ice already melting in Greenland and in the Arctic will melt faster and disappear. As more water is exposed, that dark water subsumes more of the heat, and the heat creates greater, more rapid melting. And that is exactly what scientists are seeing in the Arctic and Antarctic today, where whole blocks of ice the size of the State of Rhode Island have broken off and dropped into the sea and floated south to melt.

There are dozens of other examples of what is happening. I said I wouldn't go into all of them today. I would just say

to my colleagues, please read and challenge the science and talk to the people who are the peer reviewers of these analyses because we have a responsibility here, to future generations and to all of us, to try to get this right. And in the balance of right and wrong, I don't understand the judgment some people are making.

We know this is a $6 trillion market. We know that if we were to price carbon, the marketplace would move rapidly toward the kinds of technologies and new job creation that would respond to that pricing and the United States could become a seller of these technologies and a builder of these new energy capacities in various parts of the world.

Astonishingly, the United States of America doesn't even have an energy grid. The east coast has an energy grid, the west coast has an energy grid, Texas has its own energy grid, and from Chicago out to the Dakotas, there is sort of an energy grid. But the entire center of the United States is just a great big gaping hole where we don't have any connected energy transmission capacity, and the result is that we can't produce renewable energy down in the four corners of the Southwest—in Colorado, New Mexico, Arizona, and so forth—and sell it to Minnesota in the wintertime or to New England, where we pay a very high price for energy. We can't send energy from one part to the other in the United States of America. It is an insult.

We need to build a national energy grid, and in the building of that grid, there are countless jobs to be created for Americans and countless technologies to be developed. For every $1 billion we spend on infrastructure, we put 27,000 to 35,000 people to work. If we passed our infrastructure bank effort here in the Senate, for $10 billion of American taxpayer leverage, we could have $650 billion to $700 billion of infrastructure investment paid for by Chinese investment, by Arab Emirates investment. It wouldn't cost the American taxpayers a dime to be building America and putting people to work. We are not doing it, and we are not even building the energy grid of our Nation.

I must say to my colleagues, the avoidance here of responsibility for a whole host of choices we ought to be making—and obviously, yes, it begins with the deficit and the debt, and we can deal with those issues. There isn't a person in the Senate who doesn't understand what the magic formula is going to be to do that. But everybody wants to wait until the end of the election. I got it. But this issue has been waiting and waiting for 20 years now while other countries are stealing our opportunities to be able to be in the marketplace and winning.

Nothing screams at us more than the need to have an energy policy for our country that begins to address the realities of climate change, and nothing screams at us more than to tell the truth to the American people about climate change, to stop having it be an unusable word in American politics and not to allow it to become a source of attack and ridicule with nonfacts and a bunch of cockamamie theories that have no foundation in science or in the kind of analysis that does this institution justice.

I hope over the course of the next months we can have this fight because nothing less than our economic future—which is, in the end, our greatest strength for our military, for our security, for all of our objectives—that is what is at stake in this effort. I hope we will finally wind up doing what is right.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before the senior Senator from Massachusetts leaves the floor, I wish to commend him for his constant leadership on matters of a better environment, more effective ways to get our energy without spoiling the environment and putting what amounts to toxins in the air. I congratulate him for his constant leadership in this area.

SAFE CHEMICALS ACT

Mr. President, one thing Democrats and Republicans share is a desire to keep our children and grandchildren safe and healthy. Many of us remember the days when we simply counted to make sure our newborns had all of their fingers and toes and breathed a sigh of relief, but parents today face many more threats. As industrial chemicals have more common in consumer products, we have seen an increase in certain birth defects, childhood cancers, and behavioral disorders. That is why I have written legislation to reform our chemical management system and give parents peace of mind about chemicals in household products. My Safe Chemicals Act passed out of the Environment and Public Works Committee last week, and I hope we are going to see it on the floor of the Senate this fall.

We think of the home as a place where our families are safe. We don't expect the carpet in our bedrooms, the shampoo in our showers, or the detergent in our laundry to pose a threat to our family's health. Many everyday products contain chemicals. Most Americans just assume those chemicals have been tested and proven safe. But for the vast majority of chemicals in products in our homes, safety testing is not required, and we look at the articles that suggest what kinds of things we are talking about.

Every morning, millions of American kids wake up in beds that have been treated with chemicals, their breakfasts are cooked on pans coated with chemicals, and their plates are cleaned with chemicals. Today, EPA lists more than 80,000 chemicals in its inventory, many of which are in regular household products—products that our children are exposed to every day.

We see here a child getting a bottle. It is made of plastic, and we don't really know what is in it. I think we can all agree that a chemical that comes into contact with a child should be tested to see if it is safe.

Many, if not most, chemicals in products are safe, but we know some are not. There have been too many cases of toxic chemicals showing up in our everyday lives that have horrible health effects, and we have found that out only after our families have been exposed.

Recently, the Chicago Tribune exposed the latest example of untested chemicals wreaking havoc in our bodies. The Tribune reported that flame retardants are widespread in furniture, electronics, and other items throughout our homes. In fact, the average couch contains 2 pounds of chemical flame retardants.

As we see here, a sofa like this looks as if it is all good and no harm could come, but there could be chemical materials in there that are releasing toxic fumes. Chemicals in products don't always stay in products. Many of them find their way into our bodies. It is not clear that we are safe with any of these products because we don't know just exactly what is in there.

In fact, the Tribune tragically found that a typical American baby is born with the highest concentrations of flame retardants in the world. And many flame retardants are highly toxic. Children born with high concentrations of flame retardants can suffer devastating consequences for the rest of their lives. Flame-retardant chemicals have been linked to cancer, developmental problems, and other health risks. High levels of these chemicals put newborns at greater risk of low birthrates and birth defects, and then in childhood they face lower IQs and problems with fine motor skills. Even in adulthood, women who were born with flame retardants in their blood can have trouble becoming pregnant. Imagine, we are setting our children back from day one, before they have taken their first breath.

Flame retardants are just one example of the problems with our chemical safety system. According to the Centers for Disease Control and Prevention, Americans typically have 212 industrial chemicals—including 6 that cause cancer—coursing through their bodies. We know these chemicals can have serious health effects. We can see what kinds of health effects. Chemical exposure accounts for as much as 5 percent of childhood cancers, 10 percent of diabetes, 10 percent of Parkinson's disease, and 30 percent of childhood asthma. That is not a very comforting idea.

These chemicals are still around and untested because the 35-year-old law that is supposed to assess and protect against chemical health risks is broken. That law, called TSCA, is so severely flawed that the nonpartisan Government Accountability Office testified that it is ''a high-risk area of the

law.'' I want to repeat that. The law called TSCA is so severely flawed that the Government Accountability Office testified that it is ''a high-risk area of the law.'' That is a credible government department saying this is a high-risk area of the law.

Of the more than 80,000 chemicals on EPA's inventory, TSCA has allowed testing of only around 200 chemicals and restrictions on only 5. That is more than 80,000 chemicals that are being used routinely, in EPA's inventory, that might affect children or adults in a household.

Until this law is fixed, toxic chemicals will continue to poison our bodies and threaten our health. This status quo is dangerous, and it is unacceptable. We have heard from parents across the country that we should not wait any longer for reform. We had a demonstration here in Washington just a few weeks ago with people asking for safer chemicals now. They are worried about it. They are parents. They don't want their children exposed to chemicals that might injure their health.

It is easy to do. These chemicals should be tested before they are made into products, and then we don't have to worry about whether we are doing something that puts our kids at risk. We have already waited too long. Entire generations have grown up in homes filled with untested chemicals. Every year, more chemicals are introduced, more children get sick, and more lives are put at risk.

I was proud when the Environment and Public Works Committee took an important step last week by passing the Safe Chemicals Act. We began working on TSCA reform in 2005. In the 7 years since, we have explored the topic from many angles. We talked to scientists, workers, business leaders, State officials, firefighters, researchers, legal experts, and parents who are concerned about their children's health. We also heard from Senators on both sides of the aisle. Throughout this process, we have listened and we have learned.

The result is a commonsense bill that lays out a vision for strong but pragmatic regulation of chemicals. The bill requires the chemical manufacturers to demonstrate the safety of their products before they end up in our bodies. We already require this for pharmaceuticals and pesticides, so there is not any reason we should not require the same of industrial chemicals that are found in products in our bodies. The European Union, Canada, other countries require safety testing, but Americans remain unprotected. That is not acceptable.

I have received letters in support of the Safe Chemicals Act signed by more than 300 public health organizations—businesses, environmental organizations, health care providers, labor unions and, again, concerned parents. Twenty-four Senators have cosponsored my Safe Chemicals Act and I believe the full Senate should now be given a chance to vote for or against the testing of these industrial chemicals. We want to debate it on the floor of the Senate. We want families to know what we are thinking about as we go through this process. They deserve to know that Congress cares more about their kids' health than the concerns of the chemical industry lobbyists.

I come to this conclusion: There is risk out there that we take unnecessarily. It is time to take action to clear this up. It would be a positive act for the chemical manufacturers so they would not have to worry about responding to challenges from laws in 50 States but rather be under one guideline that takes care of them all.

It is time to take action. The health of our children is at stake. I hope my colleagues across the Chamber will stand and say yes, you are right, it is time we challenge what we know is an exposure that should not exist. Simply done, it would move the process very quickly, letting us know that everything we have that has a chemical component to it is safe for our use.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

PROGROWTH TAX REFORM

Mr. HOEVEN. Mr. President, I rise to speak on the need for progrowth tax reform. It is a subject I have been here on the Senate floor speaking about repeatedly over the course of the year and certainly over the course of the recent weeks.

Last week the Senate voted on several tax measures. One of the measures was a measure we offered which would continue the current tax rates for a year, giving us an opportunity to engage in progrowth tax reform. That bill was defeated in the Senate.

The other bill, a bill which I voted against, was a bill that would raise taxes on approximately 1 million small businesses in this country. In fact, that bill was passed. But the fact is that under the Constitution any tax measure has to start in the House of Representatives. In fact, that is what is going on today. They are voting on a measure that would extend the current tax rates for a year, giving us the opportunity to engage in progrowth tax reform which I believe would truly help galvanize our economy and raise revenue for our country, not through higher taxes but in fact through growth and through more revenue from economic growth.

I believe that is exactly what we have to support in the Senate as well. The measure the administration favored, and that was earlier passed, as I say, will be blue-slipped so it will not take effect, but the problem with that measure is it would raise taxes on individuals and small businesses. Almost a million small businesses across this country would pay higher taxes and they are the generators of jobs for our economy. It also raises taxes on capital gains and it raises estate tax as well.

Let me talk about the estate tax or the death tax provision for a minute. Right now the estate tax provides an exemption on the first $5 million and then amounts in an estate over that $5 million threshold are taxed at 35 percent. However, reverting to the pre-2001–2003 tax rates, which happens at the end of the year unless action is taken—unless action is taken by both the House and the Senate to extend the current rates—then we revert to the tax rates before the 2001–2003 tax reductions. That means instead of a $5 million exemption and a 35-percent tax rate on estate tax or the death tax, we go to a $1 million exemption with a 55-percent tax rate after that.

Think about what that means to our farms and our small businesses across the country: 24 times more farms will then be in an estate tax situation and something like 14 times more businesses will be in an estate tax situation. What does that mean? What it means is when a family member dies and it is time to pass on that farm or pass on that business, they are going to have to borrow money to try to pay the estate tax. That farm or that business is going to have to generate enough revenue to pay that estate tax. If you cannot pay that estate tax at 55 percent of the value of what you are passing—if that business or that farm cannot service that level of debt, then you have to sell that farm or sell that small business, which may have been in the family for many generations. Remember that those farms, those ranches, those small businesses are the backbone of the American economy and here we are, at a time when we have 8.2 percent unemployment and we are trying to get this economy going and we are putting our small businesses across this country in that situation.

That is why it is so important that we act. That is exactly what we have proposed. We have said rather than putting our economy in that situation right now, let's set up a 1-year extension of current tax rates, let's engage in progrowth tax reform where we actually lower rates but close loopholes, which will generate economic growth, and we will get revenue from economic growth rather than from higher taxes. That is vitally important.

In fact, on a bipartisan basis 2 years ago that is what we did, we extended the current tax rates. I think we had 44 Democratic votes to do that here in the Senate. Republicans voted for it. I think across the board we had 44 votes on the Democratic side. Also, it was a bipartisan measure. I argue that is exactly what we have to do again. Even

the President—who came out that he supported doing exactly what I laid out because, he said, we can't raise taxes in a recession. He said raising taxes would hurt the economy and would hurt job creation.

If you look at the statistics today, we are actually in a more difficult economic situation now than we were then. Unemployment is at 8.2 percent and has been over 8 percent for more than 41 straight months. There are 13 million people who are out of work, 10 million people are underemployed, which makes 23 million people either looking for work or looking for a better job. Middle-class income has declined from approximately $55,000 to about $50,000 since this administration took office. Food stamp usage has increased from 32 million recipients to 46 million recipients, and as we have seen, economic growth is about 1.5 percent.

As far as job creation, there were 80,000 jobs gained during the month, but we need 150,000 jobs gained during the month just to keep up with population growth and not have our unemployment rate increase. So these are the facts, and the facts speak for themselves. We need to extend the current tax rates, we need progrowth tax reform on a bipartisan basis, and we need to get control of our spending.

If we look at the latest numbers from CBO, CBO says without taking those steps we are looking at economic growth next year of maybe one-half percent for the entire year. If we take the steps to address the fiscal cliff, as I have described, and take those steps to undertake progrowth tax reform, CBO talks in terms of a 4.4-percent growth rate next year. Think what that means to 13 million unemployed people. It means the difference between getting a job and not getting a job.

The uncertainty that our economy faces right now because of the expiration of the current tax rates at the end of the year, and businesses not knowing what is going to happen, is freezing investment capital on the sidelines and freezing business expansion. There is more private capital and investment capital sidelined now more than in the history of our country. We unleash it, and we get it going not by raising taxes but by providing the legal tax and regulatory certainty—the kind of progrowth tax reform with closing loopholes, as I have described—to get this economy going.

The administration says: Well, everyone needs to pay their fair share. I think that is certainly true. We are saying exactly that. That is exactly what we do by engaging in progrowth tax reform and closing loopholes. Everyone is treated fairly, and everyone pays their fair share.

In fact, just to give a sense of that whole concept, let's look at who pays the income taxes right now according to the National Taxpayers Union. Today the top 5 percent of taxpayers pay almost 60 percent of the income tax in this country. The top 10 percent pay almost 70 percent of the income tax in this country. The top 25 percent pay almost 90 percent of the income tax in this country. The top 50 percent of taxpayers pay 98 percent of the income tax that is paid in the country.

So the point is, let's engage in progrowth tax reform that will get our economy growing rather than stagnant as it is today. It is that economic growth that puts our people back to work and truly generates the revenue, not higher tax rates which will hurt our growth. We can lower rates, close loopholes, come up with a fairer system that is simpler and will generate revenue through economic growth. That is the only way that economic growth, along with controlling and managing our spending, will get us on top of our debt and deficit and get Americans back to work. We need to do it in a bipartisan way. We can do it. We have done it before, and we absolutely need to get started, and get started now, for the good of the American people and the good of our country.

If I may, I want to close on one short message; that is, as the House works on a tax measure—as I described today—to extend the current tax rates and put us in a situation where we can truly engage in progrowth tax reform, I also urge my colleagues in the House to make sure that at the same time they are acting on farm bill legislation and not just the drought legislation.

We passed a farm bill in this Senate several weeks ago on a bipartisan basis. I hope they are able to do the same thing and pass a farm bill in the House on a bipartisan basis as well that we can go to conference with. I believe the bill we produced in the Senate and the bill they have produced in the Agriculture Committee can be brought together in a conference committee. We can pass a farm bill that will be cost effective, will save money, and help reduce the deficit.

The bill we passed would generate $23 billion in savings to help address the deficit. It would provide the right kind of safety net for our farmers and ranchers and ultimately this: Good farm policy benefits every single American because our farmers and ranchers produce the highest quality, lowest cost food supply in the world. That benefits every single one of us, not to mention creating a lot of great jobs throughout the country.

So I call on the House to act on that farm bill as well as engage in the kind of progrowth tax reform that I know will truly benefit our country.

With that, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Senator INHOFE pertaining to the introduction of S. 3473 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. Madam President, I have a little bit of a problem in that I do not want to take time from the Senator who is in line to speak after me. But I would like to serve notice that there have been several things that were said on the floor today concerning this whole idea of global warming. We had a hearing this morning. It was kind of revealing because they have done everything they can to pass cap and trade, and it has not happened.

I wish to correct some statements that were made by Members. When the time comes that I have about 20 minutes to do this, I will do that. It will probably have to be later today because of the clock that is running now.

I yield the floor for my friend to take his turn.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, I rise this afternoon in support of the bipartisan Cybersecurity Act of 2012, and I wish to share my concerns about the very real cyber threat facing our country. Most importantly, I rise to urge all my colleagues to move forward to the passage of this pending cyber security bill for the good of our national security. Top experts and respected members of both political parties have told us that time is wasting; we must debate and pass this critically important piece of legislation.

Cyber security policy is an issue with which I am deeply involved, given my seats on the Senate Intelligence Committee and the Senate Armed Services Committee. Moreover, Colorado's military and defense communities play a prominent role in defending our country, the United States, against cyber attacks.

The Air Force Space Command, located at Peterson Air Force Base in Colorado Springs, is responsible for protecting American space-based assets from network intrusions. The U.S. Northern Command, also located at Peterson Air Force Base, recently established a Joint Cyber Center to help provide on-demand cyber consequence response to civil authorities.

Multiple defense and technology industry companies based in Colorado also contribute hardware, software, and expertise to the effort to keep our networks and infrastructure secure.

Our Federal labs also conduct critical research into cyber security, most notably the National Institute of Standards and Technology, otherwise known as NIST, which is located in Boulder. They play a key role in helping establish cyber security standards.

The threats posed by cyber attacks have long been recognized, but we in the Congress have yet to act upon

these threats in a comprehensive way. It is as if we see the danger in front of us, but yet we cannot find the courage to face it. But Congress cannot afford to wait for a 9/11-sized attack in order to act. Waiting for a catastrophic act—something military and intelligence leaders and a bipartisan collection of national security experts are warning us against—is the exact opposite of leadership and the exact opposite of what our constituents expect us to do.

This debate, to me, has seemingly, unfortunately, unraveled into an antiquated argument about the public sector versus the private sector. We cannot let old ways of thinking bog us down. This is a threat that can only be addressed by both the public and private sectors working together.

The private sector owns 85 percent of our Nation's critical infrastructure, which is itself heavily dependent on computer networks. A successful attack on our critical infrastructure could result in disabled power grids, refineries, and nuclear plants, disrupted rail systems and air traffic control and telecommunications networks. A successful attack could bring commerce to a halt, our financial markets to their knees. It could also escalate into a war in cyber space or even a shooting war.

To defend against these serious threats, particularly those that involve national security, there needs to be an exchange of information between the public and the private sectors. Of course, allowing the government and industry to share information must be done with sufficient safeguards, so any legislation authorizing such sharing needs to strike a balance between privacy and civil liberties protections. I believe the bill's authors have achieved such a balance.

I recognize it is often difficult to find consensus on how to defend our Nation from security threats. Sometimes that is because we cannot agree on the nature of our vulnerabilities and in what priority to address them. Unfortunately, sometimes Congress is too polarized to act until after a crisis occurs.

But in the case of cyber security, we already know our Nation's computer networks are increasingly vulnerable. There is widespread agreement about the severity of the threat. Just last month, Defense Secretary Panetta testified before Congress that cyber attacks could ''virtually paralyze this country.'' The threat is not impending, it is here. We already know many of the steps we need to take to mitigate or prevent these attacks. The only issue getting in the way is politics. Frankly, Coloradans are tired of this. They want us to reason together and solve our most vexing national challenges.

The Cybersecurity Act of 2012 is not overly intrusive. It has been scaled back to a voluntary system of industry-driven security standards for critical infrastructure. The bill's authors have offered a further amendment to address some of the remaining concerns of the bill's opponents. As much as the bill's authors have compromised and worked with groups and businesses from across the policy spectrum, one would think they would get more in return from the Republicans than a demand to vote on the repeal of health care reform. But that is where the debate stands, and it is not a proud moment for our Chamber.

The cyber security bill before us may not be perfect. In fact, I have offered three amendments that I believe make this an even stronger bill.

The first would require the administration to provide a detailed plan on how it would develop a highly trained, robust Federal cyber security workforce. A stronger Federal workforce will not only better protect government assets, but these individuals will go on to fill critical roles protecting cyber assets in the private sector.

My second amendment would establish permanent faculty positions to train the next generation of military cyber leaders at the U.S. Air Force Academy.

My third amendment would require the assessment of the costs and benefits of building a strategic stockpile of extra high voltage transformers. We do not produce these highly specialized pieces of equipment domestically, and it would take months to replace transformers damaged by a physical or cyber attack.

I hope my colleagues will join me in passing these commonsense amendments aimed at improving our national security.

This cyber security bill is over 3 years in the making. I find it ironic some argue the process has been rushed and we need more time. But I believe this bill is long overdue and we simply cannot afford not to act.

As the head of U.S. Cyber Command and the Director of the National Security Agency, General Alexander, wrote in a letter to Congress this week, ''The cyber threat facing the Nation is real and demands immediate action.''

This is coming from the national security official who knows more than anyone about the cyber threats facing our country. As a member of the Intelligence Committee, I take his cautions and advice very seriously. The rest of us should as well.

As I close, I urge all of us, let's put aside partisan ploys and partisan differences. Let's work together to amend and pass this vitally important cyber security bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand the floor time is pretty much used up between now and 6:30. I have made inquiries. I understand I will have time at 6:30 for 25 minutes. I ask unanimous consent that I be recognized at 6:30 for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I understand the next speakers are in the cloakroom at this time. 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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Madam President, more than eight months ago, Senator CRAPO and I, two Senators from very different parts of the country with very different political perspectives, joined together to introduce the Leahy-Crapo Violence Against Women Reauthorization Act of 2011. We put aside our political differences, listened to the law enforcement and victim services professionals, and drafted a bill that put victims first.

It has been more than 3 months since an overwhelming majority of the Senate joined us in our bipartisan effort to pass the Violence Against Women Reauthorization Act of 2011 with 68 votes, more than two-thirds of this body, including every woman Senator, Republican and Democratic. In doing so, the Senate sent a very clear message. We said stopping domestic and sexual violence is a national priority, and we are going to stand together, Republicans and Democrats alike, to protect all victims from these devastating crimes—all victims. It was very clear. If you are a victim of domestic and sexual violence, we are passing laws to help protect you, no matter who you are or where you live in this country.

Having sent such a strong bipartisan message from this body, I was—I don't know whether to say bewildered or shocked to see the House Republican leadership abandon the bipartisan approach that was so successful in the Senate. Instead of allowing a vote on the Senate-passed bipartisan bill that has the support of more than 1,000 national, state, and local victim service organizations, they insisted on crafting a new, partisan measure that intentionally stripped out protections for some of the most vulnerable victims and weakened existing protections for others. They refused to allow votes on amendments as we had done here in the Senate, choosing to stifle a full and honest debate about how to best meet the needs of victims.

This overtly political approach was too much even for some in their own party. Nearly two dozen House Republicans, including the chair of the crime victims' caucus, stood up and voted against the inadequate and harmful House bill. That opposition was not surprising since a similar provision offered during the Senate debate was rejected by 61 Senators, including nine Republicans.

The House Speaker's recent announcement naming as conferees only

Republicans who supported that misguided and deeply partisan effort is hardly a step forward. Instead, I wish the Republican House leadership would do what it should have done four months ago—take up, debate, and vote on the bipartisan Senate-passed bill. I have no doubt we could reauthorize this life-saving bill in short order if they would just allow their members a straightforward vote on the merits.

Instead, Speaker BOEHNER continues to hide behind a procedural technicality, called a ''blue slip,'' as an excuse to avoid debating the bipartisan Senate bill. He acts as if he has no choice, but this is nonsense. The Speaker can waive the technicality and allow the House to vote on the Senate bill at any time. He is choosing to hold up this bill, and those efforts must stop.

Since the Senate bill passed, I have been consistently calling for House action on the legislation. Earlier this summer, Senator MURKOWSKI and I wrote a bipartisan letter to Speaker BOEHNER, urging him to allow an up-or-down vote. Two weeks ago, five House Republicans followed suit, calling on Speaker BOEHNER and Majority Leader CANTOR to take up the Senate-passed bill to resolve the ''blue slip'' problem. And yesterday Republican Representatives BIGGERT and DOLD again urged the House to work with the Senate to get this vital legislation signed into law.

But if the Speaker and the Republican leadership in the House insist on ignoring victims and the voices of the professionals in the field, and those in their own party, and continue to delay this crucial legislation on a technicality, a technicality which has been waived over and over and over again since I have been in the Senate, I think the Senate should once again lead by example.

We can solve this problem tonight—tonight, within the next few hours. If the Senate Republican leadership wants to get VAWA, the Violence Against Women Act, done, it can be done. We could take up a House revenue bill, substitute the bipartisan Senate VAWA bill, and send it to the House immediately.

To those who are watching and listening, this may sound like, what are these legislative moves? What they are is a simple thing I have seen done hundreds of times since I have been here. It would be our way of saying we want to stop violence against women. We have passed a bill that had Republicans and Democrats come together across the political spectrum. Now we are sending it to the other body, saying follow our example.

Majority Leader REID proposed this path forward nearly 2 months ago, but he was blocked by the Republican side. There is no good reason for their objection. Just this year, Republican Senators unanimously agreed to a similar procedure in order to overcome blue slip issues with both the transportation bill and the FAA reauthorization bill. Let's be clear about this—with just a little cooperation from Senate Republicans, we can move VAWA now. What I am saying is that just as 68 of us, Republicans and Democrats, came together before to pass this bill, I would urge the Republican leadership to join us and stop blocking it from moving forward.

We have only a precious few days left in this Congress to get this bill passed. The procedural excuses must stop. Partisan politicking must end, just as Senator CRAPO and I, two Senators of different political philosophies, came together when we started this process so many months ago, we came together to focus on the victims but also to make good on our promise to stop domestic and sexual violence in all its forms against all victims.

I have said so many times on this floor, this matter is deeply personal. I went to a lot of these crime scenes as a young prosecutor, a young prosecutor with a young family. I would see a victim of violence, sometimes a bloodied and barely conscious victim being taken in an ambulance to the hospital—but sometimes seeing a bloody corpse on the floor and then we would find out, as we unraveled the case, that we could have intervened and stopped this death if we had only had the tools. Well, now those early detection and intervention tools exist and we can stop this violence. Those tools, critical resources to reduce domestic violence homicide, are in the Senate-passed VAWA bill but they will not become law unless we act to pass this legislation now.

What I also learned is that the police officers who came to help investigate and help get the perpetrator, they never asked: Was this victim a Republican or Democrat, rich or poor, white or black, gay or straight, Native American or immigrant. They just said, as I have said so many times on the floor and the distinguished Presiding Officer, who herself was a prosecutor, has said: A victim is a victim is a victim.

I do not want to just be able to arrest people after the victim is dead. I want programs to stop the person from being abused in the first place. I want to protect victims before they become victims. If there is anything in this country that should unite all of us, it should be this, just as it united us before. Let's send it on to the other body. Let's get it passed. Let's get it on the President's desk, and let's hope we save the lives of people.

Helping these victims—no matter who they are—must be our goal. Their lives depend on it, and they are waiting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Madam President, I am honored to follow the Senator from Vermont, who has been such an extraordinary leader in this area, and look forward to yielding shortly to the Senator from Washington, who has championed this bill and helped us all see the urgency of approving it.

In the minutes that I will be talking, and they will be brief minutes, every minute, two to three women will become victims of domestic abuse. Every minute that I am standing here, every minute that we occupy with debate and delay on this measure, two to three people in the United States, the greatest country in the history of the world, will become victims of domestic violence.

We cannot afford to wait. That is why I urge that my colleagues advance this critical piece of legislation and urge the House of Representatives to agree to the Senate version of this bill so we can make this bill more inclusive to include Native Americans and immigrants and others who would not be covered by the House version.

We find ourselves at a crossroads. We can either strengthen VAWA or we can retreat and go back. I say let's go forward with the philosophy that the Senator from Vermont has articulated so well as a prosecutor, not to mention knowing how our police work. We do not ask whether someone is an immigrant, what their sexual preference is, whether they are Native American. We protect them if they are victims of domestic abuse and violence. That should be our philosophy in the greatest country in the history of the world.

There are two protections for battered immigrant women in VAWA that are particularly important. The first allows immigrant women married to an abusive U.S. citizen to apply for legal status independent of that spouse. The second, which is the U visa, provides temporary status to victims who cooperate with law enforcement to prosecute their abuser.

The reauthorization of VAWA is currently stalled principally because of the U Visa provisions in the Senate bill, S. 1925.

Let me illustrate the importance of this provision with one story. A woman who came to Connecticut from Guatemala fled her native country to escape her abuser and arrived in Connecticut in 2005. Her abuser followed her to Connecticut, where he continued to abuse her. He was eventually deported to Guatemala on criminal charges, but she found herself in another abusive relationship. Eventually, she was able to find shelter at a local domestic violence agency. She could not convince family to sponsor her so she could apply for legal status. She would have had nowhere to turn but for a transitional living program for domestic violence victims that connected her to a Connecticut legal aid attorney, who then enabled her to file for a new visa.

I am happy to report that this constituent survivor received her new visa in May of 2012. Because of VAWA, she is now safe, and so is her son.

This story is repeated countless times across Connecticut and the country by women who suffer in silence.

Their undocumented status makes them particularly vulnerable and powerless to escape their abusive situations. My constituents tell me—and I want to listen to them—that we cannot afford to compromise those basic protections that are fundamental to human rights and dignity, and that is why I urge this body, and the Congress as a whole, to move forward, not backward.

Again, every minute, two to three women become the victims of domestic violence. The consequences of this horrific problem are too high and the costs too dire to stay the course and simply repeat the inaction we have seen so far.

Thousands of victims of domestic violence are entrusting us with their safety today. We have an obligation to them to avoid the gamesmanship, end the gridlock, and move forward with S. 1925.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I thank Senator LEAHY and Senator BLUMENTHAL and so many others who have come to the floor to speak on this critical issue.

Today the women of the Senate and the men who support the Violence Against Women Act are on the Senate floor to give Speaker BOEHNER and the Republicans another chance to do what is right. It is another chance to stop the delay. It is another chance to provide peace of mind to 30 million women whose protections are at risk, and it is another chance to pass the inclusive, bipartisan Senate, Violence Against Women Act bill.

The bipartisan Senate bill passed almost 100 days ago by a vote of 68 to 31. Fifteen of our Republican colleagues on the floor—I will repeat that—15 Republicans joined us that day, and they did so because they know the history of this bill. They know every time the Violence Against Women Act has been reauthorized, it has consistently included bipartisan provisions to address the women who have not been protected. They know domestic violence protections for all women should not be a Democratic or Republican issue.

But here we are back on the Senate floor urging support today for a bill that should not be controversial. Just as we did last week, just as we are doing today, and just as we will do in the coming weeks, we will be making sure this message resonates loudly and clearly both in Washington, DC, and back home in our States because we are not going to back down—not while there are thousands of women in the country who are excluded from the current law.

The numbers are staggering. One in three Native Americans will be raped in their lifetime. Two in five of them are victims of domestic violence, and they are killed at 10 times the rate of the national average.

Those shocking statistics are not just isolated to one group of women; 25 to 35 percent in the LGBT community experience domestic violence in their relationships. Three in four abused immigrant women never entered the process to obtain legal status, even though they are eligible. Why? Because their abuser husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America affected by violence. Where a person lives, their immigration status, or who they love should not determine whether perpetrators of domestic violence are brought to justice.

Last week, the New York Times ran an editorial on this bill that gets to the heart of where we are. It began by saying:

> 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 of their party's far right. At the moment, harshness is winning.

The editorial also made the point that it doesn't have to be this way. It pointed out:

> In May, fifteen Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill.

It ended with what we all know it will take to move this bill forward: leadership from Congressman BOEHNER. The effort that was started in the Senate last week—an effort that will continue for as long as it takes—is a call for the very same—leadership.

It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again has been supported and expanded by Republicans and Democrats and end the delay because, frankly, it is taking a toll.

Every moment the House continues to delay is another moment that 30 million vulnerable women are without the protections they deserve in this country.

The women this bill protects have seen their lives destroyed by the cowardice of those who claimed to care for them. We have a chance now to stand for them where others have not. But the only way we can help protect these women is to prove that we as a nation have the courage to do so—the courage to show them that discrimination has no place in our domestic violence laws. To do that, we need to pass the Senate's inclusive, bipartisan Violence Against Women Act.

Mrs. BOXER. Will my friend yield for a question?

Mrs. MURRAY. Yes.

Mrs. BOXER. I have a question, and I want to make sure everyone listening to this debate gets what is about to happen.

Is it not true that the Senate passed the bipartisan Leahy-Crapo Violence Against Women Act with well more than 60 votes?

Mrs. MURRAY. Yes, the Senator from California is correct.

Mrs. BOXER. Is it not correct that the House passed its version and left out 30 million Americans?

Mrs. MURRAY. The Senator from California is correct. In fact, those 30 million Americans would be covered under the Senate bill. We made sure that Native American women are covered, and we put in important provisions to make sure campus violence is covered, and those provisions have been left out of the House bill.

Mrs. BOXER. Yes. And the immigrant women, as the Senator has discussed, which Senator BLUMENTHAL pointed out, are the most vulnerable because they are so afraid of their status, they are very scared to report that someone is raping them, beating them, or harming them every single day; is that correct?

Mrs. MURRAY. The Senator from California is absolutely correct. We cannot even imagine what it is like to have somebody hold that kind of power over you and use it to beat you day in and day out. We cover those women in this bill so that they have the protections they ought to have as human beings.

Mrs. BOXER. Isn't it fair to say that the 30 million people we cover—which the House leaves out—include college students, enhanced protections for them on campus; the LGBT community; Native American communities; and undocumented immigrants; is that correct?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. As my friend pointed out, is it not true that when you look at rates of violence against these particular people in our communities, they are higher than the population at large?

Mrs. MURRAY. The Senator from California is correct.

Mrs. BOXER. Isn't it fair to say that the House bill—their version of the Violence Against Women Act left out the most vulnerable people who are the most susceptible to violence?

Mrs. MURRAY. The Senator from California is correct. That is why we have work to do, in a bipartisan fashion in the Senate, to make sure in this country, America, we do not discriminate against women when it comes to violence.

Mrs. BOXER. I have two more points, and then I will yield to my friend so she can make the unanimous consent request.

Isn't it also true that the excuse Speaker BOEHNER is giving as to why he will not take up and pass the bipartisan Leahy-Crapo bill, isn't it true that the excuse is that there is a technical problem, which he calls a blue slip, in the Senate bill? And isn't it true that my friend today is going to ask unanimous consent to correct that problem so that we can send this inclusive bill over to Speaker BOEHNER?

Mrs. MURRAY. The Senator from California is correct. It seems to me such a simple procedure to do, which

we have done many times in the Senate, to just by unanimous consent send the Speaker back the bill so he can't put a piece of blue paper in front of us and say that stands between women and the protections we are trying to pass for them today.

Mrs. BOXER. Finally, I hope, when my friend makes the unanimous consent request, to take the very same text of the Violence Against Women Act, which passed this body with well over 60 votes, and put it into a bill that would overcome the technical problem and enable us to send it back to the House. It is my strong hope that the Republican leadership will not object. If they do, let the whole country understand what they are objecting to: a way to fix this technical problem so that Speaker BOEHNER and the Republicans can pass the Senate bipartisan Violence Against Women Act and include the 30 million people who have been left out.

I thank my friend for yielding.

Mrs. MURRAY. I thank the Senator from California and say that she is absolutely correct. What I am about to do is to ask consent to do what we have done on many pieces of legislation, including the jobs and Transportation bills the Senator from California was able to pass, and the Senate overcame that technicality through a motion on the floor.

We have done it time and time again on bills like that. It seems to me that on a bill like this, which is affecting so many women and their right to protect themselves and the ability to get help in their communities, there should not be a technicality between them and our passing protections for them in this country.

UNANIMOUS CONSENT REQUEST—H.R. 9

Having said that, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the language of S. 1925, the Violence Against Women Act reauthorization, as passed in the Senate on April 26 by a vote of 68 to 31, be inserted in lieu thereof; that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Madam President, rather than doing the usual thing and reserving the right to object, I will object, and then I would appreciate the courtesy, before I offer a parallel UC, to make my remarks.

Mrs. MURRAY. Madam President, has the Senator from Iowa objected to my request?

The PRESIDING OFFICER. Objection has been heard. The Senator from Iowa——

Mrs. MURRAY. Madam President, the Senator from Iowa has objected. I just have to say that it is stunning to me that the Senator has objected to a simple procedure that we have done many times on Transportation bills and FAA bills and, sadly, now there is an inability to provide protections for the women we have been talking about.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am going to make a unanimous consent request dealing with the same subject.

Before I do that, I am astounded that it took 100 days for the majority to decide that the bill they wanted to send to the House would be blue-slipped because they kept saying it really wasn't subject to a blue slip. Obviously, the Constitution gives the House of Representatives the power to make that decision, and they made the decision that the fee in this bill would keep it from being accepted by the House of Representatives.

They have obviously overcome that problem. But they have not overcome some other problems with the legislation. My reason for objecting for people on my side who voted against this bill is because of some unconstitutional provisions that it contains, and issues that don't have to be brought up to guarantee there is adequate legislation for fighting violence against women.

By the way, I believe this act, which has been on the books for more than a decade and a half, is going to be carried on. So there is not going to be a situation where, whether or not we go through this process, there is not going to be legislation protecting women on the books. It is just a question whether it will be expanded in a way that was intended to make the bill controversial so, presumably, it could be made a political issue in an election year.

What bothers me about this whole process—besides the fact it has taken 100 days to get to the point of offering it for conference—is it fits into a pattern of doing things at the last minute. We are 2 days away from a recess, and this is brought up at this particular time. I have to ask why. Why not sometime during the last 100 days?

I also see a pattern of this maneuver fitting into the maneuvers that have been going on ever since, I believe, the spring break we had in the Senate. Ever since then—as reported in an article published in the newspaper we know as Politico a couple of months ago about a strategy between the White House reelection effort and things that go on in the Senate—we seem to have a crisis every week.

We came back from the spring break, and we had the Buffett tax rule. That was carried on for a week. Everybody knew that wasn't going to pass, but we wasted a whole week on the Buffett tax rule.

Then this issue was brought up before and passed about that time as part of a strategy of having a war on women come up as an issue. That ended in this legislation being passed through the Senate but in a way where everybody knew it wasn't going to get through the House of Representatives. But it was a very convenient political issue.

Later on, we had the equal wages for women legislation that came up for about a week. Once again, everybody knew that wasn't going to go anyplace, but it was debated in this assembly, taking up time from a lot of important issues that ought to be dealt with—the economy and creating jobs. We spent a week on that.

Then we spent a week on taxing the rich, and everybody knew that wasn't going to go anywhere.

I think we spent a month on interest rates on student loans. Everybody knew there was a bipartisan solution to that, but nobody wanted to go there until the President had a whole month of going to university campuses to blame Republicans for not passing a bill that would keep interest rates low on student loans.

Then we spent last week on the DISCLOSE Act. Everybody knew that wasn't going to go anyplace.

So we have had a whole spring and summer in this body of accomplishing nothing because there is a strategy between the White House and the leadership of the Senate to help this President get reelected. And to keep away from issues the people of this country are concerned about, which are the economy and creating jobs and the fact that this White House and this Senate aren't going to do anything to work through those issues.

Here in the Senate it is an issue of politics and not an issue of process. I think the American people know the games being played, and they are sick and tired of it.

So I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 4970, the House-passed Violence Against Women Reauthorization Act; provided further that all after the enacting clause be stricken, the text of the Senate-passed violence against women bill, S. 1925, with a modification that strikes sections 805 and 810 related to the immigration provisions; that the bill be read three times and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to by both leaders.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

The Senator from Washington.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I listened carefully to the passion of the Senator from Iowa on behalf of the Republican majority and Speaker BOEHNER, and, frankly, I have to say it is offensive to say that the issue of violence against women is about politics. This is about women who are abused, women who are powerless to fight back, and

women being able to get the protection they need in this country that has provided protection for a very long time, to make sure women who are immigrants, women who live in a tribe, women who are gay and lesbian, women who are on college campuses get the protection this legislation supports. This is not about politics, this is about violence and this country standing up and saying we are going to protect them.

Make no mistake about it, what the Republicans are saying is that they want to move this bill to conference so they can strip out those provisions. Well, they have crossed a line—a line that in the history of this nonpolitical, bipartisan bill has been so deeply important to so many of us. They made this bill about politics just now. I find that offensive.

What they want is to take the Senate's bipartisan-passed bill, supported by both Republicans and Democrats here, send it to conference, and then pick it apart. They want to take it to conference so they can have a discussion about which women in this country deserve protection and which do not. They want to pit one group of women against another. This is not a game. It is not politics. And it certainly is not a game I am going to play. The new protections in this bill have been supported by Republicans and Democrats, groups across this country, and millions of Americans. They are not bartering chips, and it is not about politics.

The objection of the Senator on behalf of the Republicans raises issues that really are nothing more than a smokescreen. They do not want to be out in front saying they are willing to discriminate against certain women. They would rather hide behind these procedural objections. But I would remind all our colleagues that these procedural objections they are out here talking about—the politics—have been routinely overcome here in the Senate. Just as I said a few minutes ago, the transportation and jobs bill we passed a month ago, the blue slip issue was overcome. The FAA reauthorization last year funding our Nation's airports—overcome. The Food Safety Act—overcome. The Travel Promotion Act. All those had blue slip issues, and all of them were overcome, and there was a reason why—leadership and the will to do the right thing.

So let me make it abundantly clear. This is not about politics. It is about protecting women in this country. It is about making sure we do what is right for so many women who are looking to Congress to put in place the protections they deserve.

So the ball is in the Speaker's court now. He is going to have to talk to women across the country about why their protections are at risk because of politics. But I want everyone to be clear: We are not going to compromise on the issues that are so important to so many women and throw them under the bus. That is not what we have fought for year after year on bipartisan legislation when we passed the Violence Against Women Act before. It is inclusive, it is bipartisan, and it is above ideology and partisan games. It is a bill that makes sure that no matter who you are or where you live or whom you love, you are protected in this great country in which we live.

Politics has no place in this. I would agree with the Senator from Iowa. Who is playing politics? We will leave it up for those who are watching. What I have asked is that the Senate do what we have done many times on many bills—move this bill to the House in a bipartisan way and pass it, and then politics won't matter, women will be covered.

I hope our Senate colleagues who have objected and the Speaker will reconsider. They can easily pass this bill today or next month, put it in place, and women in this country can say the leaders of this country are fighting for them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I just want to do one thing in terms of responding to Senator GRASSLEY, who is a friend. We enjoy a very good relationship on the Judiciary Committee, and we are just friends. But the idea that these new provisions in the VAWA bill are political just couldn't be further from the truth.

Let me talk about just one provision. It is about women on Indian reservations who get abused by a partner or a boyfriend or husband who isn't Native. And this happens all the time. This provision gave jurisdiction to the tribes to prosecute these individuals.

I am on the Indian Affairs Committee. I talk to tribal leaders all the time. I go to reservations all the time. My colleagues have no idea how grateful tribal leaders were and how important this was. One out of every three Indian women in this country is raped at some time in her life, and by far the largest majority of that is not by male Indians, it is by non-Indians. I can't think of anything that is less political. I just can't. And I ask my colleagues to think, to give a second of thought before they say stuff like that.

It really is, as Senator MURRAY said, offensive to her. I actually found it more sad. I find it sad.

THE MEDICARE DIABETES PREVENTION ACT OF 2012

Mr. President, I came to the floor to talk about diabetes. And the Presiding Officer has been such a champion in talking about the money that can be saved in our health care system by the prevention of chronic disease.

The burden of chronic disease in our country is staggering. Chronic disease affects half of all American adults, and 7 out of 10 deaths each year are due to chronic disease. If current trends continue, by the year 2020, 52 percent of American adults will either have type 2 diabetes or elevated glucose levels, known as prediabetes, and diabetes can often lead to other chronic diseases, such as heart disease.

But as grim as these statistics are for our country, we also have some of the best health care researchers in the world. A few years ago, the Centers for Disease Control and Prevention, the CDC, conducted a pilot program called the Diabetes Prevention Program in two cities: St. Paul, MN, and Indianapolis, IN. This program, which was administered by the YMCA, is a program focusing on 16 weeks of nutritional training, eating healthy, and physical activity. It costs about $300 per participant. The results of this pilot were extraordinary. Among adults with prediabetes—who are at the highest risk for developing type 2 diabetes—the program reduced chances that a participant would be diagnosed with diabetes by 58 percent. For adults over the age of 60, it reduced the likelihood of being diagnosed with type 2 diabetes by 71 percent.

That is why Senator LUGAR and I introduced legislation in 2009 to authorize the National Diabetes Prevention Program as a grant program through the CDC. This bill was passed as part of the health care law and is helping community-based organizations such as the YMCA administer the program across the country. No one can participate in this program if it is not available, which is why we needed the CDC to help expand the program and scale it up. Thanks to their work and to our provisions in the Affordable Care Act, the YMCA is now offering the Diabetes Prevention Program at more than 300 sites in 30 States.

But we also need health insurers to pay for the program to make sure everyone who needs it can get it. We know that when eligible adults participate in the program, it saves everyone money. In fact, the CEO of United Healthcare told me that they will cover this. Why? Because they save $4 for every $1 they invest in the program because their beneficiaries are healthier. And the Urban Institute estimated that implementing community programs such as the Diabetes Prevention Program could save $191 billion nationally, with 75 percent of the savings—more than $142 billion—going to Medicare and Medicaid Programs.

That is why the Federal Government should also invest in this cost-saving program for seniors. Nearly one-third of Medicare beneficiaries had diabetes in 2010. The Diabetes Prevention Program costs about $300 per participant, as compared to more than $6,000 a year in added health care costs for someone with type 2 diabetes. There is no question that by preventing diabetes, we can all save money while keeping our seniors healthier.

That is why I introduced legislation yesterday with my friends, Senators LUGAR, ROCKEFELLER, COLLINS, and SHAHEEN, to allow Medicare to cover the National Diabetes Prevention Program. We are doing this to help our

seniors enjoy their golden years while staying as healthy as possible. We are also doing it because it is the fiscally responsible thing to do. That is why the American Diabetes Association, the American Heart Association, the American Public Health Association, and the American Council on Aging have all endorsed this legislation. The National Association of Chronic Disease Directors, the National Association of State Long-Term Care Ombudsman Programs, and the YMCA of the USA have also endorsed the bill, as have 79 State and local organizations.

We know a really good way to prevent type 2 diabetes, and we know how to do it while saving the Federal Government billions of dollars. In fact, we know doing it will save the Federal Government billions of dollars.

Let's all here work together to prevent chronic disease in our country. I urge the Presiding Officer and my colleagues on both sides of the aisle to join me in guaranteeing that every senior has access to the Diabetes Prevention Program when they need it.

I–35W BRIDGE COLLAPSE

Mr. FRANKEN. Mr. President, I would like to take a moment to recognize that today is the fifth anniversary of a tragedy in my home State—the collapse of the I–35W bridge in Minneapolis. The collapse killed 13 people and injured 145 others. That collapse was a shock to Minnesotans and to the country. How could a bridge on our Interstate Highway System collapse? It underscores the importance, of course, of investing in our infrastructure. We did move quickly to replace the bridge—and it is a beautiful bridge—thanks to the leadership of Senator KLOBUCHAR and others.

I wish to say a few words about the response by the people and the first responders in Minneapolis and the metropolitan area. It was amazing. All the first responders had interoperable radio signals. People in Minneapolis ran to the bridge to help. People did heroic things. I am very proud of Minnesota. I am proud of Mayor Rybak and the response of other first responders in the metropolitan area. I am so proud to represent Minnesota.

My heart goes out to the families of those who perished that day and also to their loved ones and their friends and also to the survivors who are still recovering in so many different ways.

I urge my colleagues not to forget that day. We need to invest in our infrastructure to make sure this doesn't happen again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Minnesota for his great remarks. He really does care about Minnesota. It is a nice State.

IRAN SANCTIONS

Mr. President, in a few hours the Iran sanctions bill is likely to pass both the House and the Senate. That is very good news because when it comes to Iran, time's a wastin'. We need to ratchet up the pressure. And this is a powerful package that will paralyze the Iranian economy. It tightens the screws tighter, tighter, tighter, so that the Iranians will have no choice but to see their economy basically in desperate shape if they continue to pursue obtaining a nuclear weapon.

I thank my colleague, Chairman JOHNSON of the Banking Committee, who has put so much time and effort into the Iran sanctions bill and done such a great job.

I thank Ranking Member SHELBY. We go to the gym in the Senate at about the same time early in the morning, and we have talked about this bill repeatedly. I know how much he cares about it.

I thank my colleague from New Jersey, whom I have worked with on this issue long and hard and who has taken a great leadership role. Senator MENENDEZ has been relentless in pushing this bill, and the many of us who wish not to see a nuclear Iran owe Senator MENENDEZ a great deal of thanks.

I thank my friend Senator KIRK, who, even though he is not physically present in the Chamber, has made this his highest priority. We have worked together on this issue a long time, and we continue to wish him a speedy recovery.

I believe that when it comes to Iran, of course, we should never take the military option off the table, but I believe—as almost everyone in this Chamber believes, our President believes, Prime Minister Netanyahu believes, and most Israelis believe—that economic sanctions are the preferred way to choke Iran's nuclear ambitions. If we can achieve sanctions and Iran truly backs off, not with a feint but in reality, by meeting the three standards that both President Obama and Prime Minister Netanyahu have set—turning over any 20-percent enriched uranium, stop producing any 20-percent enriched uranium, and destroying the new facility at Qom—then we will have achieved great victory. So we have to move forward.

Earlier this year a group of bipartisan Senators—I was proud to be amongst them—led by Senator LIEBERMAN called on the European Union to exert more pressure on Iran by imposing an oil embargo on this rogue regime. Our European partners have done just that, and their oil boycott is working. That, too, is furthering to ratchet the pressure on Iran's nuclear program.

Last November the report on Iran's nuclear program by the IAEA was its most alarming yet. It proved beyond a shadow of a doubt that Iran is developing a nuclear weapon. And according to published reports, they could have at least one workable weapon in less than a year and another in 6 months after that. So we don't have much time, and ratcheting up the economic pressure is imperative. We cannot dawdle. We cannot sit around and say: Let's wait 6 months and see if the existing sanctions are working. We have to ratchet up that pressure so that Iran sees that it is not in its interests economically, politically, militarily even, to pursue the path they have thus far chosen. The IAEA report details a highly organized program dedicated to acquiring the skills necessary to produce and test a nuclear bomb. And earlier this year DNI Director Clapper told the Senate Intelligence Committee that Iran's leaders even seem prepared to attack U.S. interests overseas. So we know Iran is on the path to continued evil.

Just last week a suspected suicide bomber killed 6 people and wounded 30 aboard an Israeli tourist bus in a coastal town in Bulgaria. Israel believes—and I tend to agree with them—that Hezbollah and Iran are to blame. Many questions remain about the bomb, but many Western counterterrorist officials share the suspicions that Israel and I, frankly, both have.

By giving our government the capability to impose even more crippling sanctions on Iran should they continue with their nuclear weapons program, the House and the Senate are putting forth a tough, smart plan to ratchet it up and prevent, hopefully, God willing, the very real threat Iran poses to the United States and our allies, particularly Israel.

I am not going to go over what the bill does. That has been talked about. But I want to mention one other part of the bill before I sit down. I am really happy and grateful to Chairman JOHNSON that the measure before us will also include language adopted from the Syrian Human Rights Accountability Act. That is legislation I cointroduced this year with my friend and colleague from New York, Senator GILLIBRAND. The legislation would require the administration to identify violators of human rights in Syria, it would call for reform and protection of the prodemocracy demonstrators, and it would also block any financial aid and property transactions in the United States involving Syrian leaders involved in the crackdown on protesters.

If the Syrian Government, which in many respects operates as a client state for the rogue Iranian regime, will not willingly change its brutal approach and continues to violate the human rights of those seeking to exercise their voices, then we have to do everything we can to send the strongest message possible to that nation's leadership that this behavior is beyond the pale and not without consequences.

In conclusion, I believe my colleagues Chairman JOHNSON, ranking member SHELBY, Senator MENENDEZ, and Senator KIRK, have done an excellent job crafting a comprehensive plan to arm the administration with the tools it needs to put a stop to Iran's nuclear program. I urge my colleagues to unanimously support the Iran Threat Reduction and Syria Human Rights Act of 2012.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICEMEMBERS' PROTECTION ACT

Mr. BROWN of Ohio. Mr. President, I rise today because servicemembers who risk their lives protecting our Nation should not have to ever worry about predatory banking practices. They should not have to worry about whether they can vote absentee while serving abroad. While they are fighting our Nation's foes, they should not have to worry about fighting a foreclosure. When they are serving our country, they should not have to worry if their civilian job, if they are Guard or Reserve, will be available when they return.

Unfortunately, too many do worry about that. Last week I joined the Attorney General of the United States at Wright Patterson Air Force base near Dayton, OH, and spoke with men and women who serve our country, air men and air women. Also around that time I spoke to some Guard and Reserve, members of the Guard and Reserve who serve our country, about some of these fraudulent practices. When they are overseas, some of them do not know when they return if they are going to still have their job. They don't know what happens to them when they go back to school if they are enrolled in a university, private or public, 2-year or 4-year. They don't know what happens sometimes with their families in foreclosure or facing financial fraud.

We know that employment is critical for servicemembers and military families. So is housing. So is protecting their ability to cast a ballot. That is why I am sponsoring legislation, the Servicemembers' Protection Act, which is so vital to those men and women in uniform. It would make critical changes to the Servicemembers Civil Relief Act that could improve the quality of life for members of the Armed Forces.

My bill first would strengthen housing and lending rights for servicemembers. Right now, a bank cannot foreclose upon servicemembers while they are serving overseas until it gets a court order. Yet the bank has no real obligation to actually investigate whether a homeowner is on active duty overseas. My bill would require lenders who want to foreclose on a home to conduct a meaningful investigation into a borrower's military status. It would increase civil penalties for violating a servicemember's rights as a homeowner.

The bill also would strengthen enforcement for the Uniformed and Overseas Citizens Absentee Voting Act, to make sure servicemembers' votes are counted. It would create a nationwide standard for getting absentee ballots to overseas servicemembers in a timely fashion.

Finally, it would make sure servicemembers can return to their jobs after they have completed their military service with the seniority and pay rate they would have earned if they remained continuously employed by the civilian employer.

We know the Guard and Reserve who are called up leave their civilian jobs and too often come home to the uncertainty of, What happens when I arrive home? Members of the Guard should not have to worry about whether they will return home to the same job and the correct pay rate.

As citizens of a grateful Nation, we have a responsibility to do something—more than something to protect servicemembers' rights as they sacrifice to keep our country safe. That is why I urge my colleagues to stand up for our servicemembers. It is time we serve those who served us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA INTERNS

Ms. MURKOWSKI. Mr. President, I am delighted to have a fine group of young Alaskans with me—not only here on the floor, but in my office for four weeks, and I thank them for their help in Washington and really for all of Alaska. They have been back here for a month and have done a great job. It is always a true delight to have good, high energy young people from back home to help me in the work we do here. I am so pleased they are with me.

TSUNAMI DEBRIS

Mr. President, I rise today to discuss an issue that people back home are talking about a lot. We are discussing the Federal Government's need to plan for the increasing level of marine debris that is hitting the Pacific coastline, whether it is out in Hawaii or all the way up north in Alaska. This debris is coming from the earthquake and tsunami that struck Japan last March. This is a subject of great discussion and debate for folks who are out fishing or walking our beaches.

We all know that tragic event claimed nearly 16,000 lives and destroyed community infrastructure, homes, and livelihoods. Our prayers continue for the ones we have lost and those who have lost their loved ones.

As horrifying as these natural disasters were, the Earth only shook anywhere from 3 to 5 minutes, and the tsunami rushed to the shore and then receded. But the devastation to property and coastlines continues as debris has moved from the shores of Japan over a year and a half later and we begin to see the debris pile up on our shores over here.

The Japanese Government has estimated that about 5 million tons of debris were carried into the ocean. We have assumed that the majority of that either sank or will sink. There is no concrete idea of how much is still floating or when the bulk of it will reach our beaches, but in Alaska we know it has been arriving.

We saw the first evidence of it last winter, and it arrived ahead of the projected timelines. It is understandable that we were not able to anticipate exactly when the tsunami debris would start arriving, but now that we are starting to see it along the shoreline there is no doubt we need to respond.

Last January, in trying to get ahead of the curve, if you will, I held a roundtable in Anchorage to find out what our State and Federal agencies were doing to prepare for the debris we knew would be coming to our shores, how the interagency work was being coordinated, and how individuals could report sightings and navigational issues.

I think I have mentioned on this floor that I have two sons out on a fishing vessel in the Gulf of Alaska. As they cross the gulf, I wonder if they will encounter debris from the tsunami?

We saw at one point in time a Japanese vessel that was literally a ghost ship, a relic from that tsunami. The Coast Guard took that vessel out of the navigation channels. Alaskans and people who live on the coast are very aware when there is stuff out in the water unchartered and unknown, and we want to understand and know a little bit more.

This past June, I joined the U.S. Coast Guard to see for myself what was washing up on some of Alaska's remote shorelines and our beaches. We flew out of Cordova, AK. We went to Kayak Island. Kayak sticks out from the coastline at an angle that allows it to collect an incredible amount of marine debris on just an average year. So the reason to go to Kayak was to see what might be there other than the typical marine debris, unusual things like nets, ropes, and buoys. We saw real evidence of what is coming our way from the tsunami. We saw colored buoys. We saw large Styrofoam blocks. There was a large container that had washed up very recently.

We have a picture from NOAA that shows some of what we saw washed up there on Kayak Island. These are all the plastic buoys. The black ones, we were told, are what we see more of coming out of Japan.

Now, you may wonder, have we been clearly able to identify whether these items came from Japan or if this was the usual marine debris? NOAA is working to sort all of that out, but there are signs that give us somewhat of an idea of whether what we saw out there on Kayak Island was typical marine debris or not.

Many saw pictures of this huge dock that recently arrived on the coastline in Oregon. Just look at the size here and think: this concrete dock had flotations on either end and traveled all the way across the Pacific literally in one huge slab up onto the Oregon beach. I think when folks looked at that picture, their word was, Wow.

Again, for those who are navigators and fishermen, if they run across something like this in the water it is real evidence of why we need to be concerned.

This next photo is from somewhere in the Pacific. This shows the objects that are creating, again, a hazard to navigation. These same materials are going to end up somewhere on a shoreline, whether it is on our beaches or in our ports. Think about the impact this may have on sensitive habitats, making them unusable, possibly deadly for certain marine animals, such as shore birds and other species that may rely on them.

I think what is important to recognize from these three pictures I have just shown is that we are seeing now the debris that is floating on top or at least partly on top of the water. We are seeing it coming to U.S. shorelines earlier than anticipated because in addition to being carried by the currents from the ocean, this debris is being moved along by the wind.

What we are seeing in Alaska primarily are those buoys that sit up clear out of the water. You can also see fishing boats, building materials, and roofs in this photograph. Again, this is what we can see because it is above the water.

So one of the real questions we need to ask is, What is below the water? What is just below the surface that we can't see?

A couple of weeks ago, I met with some representatives from the Yakutat Tlingit Tribe from Yakutat, AK. Yakutat is in the northern part of the Alaska panhandle, on the eastern side of the Gulf of Alaska. It is a very remote community. It is only accessible by air or by boat. The closest community is hundreds of miles away and, Yakutat is surrounded by National Park Service and Forest Service lands.

So this community—the tribe, city, borough—is meeting weekly to assess the debris that is coming up on their beaches, and they are trying to put together a response. They have done some cleanup along 15 miles of area beaches.

One beautiful beach is called Cannon Beach. It has black sand. It is absolutely gorgeous. I visited it in March, and now we are seeing the Styrofoam, housing foam, and buoys coming up on it and the other beaches near Yakutat. The community estimates that they have about 600 pounds of marine debris per mile. The borough has 1,074 miles of coastline, so this small village community is looking at the possibility of 3,000 tons of debris.

This next picture is actually from Yakutat. This details another problem that our coastal communities are facing. What do we do with this marine debris? Our landfills, particularly in southeastern Alaska, are maxed out or close to being maxed out. This landfill space that is already filling up could very quickly be overwhelmed by tsunami debris. And not only are my residents working to clean up beaches with limited landfills, often they are in very rugged and very remote locations, many with no road to access. Sometimes they can't land a vessel or a boat on the shoreline because it is just too dangerous. So how do we access this debris? That is a challenge.

It is also costly, and we are faced with the question of what do we do with the debris we have collected?

Yakutat is exploring some pretty creative solutions and alternative disposal solutions. Yakutat is one of those communities that has extremely high energy costs. If my memory serves me, I believe they pay in excess of 50 cents a kilowatt hour for their energy. So when they are dealing with challenges and problems, they try to find solutions that help with their high cost of energy.

What Yakutat is looking at now is whether there is the potential for any waste-to-energy technologies that could deal with two problems: clean up debris and support long-term efforts to deal with the high cost of energy. It is kind of a two-for-one. They are trying to figure out how they can turn this problem into an energy source, and in this way they can support long-term community marine debris cleanup efforts. This would be a creative solution for this small remote community, largely on their own and facing truckloads of debris.

Now the State of Alaska has engaged in tsunami debris coordination, and I am told the Alaskan region representatives of various Federal agencies are as well, but headquarters of agencies across the Federal Government really need to be part of the plan and engage creatively to address this accumulating debris.

I don't have my typical Alaska map here that I usually use when I speak, but my State has an incredible coastline—more coastline than the rest of the country put together—and we depend on our marine sources for livelihood and recreation. We value a healthy coastline to support a resilient marine environment. Our fisheries, our tourism, and our coastal communities are so dependent on a strong and sustainable region.

So, think about this from the tourism perspective. When somebody is paying thousands of dollars to come up to Alaska to visit remote, wild areas, they are certainly going to be disappointed if they are greeted by a beach full of Styrofoam or pass by the many debris fields that are accumulating.

Communities up and down the coastline need assurance that the headquarters of various agencies are going to be part of the cleanup plan. In the aftermath of Hurricane Katrina, FEMA compiled a document denoting the debris removal authorities of Federal agencies. That document outlined that the Departments of Agriculture, Commerce, Defense, Homeland Security, and Transportation all had a role to play in debris removal.

So for this reason—and using this federal memorandum as an example—I have asked the White House to establish and lead an interagency task force to plan for tsunami debris. We also need to engage the relevant States, tribes, local governments, and international partners by inviting them to participate in this task force. We all need to work together. We cannot leave a little community like Yakutat and say: Clean up your section of the coastline.

I know private and government Japanese representatives have expressed interest in helping with the debris problem. The ability for Japan to offer experience and technology with waste-to-energy devices could provide a great opportunity for the U.S., Japan and public partnerships to come together and address the debris.

There are many reasons we need to act now. It is a difficult time of year for many of us here in Washington, DC, to think about winter storms. We are enjoying some pretty warm weather here. But we need to recognize and think about what winter weather in Alaska will mean for accumulating debris. We have a lot of areas being impacted by tsunami debris that have already had huge tide swings. If we add that to a winter storm in areas with beaches, some of the debris we see will be buried deep by the sand, and will only be uncovered when snow melts. However even during the spring, accessing the coastline can be challenging due to breakup conditions. We have extreme tides and, of course, the weather will also move the debris up into the tree line, making access and removal even more difficult.

This last picture will give my colleagues some indication of what I am talking about when we think about the Alaska coastline. This is in a part of the State called Montague Island. With good high tides and the weather we get, downed trees are part of the ocean accumulation on the shore. You can see tucked among the trees, kind of sprinkled like confetti, some of the Styrofoam that has washed up. Again, this is marine debris we are seeing. Think about how difficult it will be to access some of this after winter storms.

Where debris lands on rough and rocky shorelines, wave action is expected to break it up. We know that happens, and I am concerned about our marine life, birds and animals consuming smaller plastic particles that have been broken down by this wave action. A piece of Styrofoam that is easy to pick up today because it is reasonably good-sized is going to be much

more difficult to clean up when it has been broken down by wave action. So, again, all of this argues for prompt action.

Maybe the best we can do for now is pick up the debris and store it somewhere. But as we saw looking at the Yakutat picture, storing it in a landfill in most of these communities is probably not going to be feasible. Bailing technology could be available to Alaska communities for about $10,000, and these machines would at least support the voluntary cleanup efforts and provide a means to store the debris rather than force strained landfills to absorb the incoming debris. I throw this out because I think it is important that we get creative about this. We need to be exploring all available technologies to support the most efficient means to handle this tsunami debris and other marine debris for the long run.

Every year I attend an annual alternative energy fair. It is held in the interior part of the State at Chena Hot Springs. We always learn something good and new at this energy fair. Last year, when I was there, I saw a device that is actually in production. It is on-the-shelf technology. It may help turn much of the debris that is hitting our coastline into fuel. The device—I called it a gizmo but I know there is a much more technical term for it—processes plastics into fuel with the capacity to produce as much as 2,400 gallons per day. With fuel at over $6 a gallon in Yakutat, people are looking at this and saying, We can actually take some of the waste, the garbage, the debris, the plastic, and turn that into fuel so we don't have to pay 6 bucks a gallon to fill up a four-wheeler, truck, or boat.

Given the tight budgets across the country, again, I think we need to be creative. We need to identify and deploy all available resources and share information. We need to leverage local knowledge and our coastal residents' proximity to the debris, as well as their vested interest in the cleanup efforts.

Our Federal agencies have regional staff and they have facility resources. Many run programs that are consistent with the objectives of tsunami debris response and mitigation. For those who would suggest, Well, if it has come up on your shore, it is your responsibility; there is no Federal role here; it is up to the States to figure this out, I would remind them that in my State, much of our land is owned by the Federal Government. This picture here is of Montague Island. Montague Island is entirely within the Chugach National Forest. And, in fact, over 60 percent of my State is owned by the Federal Government, so clearly the Federal Government has a role to play in cleaning up the debris.

We also can't forget about the private interests in cleanup. Many industries and private citizens are dependent on our navigable waterways and healthy ecosystems. We need good communication, leadership, and a plan to guide an interagency and public-private approach to solve this challenge during what we all acknowledge are difficult fiscal times. I commend the NOAA marine debris program for their coordination and response to this work, but the fact is they are a small and an overtasked program. They need the help of their Federal partners to address this as a national priority.

I encourage my colleagues to join me in recognizing that marine debris is a national problem as well as a priority, and a comprehensive response to tsunami debris that we are seeing on our shoreline in Alaska and other Pacific States, in addition to Hawaii, is past due.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

CYBER SECURITY

Mr. GRASSLEY. Mr. President, over the last few days we have been lectured numerous times that we must protect cyber critical infrastructure; otherwise, our country is in jeopardy. Everybody agrees with that statement. Enhancing cyber security is important to our national security. I support efforts to strengthen our Nation against critical cyber attacks.

However, I take issue with those who have come to the floor and argued that those who don't support this bill are against strengthening our Nation's cyber security. Disagreements over how to address policy matters shouldn't evolve into accusations about a Member's willingness to tackle tough issues. The debate over cyber security legislation has turned from a substantive analysis of the merits into a political blame game as to which side supports defending our Nation more. If we want to tackle big issues such as cyber security, we need to rise above disagreements and work in a constructive manner. Disagreements over policy should be openly and freely debated.

Unfortunately, this isn't how the debate on cyber security proceeded. Instead, before a real debate began, the majority leader cut that debate off. As the discussion of cyber security began on the floor this week, Senators stated that a failure to grant broad new powers to the Federal Government will lead to a cyber 9/11. I agree that if we fail to take action on cyber security, there could be a national security consequence. However, I don't believe giving the Federal Government more regulatory authority over business and industry, as supporters of this bill propose, is the answer to strengthening cyber security.

Chief among my concerns with the pending bill is the role played by the Department of Homeland Security. These concerns stem from oversight that I have conducted on the implementation of a law called the Chemical Facility Antiterrorism Standards Program. That acronym would be CFATS. CFATS was the Department's first major foray into regulation of the chemical sector.

The Department of Homeland Security spent nearly $½ billion on that program. Now, 5 years later, they have just begun to approve site security plans for the more than 4,000 facilities designated under the rule.

I have continued to conduct oversight on this matter. Despite assurances from the Department of Homeland Security that they fixed all the problems with CFATS, I keep discovering more problems. So now I am baffled why we would take an agency that has proven problems with overseeing a critical infrastructure and give them chief responsibility for our country's cyber security.

Additionally, I am concerned with provisions that restrict the way information is shared. The restrictions imposed under title VII of the bill are a step backward from other information-sharing proposals. This includes the bill I have cosponsored, the SECURE IT bill. The bill before us places the Department of Homeland Security in the role of gatekeeper of cyber threat information. The bill calls for the Department of Homeland Security to share the information in ''as close to real time as possible'' with other agencies. However, this surely will create a bottleneck for information coming into the government.

Further, title VII includes restrictions on what types of information can be shared, limiting the use of it for criminal prosecution, except those that cause imminent harm.

This is exactly the type of restriction on information sharing that the 9/11 Commission warned us about. In fact, the 9/11 Commission said, ''the [wall] resulted in far less information sharing and coordination.'' The 9/11 Commission further added, ''the removal of the wall that existed before 9/11 between intelligence and law enforcement has opened up new opportunities for cooperative action.''

Why would we even consider legislation that could rebuild these walls that threaten our national security? How much of a real debate have we had on those issues I have raised? The lack of a real process in the Senate on this very bill amplifies my substantive concerns.

In fact, this is eerily reminiscent of the debate surrounding the health care reform bill. During that time, then-Speaker of the House PELOSI declared, ''We have to pass the bill so that you can find out what is in it.'' Well, we all know how well that worked out. Years of litigation later, the public is still learning what surprises the majority and President Obama had in store for the Nation's health care system.

Now here we are, once again, in the last week before our August summer break, tackling a serious problem that hasn't been given full process.

I do not want cyber security legislation to become another health care reform bill. If we are serious about our

Nation's security, then shouldn't we treat it as serious as it really is? We all agree how serious it is.

We are told that the Senate has been working on cyber security for 3 to 5 years. However, we have not been working on this bill before us for that long. The bill before us was introduced 13 days ago, and it was only pending on the floor for 4 days before the motion for cloture was filed. It did not go through the normal committee process. It was not debated or amended. Instead, it was brought straight to the floor, and we are being forced to consider it under a very rushed schedule.

Talking about the danger of cyber attacks for years is not the same as discussing the impact of the actual text of the bill which could become law. The words on the 212 pages of the bill are what must be analyzed, and analyzed in detail.

In fact, no one, except a handful of Senators, actually knows what the bill says or might say. And, of course, that is a process that debate in the U.S. Senate accomplishes or at least tries to accomplish.

We need full process and, unfortunately, that has not happened, and it does not look as if it will happen. Why won't it happen? Because the majority leader has limited debate. This week we were told that a group of Senators and their staff were working on a compromise.

Again, that is something all of us as a body do not know much about. We need an open debate in order to process this, as opposed to huddled, backroom meetings.

I do not think this is the way we are supposed to legislate. The people who elected us expect more. They expect transparency because they know when you get transparency, you have accountability.

How many Senators are prepared to vote on something this important without knowing its impact because we have not followed regular order? Are we to once again pass a bill so that the American public can then, at that time, find out what is in it a la Speaker PELOSI's statement on health care reform?

These are questions that all Senators should consider. And our citizens should know in advance what we are actually considering.

Yesterday, we heard claims that the amendments offered by Republicans were part of some obstructionist tactic. Why isn't the same statement made about the 77 or so amendments filed by Democrats? Somehow, are they acceptable and not obstructionist?

I had three amendments that addressed specific provisions in the bill, and I wanted to have a debate on them.

For example, I have an amendment to strike the provision in the bill that creates a cause of action against the Federal Government. What does that cause of action do? That provision waives sovereign immunity, provides for automatic damages, and provides for an award of attorney's fees.

This provision is, obviously, a gift to the trial lawyers lobby, which American taxpayers should not have to pay for. And I do not think class action lawsuits against the government will help with cyber security.

Another amendment of mine would have removed industry-specific carve-outs from the bill. This is another example of how backroom deal making takes place so as to get support and build support for a bill. We saw this happen with the health care reform bill. You know the famous ''Cornhusker Kickback'' that was agreed to in order to pass ObamaCare, and this process reminds me of that.

Here, to get support from companies in the information technology industry, the bill clearly states those companies cannot be identified as critical cyber infrastructure. So to build support for this bill—but without people knowing what is in the bill—the authors carved out these companies from having to comply with the bill.

For example, under this carve-out, say an information technology company builds a router that has a flaw that is exploited by hackers. That router is purchased by every sector of the critical infrastructure, including power, water, and probably a lot of others that I ought to be able to name.

If that router flaw is exploited, and if that is attacked, the companies that bought the router are held responsible. However, the company that made the faulty router is not.

It is obvious how absurd this is. It is obvious how much of a major giveaway to a key industry it is, just to give the appearance of private sector support. This is not how we should handle cyber security, and I have an amendment to strike this provision. We should openly debate this issue and discuss whether this is the right course of action to give a carve-out to a specific segment of industry.

Again, the carve-out was a deal cut with one purpose: to limit opposition to the bill. Well, that was not good policy in 2009 on the ''Cornhusker Kickback'' in the health care reform debate, and we should learn from that lesson that it is, obviously, not good policy in 2012.

I also know that Senator RON JOHNSON of Wisconsin had an amendment that the Congressional Budget Office issued a score on the cost of the bill before it could take effect.

Why were the supporters of the bill opposed to doing that? Do they believe they have a right to spend millions or billions of taxpayers' dollars at will without making the amount public? Are the supporters of the bill really prepared to vote for this bill without revealing how much it will cost?

But I will not get a chance to debate my amendments or Senator JOHNSON's amendment before the cloture vote because that is how the majority leader runs the U.S. Senate.

There are serious questions about this bill. It needs to be amended. We need to discuss changes. Unfortunately, it does not look as though that is going to happen.

I know some will, again, say that this has been a long process. The only thing true about that statement is that the issue and problem has been discussed for a long time—but not discussed for a long time on this bill.

If we are serious about addressing this problem, then let's deal with it appropriately. Rushing something through that will impact the country in such a massive way is not the way the most deliberative body in the world, the U.S. Senate, should do its business. It is not good for the country, and it is, obviously, not good for the reputation of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand my distinguished colleague from Oklahoma has asked consent to speak at 6:30 p.m. I will take about 10 or 15 minutes, which would put us about 5 minutes past that time. So I ask unanimous consent to speak for about 15 minutes, if that is acceptable to the Senator.

Mr. INHOFE. That is perfectly all right. And I ask unanimous consent that at the conclusion of the remarks of my friend from New Jersey I be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. I thank the Presiding Officer and I thank my colleague for his courtesy.

DEATH OF OSWALDO PAYA

Mr. President, while we are focused on issues here at home—and certainly we should be—there are incidents taking place around the world, and those of us who care about freedom and democracy and human rights, those of us like myself who sit on the Senate Foreign Relations Committee, also have our focus on what is happening in other places in the world.

I come to the floor to talk about the violence and repression that continues in the country of Cuba—this time in a dramatic and brazen attempt to exercise power through fear and intimidation over those who want nothing more than to see the day when the people of Cuba are free—and against members of the international community.

Once again, I am forced to come to the floor to put a spotlight on what is happening inside of Cuba and all those who put their lives on the line for freedom and human rights around the world.

The information we are receiving from both public reports and other information from Cuba concerning the circumstances surrounding the death of Oswaldo Paya—the island's most prominent and respected human rights advocate—is disturbing. It underscores the continued brutality and repression

of the Castro regime, and it demands a response from the international community, as well as from ourselves as part of that community.

The facts as we know them are that 50 prodemocracy activists were arrested and detained at the funeral—at the funeral—of Oswaldo Paya. At a funeral—they were not demonstrating, they were not marching or carrying signs, they were not engaged in acts of civil disobedience of any kind. They were not violating any laws. They were attending a funeral.

Hundreds gathered peacefully. Family, friends, and those who want nothing more than a free and democratic Cuba were at a funeral mourning the death of their hero, Oswaldo Paya.

But the arrest and detention of 50 dissidents who were mourning the loss of a friend and loved one is not the whole story of how far this regime will go.

The circumstances surrounding Oswaldo Paya's death leave any reasonable person to wonder what may have really happened on that road in Cuba that ended in the tragic automobile accident that took the life of Oswaldo Paya.

Paya's daughter Rosa Maria Paya immediately challenged the regime's version of events, stating that the family had received information from the survivors that their car was repeatedly rammed—rammed—by another vehicle.

She said:

> So we think it's not an accident. They wanted to do harm and then ended up killing my father.

The family also said that Oswaldo Paya was targeted in a similar incident 2 weeks earlier in Havana. The same thing: an effort as they were driving to ram them off the road. In retrospect, the family now sees that incident as a warning from the regime.

What we know is the car, driven by a politician from Spain, Angel Carromero, a citizen of Spain, and Aron Modig, an activist in Sweden, was involved in the fatal automobile accident that killed Paya and his Cuban colleague Harold Cepero.

Of course, we have no proof of that. But we do know Carromero and Modig survived the accident, and they obviously know exactly what happened that day. These are two individuals—one is a Spanish citizen, the other one is a Swedish citizen—who were involved in helping Paya promote, from an international perspective, the views of his civil society movement toward peaceful change in democracy and human rights.

But instead of getting the two survivors' real story, in a demonstration of the twisted nature of the Castro regime, the Cuban Ministry of Interior detained, without consular access, the two foreigners who survived the crash and then paraded Modig, the Swede, before a Ministry of Interior press conference, where he was clearly forced to apologize for working with Paya and ''illegally aiding the Cuban opposition.''

The driver of the car, Carromero, the Spanish citizen, was less lucky than his Swedish colleague. It appears he will not be allowed to speak freely for years to come, courtesy of the Castro regime. They have formally charged him with vehicular manslaughter in the crash.

Carromero, like Modig, was forced to offer a mea culpa, which was made available in a video presentation hosted by Castro's nefarious Ministry of the Interior.

The regime's logic has to boggle the mind of any reasonable person who cares about the rule of law.

It is also my understanding, according to reports from Cuba, that—in a move typical of the Castro regime—Spanish diplomats were prohibited from seeing or meeting with Carromero until yesterday.

Meanwhile, the grieving widow of Oswaldo Paya has expressed outrage and has rejected Castro's official report regarding the death of her husband and the circumstances surrounding the accident which has now blamed the accident on the actions of Angel Carromero, who was driving the car.

Paya's widow has said: ''Until I'm able to speak with Angel or with Aron, the last two people who saw my husband alive, have access to the expert reports, and have the advice of people independent of the Cuban government, I can have no idea what really happened that day.''

I cannot be certain that the regime killed Oswaldo Paya, but the circumstances of his death are highly suspicious. There is no question that the regime had no motive to kill Oswaldo Paya. Oswaldo Paya was most—one of the most prominent opponents of the Castro dictatorship, a Catholic activist who funded the Christian Liberation Movement in 1988.

He is best known for the Varela Project, a petition drive he launched in 2002 that called for free elections and other rights. That drive led the Cuban Government to adopt a constitutional amendment making the Communist system in Cuba irrevocable. It followed that with the 2003 Black Spring, which arrested 75 of the most prominent Cuban activists in that year.

Paya had become the most known, most visible face of Cuba's peaceful opposition movement. The European Parliament awarded him the Sakharov Prize for Freedom of Thought in 2002. That year, he was also nominated for a Nobel Peace Prize by hundreds of parliamentarians in a campaign led by his friend Vaclav Havel, the Czech Republic President.

Paya was determined that Cuba and Cubans should enjoy the benefits of freedom and democracy and he committed his life to that cause and he may very well have lost his life to that cause. We cannot continue to turn our backs on those inside Cuba struggling in peaceful ways to promote democracy and human rights. We cannot allow the violence and the repression, the brutal detentions to continue without consequence. We cannot allow innocent members of the international community to be brutalized and victimized by the Castro brothers so they can hide the truth without the international community standing together and holding them accountable for their repressive and illegal actions.

Will the Castro regime stop at nothing, nothing to repress the rights of its people? Can we turn our back on the rule of law on the Cuban people, on the facts of this case, on Mr. Carromero or can we once again have that wink and nod and say: Oh, well, you know, it has been over 50 years; things are changing for the better in Cuba, and we should let bygones be bygones, as people languish in jail, as people die at the hands of the regime, as we see the hunger strikers who give up their lives because of the brutality they are facing, to try to rivet the world's attention in this regard.

Some say we should permit Castro's hooligans to parade across our Nation, which we seem to give visas to, spewing lies while American Alan Gross sits in a prison simply because he brought some communications equipment for the Jewish community in Havana to be able to collaborate and to inform each other. That was his crime. He has now been in prison, a U.S. citizen, for 2 years, languishing in Castro's jails, not to mention thousands of Cuban political prisoners who suffer in Cuban prisons.

As I have said on this floor over and over, to me, the silence is so deafening from so many of our colleagues. They may have a different view than I do about how we promote democracy, but I do not hear them speak out about these human rights abuses, about the deaths in Castro's prisons, about those who can get knocked off the side of a road and killed. The silence in that respect is deafening.

So there are some of us who are committed to making sure that silence is broken. Today, I am asking my colleagues to join me in sending a letter to Ban Ki-moon, the Secretary General of the United Nations, demanding that the United Nations and the Human Rights Council immediately undertake a full and thorough investigation of the circumstances surrounding Oswaldo Paya's tragic death and the detention of Angel Carromero. We must demand the truth about these tragic events that took the life of Cuba's most devoted human rights advocate.

I hope our colleagues will join us in that respect. We have supported democracy movements around the world. They have often made a big difference, from Vaclav Havel, Lech Walesa, Soviet Jewry, Alexander Solzhenitsyn, and so many others. When we side on behalf of those struggling against repressive regimes for democracy and human rights, it makes a difference. It can make a difference in this regard as well.

I am hoping our colleagues will join us in helping break the silence, on behalf of the memory of Oswaldo Paya and on behalf of all those who lose their lives every day or their liberty simply because they peacefully choose to try to change the nature of the country in which they live. It is something America should be a beacon of light for, something I hope we can shine very brightly, and in doing so, create a protective element to those who are peacefully trying to create change inside Cuba. We should do no less.

ALAN GROSS

Ms. MIKULSKI. Mr. President, 32 months almost 3 full years. That is how long Maryland native Alan Gross has been held by Cuba as a political prisoner.

Alan Gross went to Cuba in 2009 on an USAID contract to help install wireless Internet. The Cuban government responded by putting him in jail. They declared him a spy, ran a sham trial and sentenced him to 15 years in prison.

Alan Gross is from Potomac, MD, and like me, studied social work at the University of Maryland. I have met his wife on numerous occasions. Her focus and strength are truly inspiring. While her husband has been held in a Cuban prison, she has held down the fort and held the pressure on the Cuban government for its poor treatment of her husband.

And Alan Gross has held strong in the face of his unfair imprisonment. To maintain his physical and mental strength, he would pace his room and do pull ups. Unfortunately, however his health has declined. He has lost more than 100 pounds, is having difficulty walking, and—most worryingly—has had a mass develop behind his shoulder. Rather than act humanely, the Cuban government has been reluctant to share information on Mr. Gross's medical condition.

At home, Mr. Gross's mother is facing inoperable lung cancer and the family is concerned he will not have a chance to say goodbye. That is why the Gross family petitioned the Cuban government to allow him to come home for 2 weeks to see his mother for her 90th birthday.

This request was made following a U.S. Federal judge's humane decision to allow a Cuban intelligence agent on probation in the United States to return home to see his ailing brother. Their plea was met with silence.

Cuba has held Alan Gross as a political hostage, trying to leverage their possession of an American citizen for concessions from the United States. While Cuba might oppose U.S. policy, it has a responsibility to behave humanely to its people.

I want to thank Senator Dodd for his continued focus on the detention of Alan Gross. The Senator has been one trying to improve relations between the United States and Cuba, but has put those efforts on hold because of their unwillingness to release Mr. Gross. I appreciate his decision and his unrelenting work to see Mr. Gross freed.

And most importantly, I want to send my thoughts and prayers to Mr. Gross, his wife Judy and their family. I think about you every day and am hopeful your family will be reunited soon. The pain you face is unfair, but the strength you show is inspiring. I promise we will continue to work to bring Alan back to Maryland.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

GLOBAL WARMING

Mr. INHOFE. Mr. President, when we came back to session this week, I was pleased to see a very good friend of mine on the floor, of a completely different philosophy from mine and a different background and a different State, talking about—being somewhat critical of my position on global warming, which everybody knows I have been involved in for some 12 years since the Koyoto treaty, which was never before us.

Nonetheless, I appreciated the fact that we had a chance to resurrect that issue because, to my knowledge, nobody has uttered the term ''global warming'' since 2009. It has been completely refuted in most areas. But I was pleased to hear my good friend from Vermont talking about it because he and I have a very honest relationship with each other but a total disagreement. We are able to go over those things.

Then again today two things happened. First of all, we had the senior Senator from Massachusetts come down to the floor and was somewhat quite critical of me and anyone who is a skeptic. I think it is important to realize that to understand—so you understand, when we are talking, what we are referring to.

Those people who believe the world is coming to an end because of global warming and that is all due to manmade anthropogenic gases, we call those people alarmists. Those people such as myself who have looked at it very carefully and have come to the conclusion that is not happening and the fact or the assertion that global warming is occurring today and it is occurring because of the release of $CO_2$ and anthropogenic gases, methane, and such as that, it is a hoax, which I said way back in 2003. This became quite a charge to a lot of people, a hoax that—the fact that all of this is happening is due to manmade gases. I believe it is the greatest hoax ever perpetrated on the American people.

As a result of that, a lot of people are trying to do things to this country that are detrimental. By the way, we also had this morning—it was enjoyable. This is the first time since 2009 that the Environment and Public Works Committee has had a hearing on global warming, on the science or lack of science behind global warming.

I was delighted to see all these things resurrected. I know it is not proper to talk about your own books on the floor, and I do not do it, except I have to do it because it was mentioned by some of my adversaries, my book which was called ''The Greatest Hoax.'' Things were taken out of this book so I had to defend them. Let me just mention, if I can in this fairly short period of time that I have, I think it is only 30 minutes, some of the things that were stated, first of all, on the floor by the senior Senator from Massachusetts and then make some comments about the hearing this morning.

In fact, I am glad it is coming to the surface again. First of all, I was referred to as a ''skeptic.'' I mentioned just now that skeptics are those who do not believe what I referred to as the hoax. He referred to us as ''flat earthers.'' I learned a long time ago that if they do not have logic on their side, they do not have the science on their side, they respond with name calling. I have been called a lot of names. Let me just name a few. This comes right out of the book and some of the things that were said this morning. The ''noisiest climate skeptic,'' ''the Senate's resident denier bunny,'' ''traitor,'' ''dumb,'' ''crazy man,'' ''science abuser,'' ''Holocaust denier,'' ''villain of the month,'' ''hate filled,'' ''war mongering,'' ''Neanderthal,'' ''Genghis Khan''. It goes on and on. I will submit this for the RECORD.

But quite often we hear these things, it is only because there is not logic or science on their side. So they do name calling, which is fine. To me, that gets attention, and it needs to have the attention. The second thing, one of the other things that came out this morning, the statement was made by the senior Senator from Massachusetts, and I am quoting now, I believe: There are 6,000 peer-reviewed studies that say that no one peer-reviewed study that proves it is not happening.

There is not one, not one peer-reviewed study. A peer-reviewed study is a study that is published and then the peers review it. I think that is a process that is necessary. Consequently, that statement was made. That statement just flat is not right. In fact, let me go ahead and talk about some of these studies. If we look at the Harvard-Smithsonian study, that was a study which examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades.

The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion—this is a Harvard-Smithsonian peer-reviewed study. They came to the conclusion that climate change is not real, that the science is not accurate.

Dr. Fred Seitz. Dr. Fred Seitz is a former president of the National Academy of Science. He said: ''There is no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gasses is causing or will in the foreseeable future

cause catastrophic heating of the earth's atmosphere and disruption of the earth's climate.''

I would like to pause at this moment, because I see the majority leader on the floor of the Senate, and inquire if they care to have some leadership time. I would be very glad to yield to them that time. Apparently, that is not the case.

Thirdly, this is something that happened very recently. One of the universities, George Mason University, surveyed 430 weathercasters and found that only 19 percent of the weathercasters felt catastrophic global warming is taking place and is a result of human activity.

That is quite a change from what it used to be. That means 81 percent of those weathercasters that we all see every night are saying that is not true.

Dr. Robert Laughlin, a Nobel Prize-winning Stanford University physicist, said:

> Please remain calm. The earth will heal itself. Climate is beyond our power to control. The earth doesn't care about government and legislation. Climate change is a matter of geologic time, something the earth does on its own without asking anyone's permission or explaining itself.

I think the statement is certainly not an accurate statement that was made this morning. By the way, in terms of the climate change, I would like to suggest there is a Web site called Climate Depot by Marc Morano. In this, we can find multitudes of peer-reviewed studies. There is not time to go over them all, but we certainly can find them on that particular Web site.

Another statement made by the senior Senator from Massachusetts this morning was when they were talking about a former climate skeptic, Richard Muller, M-u-l-l-e-r. He changed his mind through extensive research, implying he at one time was a skeptic and he is now an alarmist. Let me tell you about Richard Muller. In 2008 Richard Muller said that the bottom line is that there is a consensus. The Intergovernmental Panel on Climate Change—we will talk about that later. The President needs to know what the IPCC says. Second, they say that most of the warming of the last 50 years is probably due to humans. You need to know that this is from carbon dioxide and that you need to know the understanding of the technology.

Mr. President, I was talking about and responding to the speech made on the floor this morning by the senior Senator from Massachusetts.

I think the main thing I got across at that time was the assertion that was made that there are 6,000 peer-reviewed studies that say not one peer-reviewed study proves that global warming is not happening and that anthropogenic gases would be the cause of it. I know it wasn't the intention of the senior Senator from Massachusetts to say something that was factually wrong, but I did read several peer-reviewed studies and referred to the Web site climatedepot.com, if anyone is interested in that.

Second is the fact that the Senator from Massachusetts—and then again in the hearing this morning, Richard Muller was referred to several times as being a former skeptic who converted over to an alarmist. I suggested—and I read something to show that, in my opinion, he never was a skeptic. I would like to make some comments about Richard Muller.

If you go to my Web site, you will find about 1,000 scientists who have come around and said: No, this assertion that we are having catastrophic global warming due to anthropogenic, manmade gases is not correct. Muller is not on that list. However, when they say that he is the one and made such a big issue, I will quote a couple people about their expressing themselves on the credibility of Richard Muller.

Professor Judith Curry, a climatologist at the Georgia Institute of Technology, stated ''way over-simplistic and not at all convincing, in my opinion.'' She was talking about the comments by Muller. She also said, ''I don't see that their paper adds anything to our understanding of the causes of the recent warming.'' That is on the paper submitted by Richard Muller.

Roger Peilke, Jr., said that the ''bigger issue is how the New York Times let itself be conned into running [Muller's] op-ed.''

Michael Mann is the guy who started this whole thing at the U.N., putting it together. He had the hockey stick thing that has been totally discredited. He said:

> It seems, in the end—quite sadly—that this is all really about Richard Muller's self-aggrandizement.

So much for the statements that were made to give credibility to their side by Richard Muller.

I think another thing that was stated this morning was we have evidence of climate change all around—wildfires, drought and vegetation, and all that type. Then they talked about glaciers. Well, let me just share the facts about that, which I think are very significant, as far as the droughts and all that are concerned. Again, this is a statement made by the senior Senator from Massachusetts this morning, talking about all these things that are happening as a result of global warming.

Well, hurricanes, according to NOAA, have been on the decline in the United States since the beginning of records in the 19th century. The worst decade for major—category 3, 4, and 5—hurricanes was in the 1940s.

To quote the Geophysical Research Letters:

> Since 2006, global tropical cyclone energy has decreased dramatically . . . to the lowest levels since the late 1970s. Global frequency of tropical cyclones has reached a historic low.

So just the opposite.

On tornadoes, NOAA scientists reject a global warming link to tornadoes. To quote them:

> No scientific consensus or connection between global warming or tornado activity.

Droughts. The Senator talked about droughts this morning. Reading from this article, the headline is ''Scientist disagrees with Obama on cause of Texas drought:'' and to quote Dr. Robert Hoerling, a NOAA research meteorologist, ''This is not a climate change drought.''

They further said severe drought in 1934 covered 80 percent of the country compared to only 25 percent in 2011.

The statements that were made about the Arctic and about Greenland this morning, if you look at a November 2007 peer-reviewed—and I stress peer-reviewed—study, conducted by a team of NASA and university experts, it found cyclical changes in ocean currents impacting the Arctic. The excerpt from this peer-reviewed study by NASA says:

> Our study confirms that many changes seen in upper Arctic Ocean circulation in the 1990s were mostly decadal in nature, rather than trends caused by global warming.

And 2011 sees 9,000 Manhattans of Arctic ice recovery since the low point in 2007.

Let me explain what that means. When we talk about the Manhattan Arctic recovery, they use Manhattan because that is something people can identify with, and then they relate that to the recovery of ice. In this case—this is, again, from NASA. In 2011, there were 9,000 Manhattans of Arctic ice recovery since the low point in 2007. Now, this study was 2011. So that means the low point was actually below that, and it has been decreasing since that time.

Now, that was the Arctic. In the Antarctic there is a 2008 peer-reviewed paper in the American Geophysical Union, and it found a doubling in snow accumulation in the western Antarctic Peninsula since 1850. In a paper published in the October Journal of Climate Examples, the trend of sea ice extends along the east Antarctic coast from 2000 to 2008 and finds a significant increase of 1.43 percent per year.

Let's talk about Greenland. And I will always remember when I had occasion—well, one of the things I have been interested in is aviation. I have been an active pilot for, I guess, 60 years now. The occupier of the chair is fully aware of this because he and I together were able to pass the pilots' bill of rights, so for the first time an accused pilot has access to the judicial system. But as the occupier of the chair is fully aware, I had occasion to fly an airplane around the world one time, emulating the flight of Wiley Post when he went around the world. It is an exciting thing, but it is one of those things where you feel you are glad you did it, but you never want to do it again. It was kind of miserable at times.

Anyway, I remember coming across Greenland, following Wiley Post, and starting in the United States, going up to Canada, then Greenland, to Iceland,

back to western Europe, and then across Siberia. But in Greenland they are still talking up there about what it used to be like in Greenland. They had gone through this melting period where everyone up there was growing things. They were ecstatic up there, talking about the great old times. Then, of course, the cold spell came along, and it got much colder and it was much worse.

Now, the IPCC, in 2001, covered this. They said that to melt the Greenland ice sheet would require temperatures to rise by 5½ degrees Celsius and remain for 1,000 years. The ice sheet is growing 2 inches a year. So that is Greenland, and they were just talking about Greenland this morning. In fact, they talked about it during this hearing too.

Let me mention this IPCC and remind everyone of something that people tend to forget. The IPCC is the Intergovernmental Panel on Climate Change. It was put together by the United Nations a long time ago. It all started in 1992 down in Rio de Janeiro. They had their big gathering down there to try to encourage everyone to pass the Kyoto Treaty. The treaty was never even submitted by the Clinton-Gore administration, although Gore went to this big meeting in Rio de Janeiro. They had a wonderful time down there. At that time they were all saying the world is coming to an end so we have to pass the Kyoto Treaty to stop all that. Well, that is the IPCC that I have been very critical of because that is the science on which all of these things are based that we are dealing with today.

So much for these things that were stated in terms of the disasters and the droughts and all of these problems. The next thing he talked about—and I have already talked about Greenland—is he talked about it is going to be necessary to have carbon caps. I think we talked about that this morning. Right now, there are those people who are advocating cap and trade—a very complex, difficult thing to explain—which is essentially requiring a cap on carbon emissions and then trading these emissions back and forth. That is something they do not talk about anymore because that has been completely discredited. Now they are talking about a carbon tax, and I think that was mentioned this morning.

Quoting the Senator from Massachusetts this morning once again:

> The avoidance of responsibility has to stop. We have been waiting for 20 years now while other countries, including China, are stealing our opportunities.

Let's put up that chart. Let's talk a little about China. You know China is the great beneficiary of anything we do here to put caps on carbon because they are the ones that are doing it. So they say China is making great strides in reducing their carbon emissions. Well, look at this. The green line there is China. This is in emissions—billions of tons of emissions. It starts down at 2, a little over 2, which was in 1990, and it was fairly low until 2002.

Look at what has happened. It has doubled in tons of emissions. China has actually doubled in that period of time, from 2002 to 2012—a 10-year period.

At the same time, we have actually reduced our emissions—both the United States and the European Union. To suggest that China is sitting back there waiting for us to provide the leadership for them to destroy their economy is pretty outrageous.

By the way, the other statement that has been made in the past, not just by the Senator to whom I have referred but several others, is that we are not going to be able to solve the problem and to do something about our reliance upon the Middle East just by developing our own resources. That is wrong.

There is a guy named Harold Hamm, who is now the authority, and he has actually had more successful production in tight formations. He happens to be from my State of Oklahoma. I called him up before a speech or a debate I was involved in probably 6 months ago, and I said to Harold Hamm: You know, if we were to open up the United States—now, granted, there has been a surge in the production in this country, in the recovery, but that is all in private lands; none in public lands because we have had a reduction in public lands.

The Obama administration has said over and over and over—and I guess if you say something wrong enough times people will believe it—that even if we open these public lands it would take 10 years before that would arrive at the pumps.

So I asked Harold Hamm, and I said: You are going to have to give me something you can document, but if we were to set up in New Mexico, for example, where you are precluded on public lands from drilling, and you put up your operation, how long would it take you to bring up the oil and actually go through the whole refinery process and get it to the pump to get the supply there so we can bring down the price of oil, of gas, at the pumps? He said: Seventy days. He didn't hesitate.

I said: Seventy days? They said it would take 10 years.

He said: No. He said: It would take 30 days to go down and lift it up—60 days before you hit the surface, and in preparation of sending it to a refinery, then in 10 days you get it to the refinery and to the pumps.

Well, I am just saying there is this whole idea we have to rely on some kind of green energy that has not even been developed yet in terms of technology and ration what we have in this country. I mean, this Obama administration has had a war on fossil fuels since before he was elected President of the United States. He wants to kill fossil fuels. We all know that. And I am not going to quote all the people in his administration who say we are going to have to raise the price at the pumps to be comparable to Central Europe before people will be weaned off of fossil fuel because I think people know that now.

This morning was kind of interesting. We had a hearing this morning, and one of the witnesses was a Dr. Christopher Field. He was a witness for the other side, and he made a lot of statements. It was kind of interesting because there is an article that was sent out, written by Roger Pielke, Jr., who is from the University of Colorado at Boulder, and he was actually on the IPCC at one time. But he is one of the authorities who disagrees with me, and he talked about how wrong Dr. Field was.

Now, this is what Field said, first of all:

> As the U.S. copes with the aftermath of last year's record-breaking series of $14 billion climate-related disasters and this year's massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear.

Well, what did Roger Pielke say this morning? He said:

> Field's assertion that the link between climate change and disaster ''is clear,'' which he supported with reference to U.S. ''billion dollar'' economic losses, is in reality scientifically unsupported by the IPCC. Period.

That was the response to the assertion made this morning.

Another assertion made this morning by Field was:

> The report identified some areas where droughts have become longer and more intense (including southern Europe and west Africa), but others where droughts have become less frequent, less intent or shorter.

This is what was said in response to that. Again, this is Dr. Roger Pielke, Jr., just today. This is in today's paper he published.

> Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is . . . the United States. Why did he fail to mention this region, surely of interest to U.S. Senators. . . .

Myself included—that were on the panel?

The third thing he mentioned on NOAA's billion-dollar disasters; Field said:

> The U.S. experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9.

Field says nothing about the serious issues with NOAA's tabulation. The billion-dollar disaster memo is a PR train wreck, not peer-reviewed, and is counter to the actual science summarized in the IPCC. Again, this is Dr. Pielke, Jr., who disagrees with me on this, but he said he is tired of people saying things that are not true.

I ask unanimous consent to include his entire statement in the RECORD because he goes over point after point and discredits everything that was said by this witness—whose name is Christopher Field—this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROGER PIELKE JR IPCC LEAD AUTHOR MISLEADS US CONGRESS

The politicization of climate science is so complete that the lead author of the IPCC's Working Group II on climate impacts feels comfortable presenting testimony to the US Congress that fundamentally misrepresents what the IPCC has concluded. I am referring to testimony given today by Christopher Field, a professor at Stanford, to the US Senate.

This is not a particularly nuanced or complex issue. What Field says the IPCC says is blantantly wrong, often 180 degrees wrong. It is one thing to disagree about scientific questions, but it is altogether different to fundamentally misrepresent an IPCC report to the US Congress. Below are five instances in which Field's testimony today completely and unambiguously misrepresented IPCC findings to the Senate.

1. On the economic costs of disasters:

Field: ''As the US copes with the aftermath of last year's record-breaking series of 14 billion-dollar climate-related disasters and this year's massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear.''

Field's assertion that the link between climate change and disasters ''is clear,'' which he supported with reference to US ''billion dollar'' economic losses, is in reality scientifically unsupported by the IPCC. Period. There is good reason for this—it is what the science says. Why fail to report to Congress the IPCC's most fundamental finding and indicate something quite the opposite?

2. On US droughts:

Field: ''The report identified some areas where droughts have become longer and more intense (including southern Europe and West Africa), but others where droughts have become less frequent, less intense, or shorter.''

What the IPCC actually said: . . . in some regions droughts have become less frequent, less intense, or shorter, for example, central North America. . .''

Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is . . . the United States. Why did he fail to mention this region, surely of interest to US Senators, but did include Europe and West Africa?

3. On NOAA's billion dollar disasters:,

Field: ''The US experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9.''

What NOAA actually says about its series of ''billion dollar'' disasters: ''Caution should be used in interpreting any trends based on this [data] for a variety of reasons''

Field says nothing about the serious issues with NOAA's tabulation. The billion dollar disaster meme is a PR train wreck, not peer reviewed and is counter to the actual science summarized in the IPCC. So why mention it?

4. On attributing billion dollar disasters to climate change, case of hurricanes and tornadoes:

Field: ''For several of these categories of disasters, the strength of any linkage to climate change, if there is one, is not known. Specifically, the IPCC (IPCC 2012) did not identify a trend or express confidence in projections concerning tornadoes and other small-area events. The evidence on hurricanes is mixed.''

What the IPCC actually said: ''The statement about the absence of trends in impacts attributable to natural or anthropogenic climate change holds for tropical and extratropical storms and tornados''

Hurricanes are, of course, tropical cyclones. Far from evidence being ''mixed'' the IPCC was unable to attribute any trend in tropical cyclone disasters to climate change (anywhere in the world and globally overall). In fact, there has been no trend in US hurricane frequency or intensity over a century or more, and the US is currently experiencing the longest period with no intense hurricane landfalls ever seen. Field fails to report any this and invents something different. Why present testimony so easily refuted? (He did get tornadoes right!)

5. On attributing billion dollar disasters to climate change, case of floods and droughts:

Field: ''For other categories of climate and weather extremes, the pattern is increasingly clear. Climate change is shifting the risk of hitting an extreme. The IPCC (IPCC 2012) concludes that climate change increases the risk of heat waves (90% or greater probability), heavy precipitation (66% or greater probability), and droughts (medium confidence) for most land areas.''

What the IPCC actually says: ''The absence of an attributable climate change signal in losses also holds for flood losses'' and (from above): ''in some regions droughts have become less frequent, less intense, or shorter, for example, central North America''

Field fails to explain that no linkage between flood disasters and climate change has been established. Increasing precipitation is not the same thing as increasing streamflow, floods or disasters. In fact, floods may be decreasing worldwide and are not increasing the US. The fact that drought has declined in the US means that there is no trend of rising impacts that can be attributed to climate change. Yet he implies exactly the opposite. Again, why include such obvious misrepresentations when they are so easily refuted?

Field is certainly entitled to his (wrong) opinion on the science of climate change and disasters. However, it utterly irresponsible to fundamentally misrepresent the conclusions of the IPCC before the US Congress. He might have explained why he thought the IPCC was wrong in its conclusions, but it is foolish to pretend that the body said something other than what it actually reported. Just like the inconvenient fact that people are influencing the climate and carbon dioxide is a main culprit, the science says what the science says.

Field can present such nonsense before Congress because the politics of climate change are so poisonous that he will be applauded for his misrepresentations by many, including some scientists. Undoubtedly, I will be attacked for pointing out his obvious misrepresentations. Neither response changes the basic facts here. Such is the sorry state of climate science today.

Mr. INHOFE. It is important to talk about the IPCC because if we stop and think about it, everything that has been happening comes from the science that was investigated and formulated by the IPCC—Intergovernmental Panel on Climate Change—that is, the United Nations. In my book I talk a little bit about that, but I don't believe it would be appropriate to mention it at this time. But at today's hearing, we talked about the IPCC.

When they were unable, through about five or six different bills, to get cap and trade through—keep in mind, cap and trade through legislation would cost the American people between $300 billion and $400 billion a year. But when that failed, we had something happen in December 2009.

The United Nations has this big party every year, and they invite countries from around the world to testify that global warming is happening and they are going to do something about it. One time in Milan, Italy, I saw one of my friends from West Africa. I said, What in the world are you doing here? You know better than this—in terms of global warming. He said, This is the biggest party of the year. Besides that, if we agree to go along with this, we in West Africa are going to get billions of dollars from the United Nations, from those countries in the developed nations.

Another big party was coming up in Copenhagen in 2009. I think Senator KERRY had gone over; Hillary Clinton had gone over. I don't believe Barack Obama was there. NANCY PELOSI was there and several others were there. They were telling all these countries: Don't you worry about it because we in the United States of America are going to pass cap-and-trade legislation this year. So I said I was going to go over as a one-man truth squad to let them know the truth, and I did. I went over and told the 191 other countries there: We are not going to pass cap and trade. It is dead. It is gone. They can't get one-third of the Senate to support it.

Before I left, one of my favorite liberals, Lisa Jackson—I really like her. She is Obama's appointee and is now the Director of the Environmental Protection Agency. Right before I went to Copenhagen, we had a hearing and she was a witness.

I said: Madam Administrator, I have a feeling that once I leave and go to Copenhagen, you are going to come out with an endangerment finding that will give you justification to start doing what they couldn't do by legislation through regulations. And I could see a smile on her face.

I said: When you do this, it has to be based on science. What science are you going to base this on?

She said: Well, the Intergovernmental Panel on Climate Change would be the major thing. And, sure enough, that is exactly what happened.

I could not have planned it, but she made this declaration that we now are going to be able to do through regulation what we couldn't do through legislation because the people of America had spoken through their elected representatives in the House and the Senate and had denied the opportunity to do cap and trade, so they decided to do it on an endangerment finding.

What happened after that is what I call poetic justice. Climategate occurred. I had nothing to do with it when it happened, but all the speeches I had made in the previous 10 years on the floor of this Senate were speeches saying exactly the same thing: that they were cooking the science and what they were saying was not real.

I read several of the editorials that came out after climategate. The New York Times has always been on the other side of this issue. They said:

Given the stakes, the IPCC cannot allow more missteps and, at the very least, must

tighten procedures and make its deliberation more transparent. The panel's chairman . . . is under fire for taking consulting fees from business interests. . . .

The Washington Post, which has also been on the other side of this issue, said:

Recent revelations about flaws in that seminal IPCC report, ranging from typos in key dates to sloppy sourcing, are undermining confidence not only in the panel's work but also in projections about climate change.

Newsweek:

Some of the IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures, newspaper articles. . . .

Christopher Booker of the UK Telegraph said of climategate, '' . . . the worst scientific scandal of our generation.''

Clive Crook of the Financial Times said: ''The stink of intellectual corruption is overpowering.''

A prominent physicist from the IPCC said: ''Climategate was a fraud on the scale I have never seen.''

Another UN Scientist, bails:

UN IPCC Coordinating author Dr. Philip Lloyd calls out IPCC 'fraud'—the result is not scientific.

Newsweek:

Once celebrated climate researchers feeling like used car salesmen. Some of IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures.

Clive Cook of the Atlantic Magazine, speaking of the IPCC, responds:

I had hoped, not very confidently, that the various Climategate inquiries would be severe. This would have been a first step towards restoring confidence in the scientific consensus.

So everyone is in agreement that this is what climategate was all about. And why I am spending so much time on this is because this is the science of all of these things that started since Kyoto.

By the way, the Senator, this morning on the floor, commented about the Kyoto Treaty. Let's keep in mind, the Kyoto Treaty was back during the Clinton-Gore administration. They were strongly in support of it. Vice President Gore went down to the summit they were having in Rio de Janeiro and signed the treaty, but they never submitted it to the Senate.

To become a part of a treaty, it has to be ratified by the United States. It never was, and people need to understand that there is a reason it never was submitted.

I would suggest a couple of other things in the remainder of the time that I have that I think are significant and worthy of bringing up. One would be the one-weather event. The thing that we are hearing more about than anything else is that it has been a very hot summer. On Monday, my wife called me up and said: In Tulsa it is 109 degrees today.

I was joking around with my good friend from Vermont—we disagree with each other, but he is a good friend. Sure, it is hot. But it is so important that people understand, weather is not climate.

Roger Pielke, Jr., a professor of environmental studies at University of Colorado, said:

Over the long term, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, chair of the Georgia Institute of Technology's School of Earth and Atmospheric Sciences, has said:

I have been completely unconvinced by any of the arguments . . . that attribute a single extreme weather event, a cluster of extreme weather events, or statistics of extreme weather events to anthropogenic forcing.

Myles Allen at the University of Oxford's Atmospheric, Oceanic, and Planetary Physics Department:

When Al Gore said . . . that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms and droughts . . . my heart sank.

I consider Rachel Maddow of MSNBC to be one of the outstanding liberals, and she is one of my four favorite liberals. I have been on her program, and I have enjoyed it. Bill Nye, the Science Guy, agrees that some of these weather events have nothing to do with global warming.

The other thing I made a note of that came up this morning was that they said there is no evidence on cooling. I think it is important to talk about that a little bit because a prominent Russian scientist said:

We should fear a deep temperature drop—not catastrophic global. . . . Warming had a natural origin . . . $CO_2$ is not guilty.

U.N. Fears (More) Global Cooling Cometh! An IPCC scientist warns the U.N.:

We may be about to enter one or even two decades during which temps cool.

I ask unanimous consent all of these be placed in the RECORD showing that a single weather event has nothing to do with climate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL COOLING PREDICTIONS

3. Paleoclimate scientist Dr. Bob Carter, James Cook University in Austraila, who has testified before the U.S. Senate Committee on EPW, noted on June 18, 2007, ''The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change (IPCC) show that no ground-based warming has occurred since 1998. Oddly, this 8-year-long temperature stability as occurred despite an increase over the same period of 15 parts per million (or 4%) in atmospheric $CO_2$.

(ANDREW REVKIN)

4. Just months before Copenhagen, on September 23, 2009, the New York Times acknowledged, ''The world leaders who met at the United Nations to discuss climate change . . . are faced with an intricate challenge: building momentum for an international climate treaty at a time when global temperatures have been relatively stable for a decade and may even drop in the next few years.''

Mr. INHOFE. I do think it is important to bring this up because this is happening right now, after 3 years, and not one mention of global warming, and all of a sudden it is global warming.

Mr. President, I ask unanimous consent to extend my time by 5 minutes.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. INHOFE. This morning I showed a picture of an igloo. I have 20 kids and grandkids. My daughter Molly and her husband have four children. One of those is adopted from Africa, a little girl. She was brought over here when she was a little baby. She is now 12 years old, reading at a college level. She is an outstanding little girl. I sponsor the African dinner every February, and she, for the last 3 years, has been kind of a keynote speaker, and everybody loves her.

They were up here 2 years ago, and they couldn't leave because all the airports were closed because of the ice storm. What do you do with a family of six when they are stuck someplace? They built an igloo. That was fun—a real igloo that will sleep four people. This became quite an issue, and we had articles from France and Great Britain and all criticizing my family. In fact, my cute little family was declared by Keith Olbermann of MSNBC to be the worst family in America because of this.

The point they were trying to make is, no one ever asserted that because it was the coldest winter in several decades up here that somehow that refuted global warming. I said: No, that isn't true. Now those same people are saying that it is.

So you can fool the American people part of the time and you can talk about all the hysteria and all the things that are taking place, but the people of America have caught on.

In March 2010, in a Gallup poll, Americans ranked global warming dead last, No. 8 out of eight environmental issues. They had a vote, and this was dead last.

A March Rasmussen poll: 72 percent of American voters don't believe global warming is a serious problem.

An alarmist, Robert Socolow, laments:

We are losing the argument with the general public big time . . . I think the climate change activists—myself included—have lost the American middle.

So as much money as they have spent and the efforts they have made, and moveon.org and George Soros and Michael Moore and the United Nations and the Gore people and the elitists out in California in Hollywood, they have lost this battle. Now they are trying to resurrect it. They would love nothing more than to pass this $300 billion tax increase. It is not going to happen.

But I am glad that we are talking about it again, and I applaud my friend. Senator SANDERS from Vermont is a real sincere activist on the other side. We agree on hardly anything—except infrastructure, I would have to

say—and yet we respect each other. That is what this body is all about. We should have people who are on both sides of all these controversial issues talking about it. There has been a silence for 3 years. Now we are talking about it again.

So welcome back to the discussion of global warming. I look forward to future discussions about this.

Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT S. 3326

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are about to do something really important in the Senate. It would increase U.S. textile exports to Central American countries, it would promote development and economic stability by creating jobs in, of course, African countries, and it would extend U.S. import sanctions with Burma, which the Republican leader will speak more about. This bill would help maintain about 2,000 jobs in North Carolina and South Carolina alone. It is a very good bill. It is fully paid for. It is an important piece of legislation.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 459, S. 3326; that the only amendment in order be a Coburn amendment, the text of which is at the desk; that there be 30 minutes for debate equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the amendment; that if the amendment is not agreed to, the bill be read the third time and passed without further action or debate; that when the Senate receives H.R. 5986 and if its text is identical to S. 3326, the Senate proceed to the immediate consideration of H.R. 5986, the bill be read the third time and passed without further debate, with no amendments in order prior to passage; further, that if the Coburn amendment is agreed to, the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 3326, as amended, be inserted in lieu thereof, the bill be read the third time and passed without further debate; that when the Senate receives H.R. 5986, the Senate proceed to it forthwith and all after the enacting clause be stricken and the text of sections 2 and 3 of S. 3326, as reported, by inserted in lieu thereof, the bill be read the third time and passed, without further debate, as amended, and S. 3326 be returned to the Calendar of Business; finally, that no motions be in order other than motions to waive or motions to table and that motions to reconsider be made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, let me echo the remarks of the majority leader. This is an important piece of legislation.

The part I have the most interest in renews Burma's sanctions—something we have done on an annual basis for 10 years. We are renewing the sanctions in spite of the fact that much progress has been made in Burma in the last year and a half. Secretary Clinton will, of course, recommend to the President that these sanctions be waived in recognition of the significant progress that has been made in the last year and a half in that country, which is trying to move from a rather thuggish military dictatorship to a genuine democracy. There is still a long way to go.

This is an important step in the right direction. America speaks with one voice regarding Burma. My views are the same as the views of the Obama administration as expressed by Secretary Clinton.

I thank the chairman of the Finance Committee also for helping us work through the process, and particularly Senator COBURN, who had some reservations about the non-Burma parts of this bill. I think we have worked those out and are moving forward. It is an important step in the right direction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1950.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 1905) entitled ''An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes'', with an amendment.

Mr. JOHNSON of South Dakota. Mr. President, I rise in strong support of the Iran Threat Reduction and Syria Human Rights Act, our legislation which embodies a bipartisan, bicameral agreement to reconcile the current Senate and House-passed versions of Iran sanctions legislation. Once implemented, this comprehensive new set of sanctions will help dramatically to increase the pressure on Iranian government leaders to abandon their illicit nuclear activities and support for terrorism. This bill passed the House of Representatives by an overwhelming bipartisan vote of 421 to 6 earlier this evening. I hope all of my colleagues will join me in supporting it so that it can be adopted by the Senate and signed into law by the President as soon as possible.

So far, in the sputtering P5+1 negotiations, Iran has shown no clear signs of a willingness to work with the international community to engage in a serious way on nuclear issues. It remains to be seen whether Iran will ultimately be willing to work towards progress on the central issues at upcoming negotiating sessions, or whether the meetings will simply be another in a series of stalling actions to buy time to enrich additional uranium and further fortify their nuclear program. That is why I think it necessary to intensify the pressure, and move forward quickly now on this new package that leaves no doubts about U.S. resolve on this issue. As we all recognize, economic sanctions are not an end: they are a means to an end. That end is to apply enough pressure to secure agreement from Iran's leaders to fully, completely and verifiably abandon their illicit nuclear activities.

Isolated diplomatically, economically, and otherwise, Iran must understand that the patience of the international community is fast running out. With these new sanctions, including those targeted at the I-R-G-C, we are pressing Iran's military and political leaders to make a clear choice. They can end the suppression of their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorist activities around the globe. Or they can continue to face sustained multilateral economic and diplomatic pressure, and deepen their international isolation.

This legislation is based on the Senate bill which passed with unanimous support in May. It incorporates new measures from Democrats and Republicans in the House and Senate. The sanctions contained in this bill reach more deeply into Iran's energy sector than ever before, and build on the sweeping banking sanctions Congress enacted 2 years ago to reach to insurance, shipping, trade, finance and other sectors, targeting those who help to bolster Iranian government revenues which support their illicit nuclear activities.

As I have said before, the prospect of a nuclear-armed Iran is the most pressing foreign policy challenge we face, and we must continue to do all we can—politically, economically, and diplomatically—to avoid that result. In recent months, we have seen increased signs that the Iranian regime is feeling the pressure of existing sanctions. Their currency has plummeted, their trade revenues have been sharply curtailed, and they are under increasing pressure from the oil sanctions regime currently in place. With passage of this bill, we are taking another significant step to block the remaining avenues for the Iranians to fund their illicit behavior and evade sanctions. The bill also requires sanctions on those who purchase new Iranian sovereign debt, thereby further limiting the regime's ability to finance its illicit activities.

In addition, there are substantial new sanctions for anyone who engages

in joint ventures with the National Iranian Oil Company, NIOC; provides insurance or re-insurance to the National Iranian Oil Company or the National Iranian Tanker Company, NITC; helps Iran evade oil sanctions through reflagging or other means; or sells, leases, or otherwise provides oil tankers to Iran, unless they are from a country that is sharply reducing its oil purchases from Iran.

The bill also expands sanctions against Iranian and Syrian officials for human rights abuses, including against those who engage in censorship, jamming and monitoring of communications, and tracking of Internet use by ordinary Iranian citizens.

Many of my colleagues, both Democrats and Republicans, have helped us get to this point. I want to particularly thank Chairman ROS-LEHTINEN of the House Foreign Affairs Committee. Without her help, we would not be here. I also want to thank my colleagues, including Senator MENENDEZ, who crafted many of its original provisions, and Senators SCHUMER, GILLIBRAND, LAUTENBERG, BROWN, KYL, LIEBERMAN, and others who contributed their ideas. I also want to thank Majority Leader REID for his tireless efforts to enact a strong comprehensive sanctions bill.

Finally, I want to thank the staff who crafted the details of this bill, and worked long hours in intensive discussions over the last several weeks to get it done. They include Patrick Grant, Steve Kroll, Georgina Cannon, Ingianni Acosta and Colin McGinnis of my Committee staff; Dr. Yleem Poblete, Matt Zweig, and Ari Friedman of Chairman ROS-LEHTINEN's staff; John O'Hara and Andrew Olmem of Senator SHELBY's staff, and Shanna Winters, Dr. Richard Kessler, and Alan Makovsky of Ranking Member BERMAN's staff.

All told, when enacted this bill and other efforts by the President will significantly increase pressure on Iran to abandon its illicit nuclear activities. I ask unanimous consent to have printed in the RECORD a detailed summary of the bill. I urge all my colleagues to support this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

SECTION-BY-SECTION SUMMARY

Sec. 1—Short Title, Table of Contents

Sec. 2—Definitions: Provides that the definitions of key terms (''appropriate congressional committees,'' and ''knowingly,'') will be those found in the Iran Sanctions Act (ISA) of 1996, as amended, and that the definition of ''United States person'' will be that found in the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA). Also defines ''financial transaction,'' to mean any transfer of value involving a financial institution, including precious metals and various swaps, futures, and other activities.

Sec. 101—Enforcement of Multilateral Sanctions Regime and Expansion and Implementation of Sanctions: States the sense of Congress that (i) the goal of compelling Iran to abandon its efforts to achieve nuclear weapons capacity can be effectively achieved through a comprehensive policy that includes expansion and vigorous implementation and enforcement of bilateral and multilateral sanctions against Iran, diplomacy, and military planning and options, consistent with the President's 2012 State of the Union Address; and (ii) that intensified efforts to counter Iranian sanctions evasion are necessary.

Sec. 102—Diplomatic Efforts to Expand Multilateral Sanctions Regime: Urges efforts by the US to expand the UN sanctions regime to include (i) imposing additional travel restrictions on Iranian officials responsible for human rights violations, the development of Iran's nuclear and ballistic missile programs, and Iran's support for terrorism; (ii) withdrawing sea- and airport landing rights for Iran Shipping Lines and Iran Air, for their role in nuclear proliferation and illegal arms sales; (iii) expanding the range of sanctions imposed on Iran by US allies; (iv) expanding sanctions to limit Iran's petroleum development and imports of refined petroleum products; and (v) accelerating US diplomatic and economic efforts to help allies reduce their dependence on Iranian crude oil and other petroleum products. Requires periodic reporting to Congress on the status of such efforts.

Sec. 201—Expansion of Sanctions with Respect to Iran's Energy Sector: Makes a number of substantial changes in and additions to ISA's energy sanctions. These include (i) increasing the number of required sanctions from three to five; (ii) making sanctionable certain construction of transportation infrastructure to support delivery of domestically refined petroleum in Iran; (iii) making sanctionable certain barter transactions, and the purchase or facilitation of Iranian debt issued after the date of enactment, that contribute to Iran's ability to import refined petroleum products; (iv) extending ISA sanctions to persons knowingly participating in petroleum resources joint ventures established on or after January 1, 2002, anywhere in the world in which Iran's government is a substantial partner or investor; an exception is provided for ventures terminated within 180 days of enactment; (v) extending ISA sanctions to those providing certain goods and services (including construction of certain infrastructure) that support Iran's ability to develop its petroleum resources; and (vi) extending ISA sanctions to support for Iran's domestic production of petrochemical products.

Sec. 202—Imposition of Sanctions for Transportation of Crude Oil from Iran and Evasion of Sanctions by Shipping Companies: Requires imposition of at least five ISA sanctions on a person who owns or operates a vessel that within 90 days after the date of enactment is used to transport crude oil from Iran to another country; applies only if the President makes a determination, under the NDAA, that there is a sufficient supply of petroleum and petroleum products from countries other than Iran to permit purchasers of petroleum to significantly reduce their purchases from Iran; an exception is provided for transportation of crude oil from Iran to countries that are exempt from NDAA sanctions because they are significantly reducing such purchases. Also applies at least five ISA sanctions to persons that own or operate a vessel that conceals the Iranian origin of crude oil or refined petroleum products transported on the vessel, including by permitting the operator of the vessel to suspend the vessel's satellite tracking devices, or by obscuring or concealing the ownership by the government of Iran, or other entities owned or controlled by Iran. Ships involved could be barred from US ports for up to two years.

Sec. 203—Expansion of Sanctions with Respect to the Development by Iran of WMDs: Requires imposition of five or more ISA sanctions on persons who export, transfer, or otherwise facilitate the transshipment of goods, services, technology or other items and know or should have known this action would materially contribute to the ability of Iran to develop WMDs. Also requires ISA sanctions to be imposed (subject to certain conditions) on persons who knowingly participate in joint ventures with Iran's government, Iranian firms, or persons acting for or on behalf of Iran's government, in the mining, production or transportation of uranium anywhere in the world. Exempts persons if they withdraw from such joint ventures within six months after date of enactment.

Sec. 204—Expansion of Sanctions Available under the Iran Sanctions Act of 1996: Expands the current menu of sanctions available to the President under ISA, to include a prohibition on any US person from investing in or purchasing significant amounts of equity or debt instruments of a sanctioned person, an exclusion from the United States of aliens who are corporate officers, principals or controlling shareholders in a sanctioned firm, and application of applicable ISA sanctions to the CEO or other principal executive officers (or persons performing similar functions) of a sanctioned firm, which could include a freeze of their US assets.

Sec. 205—Modification of Waiver Standard under the Iran Sanctions Act of 1996: Revises the standard under section 9 of ISA for waivers of sanctions by the President (i) to require that energy-related sanctions can only be waived if waiver is essential to the national security interests of the United States; (ii) require that WMD-related sanctions can only be waived if waiver is ''vital to the national security interests of the United States; (iii) to eliminate the ''permanent'' waiver in prior law and replace it with a one-year renewable waiver; and (iv) to clarify that all waivers must be on a case-by-case basis .

Sec. 206—Briefings on Implementation of the Iran Sanctions Act of 1996: Amends ISA to require briefings by the Secretary of State to the appropriate congressional committees on ISA implementation.

Sec. 207—Expansion of Definitions under the Iran Sanctions Act of 1996: Adds definitions of ''credible information,'' ''petrochemical product,'' and ''services.'' ''Credible information'' includes public announcements by persons that they are engaged in certain activities, including those made in a report to stockholders, and may include announcements by the Government of Iran, and reports from the General Accountability Office (GAO), the Energy Information Administration, the Congressional Research Service, or other reputable governmental organizations, or trade or industry publications. ''Petrochemical product'' is defined consistent with Executive Order 13590. ''Services'' include software, hardware, financial, professional consulting, engineering, specialized energy information services, and others.

Sec. 208—Sense of Congress on Iran's Energy Sector: States the sense of Congress that Iran's energy sector remains a zone of proliferation concern, since the Iranian Government continues to divert substantial revenue from petroleum sales to finance its illicit nuclear and missile activities, and that the President should apply the full range of ISA sanctions to address the threat posed by Iran.

Sec. 211—Sanctions for Shipping WMD or Terrorism-Related Materials to or from Iran: Requires the blocking of assets of, and imposes other sanctions on, persons who knowingly sell, lease, or provide ships, insurance or reinsurance, or other shipping services,

for transportation of goods that materially contribute to Iran's WMD program or its terrorism-related activities. Applies as well to parents of the persons involved if they knew or should have known of the sanctionable activity and to any of subsidiaries or affiliates of the persons involved that knowingly participated in the activity. Permits the President to waive sanctions in cases ''vital to the national security interest,'' but requires a report to Congress regarding the use of such a waiver; the President must, in any event, submit a report to Congress identifying operators of vessels and other persons that conduct or facilitate significant financial transactions that manage Iranian ports designated for IEEPA sanctions.

Sec. 212—Imposition of Sanctions for Provision of Underwriting Services or Insurance or Reinsurance for NIOC and NITC: Requires five or more ISA sanctions against companies providing underwriting services, insurance, or reinsurance to National Iranian Oil Company (NIOC) or the National Iranian Tanker Company (NITC) or a successor entity to either company. Provides an exemption for persons providing such services for activities relating to the provision of food, medicine, and medical devices or humanitarian assistance to Iran.

Sec. 213—Imposition of Sanctions for Purchase, Subscription to, or Facilitation of the Issuance of Iran Sovereign Debt: Requires the imposition of five or more ISA sanctions on persons the President determines knowingly purchase, subscribe to, or facilitate the issuance of Iranian sovereign debt, or debt of an entity owned or controlled by the Iranian Government, issued on or after the date of enactment.

Sec. 214—Imposition of Sanctions on Subsidiaries and Agents of UN-Sanctioned Persons: Amends CISADA to ensure that US financial sanctions imposed on UN-designated entities reach those persons acting on behalf of, at the direction of, or owned or controlled by, the designated entities. Requires the Treasury Department to revise its regulations within 90 days of enactment to implement the change.

Sec. 215—Imposition of Sanctions for Transactions with Persons Sanctioned for Certain Activities Relating to Terrorism or Proliferation of WMD: Extends CISADA to impose sanctions on a foreign financial institution that facilitates a significant transaction or transactions or provides significant services not only to certain designated financial institutions but also to designated persons whose property or interests in property are blocked based on their connection to Iran's proliferation of weapons of mass destruction or support of terrorism.

Sec. 216—Expansion of Mandatory Sanctions with Respect to Financial Institutions that Engage in Certain Activities Relating to Iran: Requires the Treasury Secretary to revise regulations under Section 104 of CISADA to apply rules cutting off access to the U.S. financial institutions to foreign financial institutions knowingly facilitating, participating or assisting in, or acting on behalf of or as an intermediary, in connection with financial activities involving designated Iranian banks, whether or not the transactions are directly with those banks..

Sec. 217—Continuation of Sanction for the Government of Iran, the Central Bank of Iran, and Sanctions Evaders: Requires that various sanctions imposed by Executive Order, including blocking the property of the Government of Iran and Iranian financial institutions, imposing penalties on foreign sanction evaders, and blocking the property of the CBI, will remain in effect until the President certifies that Iran and the CBI have ceased to support terrorism and Iranian development of WMD.

Sec. 218—Liability of Parent Companies for Violations of Sanctions by Foreign Subsidiaries: Requires the imposition of civil penalties under the International Emergency Economic Powers Act (IEEPA) of up to twice the amount of the relevant transaction, on US parent companies for the activities of their foreign subsidiaries which, if undertaken by a US person or in the United States, would violate US sanctions law. Subsidiaries are defined as those entities in which a US person holds more than fifty percent equity interest or a majority of the seats on the board, or that a US person otherwise controls. Covers activities under the current US trade embargo with Iran and would apply regardless of whether the subsidiary was established to circumvent US sanctions.

Sec. 219—Securities and Exchange Commission Disclosures on Certain Activities in Iran: Amends the Securities and Exchange Act of 1934 to require issuers whose stock is traded on US stock exchanges to disclose whether they or their affiliates have knowingly engaged in activities (i) described in section 5 of ISA (energy sector activity); (ii) described in 104(c)(2) or (d)(1) of CISADA (related to foreign financial institutions who facilitate WMD/terrorism, money laundering, IRGC activity, and other violations); (iii) in 105A(b)(2) of CISADA (related transfer of weapons and other technologies to Iran likely to be used for human rights abuses); (iv) involving persons whose property is blocked for WMD/terrorism and; (v)involving persons or entities in the government of Iran (without the authorization of a Federal department or agency). Provides for periodic public disclosure of such information, and communication of that information by the SEC to Congress and the President. Requires the President to initiate an investigation into the possible imposition of sanctions as specified, and to make a sanctions determination within six months.

Sec. 220—Reports on, and Authorization of Imposition of Sanctions with Respect to, the Provision of Specialized Financial Messaging Services to the Central Bank of Iran and Other Sanctioned Iranian Financial Institutions: States the sense of Congress that specialized financial messaging services are a critical link to the international financial system; requires the Secretary of the Treasury to report periodically listing the persons who provide such services to the Central Bank of Iran and Iranian banks that have been designated for involvement in WMD or support for terror, and assessing efforts to cut off the direct provision of such services to such institutions. Authorizes the imposition of sanctions under CISADA or IEEPA on persons continuing to provide such services to the CBI or such other Iranian institutions, subject to an exception for persons subject to foreign sanctions regimes that require them to cut off services to a substantially similar group of Iranian institutions.

Sec. 221—Identification and Immigration Restrictions on Senior Iranian Officials and their Family Members: Requires the identification of and denial of visa requests to senior officials, including the Supreme Leader, the President, members of the Assembly of Experts, senior members of the Intelligence Ministry of Iran, and senior members of the IRGC that are involved in nuclear proliferation, support international terrorism or the commission of serious human rights abuses against citizens of Iran. Also includes their family members. Provides for Presidential waiver if essential to the national interest or if necessary to meet our UN obligations; requires a report to Congress regarding the use of such a waiver.

Sec. 222—Sense of Congress and Rule of Construction Relating to Certain Authorities of State and Local Governments: States the sense of Congress that the US should support actions by States or local governments, within their authority, including determining how investment assets are valued for financial institutions safety and soundness purposes, that are consistent with and in furtherance of this Act. Amends CISADA to state that it shall not be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the McCarran-Ferguson Act.

Sec. 223—GAO Reports on Foreign Investment in Iran's Energy Sector: Mandates reports from GAO on foreign investment in Iran's energy sector, exporters of refined petroleum products to Iran, entities providing shipping and insurance services to Iran, Iranian energy joint ventures worldwide, and countries where gasoline and refined petroleum products exported to Iran are produced or refined.

Sec. 224—Expanded Reporting on Iran's Crude Oil and Refined Petroleum Products: Amends section 110(b) of CISADA to require additional reporting by the President on the volume of crude oil and refined petroleum products imported to and exported from Iran, the persons selling and transporting crude oil and refined petroleum products, the countries with primary jurisdiction over those persons and the countries in which those products were refined, the sources of financing for such imports and the involvement of foreign persons in efforts to assist Iran in developing its oil and gas production capacity, importing advanced technology to upgrade existing Iranian refineries, converting existing chemical plants to petroleum refineries, and maintaining, upgrading or expanding refineries or constructing new refineries.

Sec. 301—Identifications and Sanctions on Iran Revolutionary Guard Corps Officials, Agents, and Affiliates: Requires the President to identify, and designate for sanctions, officials, affiliates and agents of the IRGC within 90 days of enactment, and periodically thereafter; designation requires exclusion of such persons from the United States, and imposition of sanctions related to WMD under IEEPA, including freezing their assets and otherwise isolating them financially. Also, outlines priorities for investigating certain foreign persons, entities, and transactions in assessing connections to the IRGC. Requires the President to report on designations and provides for a waiver if vital to the national security interest of the US.

Sec. 302—Identification and Sanctions on Foreign Persons Supporting IRGC: Subjects foreign persons to ISA sanctions if those persons knowingly provide material assistance to, or engage in any significant transaction—including barter transactions—with officials of the IRGC, its agents or affiliates. Requires imposition of similar sanctions against those persons who engage in significant transactions with UN-sanctioned persons, those acting for or on their behalf, or those owned or controlled by them. Provides for additional sanctions under IEEPA as the President deems appropriate. Requires the President to report on designations and waivers, as applicable. Waiver is available if essential to the national security interests of the US.

Sec. 303—Identification and Sanctions on Foreign Government Agencies Carrying Out Activities or Transactions with Certain Iran-Affiliated Persons: Requires the President, within 120 days and every 180 days thereafter, to submit to the appropriate congressional committees a report that identifies

each agency of the government of a foreign country, other than Iran, that the President determines knowingly and materially supported a foreign person that is an official, agent, or affiliate of IRGC designated pursuant to IEEPA or various UN Resolutions. Provides authority for the President to impose various measures described in the section, such as denying assistance under the Foreign Assistance Act or proscribing certain US loans to the agency involved.

Sec. 304—Rule of Construction: Clarifies that sections 301 to 303 sanctions do not limit the President's authority to designate persons for sanction under IEEPA.

Sec. 311—Expansion of US Procurement Ban to Foreign Persons who Interact with the IRGC: Requires certification by prospective US government contractors (for contract solicitations issued beginning 120 days from the date of enactment) that neither they nor their subsidiaries have engaged in significant economic transactions with designated IRGC officials, agents, or affiliates. Waiver is also amended, so that it is available if ''essential to the national security interests.'' Establishes a minimum procurement ban penalty of two years for violators.

Sec. 312—Sanctions Determinations on NIOC and NITC: Amends CISADA to require the Secretary of the Treasury to determine and notify Congress whether the National Iranian Oil Company (NIOC) and the National Iranian Tanker Company (NITC) are agents or affiliates of the IRGC. If found to be IRGC entities, sanctions apply to transactions or relevant financial services for the purchase of petroleum or petroleum products from the NIOC or NITC, but only if the President determines that there exists a sufficient supply of petroleum from countries other than Iran to permit purchasers to significantly reduce in volume their purchases from Iran. Provides for an exception to financial institutions of a country that is significantly reducing its purchases of Iranian petroleum or petroleum products within specified periods which track those provided for in section 1245 of the FY 2012 National Defense Authorization Act.

Sec. 401—Sanctions on those Complicit in Human Rights Abuses: States the sense of Congress that the Supreme Leader, seniors members of the Intelligence Ministry, senior members of the IRGC and paramilitary groups, and other Ministers, are responsible for directing and controlling serious human rights abuses against the Iranian people and should be included on the list of persons responsible for or complicit in those abuses and subject to property blocking and other CISADA 105 sanctions. Requires a report to appropriate congressional committees within 180 days detailing the involvement of the persons mentioned above in human rights abuses against the citizens of Iran.

Sec. 402—Sanctions on those Transferring to Iran Certain Goods or Technologies: Imposes sanctions provided for in CISADA, including a visa ban and property blocking/asset freeze, on persons and firms which supply Iran with equipment and technologies including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment which the President determines are likely to be used by Iranian officials to commit human rights abuses. Requires the President to maintain and update lists of such persons who commit human rights abuses, submit updated lists to Congress, and make the unclassified portion of those lists public. Requires the President to report on designations and waivers, as applicable.

Sec. 403—Sanctions on those Engaging in Censorship and Repression in Iran: States the sense of Congress that satellite service providers and other entities that directly provide satellite service to the Iranian government or its entities should cease to provide such service unless the government ceases its activities intended to jam or restrict the signals and the US should address the illegal jamming through voice and vote at the UN International Telecommunications Union. Requires imposition of sanctions as in section 401 against individuals and firms found to have engaged in censorship or curtailment of the rights of freedom of expression or assembly of Iran's citizens.

Sec. 411—Codification of Sanctions with Respect to Human Rights Abuses by the Governments of Iran and Syria Using Information Technology: Codifies Executive Order 13606, Blocking The Property And Suspending Entry into the United States of Certain Persons with Respect to Grave Human Rights Abuses by the Governments of Iran and Syria Via Information Technology.

Sec. 412—Clarification of Sensitive Technologies for Purposes of Procurement Ban under CISADA: Requires the Secretary of State to issue guidelines, within 90 days of the date of enactment, describing technologies that may be considered ''sensitive technologies'' for the purposes of Sec. 106 of CISADA, with special attention to new technologies, determine the types of technology that enable Iran's indigenous capabilities to disrupt and monitor information and communications, and review the guidelines no less than once each year, adding items to the guidelines as necessary.

Sec. 413—Expedited Processing of Human Rights, Humanitarian, and Democracy Aid: Requires the Office of Foreign Assets Control (OFAC) of the Treasury Department to establish a 90-day process to expedite processing of US Iran-related humanitarian, human rights and democratization aid by entities receiving funds from the State Department; the Broadcasting Board of Governors; and other federal agencies. Requires the State Department to conduct a foreign policy review within 30 days of request submission. Provides for additional time for processing of applications involving certain specified sensitive goods and technology, and requests involving extraordinary circumstances.

Sec. 414—Comprehensive Strategy to Promote Internet Freedom in Iran: Requires the Administration to devise a comprehensive strategy and report to Congress on how best to assist Iran's citizens in freely and safely accessing the Internet, developing countercensorship technologies, expanding access to ''surrogate'' programming including Voice of America's Persian News Network, and Radio FARDA inside Iran, and taking other similar measures.

Sec. 415—Statement of Policy on Political Prisoners: Declares the policy of the US to expand efforts to identify, assist, and protect prisoners of conscience in Iran, intensify work to abolish Iranian human rights violations, and publicly call for the release of political prisoners, as appropriate.

Sec. 501—Exclusion of Certain Iranian Students from the US: Requires the Secretary of State to deny visas and the Secretary of Homeland Security to exclude certain Iranian university students who may seek to come to the U.S. to study to prepare for work in Iran's energy sector or in fields related to its nuclear program, including nuclear sciences or nuclear engineering.

Sec. 502—Interests in Financial Assets of Iran: Makes certain blocked assets available for execution to satisfy any judgment or judgments to the extent of any compensatory damages against Iran for state-sponsored terrorism, so long as the court determines that Iran has an equitable title to or beneficial interest in those assets (subject to an exception for certain custodial interests), and the court also determines that no one possesses a constitutionally-protected interest in the blocked assets under the Fifth Amendment.

Sec. 503—Technical Corrections: Reaffirms longstanding US policy allowing sale of certain licensed agricultural commodities to Iran by amending the National Defense Authorization Act to allow for continued payments related to such commodities. Adjusts date of delivery of EIA reports.

Sec. 504—Expansion of NDAA Sanctions: Amends the NDAA to provide that financial institutions located in countries that have been exempted because they are significantly reducing their reliance on Iranian oil may continue to do business with the Central Bank of Iran only for petroleum transactions and limited bilateral trade between Iran and those countries; for the first time treats state-owned banks (other than central banks) as subject to the same sanctions rules as foreign private banks; provides incentives for ''significantly reducing'' countries to reduce to zero; clarifies that ''significantly reducing'' includes a reduction in price or volume toward a complete cessation of crude oil imports; ties termination date to termination certification in CISADA. Makes other technical corrections.

Sec. 505—Report on Natural Gas Exports from Iran: Requires the Administrator of the Energy Information Administration to submit a report to Congress and the President within 60 days on Iran's natural gas sector, including an assessment of exports of Iranian natural gas, identification of countries purchasing the most Iranian natural gas, assessment of alternative supplies available to those countries, and assessment of the impact a reduction on exports would have on global supplies and pricing. Requires the President to submit a report to Congress within 60 days of receiving the EIA report, and using the information it contains to provide analysis and recommendations on the revenues received by Iran from its natural gas exports and whether further steps should be taken to limit such revenues.

Sec. 506—Report on Membership of Iran in International Organizations: Requires the Secretary of State to submit a report to Congress listing the international organizations of which Iran is a member and detailing the amount the US contributes to each such organization annually.

Sec. 507—Sense of Congress on Exportation of Goods, Services, and Technologies for Aircraft Produced in the US: States the sense of Congress that licenses to export or re-export goods, services, or technologies for aircraft produced in the US should be provided, in the case of Iran, only in situations where such licenses are essential and in a manner consistent with US laws and foreign policy goals.

Sec. 601—Implementation; Penalties: Provides the President with the necessary procedural tools to administer the provisions of the new law, including subpoena and other enforcement authorities for specified provisions of the bill.

Sec. 602—Applicability to Authorized Intelligence Activities: Provides a general exemption for authorized intelligence activities of the U.S.

Sec. 603—Applicability to Certain Natural Gas Projects: Contains special conditions for a project outside Iran of substantial importance to U.S. national interests and European energy security interests and energy independence from the Government of the Russian Federation.

Sec. 604—Rule of Construction: Provides that nothing in this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.

Sec. 605—Termination: Provides for termination of some provisions of the new law if

the President certifies as required in CISADA that Iran has ceased its support for terrorism and ceased efforts to pursue, acquire or develop weapons of mass destruction and ballistic missiles and ballistic missile launch technology, and has verifiably dismantled its WMD.

Sec. 701—Short Title for Title VII: The ''Syria Human Rights Accountability Act of 2012.''

Sec. 702—Sanctions on those Responsible for Human Rights Abuses of Syria's Citizens: Requires the President to identify within 90 days, and sanction under IEEPA, officials of the Syrian government or those acting on their behalf who are complicit in or responsible for the commission of serious human rights abuses against Syria's citizens, regardless of whether the abuses occurred in Syria.

Sec. 703—Sanctions on those Transferring to Syria Technologies for Human Rights Abuses: Requires the President to identify and sanction persons determined to have engaged in the transfer of technologies—including weapons, rubber bullets, tear gas and other riot control equipment, and jamming, monitoring and surveillance equipment—which the President determines are likely to be used by Syrian officials to commit human rights abuses or restrict the free flow of information in Syria. Provides for exceptions where a person has agreed to stop providing such technologies, and agreed not to knowingly provide such technologies in the future. Requires the President to report on designations and waivers, where applicable, and to update the list periodically.

Sec. 704—Sanctions on those Engaging in Censorship and Repression in Syria: Requires the President to identify and report to Congress within 90 days of enactment those persons and firms found to have engaged in censorship or repression of the rights of freedom of expression or assembly of Syria's citizens, and impose sanctions under IEEPA on such persons. Requires periodic updating of the list, and public access via the websites of the Departments of State and Treasury.

Sec. 705—Waiver: Provides for Presidential national security interest waiver for Syria provisions; requires a report to Congress on the reasons for the waiver.

Sec. 706—Termination: Provides for termination of the Syria provisions if the President certifies that certain conditions are met.

PARENT COMPANIES

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend, the distinguished Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, regarding HR 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I want to thank the chairman for crafting a strong sanctions package that includes language I authored to close a loophole in current law that allows foreign subsidiaries of U.S. companies to continue doing business with Iran without imposing any penalties on their U.S. parent companies. We must close this loophole once and for all, and I am pleased the Chairman agrees with me.

Mr. JOHNSON of South Dakota. I thank Senator LAUTENBERG for his longstanding leadership on this issue. As I have previously noted, it is long past time for foreign subsidiaries of U.S. companies to end their business in Iran. That is already happening due to US and international pressure on the business and financial sectors, and this new provision will accelerate that process. Firms realize the huge risks such activity poses, reputationally and otherwise, to their companies. I note that it is already a violation of U.S. law for U.S. subsidiaries to engage in sanctionable activity in Iran's energy sector and certain other activities under U.S. sanctions laws. It is also a violation of U.S. trade law for a U.S. firm to do business of any kind in Iran via a subsidiary that it directs. The balance that has been struck in prior law is to focus only on the activity of U.S. companies. Foreign subsidiaries are not, by definition, U.S. companies, and your provision takes a major new step forward in this area of the law. I agree with you that the way we have addressed this issue authorizing for the first time penalties on U.S. parents if their foreign subsidiaries engages in an activity that would be sanctionable if committed by a U.S. person—is a sound and responsible one, and will hopefully shut down this activity once and for all.

Mr. LAUTENBERG. Does the chairman agree that the language in the bill currently under consideration would apply the same penalties that can be imposed on U.S. companies that directly violate the U.S. trade ban to those U.S. parent companies whose foreign subsidiaries are doing business with Iran?

Mr. JOHNSON of South Dakota. The bill would authorize the imposition of similar civil penalties on such U.S. parent companies.

Mr. LAUTENBERG. Does the chairman also agree that this language subjects to penalties U.S. parent companies if their foreign subsidiaries knew or should have known that the subsidiary was directly or indirectly doing business with an Iranian entity, even if it was the case that the parent companies were not actually aware of the activity of the subsidiary?

Mr. JOHNSON of South Dakota. I agree this legislation mandates penalties on a U.S. parent company if its foreign subsidiary has knowledge or should have had knowledge that the subsidiary was doing prohibited business with Iran, even if the U.S. parent company has no knowledge of these transactions.

Mr. LAUTENBERG. And does the chairman agree that this requirement that the foreign subsidiary knew or should have known that they were doing business with Iran relates only to the actual business transaction and does not require that the subsidiary had or should have had knowledge of current U.S. sanctions law in order to place penalties on the U.S. parent company?

Mr. JOHNSON of South Dakota. Yes. That is my intent.

Mr. LAUTENBERG. I thank Chairman JOHNSON for all of his work on this important Iran sanctions package. Iran continues to defy numerous United Nations Security Council resolutions. It funds Hamas, Hezbollah, and other terrorist organizations, and it commits severe human rights abuses against its own people. We must do everything we can to place as much pressure on the Iranian regime as possible to change its behavior, and I am pleased that we have finally closed this loophole in current law and put U.S. companies on notice that they will be held responsible for the activities of their subsidiaries with respect to Iran.

Mr. REID. I move to concur in the House amendment, and I believe the Senate is ready to act on this motion.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table with no intervening action or debate and that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of South Dakota. Humanitarian trade, including agricultural commodities, food, medicine and medical products has long been specifically exempted by Congress from successive rounds of Iran sanctions legislation, as long as such trade is licensed by the Department of the Treasury's Office of Foreign Assets Control, or OFAC.

With the sharp drop in the value of Iran's currency, and the worsening economic situation in Iran, it is becoming more apparent that U.S. financial sanctions targeting Iran's banking sector are causing increased concern among U.S. and other businesses, and banks of our allies engaged in such trade.

The fear is that engaging in humanitarian trade in the current sanctions environment might lead to sanctions for legitimately licensed humanitarian trade. We must underscore with other countries and their banks that humanitarian trade with Iran is not subject to sanctions if it is appropriately licensed by OFAC.

This has been a concern since the Senate first considered this bill and this concern still remains. It is not and has not been the intent of U.S. policy to harm the Iranian people by prohibiting humanitarian trade that is licensed by the U.S. Treasury Department, and we should do all we can to avoid this outcome. OFAC consistently issues many licenses, both general and specific, for this type of trade.

The practical financing difficulties arising today between banks and those engaging in licensed humanitarian trade can be best addressed by U.S. government officials, who should do more to make it clear that no U.S. sanctions will be imposed against third-country banks that facilitate OFAC-licensed or exempted humanitarian trade. The Administration must continue to make this clear in public statements, in private meetings with foreign financial institutions, and elsewhere as appropriate. Misinterpretation of U.S. law, among foreign financial institutions, should no longer deny

the people of Iran the benefit of OFAC-approved humanitarian trade.

Mr. REID. I am pleased that the Senate has just passed the final version of the Iran Sanctions legislation.

I want to thank Senators JOHNSON, SHELBY and MENENDEZ for their leadership and all of their hard work getting this bill completed.

At a time when Iran continues to defy the international community with its nuclear weapons program, it is critical we continue to tighten our sanctions regime.

This legislation expands our existing sanctions on Iran's energy sector, and imposes new sanctions targeting shipping and insurance.

Iran continues to try to evade existing sanctions. But this legislation, in combination with newly announced measures by the Obama administration, closes loopholes and stops the use of front companies or financial institutions to get around international sanctions.

Our current sanctions, and a recent European Union ban on purchasing Iranian oil, have already had an impact.

In spite of the rhetoric coming out of Iran, the regime is clearly feeling the heat.

Oil exports are down by 50 percent, and the Iranian currency has lost nearly 40 percent of its value.

Iranian tankers full of oil are crowding the waters around Iran, acting as floating storage facilities for oil the rogue nation cannot sell.

Over the past year, I have come to the floor many times urging passage of this measure.

I am pleased we have finally completed this important work.

There is no time to waste, as the Iranian regime continues to threaten our ally Israel and the national security of the United States.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING CHIEF ROD MAGGARD

Mr. MCCONNELL. Mr. President, I rise today in memory of former Hazard Police Chief Rod Maggard. Chief Maggard was a prominent member of the Perry County, KY, community, and he dedicated his life to serving his country, State, and city.

A native of the southeastern Kentucky region, Chief Maggard was born on April 9, 1944, to Ivory and Margaret Maggard. After graduating from Cumberland High School, he attended Southeast Community College. Shortly thereafter, Chief Maggard received his draft notice for the Vietnam War. Initially, he was stationed in Biloxi, MI, where he worked as a Morse radio intercept operator, and he ultimately served a 14-month tour in DaNang, Vietnam.

Chief Maggard became a State trooper in 1967 when he returned home from the war. He was a decorated trooper and even received the Trooper of the Year Award for the Hazard KSP Post. In 1981, Maggard left public service and became director of Blue Diamond Coal's security. However, in 1991, he returned to public duty when he accepted the position of police chief for the City of Hazard.

His career was highly distinguished as he earned many different forms of recognition. Chief Maggard was invited to the White House to represent the Kentucky Chiefs of Police; he also served on the Kentucky Law Enforcement Council from 1995 to 2001; in 1997 he was appointed to the National Law Enforcement and Corrections Technology Center Advisory Council; and he was president of the Kentucky Association of Chiefs of Police from 1999 to 2000. In 2001, Chief Maggard retired from the police force and became the director of the Rural Law Enforcement Technology Center in Hazard.

Though a decorated police officer and public servant, the legacy Chief Rod Maggard hoped to leave was that of a good member of his community. Current Hazard police chief Minor Allen said that Chief Maggard was not just a mentor but more like a second father to him. It was his love of Hazard and Kentucky that set Maggard apart as a great police chief, and that is the reason why Rod will be dearly missed by those he knew and with whom he worked.

Today, I ask that my colleagues in the U.S. Senate would join me in honoring Chief Rod Maggard. I extend my most sincere condolences to his wife, Beverly; their daughters, Lesley Buckner, Brandi Townsley, and Vali Dye; his sons-in-law; brother; grandchildren; and many more beloved family members and friends. The Hazard Herald, a publication from Hazard, KY, published an obituary that highlighted Chief Maggard's outstanding service to Kentucky. Mr. President, I ask unanimous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hazard Herald, June 20, 2012]

ROD MAGGARD

Rodney Mitchell Maggard, 68, of Hazard, passed away on Wednesday, June 13, at the hospice care center in Hazard. He was the former director of the Rural Law Enforcement Technology Center and former chief of police with the Hazard Police Department.

He was the son of the late Ivory Mitchell Maggard and the late Margaret McIntosh Maggard, and was also preceded in death by his brother, James Charles Maggard.

He is survived by his wife, Beverly Maggard; daughters Lesley Buckner and husband Jay, Brandi Townsley and husband Jeff, and Vali Dye and husband Kevin; brother Tommy Wayne Maggard; godson Anthony Bersaglia; grandchildren Ali Townsley, Walker Townsley, Mitchell Buckner, Grayson Dye, and Avery Dye; along with a host of family and friends.

Arrangements were handled by Maggard Mountain View Chapel of Hazard. Funeral services were held on Saturday, June 16, at the Forum, with Dr. Bill Scott and Rev. Chris Fugate officiating. Interment was at Charlie Maggard Cemetery at Blair, Kentucky.

## REMEMBERING AURORA'S LOSS

Mr. LEVIN. Mr. President, as we gain perspective on the recent horrific shooting in Aurora, CO, our thoughts and prayers are with the victims, their families, and on all those who have been impacted by this tragedy. I, like many Americans, have been uplifted by the many examples of courage and heroism that have emerged from this dark moment. A young woman refusing to leave her injured friend, pulling her out of harm's way. A man giving his life to shield a loved one. A 19-year-old stepping back into danger to rescue a mother and her two young daughters. These stories and the others that will almost certainly emerge as time goes on serve as powerful reminders of the simple decency that makes our Nation strong.

But as we reflect on these stories, it is also important that we begin to understand what caused or contributed to this heinous act. When the alleged shooter burst into the theater, he opened fire on the audience with an AR–15 assault rifle. The AR–15 is a type of military-style assault weapon, built for no purpose other than combat. According to the Congressional Research Service, they were designed in the aftermath of the Second World War to give soldiers a weapon suited for the modern battlefield. Such weapons often use high-capacity ammunition magazines, which allow shooters to continuously fire rounds without reloading. It has been reported that the alleged shooter used an oversized drum magazine, which reports have indicated could fire 100 rounds without reloading.

Between 1994 and 2004, a Federal ban prohibited the purchase of assault weapons. The idea was that if we took lethal weapons with no sporting purpose off the streets, it would make our society safer and protect American lives. Our law enforcement community strongly supported it. And it worked. After the ban was enacted, Brady Campaign studies observed a 66 percent decrease in the number of assault weapons that the Bureau of Alcohol, Tobacco, and Firearms, ATF, traced back to a crime scene. When assault weapons were taken off the market, our Nation became safer. But, unfortunately, Congress allowed the assault weapons ban to lapse in 2004, and repeated efforts to reinstate it have been unsuccessful.

So this past May, when the alleged gunman walked into a local gun shop, he was able to purchase an AR–15 assault rifle. The sale was completely

legal. Two months later, he used that same weapon to open fire on a movie theater, filled with innocent people. The oversized ammunition magazine allowed him to fire continuously. Thankfully, the weapon jammed during the attack, and he was forced to switch to one of the other three firearms he had purchased, legally, in the preceding weeks. He killed 12 and injured 58. Some were fathers and sons, mothers and daughters. They were all individuals with plans and dreams. Some were members of our armed services, who had volunteered to fight for our country.

Mr. President, as elected officials, our greatest responsibility is to protect the lives of the American people. A renewal of the Federal ban on assault weapons would help keep these combat weapons off our streets and out of our neighborhoods. It would prevent them from getting into the hands of criminals who can legally buy them today or who can easily secure a straw purchaser to do so. They aren't used to hunt; they are too often used to kill. I urge my colleagues to reinstate the Federal ban on assault weapons and to take up and pass legislation like S. 32, the Large Capacity Ammunition Feeding Device Act, which would prohibit the sale of military-style ammunition cartridges. We can honor the memory of those who lost their lives in Aurora in many ways—one would be by passing such legislation.

## CONGRATULATING KRISTIN ARMSTRONG

Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in congratulating fellow Idahoan Kristin Armstrong, who won her second consecutive gold medal in the Olympic cycling time trial. Kristin's perseverance and drive is an inspiration.

In the 2008 Olympics in Beijing, Kristin, who is a Boise resident and graduate of the University of Idaho, took home the gold. She returned to racing in 2011 after a retirement to give birth to her son, Lucas.

Throughout her racing career, Kristin has demonstrated remarkable dedication and strength. Despite breaking her collarbone in the Exergy Tour in Idaho 2 months ago and sustaining minor injuries from a crash just a few days before her London win, Kristin did not let these difficulties hold her back. She surpassed many skillful competitors to once again achieve the gold medal while also becoming the oldest champion in a road cycling event. Kristin's time of 37 minutes and 34.82 seconds for the 18-mile course was more than 15 seconds faster than the silver medalist. These are considerable accomplishments.

We join the many Idahoans and Americans who applaud Kristin's commitment and excellence. We also commend Kristin's friends and loved ones, including her husband, Joe Savola, and son, Lucas William Savola, who have supported Kristin. Kristin is truly a gifted athlete with immense abilities and talents. Her capacity to push forward beyond the challenges provides encouragement to all of us, and we congratulate her on this, and her many, extraordinary achievements.

## JOHN ''JACK'' KIBBIE

Mr. HARKIN. Mr. President, I have come to the floor today to pay tribute to a truly exceptional public servant and fellow Iowan, Jack Kibbie. Jack is retiring this year after 32 years of public service in the Iowa State Legislature. A decorated war hero before his time in office, Jack was awarded the Bronze Star for his service as a tank commander during the Korean war. After serving 4 years each in the Iowa House of Representatives and the Iowa Senate, he left the Senate in 1968 but returned in 1988 and has served ever since. The longest serving Senate president in Iowa's history, Jack has dedicated his life to fighting for Iowans and all Americans and I am truly proud to have the opportunity to honor his life's work today.

Jack has spent much of his time in public office supporting Iowa students. Known as the ''Father of Iowa's Community Colleges,'' he sponsored the 1965 bill that created Iowa's community college system. Later on, Jack served on the Iowa Lakes Community College Board for 17 years and was president for 10 of those years. What is most remarkable about all of this work is that Jack himself does not have a college degree, but he spent his life making sure his fellow Iowans had the opportunity to attain one. Over the years, we have seen the Iowa community college system grow and succeed. The statewide community college student body, which began with a modest enrollment of 9,000 students, has flourished into a system of 15 schools that now serve more than 155,000 college students and more than 254,000 noncredit students in every corner of the State. Together, these students represent nearly 22 percent of Iowa's working population.

This will forever stand as Jack Kibbie's great legacy—a living legacy that will enrich and empower Iowans far into the future. By 2018, for instance, Iowa will add 101,000 jobs requiring postsecondary education, according to the Georgetown University Center on Education and the Workforce. By this same year, nearly two out of every three jobs in Iowa will require postsecondary training beyond high school. At a time when community colleges are needed more than ever to help the United States regain its standing as the Nation with the highest proportion of college graduates in the world, Iowa's system—thanks to Jack Kibbie's life's work—is up to that task.

Another legacy of Jack Kibbie—often overlooked—is his leadership in ensuring that the Iowa Public Employee Retirement System is rock-solid. Jack has fought to ensure Iowa has one of the best funded public pension funds in the United States because he believes strongly in providing workers with traditional pensions. I couldn't agree more.

And I don't think there is anyone in Iowa who has been more persistent and determined—going back many years—in championing alternative fuels such as ethanol, biodiesel, and wind energy. Today, Iowa is the No. 1 biofuels producer in the United States and that is in no small measure thanks to Jack Kibbie.

Mr. President, Jack Kibbie's retirement is a tremendous loss for Iowans. For more than five decades Jack has fought for them and stood up for the values that make this country great. I wish him a long and happy retirement with his wife Kay and family.

## JUSTICE FOR THE BYTYQI FAMILY

Mr. CARDIN. Mr. President, today is the 37th anniversary of the Helsinki process. Starting with the signing of the Helsinki Final Act on August 1, 1975, this process began as an ongoing conference which helped end the Cold War and reunite Europe. It has continued as a Vienna-based organization that today seeks to resolve regional conflicts and promote democratic development and the rule of law throughout the region.

While serving in both chambers of the U.S. Congress, it has been a unique and rewarding privilege to engage in this diplomatic process and its parliamentary component as a member and chairman of the U.S. Helsinki Commission, with the goal of improving the lives of everyday people. While they may be citizens of other countries, promoting their human rights and fundamental freedoms helps us to protect our own. It is, therefore, in our national interest to engage in this process.

On this anniversary, however, I do want to focus on three U.S. citizens who suffered the ultimate violation of their human rights when they were taken into a field and shot, deliberately murdered, in July 1999 by a special operations unit under the control the Interior Ministry in Serbia. They were brothers: Ylli, Agron and Mehmet Bytyqi.

The Bytyqi brothers were Albanian-Americans from New York. Earlier in 1999, they went to Kosovo to fight as members of the Kosovo Liberation Army in a conflict which eventually prompted a NATO military intervention designed to stop Serbian leader Slobodan Milosevic and his forces. When the conflict ended, the Bytyqi brothers assisted ethnic Roma neighbors of their mother in Kosovo by escorting them to the Serbian border. Accidently straying into Serbian territory, they were arrested and sentenced to 2 weeks in jail for illegal entry. When released from prison, they were

not freed. Instead, the Bytyqi brothers were transported to an Interior Ministry training camp in eastern Serbia, where they were brutally executed and buried in a mass grave with 75 other ethnic Albanians from Kosovo. Two years later, after the fall of the Milosevic regime, their bodies were recovered and repatriated to the United States for burial.

Ylli, Agron and Mehmet were never given a fair and public trial, an opportunity to defend themselves, or any semblance of due process. Their post-conflict, extrajudicial killing was cold-blooded murder.

In the last decade Serbia has made a remarkable recovery from the Milosevic era. I saw this myself last year when I visited Belgrade. This progress, however, has not sufficiently infiltrated the Interior Ministry, affording protection to those who participated in the Bytyqi murders and other egregious Milosevic-era crimes. Nobody has been held accountable for the Bytyqi murders. Those in command of the camp and the forces operating there have never been charged.

The same situation applies to the April 1999 murder of prominent journalist and editor Slavko Curuvija, who testified before the Helsinki Commission on the abuses of the Milosevic regime just months before. There needs to be justice in each of these cases, but together with other unresolved cases they symbolize the lack of transparency and reform in Serbia's Interior Ministry to this day. Combined with continued denials of what transpired under Milosevic in the 1990s, including the 1995 genocide at Srebrenica in neighboring Bosnia, these cases show that Serbia has not completely put an ugly era in its past behind it. For that reason, not only does the surviving Bytyqi family in New York, as well as the friends and family of Slavko Curuvija, still need to have the satisfaction of justice. The people of Serbia need to see justice triumph in their country as well.

I want to thank the U.S. Mission to the OSCE in Vienna, which under the leadership of Ambassador Ian Kelly continues to move the Helsinki process forward, for recently raising the Bytyqi murders and calling for justice. I also want to commend the nominee for U.S. Ambassador to Serbia, Michael David Kirby, for responding to my question on the Bytyqi and Curuvija cases at his Foreign Relations Committee hearing by expressing his commitment, if confirmed, to make justice in these cases a priority matter. On this anniversary of the Helsinki Final Act, I join their call for justice.

## TRIBUTE TO JOEL BOUSMAN

Mr. ENZI. Mr. President, I rise to speak on behalf of Joel Bousman who will be inducted into the Wyoming Agriculture Hall of Fame later this month at the 100th Wyoming State Fair. Since 1992, Wyoming has recognized the individuals each year who have made substantial contributions to agriculture in our State. This year I have the honor of presenting this award to Joel with my colleague Senator BARRASSO.

Joel Bousman is a fourth generation rancher and operator of Eastfork Livestock in Boulder, WY. Actively involved in the Wyoming Stock Growers Association, he is admired for his leadership in the State's livestock industry. Having served as regional vice president of the Wyoming Stock Growers and president of the Green River Valley Cattleman's Association, Joel is a determined advocate and defender of agriculture.

Wyoming ranchers are known nationwide for their stewardship and Joel leads by example with his own operation and when grazing on public lands. In 2003, he was presented with the Wyoming Stock Growers Environmental Stewardship Award and was most recently presented with the 2011 Guardian of the Range Award. Bousman's nomination letter reads, ''He was a pioneer in initiating grazing monitoring that is conducted jointly by the federal land agencies and the grazing permittees.'' To this day, he remains active in promoting joint efforts to improve grazing and wildlife habitat on Wyoming's working lands.

Wyoming Agriculture Hall of Fame Award recipients are also expected to serve their communities and Joel has been no exception as the chairman of the Sublette County Board of County Commissioners. Joel has not only served his community as a commissioner but has regularly come to Washington to bring his message before congressional committees and directly to Members. Wyoming Governor Matt Mead writes that Joel is, ''a proven leader who is well respected in all circles—from the halls of Congress to the Wyoming Capitol and from the Sublette County Building to a constituent's kitchen table.''

I am proud to have the opportunity to recognize Joel's achievements with Senator BARRASSO as a 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming and its public lands are well served by his lasting and continuing contributions to our State.

## TRIBUTE TO GENE HARDY

Mr. BARRASSO. Mr. President, during Wyoming's State Fair, Senator ENZI and I will have the honor of inducting Gene Hardy into the Wyoming Agriculture Hall of Fame.

Wyoming ranchers care for the land because it cares for them and their families. The Hardy Ranch tradition began in 1920 when Gene's father homesteaded in Converse County, WY. By the 1930s, the Hardy family was producing both cattle and sheep. Gene Hardy is a third generation rancher continuing the family business of multi-species livestock production. Additionally, he balances wildlife and energy production on the Hardy Ranch. Balancing the ranch's resources has led Gene to also be an industry leader in terms of multiple use land management.

Mr. President, innovative is a word that describes Gene. He has organized his livestock operation to improve production utilizing land management through aerial monitoring. As a pilot, he has been flying planes for 50 years over the Hardy Ranch with the result being profitable livestock production and sustainable grazing. Furthermore, he has focused on innovation through superior genetics to produce quality livestock.

Gene is committed to the livestock industry. He works tirelessly to help his fellow producers. Previously, Gene served as president of the Wyoming Wool Growers Association and on boards for the Wyoming Stock Growers Association. However, his involvement does not stop there. He is still actively involved in many local, State, and national agricultural organizations. Currently, Gene serves as the chairman of the American Sheep Industry Association's Predator Management Committee. Gene's dedication and leadership will help ensure the success of the industry for future generations of agriculturalists.

As my friend Bryce Reece, executive-vice president of the Wyoming Wool Growers Association, remarked, ''We need a lot more Gene Hardy's in this world.''

Mr. President, I ask my colleagues to join me and Senator ENZI in congratulating Gene Hardy, 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming lands and livestock are better because of his service.

## ADDITIONAL STATEMENTS

### REMEMBERING MARY LOUISE RASMUSON

• Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska's most endeared philanthropists, Mary Louise Rasmuson. Mrs. Rasmuson died on July 30, 2012, at her home in Anchorage, AK. Mary Louise Rasmuson was a beloved Alaska pioneer who saw opportunity in every challenge. She was generous in spirit and deed, and through her family foundation made Alaska a much stronger and vibrant state.

Intelligent. Diplomatic. Principled and ethical. Gentle but firm. Mrs. Rasmuson spent her life breaking barriers, challenging conventions, and seeking to improve opportunities for those around her.

She was a trailblazer for women and left her mark across the country and the State of Alaska through her leadership, philanthropy, and the family foundation that she helped lead with her late husband Elmer.

Selected from the initial pool of 30,000 applicants for the new Women's Army Corp-WAC she rose quickly

through the ranks and in 1957 became the fifth commandant of the WAC, a position she occupied for 6 years, first appointed by President Eisenhower and reappointed by President Kennedy. Mary Louise led the way for women in the military. Mrs. Rasmuson's oral history of the WAC unit, World War II and the Korean War is among those recorded by The Library of Congress for The Veterans History Project.

In 1942, as the United States entered World War II, Mrs. Rasmuson left her job as an assistant principal in a school district near Pittsburgh and became a member of the first class of the new WAC.

As director of the WAC unit, military historians credit her with major achievements including increasing the WAC's strength, insisting on effectiveness in command, working with Congress to amend laws that deprived women of service credit and benefits, and expanding the range of military opportunities open to women.

Mrs. Rasmuson retired in 1962 after 20 years of military service, during which she received a Legion of Merit award with two oak leaf clusters for her work integrating Black women into the WAC. She was also awarded the Women's Army Auxiliary Corps Service Medal, the American Campaign Medal, World War II Victory Medal, Occupation Medal and National Defense Medal. At an event honoring her, former U.S. Secretary of Defense William Perry said, ''When you hear about women seizing new opportunities to serve, remember that they march behind Colonel Rasmuson.''

Mary Louise's impact can be felt virtually everywhere in Alaska, whether improving the position of families, founding a world-class museum, enhancing research in healthcare, and advancing understanding of Alaska Native cultures on a national stage. Her contributions have reached every corner of Alaska, from Ketchikan to Gambell.

Mrs. Rasmuson arrived in Alaska in 1962 after her marriage to Elmer E. Rasmuson, chairman of National Bank of Alaska. Together, they made a formidable team influential in the public and civic agenda in a rapidly developing city and State. She quickly adapted to life in Alaska and became active in several community groups. One of her most visible impacts on Alaska came from her service as head of the Municipality of Anchorage Historical and Fine Arts Commission and later as chair of the Anchorage Museum Foundation. Her vision, passion and personal effort led to the creation of the Anchorage Museum of Art and History in 1968. As Mayor of Anchorage, I was proud to be with Mrs. Rasmuson to cut the ribbon on the latest expansion of the museum, now named the Anchorage Museum at Rasmuson Center, a culminating moment in her decades-long vision to build a great museum for all Alaskans.

In 1967, Mrs. Rasmuson began what would become 45 years of service on the board of Rasmuson Foundation. She maintained an active voice in the affairs of the Foundation and regularly attended board meetings until her late 90s, when she transitioned to an emeritus position. Even in the last years of her life, Mrs. Rasmuson received briefings from Foundation staff on projects seeking Foundation support.

Facilities that bear her name include the Elmer and Mary Louise Rasmuson Theater at the Smithsonian National Museum of the American Indian in Washington, DC, the Elmer and Mary Louise Rasmuson Center for Rheumatic Disease at the Benaroya Research Institute of Virginia Mason Hospital in Seattle, WA, and the Mary Louise Rasmuson Pavilion at the Boy Scouts of America Camp Gorsuch in Chugiak, AK. Mary Louise Rasmuson will be missed by all who knew her, but her legacy will live forever in the hearts and minds of Alaskans.●

## TRIBUTE TO SOFIA GUANA

● Mr. HELLER. Mr. President, I rise today in celebration of one of Nevada's own, Sofia Guana, on her 100th birthday. Her dedication to community service is commendable, and I am proud that she calls Nevada home.

After Sofia came to Carson City, NV, just more than 20 years ago, she dedicated her time to investing in the Silver State. Whether it was through working for the University of Nevada's Cooperative Extension or volunteering for the local senior citizen's center, Sofia's commitment to the betterment of her State and community is commendable. She serves as an example to us all, and I hope that many more will follow in her footsteps.

Sofia's dedication to the betterment of others does not stop with her local community of Carson. A devoted mother, grandmother, and great-grandmother, she is the lifeblood of her family.

Mr. President, I am proud to call Sofia one of Nevada's own and wish her a very happy 100th birthday. On behalf of the State and the residents of Carson City, I thank her for her service and wish her all the best.●

## TRIBUTE TO JUDY KROLL

● Mr. THUNE. Mr. President, today I would like to take this opportunity to honor Judy Kroll of Volga, SD.

Judy Kroll has spent her career serving the community of Brookings, SD, in her capacity as an educator, as well as the director of the thriving speech and debate program at Brookings High School.

Judy, who retired this summer, served as a South Dakota educator for 37 years, teaching in both Madison and Parkston before starting at Brookings High School in 1980. During her 32 years as an educator and debate coach in Brookings, she has left an indelible impact on her students, dedicating an immeasurable amount of time to positively impacting the lives of young people. Judy has devoted countless hours to advance the critical and analytical skills of those students who she taught, coached, and mentored.

During her coaching career, Judy has been awarded South Dakota Forensic Coaches Association Coach of the Year on numerous occasions and coached her students to multiple State championships in various speech and debate events. Her success as a coach was also demonstrated at the national level. She coached policy debate teams to 2nd and 3rd place finishes in 2000 at the National Forensics League National Speech and Debate Tournament and a 7th place finish earlier this summer at the same tournament.

Judy's longstanding involvement in the debate community has been recognized not only by her South Dakota peers, but at a national level as well. In 2011, she was admitted to the National Forensics League Hall of Fame. Of the thousands of debate coaches who have been a part of the National Forensics League since its inception in 1925, only 158 individuals have earned this honor. Judy is one of four South Dakotans to have received this honor. In addition, she was recently named the 2012 National Forensics League Coach of the Year. This award recognizes Judy's outstanding leadership and commitment to National Forensic League activities. Judy's receipt of this award marks only the second time a South Dakotan has received such an honor since it was first awarded in 1953.

During her teaching and coaching career, Judy encouraged her students to never give up on accomplishing their goals. She promoted outstanding sportsmanship and for years a large display in her classroom read, ''What is popular is not always right, and what is right is not always popular.'' Judy exemplified for her students the importance of working hard and attaining success without compromising ethics and sense of doing what is right.

I join Judy's family, friends, and students in recognizing her meritorious work and extend my sincere thanks and appreciation to Judy for all she has done for her students and the State of South Dakota, and wish her the best in her retirement.●

## MESSAGES FROM THE HOUSE

At 1:23 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 bills, in which it requests the concurrence of the Senate:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 679. An act to reduce the number of executive position subject to Senate confirmation.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirement for the placement of monuments in Arlington National Cemetery, and for other purposes.

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At 5:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 55. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 679. An Act to reduce the number of executive positions subject to Senate confirmation.

S. 1959. An Act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

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At 6:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, with an amendment.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Homeland Security and Governmental Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7025. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2012 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC–7026. A communication from the Attorney—Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary of Transportation for Policy, received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7027. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC079) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7028. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC087) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7029. A communication from the Secretary of the Commission, Bureau of Consumer Protection Division of Marketing Practices, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure Requirements and Prohibitions Concerning Franchising'' (RIN3084–AA63) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7030. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Eureka, NV'' ((RIN2120–AA66) (Docket No. FAA–2011–1333)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7031. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Livingston, MT'' ((RIN2120–AA66) (Docket No. FAA–2012–0139)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7032. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Memphis, TN'' ((RIN2120–AA66) (Docket No. FAA–2011–1211)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D Airspace; Andalusia, AL and Amendment of Class E Airspace; Fort Rucker, AL'' ((RIN2120–AA66) (Docket No. FAA–2011–1457)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Woodland, CA'' ((RIN2120–AA66) (Docket No. FAA–2012–0345)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Pontiac, MI'' ((RIN2120–AA66) (Docket No. FAA–2011–1142)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Lakehurst, NJ'' ((RIN2120–AA66) (Docket No. FAA–2012–0456)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Modification of Multiple Domestic, Alaskan, and Hawaiian Compulsory Reporting Points'' ((RIN2120–AA66) (Docket No. FAA–2012–0129)) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7038. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of the Part 67 Requirement for Individuals Granted the Special Issuance of a Medical Certificate to Carry Their Letter of Authorization While Exercising Pilot Privileges; Confirmation of Effective Date'' ((RIN2120–AK00) (Docket No. FAA–2012–0056)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7039. A communication from the Senior Program Analyst, Federal Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flightcrew Member Duty and Rest Requirements; OMB Approval of Information Collection'' ((RIN2120–AJ58) (Docket No. FAA–2009–1093)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7040. A communication from the Deputy Assistant General Counsel, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airport Concessions Disadvantaged Business Enterprise: Program Improvements'' (RIN2105–AE10) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Concept Limited (Type Certificate Previously Held by Alpha Aviation Design Limited) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0279)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives;

Aeronautical Accessories, Inc., High Landing Gear Aft Crosstube Assembly'' ((RIN2120–AA64) (Docket No. FAA–2012–0083)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7043. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0039)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7044. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0013)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7045. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0298)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7046. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7047. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0265)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7048. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0034)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7049. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0330)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7050. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0300)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7051. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1170)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7052. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0418)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7053. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Engine Technologies Turbochargers'' ((RIN2120–AA64) (Docket No. FAA–2012–0565)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7054. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; WACO Classic Aircraft Corporation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0578)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7055. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1341)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7056. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7057. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Enstrom Helicopter Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0562)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7058. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AGUSTA S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0600)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7059. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0087)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7060. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0152)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7061. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0040)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7062. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0659)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0645)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0719)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0673)) received during adjournment of the Senate in the Office of the President of the Senate on July

20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7066. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1257)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7067. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0991)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7068. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1415)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7069. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1412)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7070. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1254)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7071. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1255)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7072. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1115)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7073. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Southwestern United States'' ((RIN2120–AA66) (Docket No. FAA–2012–0286)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7074. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (4); Amdt. No. 501'' (RIN2120–AA63) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7075. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (109); Amdt. No. 3484'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7076. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 3482'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7077. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (97); Amdt. No. 3483'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7078. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (33); Amdt. No. 3485'' (RIN2120–AA65) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7079. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (110); Amdt. No. 3486'' (RIN2120–AA65) received in the Office of the President of the Senate on July 24, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7080. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' ((CG Docket Nos. 12–38 and 03–123) (FCC 12–71)) received in the Office of the President of the Senate on July 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7081. A communication from the Chief of the Policy and Rules Division, Office of Engineering, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 2.925 and 2.926 of the Rules Regarding Grantee Codes for Certified Radiofrequency Equipment'' (FCC 12–60) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7082. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rural Health Care Support Mechanism'' ((RIN3060–AF85) (FCC 12–74)) received in the Office of the President of the Senate on July 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7083. A communication from the Deputy Division Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925–6425 MHz/3700–4200 MHz Bands and 14.0–14.5 GHz/11.7–12.2 GHz Bands'' ((IB Docket No. 02–10) (FCC 12–79)) received in the Office of the President of the Senate on July 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7084. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Information from Foreign Regions Applying for Recognition of Animal Health Status'' ((RIN0579–AD30) (Docket No. APHIS–2007–0158)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7085. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to providing certain support aid to the Government of Uzbekistan; to the Committee on Armed Services.

EC–7086. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; DoD Voucher Processing'' ((RIN0750–AH52) (DFARS Case 2011–D054)) received during adjournment of the Senate in the Office of the President of the Senate on July 27, 2012; to the Committee on Armed Services.

EC–7087. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled ''Report on the National Academy of Sciences Assessment and Report on Metrics of the Cooperative Threat Reduction Program''; to the Committee on Armed Services.

EC–7088. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Adjudicatory Process Rules and Related Requirements: 10 CFR Parts 2, 12, 51, 54, and 61'' ((RIN3150–AI43) (NRC–2008–0415)) received in the Office of the President of the Senate on July 30, 2012; to the Committee on Environment and Public Works.

EC–7089. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Data Collection to Support Standards Related to Essential Health Benefits; Recognition of Entities for the Accreditation of Qualified Health Plans'' (RIN0938–AR36) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Finance.

EC–7090. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Third Party Payer Issues and Reporting Agent, Revisions to

Rev. Proc. 2007–38'' (Rev. Proc. 2012–32) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7091. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Rev. Proc. 98–32'' (Rev. Proc. 2012–33) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7092. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Section 43 Inflation Adjustment'' (Notice 2012–49) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7093. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Marginal Production Rates'' (Notice 2012–50) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7094. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–089, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7095. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Country Reports on Terrorism 2011''; to the Committee on Foreign Relations.

EC–7096. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Railroad Unemployment Insurance System''; to the Committee on Health, Education, Labor, and Pensions.

EC–7097. A joint communication from the Executive Director and the Chair of the Board of Governors, Patient-Centered Outcomes Research Institute, transmitting, pursuant to law, the Institute's 2011 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–7098. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–092, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7099. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3330–EM in the Commonwealth of Massachusetts having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–7100. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Statute of Limitations Provisions for Office Disciplinary Proceedings'' (RIN0651–AC76) received in the Office of the President of the Senate on July 30, 2012; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 1272. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3370. A bill 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.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3466. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided job training, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself, Mr. WARNER, and Ms. COLLINS):

S. 3468. A bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. CRAPO):

S. 3470. A bill to permanently extend the private mortgage insurance tax deduction; to the Committee on Finance.

By Mr. RUBIO:

S. 3471. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. MIKULSKI, and Mr. HARKIN):

S. 3474. A bill to provide consumer protection for students; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3475. A bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. KERRY):

S. 3476. A bill to amend the Child Care and Development Block Grant Act of 1990 to ensure access to high—quality child care for homeless children and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3478. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Mr. BLUNT, Mr. BROWN of Ohio, Ms. SNOWE, Mr. WYDEN, and Mr. WARNER):

S. 3479. A bill to strengthen manufacturing in the United States through improved training, retention, and recruitment of workers, to deter evasion of antidumping and countervailing duty orders, and to promote United States exports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNS (for himself, Mr. CRAPO, Mr. TESTER, Mr. KOHL, Mr. TOOMEY, and Mrs. HAGAN):

S. 3480. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 49. A joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS):

S. Res. 535. A resolution recognizing the goals and ideals of the Movement is Life Caucus; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH):

S. Res. 536. A resolution designating September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; considered and agreed to.

By Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Ms. MURKOWSKI):

S. Res. 537. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN):

S. Res. 538. A resolution designating September 2012 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN):

S. Res. 539. A resolution designating October 13, 2012, as ''National Chess Day''; considered and agreed to.

By Mr. INOUYE (for himself and Mr. COCHRAN):

S. Res. 540. A resolution designating the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week''; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 55. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMEY) 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. 558

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 558, a bill to limit the use of cluster munitions.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 704

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1526

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor 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. 1880

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. RISCH) 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 name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1935, supra.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 1993

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2118

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2118, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 2173

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2281

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2281, a bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. LEE), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Colorado (Mr. BENNET) 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. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3243

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3243, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee.

S. 3338

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3384

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3384, a bill to extend supplemental agricultural disaster assistance programs.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3441

At the request of Mr. JOHANNS, his name was added as a cosponsor of 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.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 44

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

AMENDMENT NO. 2574

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2684

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from Utah (Mr. LEE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 2684 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2688

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2688 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

AMENDMENT NO. 2699

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2699 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, for the past 47 years, the Older Americans Act, OAA, has provided a wide array of services to improve the lives of older Americans, family caregivers, and persons with disabilities. Through the Act, millions of Americans receive critical home and community-based services including, home-delivered meal programs, transportation, adult day care, legal assistance and health promotion programs. The National Aging Network delivers these vital services to local communities through the Administration on Aging, State Units on Aging, SUAs, and over 600 Area Agencies on Aging, AAAs.

The aging network supports a number of health, prevention and wellness programs for older adults, such as, chronic disease self-management programs, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and health screenings. Despite this focus on health promotion, currently, there is no definition of care coordination included in the Older Americans Act. In fact, the unique coordination needed for an older adult with multiple chronic conditions is absent from the definition of the OAA case manager role.

The inclusion of care coordination in the OAA is necessary to prepare the aging network for their role in linking medical care to community long-term services and supports. The Affordable Care Act is transforming the health care delivery system through medical home demonstration, Accountable Care Organizations, and the Partnership for Patient-Care Transitions. But to be truly successful, these reforms will require the coordination of care between state and federal health care programs and the aging network.

Today, I am introducing the Care Coordination for Older Americans Act, a bill that would integrate care coordination in the long-term services and supports system. My legislation would include a definition of care coordination in the declaration of objectives of the Older Americans Act and would require the aging network to develop and implement a care coordination plan to address the needs of older individuals with multiple chronic illnesses.

I would like to thank a number of aging organizations who have been integral to the development of this legislation and who have endorsed it today, including: Aging Services of California, the American Geriatrics Society, the American Society on Aging, the Benjamin Rose Institute on Aging, the Center for Medicare Advocacy, the Consumer Coalition for Quality Health Care, the Easter Seals, The Gerontological Society of America, LeadingAge, the National Association of Area Agencies on Aging, n4a, the National Academy of Elder Law Attorneys, the National Association of Nutrition and Aging Services Programs, the National Association of the Professional Geriatric Care Managers, the National Center on Caregiving, the Family Caregiver Alliance, PHI Quality Care through Quality Jobs, the Social Work Leadership Institute / New York Academy of Medicine, and the University of Illinois College of Nursing Institute for Health Care Innovation. In addition, the National Coalition for Care Coordination was pivotal in their assistance developing a definition of care coordination which adequately addresses the needs of the aging network.

Since being enacted in 1965, the OAA has evolved over time to meet the ever-changing needs of our aging population. As we work to reauthorize this successful program that has allowed millions of seniors to remain independent in their homes and communities, we should incorporate new initiatives that reflect the current challenges facing seniors, such as the lack of care coordination between health programs and community long-term services and supports.

For all of these reasons, I urge my colleagues to cosponsor this important legislation and to support its inclusion in the reauthorization of the OAA.

By Mr. JOHANNS:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, I come to the floor today to discuss an issue I have brought up before in the Senate that continues to trouble me.

Whenever I meet with farmers and ranchers in Nebraska, they often raise concerns about regulatory overreach. I hear about the need for agencies such as the EPA to provide a more predictable and commonsense regulatory environment. So today I am introducing a bill that will do exactly that. It stops the EPA's use of aerial surveillance of

agricultural operations for a period of 12 months—1 year.

Earlier this year, I began hearing about this issue from constituents who are worried about privacy concerns. Thus, a few of my colleagues and I wrote to Administrator Jackson in late May asking her several questions about EPA's practice of flying over livestock operations and taking pictures. We were curious about the scope of flights over agriculture operations in Nebraska and around the country. We asked how the agency selects targets for surveillance and whether any images of residences, land, or buildings not subject to EPA regulation were being captured.

Additionally, we asked a very fair question: We asked about the use of the images, where are they stored, how are they used, who are they shared with, and how long they would remain on file—all seemingly straightforward, fair, basic questions.

Well, to say the least, EPA has been less than forthcoming about the use of aerial surveillance. EPA has acknowledged aerial surveillance activities in Nebraska, Iowa, and West Virginia. But despite repeated requests, details concerning the national scope of this program and its management by EPA headquarters have not been disclosed.

You see, I believe the American public deserves open, straightforward, honest information about why EPA is flying over their land—not just in Nebraska but across the country.

Time and time again, farmers have consistently proven they are excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining it and protecting it and leaving it improved.

I agree wholeheartedly that we should ensure our waterways are clean and our air is safe. So I want to be very clear: This legislation does not affect EPA's ability to use traditional onsite inspections. But given EPA's track record of ignorance about agriculture, if not downright contempt for it, farmers and ranchers do not trust this agency, and they sure as heck do not approve of EPA doing low-altitude surveillance flights over citizens' private property.

So until EPA takes a more commonsense, transparent, open approach, we need to step on the brakes. This bill simply does that. It places a 1-year moratorium on EPA from using aerial surveillance. This will give the agency time to come clean about its activities nationwide and make the case that these flights are an appropriate use of agency authority and taxpayer money.

Unless the EPA does that openly, the level of trust between farmers and ranchers and the EPA will continue to erode. In the meantime, passage of this legislation will help provide our farmers and our ranchers and others in rural America with much needed regulatory certainty.

I offered an amendment on this issue during the recent farm bill debate. It got broad bipartisan support—56 votes. Ten of my colleagues on the other side of the aisle joined me in this effort, so it is not a partisan issue.

I urge my colleagues to continue their support of this effort to bring accountability and transparency to the Environmental Protection Agency.

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By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am today introducing a bill to implement the recommendations of the Blue Ribbon Commission on America's Nuclear Future.

The Blue Ribbon Commission was appointed by Secretary of Energy Steven Chu, at the request of President Obama, in March 2010. The purpose of the Commission was to examine the nation's nuclear waste management policy, consider alternatives, and recommend a new approach. The Commission was made up of 15 distinguished members, and co-chaired by Representative Lee Hamilton and General Brent Scowcroft. Two of our former colleagues, Senator Domenici and Senator Hagel, were also members.

The Commission did an outstanding job. It met more than two dozen times over two years, conducted five public hearings across the country, heard testimony from countless experts and stakeholders, visited nuclear waste management facilities both here and abroad, and assembled a very thorough, thoughtful, and authoritative report.

The Commission made eight clear, concise, and eminently sensible recommendations. Principally, it recommended that we adopt a new, consent-based approach to siting nuclear waste management facilities, and that we establish a new organization to manage the nuclear waste management program. It affirmed the need to build one or more geologic repositories in which nuclear waste can be permanently buried, and it endorsed the need to build one or more temporary storage facilities in which nuclear waste can be stored until it can be permanently disposed of in a repository. It emphasized the importance of giving the new organization access to the funds needed to implement the program. It also made useful recommendations on transportation, and on the importance of continued support for nuclear research and development and international nuclear non-proliferation programs.

The Commission published its report at the end of January, and the two co-chairs, Representative Hamilton and General Scowcroft, testified to the Committee on Energy and Natural Resources on it in early February.

Since then, I have been working with the Ranking Republican on the Committee on Energy and Natural Resources, Senator MURKOWSKI, and the Chairman and Ranking Republican on the Energy and Water Development Subcommittee of the Appropriations Committee, Senator FEINSTEIN and Senator ALEXANDER, to try to put the commission's recommendations into legislative language.

Much of our time and effort centered on the Commission's recommendation for ''a new organization dedicated solely to implementing the waste management program.'' The Commission recommended that Congress establish a new ''single purpose organization,'' outside of the Department of Energy, but still within the Federal Government to manage the nation's nuclear wastes in place of the Department of Energy. More specifically, it proposed formation of a government corporation, and suggested that the Tennessee Valley Authority might provide a useful model.

Our initial efforts focused on the government corporation approach, but we ultimately agreed to set that model aside in favor of a structure that we believe may be both more effective and more accountable. We chose to focus full responsibility and authority for the program in a single administrator, and to establish a separate board made up of senior Federal officials to oversee the administrator.

Most of the rest of our discussions focused on the siting process for temporary storage facilities and permanent geologic repositories. We agreed with the commission's recommendation that the new organization employ a consent-based approach to siting nuclear waste facilities and with the need for to establish interim storage facilities pending completion of a repository. But we were unable to agree on the ''linkage'' between storage facilities and the repository.

Under current law, the Department of Energy cannot begin constructing a storage facility until the Nuclear Regulatory Commission issues a license to construct the repository. The Commission found that this tight linkage has prevented a storage facility from being built and recommended that it be eliminated. But the commission also recognized the need for what it called ''positive linkages'' between storage and disposal to ensure that progress continues on both fronts and interim storage does not end up become permanent.

Meanwhile, while our discussions were underway, the Energy and Water Development Appropriations Subcommittee reported legislation that authorizes the Secretary of Energy to begin storing nuclear waste at interim storage sites. My proposal for ''positive linkages'' was to allow the new agency to store up to 10,000 metric tons of spent nuclear fuel at a storage facility built under the authority in the appropriations bill, even if no agreement has

been reached on a repository, but to require there to be an agreement for a repository before allowing the new agency to store nuclear waste at other storage facilities.

Regrettably, we were not able to reach an agreement on this issue or on whether the siting process for storage facilities should be identical to the siting process for repositories wherever possible.

Nonetheless, we agreed that I should introduce the bill with the linkages that I have proposed and that the Committee on Energy and Natural Resources should hold a hearing on it in September. I recognize, of course, that the bill will not become law this year. But my hope is to obtain testimony on it and to build a legislative record that might serve as the foundation for further consideration and ultimate enactment in the next Congress.

The Blue Ribbon Commission found that ''it is long past time for the government to make good on its commitments to the American people to provide for the safe disposal of nuclear waste.''

''Put simply,'' the Commission said, ''this nation's failure to come to grips with the nuclear waste issue has already proved damaging and costly. It will be even more damaging and more costly the longer it continues. . . . ''

The commission has performed a very valuable service to the nation in showing us a way forward. Its recommendations merit our careful consideration and deserve our approval. I have attempted to put them into legislative form so that they can be enacted and implemented.

I recognize that will not happen this year. It will take a great deal more time and work. But it must begin and I hope it will continue in the next Congress.

Mr. President, I ask for unanimous consent that 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. 3469

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

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

(a) SHORT TITLE.—This Act may be cited as the ''Nuclear Waste Administration Act of 2012''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLE II—NUCLEAR WASTE ADMINISTRATION

Sec. 201. Establishment.
Sec. 202. Principal officers.
Sec. 203. Other officers.
Sec. 204. Inspector General.
Sec. 205. Nuclear Waste Oversight Board.
Sec. 206. Conforming amendments.

TITLE III—FUNCTIONS

Sec. 301. Transfer of functions.
Sec. 302. Transfer of contracts.
Sec. 303. Additional functions.
Sec. 304. Siting nuclear waste facilities.
Sec. 305. Licensing nuclear waste facilities.
Sec. 306. Limitation on storage.
Sec. 307. Defense waste.
Sec. 308. Transportation.

TITLE IV—FUNDING AND LEGAL PROCEEDINGS

Sec. 401. Working Capital Fund.
Sec. 402. Nuclear Waste Fund.
Sec. 403. Full cost recovery.
Sec. 404. Judicial review.
Sec. 405. Litigation authority.
Sec. 406. Liabilities.

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

Sec. 501. Administrative powers of Administrator.
Sec. 502. Personnel.
Sec. 503. Offices.
Sec. 504. Mission plan.
Sec. 505. Annual reports.
Sec. 506. Savings provisions; terminations.
Sec. 507. Technical assistance in the field of spent fuel storage and disposal.
Sec. 508. Nuclear Waste Technical Review Board.
Sec. 509. Repeal of volume limitation.

## TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

**SEC. 101. FINDINGS.**

Congress finds that—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.)—

(A) made the Federal Government responsible for providing for the permanent disposal of nuclear waste;

(B) vested the responsibility for siting, constructing, and operating a permanent geologic repository for the disposal of nuclear waste in the Secretary of Energy; and

(C) required the Secretary to enter into binding contracts with the generators and owners of nuclear waste pursuant to which the Secretary is obligated to have begun disposing of the nuclear waste in a repository not later than January 31, 1998;

(2) in 1987, Congress designated the Yucca Mountain site as the site for the repository and precluded consideration of other sites;

(3) in 2002, the Secretary found the Yucca Mountain site to be suitable for the development of the repository, the President recommended the site to Congress, and Congress enacted a joint resolution approving the Yucca Mountain site for the repository;

(4) in 2008, the Secretary applied to the Nuclear Regulatory Commission for a license to construct a repository at the Yucca Mountain site;

(5) in 2009, the Secretary found the Yucca Mountain site to be unworkable and abandoned efforts to construct a repository;

(6) in 2010, the Secretary, at the request of the President, established the Blue Ribbon Commission on America's Nuclear Future to conduct a comprehensive review of the nuclear waste management policies of the United States and recommend a new strategy for managing the nuclear waste of the United States; and

(7) the Blue Ribbon Commission has recommended that Congress establish a new nuclear waste management organization and adopt a new consensual approach to siting nuclear waste management facilities.

**SEC. 102. PURPOSES.**

The purposes of this Act are—

(1) to establish a new nuclear waste management organization;

(2) to transfer to the new organization the functions of the Secretary relating to the siting, licensing, construction, and operation of nuclear waste management facilities;

(3) to establish a new consensual process for the siting of nuclear waste management facilities;

(4) to provide for centralized storage of nuclear waste pending completion of a repository; and

(5) to ensure that—

(A) the generators and owners of nuclear waste pay the full cost of the program; and

(B) funds collected for the program are used for that purpose.

**SEC. 103. DEFINITIONS.**

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Nuclear Waste Administration established by section 201.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' means any Indian tribe—

(A) within the reservation boundaries of which a repository or storage facility is proposed to be located; or

(B) that has federally defined possessory or usage rights to other land outside of the reservation boundaries that—

(i) arise out of a congressionally ratified treaty; and

(ii) the Secretary of the Interior finds, on petition of an appropriate governmental official of the Indian tribe, may be substantially and adversely affected by the repository or storage facility.

(4) AFFECTED UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''affected unit of general local government'' means the unit of general local government that has jurisdiction over the site of a repository or storage facility.

(B) INCLUSION.—The term ''affected unit of general local government'' may include, at the discretion of the Administrator, units of general local government that are contiguous with the unit that has jurisdiction over the site of a repository or storage facility.

(5) CIVILIAN NUCLEAR POWER REACTOR.—The term ''civilian nuclear power reactor'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(6) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(7) CONTRACT HOLDER.—The term ''contract holder'' means any person who—

(A) generates or holds title to nuclear waste generated at a civilian nuclear power reactor; and

(B) has entered into a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or this Act.

(8) DEFENSE WASTE.—The term ''defense waste'' means nuclear waste generated by an atomic energy defense activity (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)).

(9) DISPOSAL.—The term ''disposal'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(10) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(11) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(12) NUCLEAR WASTE.—The term ''nuclear waste'' means—

(A) spent nuclear fuel; and

(B) high-level radioactive waste.

(13) NUCLEAR WASTE ACTIVITIES.—The term ''nuclear waste activities'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(14) NUCLEAR WASTE FACILITY.—The term ''nuclear waste facility'' means—

(A) a repository; and

(B) a storage facility.

(15) NUCLEAR WASTE FUND.—The term ''Nuclear Waste Fund'' means the separate fund in the Treasury established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(16) OVERSIGHT BOARD.—The term ''Oversight Board'' means the Nuclear Waste Oversight Board established by section 205.

(17) PUBLIC LIABILITY.—The term ''public liability'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(18) REPOSITORY.—The term ''repository'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(19) RESERVATION.—The term ''reservation'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(20) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(21) SITE CHARACTERIZATION.—

(A) IN GENERAL.—The term ''site characterization'' means the site-specific activities that the Administrator determines necessary to support an application to the Commission for a license to construct a repository or storage facility under section 305(c).

(B) REPOSITORY SITE CHARACTERIZATION.—In the case of a site for a repository, the term ''site characterization'' may include borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the suitability of a candidate site for the location of a repository.

(C) STORAGE SITE CHARACTERIZATION.—In the case of a site for an above-ground storage facility, the term ''site characterization'' does not include subsurface borings and excavations that the Administrator determines are uniquely associated with underground disposal and unnecessary to evaluate the suitability of a candidate site for the location of an above-ground storage facility.

(D) PRELIMINARY ACTIVITIES.—The term ''site characterization'' does not include preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

(22) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(23) STORAGE.—The term ''storage'' means the temporary retention of nuclear waste pending the disposal of the nuclear waste in a repository.

(24) STORAGE FACILITY.—The term ''storage facility'' means a facility for the storage of nuclear waste from multiple contract holders or the Secretary pending the disposal of the spent nuclear fuel in a repository.

(25) TEST AND EVALUATION FACILITY.—The term ''test and evaluation facility'' means an at-depth, prototypic underground cavity used to develop data and experience for the safe handling and disposal of nuclear waste in a repository.

(26) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(27) WORKING CAPITAL FUND.—The term ''Working Capital Fund'' means the Nuclear Waste Administration Working Capital Fund established by section 401.

## TITLE II—NUCLEAR WASTE ADMINISTRATION

**SEC. 201. ESTABLISHMENT.**

(a) ESTABLISHMENT.—There is established an independent agency in the executive branch to be known as the ''Nuclear Waste Administration''.

(b) PURPOSE.—The purposes of the Administration are—

(1) to discharge the responsibility of the Federal Government to provide for the permanent disposal of nuclear waste;

(2) to protect the public health and safety and the environment in discharging the responsibility under paragraph (1); and

(3) to ensure that the costs of activities under paragraph (1) are borne by the persons responsible for generating the nuclear waste.

**SEC. 202. PRINCIPAL OFFICERS.**

(a) ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be at the head of the Administration a Nuclear Waste Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Administrator.

(2) FUNCTIONS AND POWERS.—The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(3) SUPERVISION AND DIRECTION.—The Administration shall be administrated under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

(4) DELEGATION.—The Administrator may, from time to time and to the extent permitted by law, delegate such functions of the Administrator as the Administrator determines to be appropriate.

(5) COMPENSATION.—The President shall fix the total annual compensation of the Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Chief Executive Officer of the Tennessee Valley Authority.

(b) DEPUTY ADMINISTRATOR.—

(1) APPOINTMENT.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Deputy Administrator.

(2) DUTIES.—The Deputy Administrator shall—

(A) perform such functions as the Administrator shall from time to time assign or delegate; and

(B) act as the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(3) COMPENSATION.—The President shall fix the total annual compensation of the Deputy Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation paid to the Administrator.

**SEC. 203. OTHER OFFICERS.**

(a) ESTABLISHMENT.—There shall be in the Administration—

(1) a General Counsel;

(2) a Chief Financial Officer, who shall be appointed from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, financial management practices in large governmental or business entities; and

(3) not more than 3 Assistant Administrators, who shall perform such functions as the Administrator shall specify from time to time.

(b) APPOINTMENT.—Officers appointed under this section shall—

(1) be appointed by the Administrator;

(2) be considered career appointees; and

(3) be subject to section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)).

(c) ORDER OF SUCCESSION.—The Administrator may designate the order in which the officers appointed pursuant to this section shall act for, and perform the functions of, the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of vacancies in the offices of the Administrator and the Deputy Administrator.

**SEC. 204. INSPECTOR GENERAL.**

There shall be in the Administration an Inspector General, who shall be appointed by the President, by and with the advice and consent of the Senate, in accordance with section 3 of the Inspector General Act of 1978 (5 U.S.C. App.).

**SEC. 205. NUCLEAR WASTE OVERSIGHT BOARD.**

(a) ESTABLISHMENT.—There is established an independent establishment in the executive branch, to be known as the ''Nuclear Waste Oversight Board'', to oversee the administration of this Act and protect the public interest in the implementation of this Act.

(b) MEMBERS.—The Oversight Board shall consist of—

(1) the Deputy Director of the Office of Management and Budget;

(2) the Chief of Engineers of the Army Corps of Engineers; and

(3) the Deputy Secretary of Energy.

(c) CHAIR.—The President shall designate 1 of the 3 members as chair.

(d) FUNCTIONS.—The Oversight Board shall—

(1) review, on an ongoing basis—

(A) the progress made by the Administrator to site, construct, and operate nuclear waste facilities under this Act;

(B) the use of funds made available to the Administrator under this Act;

(C) whether the fees collected from contract holders are sufficient to ensure full cost recovery or require adjustment; and

(D) the liability of the United States to contract holders;

(2) identify any problems that may impede the implementation of this Act; and

(3) recommend to the Administrator, the President, or Congress, as appropriate, any actions that may be needed to ensure the implementation of this Act.

(e) MEETINGS.—The Oversight Board shall meet at least once every 90 days.

(f) REPORTS.—The Oversight Board shall report the findings, conclusions, and recommendations of the Oversight Board to the Administrator, the President, and Congress not less than once per year.

(g) EXECUTIVE SECRETARY.—The Oversight Board shall appoint and fix the compensation of an Executive Secretary, who shall—

(1) assemble and maintain the reports, records, and other papers of the Oversight Board; and

(2) perform such functions as the Oversight Board shall from time to time assign or delegate.

(h) ADDITIONAL STAFF.—

(1) APPOINTMENT.—The Oversight Board may appoint and fix the compensation of such additional clerical and professional

staff as may be necessary to discharge the responsibilities of the Oversight Board.

(2) LIMITATION.—The Oversight Board may appoint not more than 10 clerical or professional staff members under this subsection.

(3) SUPERVISION AND DIRECTION.—The clerical and professional staff of the Oversight Board shall be under the supervision and direction of the Executive Secretary.

(i) ACCESS TO INFORMATION.—

(1) DUTY TO INFORM.—The Administrator shall keep the Oversight Board fully and currently informed on all of the activities of the Administration.

(2) PRODUCTION OF DOCUMENTS.—The Administrator shall provide the Oversight Board with such records, files, papers, data, or information as may be requested by the Oversight Board.

(j) SUPPORT SERVICES.—To the extent permitted by law and requested by the Oversight Board, the Administrator of General Services shall provide the Oversight Board with necessary administrative services, facilities, and support on a reimbursable basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Oversight Board from amounts in the Nuclear Waste Fund to carry out this section such sums as are necessary.

**SEC. 206. CONFORMING AMENDMENTS.**

(a) Section 901(b)(2) of title 31, United States Code, is amended by adding at the end the following:

''(R) The Nuclear Waste Administration.''.

(b) Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''the Nuclear Waste Administration;'' after ''Export-Import Bank;''; and

(2) in paragraph (2), by inserting ''the Nuclear Waste Administration,'' after ''Export-Import Bank,''.

## TITLE III—FUNCTIONS

**SEC. 301. TRANSFER OF FUNCTIONS.**

There are transferred to and vested in the Administrator all functions vested in the Secretary by—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relating to—

(A) the construction and operation of a repository;

(B) entering into and performing contracts for the disposal of nuclear waste under section 302 of that Act (42 U.S.C. 10222);

(C) the collection, adjustment, deposition, and use of fees to offset expenditures for the management of nuclear waste; and

(D) the issuance of obligations under section 302(e)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(5); and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, relating to the pilot program for the construction and operation of 1 or more storage facilities to the extent provided in a cooperative agreement transferred to the Administrator pursuant to section 302(b).

**SEC. 302. TRANSFER OF CONTRACTS.**

(a) DISPOSAL CONTRACTS.—Each contract for the disposal of nuclear waste entered into by the Secretary before the date of enactment of this Act shall continue in effect according to the terms of the contract with the Administrator substituted for the Secretary.

(b) COOPERATIVE AGREEMENT.—Each cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act shall continue in effect according to the terms of the agreement with the Administrator substituted for the Secretary.

**SEC. 303. ADDITIONAL FUNCTIONS.**

In addition to the functions transferred to the Administrator under section 301, the Administrator may site, construct, and operate—

(1) additional repositories if the Administrator determines that additional disposal capacity is necessary to meet the disposal obligations of the Administrator;

(2) a test and evaluation facility in connection with a repository if the Administrator determines a test and evaluation facility is necessary to develop data and experience for the safe handling and disposal of nuclear waste at a repository; and

(3) additional storage facilities if the Administrator determines that additional storage capacity is necessary pending the availability of adequate disposal capacity.

**SEC. 304. SITING NUCLEAR WASTE FACILITIES.**

(a) IN GENERAL.—In siting nuclear waste facilities under this Act, the Administrator shall employ a process that—

(1) allows affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility;

(2) is open to the public and allows interested persons to be heard in a meaningful way;

(3) is flexible and allows decisions to be reviewed and modified in response to new information or new technical, social, or political developments; and

(4) is based on sound science and meets public health, safety, and environmental standards.

(b) SITING GUIDELINES.—

(1) ISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue general guidelines for the consideration of candidate sites for—

(A) repositories; and

(B) storage facilities.

(2) REPOSITORIES.—In adopting guidelines for repositories under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)).

(3) STORAGE FACILITIES.—

(A) IN GENERAL.—In adopting guidelines for storage facilities under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10132(a)), except to the extent that section 112(a) of that Act requires consideration of underground geophysical conditions that the Administrator determines do not apply to above-ground storage.

(B) OTHER FACTORS.—In addition to the requirements described in subparagraph (A), the guidelines for storage facilities shall require the Administrator to take into account the extent to which a storage facility would—

(i) enhance the reliability and flexibility of the system for the disposal of nuclear waste;

(ii) minimize the impacts of transportation and handling of nuclear waste; and

(iii) unduly burden a State in which significant volumes of—

(I) defense wastes are stored; or

(II) transuranic wastes are disposed.

(4) REVISIONS.—The Administrator may revise the guidelines in a manner consistent with this subsection and section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)).

(c) IDENTIFICATION OF CANDIDATE SITES.—

(1) REVIEW OF POTENTIAL SITES.—As soon as practicable after the date of the issuance of the guidelines under subsection (b), the Administrator shall evaluate potential sites for a nuclear waste facility to determine whether the sites are suitable for site characterization.

(2) SITES ELIGIBLE FOR REVIEW.—The Administrator shall select sites for evaluation under paragraph (1) from among sites recommended by—

(A) the Governor or duly authorized official of the State in which the site is located;

(B) the governing body of the affected unit of general local government;

(C) the governing body of an Indian tribe within the reservation boundaries of which the site is located; or

(D) the Administrator, after consultation with, and with the consent of—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of the Indian tribe, if the site is located within the reservation of an Indian tribe.

(3) SITE INVESTIGATIONS.—In evaluating a site under this subsection prior to any determination of the suitability of the site for site characterization, the Administrator—

(A) shall use available geophysical, geological, geochemical, hydrological, and other information; and

(B) shall not perform any preliminary borings or excavations at the site unless necessary to determine the suitability of the site and authorized by the landowner.

(4) DETERMINATION OF SUITABILITY.—The Administrator shall determine whether a site is suitable for site characterization based on an environmental assessment of the site, which shall include—

(A) an evaluation by the Administrator of whether the site qualifies for development as a nuclear waste facility under the guidelines established under subsection (b), including a safety case that provides the basis for confidence in the safety of the proposed nuclear waste facility at the proposed site;

(B) an evaluation by the Administrator of the effects of site characterization activities on public health and safety and the environment;

(C) a reasonable comparative evaluation by the Administrator of the site with other sites considered by—

(i) the Administrator under this section; or

(ii) the Secretary under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.);

(D) a description of the decision process by which the site was recommended; and

(E) an assessment of the regional and local impacts of locating a repository or storage facility at the site.

(d) SITE CHARACTERIZATION.—

(1) SELECTION OF SITES.—From among the sites determined to be suitable for site characterization under subsection (c), the Administrator shall select—

(A) at least 1 site for site characterization as a repository; and

(B) at least 1 site for site characterization as a storage facility.

(2) PREFERENCE FOR CO-LOCATED REPOSITORY AND STORAGE FACILITY.—In selecting sites for site characterization as a storage facility, the Administrator shall give preference to sites determined to be suitable for co-location of a storage facility and a repository.

(3) PUBLIC HEARINGS.—Before selecting a site for site characterization, the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located—

(A) to inform the public of the proposed site characterization; and

(B) to solicit public comments and recommendations with respect to the site characterization plan of the Administrator.

(4) CONSULTATION AND COOPERATION AGREEMENT.—

(A) REQUIREMENT.—Before selecting a site for site characterization, the Administrator shall enter into a consultation and cooperation agreement with—

(i) the Governor of the State in which the site is located;

(ii) the governing body of the affected unit of general local government; and

(iii) the governing body of an affected Indian tribe, in the case of—

(I) a site located within the boundaries of a reservation; or

(II) an Indian tribe the federally defined possessory or usage rights to land outside of a reservation of which may be substantially and adversely affected by the repository or storage facility.

(B) CONTENTS.—The consultation and cooperation agreement shall provide—

(i) compensation to the State, any affected units of local government, and any affected Indian tribes for any potential economic, social, public health and safety, and environmental impacts associated with site characterization; and

(ii) financial and technical assistance to enable the State, affected units of local government, and affected Indian tribes to monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.

(e) FINAL SITE SUITABILITY DETERMINATION.—

(1) DETERMINATION REQUIRED.—On completion of site characterization activities, the Administrator shall make a final determination of whether the site is suitable for development as a repository or storage facility.

(2) BASIS OF DETERMINATION.—In making a determination under paragraph (1), the Administrator shall determine if—

(A) the site is scientifically and technically suitable for development as a repository or storage facility, taking into account—

(i) whether the site meets the siting guidelines of the Administrator; and

(ii) whether there is reasonable assurance that a repository or storage facility at the site will meet—

(I) the radiation protection standards of the Administrator of the Environmental Protection Agency; and

(II) the licensing standards of the Commission; and

(B) development of a repository or storage facility at the site is in the national interest.

(3) PUBLIC HEARINGS.—Before making a final determination under paragraph (1), the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located to solicit public comments and recommendations on the proposed determination.

(f) CONSENT AGREEMENTS.—

(1) REQUIREMENT.—On making a final determination of site suitability under subsection (e), but before submitting a license application to the Commission under subsection (g), the Administrator shall enter into a consent agreement with—

(A) the Governor of the State in which the site is located;

(B) the governing body of the affected unit of general local government; and

(C) if the site is located on a reservation, the governing body of the affected Indian tribe.

(2) CONTENTS.—The consent agreement shall—

(A) contain the terms and conditions on which each State, local government, and Indian tribe consents to host the repository or storage facility; and

(B) express the consent of each State, local government, and Indian tribe to host the repository or storage facility.

(3) TERMS AND CONDITIONS.—The terms and conditions under paragraph (2)(A)—

(A) shall promote the economic and social well-being of the people living in the vicinity of the repository or storage facility; and

(B) may include—

(i) financial compensation and incentives;

(ii) economic development assistance;

(iii) operational limitations or requirements;

(iv) regulatory oversight authority; and

(v) in the case of a storage facility, an enforceable deadline for removing nuclear waste from the storage facility.

(4) RATIFICATION.—No consent agreement entered into under this section shall have legal effect unless ratified by law.

(5) BINDING EFFECT.—On ratification by law, the consent agreement—

(A) shall be binding on the parties; and

(B) shall not be amended or revoked except by mutual agreement of the parties.

(g) SUBMISSION OF LICENSE APPLICATION.—On determining that a site is suitable under subsection (e) and ratification of a consent agreement under subsection (f), the Administrator shall submit to the Commission an application for a construction authorization for the repository or storage facility.

**SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.**

(a) RADIATION PROTECTION STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, pursuant to authority under other provisions of law, shall adopt, by rule, generally applicable standards for protection of the general environment from offsite releases from radioactive material in geological repositories.

(b) COMMISSION REGULATIONS.—Not later than 1 year after the adoption of generally applicable standards by the Administrator of the Environmental Protection Agency under subsection (a), the Commission, pursuant to authority under other provisions of law, shall amend the regulations of the Commission governing the licensing of geological repositories to be consistent with any comparable standards adopted by the Administrator of the Environmental Protection Agency under subsection (a).

(c) CONSTRUCTION AUTHORIZATION.—

(1) APPLICABLE LAWS.—The Commission shall consider an application for a construction authorization for a nuclear waste facility in accordance with the laws (including regulations) applicable to the applications.

(2) FINAL DECISION.—Not later than 3 years after the date of the submission of the application, the Commission shall issue a final decision approving or disapproving the issuance of a construction authorization.

(3) EXTENSION.—The Commission may extend the deadline under paragraph (2) by not more than 1 year if, not less than 30 days before the deadline, the Commission submits to Congress and the Administrator a written report that describes—

(A) the reason for failing to meet the deadline; and

(B) the estimated time by which the Commission will issue a final decision.

**SEC. 306. LIMITATION ON STORAGE.**

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator may not possess, take title to, or store spent nuclear fuel at a storage facility licensed under this Act before ratification of a consent agreement for a repository under section 304(f)(4).

(b) EXCEPTION.—The Administrator may possess, take title to, and store not more than 10,000 metric tons of spent nuclear fuel at a storage facility licensed and constructed pursuant to a cooperative agreement entered into before the date of enactment of this Act under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before ratification of a consent agreement for a repository under section 304(f)(4).

**SEC. 307. DEFENSE WASTE.**

(a) DISPOSAL AND STORAGE BY ADMINISTRATION.—The Secretary—

(1) shall arrange for the Administrator to dispose of defense wastes in a repository developed under this Act; and

(2) may arrange for the Administrator to store spent nuclear fuel from the naval nuclear propulsion program pending disposal in a repository.

(b) MEMORANDUM OF AGREEMENT.—The arrangements shall be covered by a memorandum of agreement between the Secretary and the Administrator.

(c) COSTS.—The portion of the cost of developing, constructing, and operating the repository or storage facilities under this Act that is attributable to defense wastes shall be allocated to the Federal Government and paid by the Federal Government into the Working Capital Fund.

(d) PROHIBITION.—No defense waste may be stored or disposed of by the Administrator in any storage facility or repository constructed under this Act or section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, until funds are appropriated to the Working Capital Fund in an amount equal to the fees that would be paid by contract holders under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) if such nuclear waste were generated by a contract holder.

**SEC. 308. TRANSPORTATION.**

(a) IN GENERAL.—The Administrator shall be responsible for transporting nuclear waste—

(1) from the site of a contract holder to a storage facility or repository;

(2) from a storage facility to a repository; and

(3) in the case of defense waste, from a Department of Energy site to a repository.

(b) CERTIFIED PACKAGES.—No nuclear waste may be transported under this Act except in packages—

(1) the design of which has been certified by the Commission; and

(2) that have been determined by the Commission to satisfy the quality assurance requirements of the Commission.

(c) NOTIFICATION.—Prior to any transportation of nuclear waste under this Act, the Administrator shall provide advance notification to States and Indian tribes through whose jurisdiction the Administrator plans to transport the nuclear waste.

(d) TRANSPORTATION ASSISTANCE.—

(1) PUBLIC EDUCATION.—The Administrator shall conduct a program to provide information to the public about the transportation of nuclear waste.

(2) TRAINING.—The Administrator shall provide financial and technical assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste to train public safety officials and other emergency responders on—

(A) procedures required for the safe, routine transportation of nuclear waste; and

(B) procedures for dealing with emergency response situations involving nuclear waste, including instruction of—

(i) government and tribal officials and public safety officers in command and control procedures;

(ii) emergency response personnel; and

(iii) radiological protection and emergency medical personnel.

(3) EQUIPMENT.—The Administrator shall provide monetary grants and contributions in-kind to assist States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for the purpose of acquiring equipment for responding to a transportation incident involving nuclear waste.

(4) TRANSPORTATION SAFETY PROGRAMS.—The Administrator shall provide in-kind, financial, technical, and other appropriate assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for transportation safety programs related to shipments of nuclear waste.

## TITLE IV—FUNDING AND LEGAL PROCEEDINGS

**SEC. 401. WORKING CAPITAL FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury a separate fund, to be known as the ''Nuclear Waste Administration Working Capital Fund'', which shall be separate from the Nuclear Waste Fund.

(b) CONTENTS.—The Working Capital Fund shall consist of—

(1) all fees paid by contract holders pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) on or after the date of enactment of this Act, which shall be paid into the Working Capital Fund—

(A) notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)); and

(B) immediately on the payment of the fees;

(2) any appropriations made by Congress to pay the share of the cost of the program established under this Act attributable to defense wastes; and

(3) interest paid on the unexpended balance of the Working Capital Fund.

(c) AVAILABILITY.—All funds deposited in the Working Capital Fund—

(1) shall be immediately available to the Administrator to carry out the functions of the Administrator, except to the extent limited in annual authorization or appropriation Acts;

(2) shall remain available until expended; and

(3) shall not be subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

(d) USE OF FUND.—Except to the extent limited in annual authorization or appropriation Acts, the Administrator may make expenditures from the Working Capital Fund only for purposes of carrying out functions authorized by this Act.

**SEC. 402. NUCLEAR WASTE FUND.**

(a) ELIMINATION OF LEGISLATIVE VETO.—Section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended in the last sentence by striking ''transmittal unless'' and all that follows through the end of the sentence and inserting ''transmittal.''.

(b) INTEREST ON UNEXPENDED BALANCES.—Section 302(e)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(3)) is amended—

(1) by striking ''Secretary'' the first, second, and fourth place it appears and inserting ''Administrator of the Nuclear Waste Administration''; and

(2) by striking ''the Waste Fund'' each place it appears and inserting ''the Waste Fund or the Working Capital Fund established by section 401 of the Nuclear Waste Administration Act of 2012''.

**SEC. 403. FULL COST RECOVERY.**

In determining whether insufficient or excess revenues are being collected to ensure full cost recovery under section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)), the Administrator shall—

(1) assume that sufficient funds will be appropriated to the Nuclear Waste Fund to cover the costs attributable to disposal of defense wastes; and

(2) take into account the additional costs resulting from the enactment of this Act.

**SEC. 404. JUDICIAL REVIEW.**

(a) JURISDICTION.—

(1) COURTS OF APPEALS.—Except for review in the Supreme Court, a United States court of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for review of any final decision or action of the Administrator or the Commission under this Act;

(B) alleging the failure of the Administrator or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under this Act; or

(D) for review of any environmental assessment or environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act, or alleging a failure to prepare any such assessment or statement with respect to any such action.

(2) VENUE.—The venue of any proceeding under this section shall be in—

(A) the judicial circuit in which the petitioner involved resides or has the principal office of the petitioner; or

(B) the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE FOR COMMENCING ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a civil action for judicial review described in subsection (a)(1) may be brought not later than the date that is 180 days after the date of the decision or action or failure to act involved.

(2) NO KNOWLEDGE OF DECISION OR ACTION.—If a party shows that the party did not know of the decision or action complained of (or of the failure to act) and that a reasonable person acting under the circumstances would not have known, the party may bring a civil action not later than 180 days after the date the party acquired actual or constructive knowledge of the decision, action, or failure to act.

**SEC. 405. LITIGATION AUTHORITY.**

(a) SUPERVISION BY ATTORNEY GENERAL.—The litigation of the Administration shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code.

(b) ATTORNEYS OF ADMINISTRATION.—The Attorney General may authorize any attorney of the Administration to conduct any civil litigation of the Administration in any Federal court, except the Supreme Court.

**SEC. 406. LIABILITIES.**

(a) PENDING LEGAL PROCEEDINGS.—Any suit, cause of action, or judicial proceeding commenced by or against the Secretary relating to functions or contracts transferred to the Administrator by this Act shall—

(1) not abate by reason of the enactment of this Act; and

(2) continue in effect with the Administrator substituted for the Secretary.

(b) SETTLEMENT OF PENDING LITIGATION; CONTRACT MODIFICATION.—

(1) SETTLEMENT.—The Attorney General, in consultation with the Administrator, shall settle all claims against the United States by a contract holder for the breach of a contract for the disposal of nuclear waste under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) as a condition precedent of the agreement of the Administrator to take title to and store the nuclear waste of the contract holder at a storage facility.

(2) CONTRACT MODIFICATION.—The Administrator and contract holders shall modify contracts entered into under section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) in accordance with the settlement under paragraph (1).

(c) PAYMENT OF JUDGMENTS AND SETTLEMENTS.—Payment of judgments and settlements in cases arising from the failure of the Secretary failure to meet the deadline of January 31, 1998, to begin to dispose of nuclear waste under contracts entered into under section 302(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(1)) shall continue to be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(d) NEW CONTRACTS.—Notwithstanding section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Administrator shall not enter into any contract after the date of enactment of this Act that obligates the Administrator to begin disposing of nuclear waste before the Commission has licensed the Administrator to operate a repository or storage facility.

(e) NUCLEAR INDEMNIFICATION.—

(1) INDEMNIFICATION AGREEMENTS.—For purposes of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(A) any person that conducts nuclear waste activities under a contract with the Administrator that may involve the risk of public liability shall be treated as a contractor of the Secretary; and

(B) the Secretary shall enter into an agreement of indemnification with any person described in subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 11 ff. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(ff)) is amended by inserting ''or the Nuclear Waste Administration'' after ''Secretary of Energy''.

## TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

**SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.**

The Administrator shall have the power—

(1) to perform the functions of the Secretary transferred to the Administrator pursuant to this Act;

(2) to enter into contracts with any person who generates or holds title to nuclear waste generated in a civilian nuclear power reactor for the acceptance of title, subsequent transportation, storage, and disposal of the nuclear waste;

(3) to enter into and perform contracts, leases, and cooperative agreements with public agencies, private organizations, and persons necessary or appropriate to carry out the functions of the Administrator;

(4) to acquire, in the name of the United States, real estate for the construction, operation, and decommissioning of nuclear waste facilities;

(5) to obtain from the Administrator of General Services the services the Administrator of General Services is authorized to provide agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

(6) to conduct nongeneric research, development, and demonstration activities necessary or appropriate to carrying out the functions of the Administrator; and

(7) to make such rules and regulations, not inconsistent with this Act, as may be necessary to carry out the functions of the Administrator.

**SEC. 502. PERSONNEL.**

(a) OFFICERS AND EMPLOYEES.—

(1) APPOINTMENT.—In addition to the senior officers described in section 203, the Administrator may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Administration.

(2) COMPENSATION.—Except as provided in paragraph (3), officers and employees appointed under this subsection shall be appointed in accordance with the civil service laws and the compensation of the officers

and employees shall be fixed in accordance with title 5, United States Code.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Administrator may, to the extent the Administrator determines necessary to discharge the responsibilities of the Administrator—

(A) appoint exceptionally well qualified individuals to scientific, engineering, or other critical positions without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(B) fix the basic pay of any individual appointed under subparagraph (A) at a rate of not more than level I of the Executive Schedule without regard to the civil service laws, except that the total annual compensation of the individual shall be at a rate of not more than the highest total annual compensation payable under section 104 of title 3, United States Code.

(4) MERIT PRINCIPLES.—The Administrator shall ensure that the exercise of the authority granted under paragraph (3) is consistent with the merit principles of section 2301 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator may obtain the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code.

(c) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Administrator may establish, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), such advisory committees as the Administrator may consider appropriate to assist in the performance of the functions of the Administrator.

(2) COMPENSATION.—A member of an advisory committee, other than a full-time employees of the Federal Government, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service without pay, while attending meetings of the advisory committee or otherwise serving away from the homes or regular place of business of the member at the request of the Administrator.

**SEC. 503. OFFICES.**

(a) PRINCIPAL OFFICE.—The principal office of the Administration shall be in or near the District of Columbia.

(b) FIELD OFFICES.—The Administrator may maintain such field offices as the Administrator considers necessary to carry out the functions of the Administrator.

**SEC. 504. MISSION PLAN.**

(a) IN GENERAL.—The Administrator shall prepare a comprehensive report (referred to in this section as the ''mission plan''), which shall—

(1) provide an informational basis sufficient to permit informed decisions to be made in carrying out the functions of the Administrator; and

(2) provide verifiable indicators for oversight of the performance of the Administrator.

(b) CONTENTS.—The mission plan shall include—

(1) a description of the actions the Administrator plans to take to carry out the functions of the Administrator under this Act;

(2) schedules and milestones for carrying out the functions of the Administrator; and

(3) an estimate of the amounts that the Administration will need Congress to appropriate from the Nuclear Waste Fund (in addition to amounts expected to be available from the Working Capital Fund) to carry out the functions of the Nuclear Waste Fund, on an annual basis.

(c) PROPOSED MISSION PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a proposed mission plan for comment to—

(1) Congress;

(2) the Oversight Board;

(3) the Commission;

(4) the Nuclear Waste Technical Review Board established by section 502 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262);

(5) the States;

(6) affected Indian tribes; and

(7) such other interested persons as the Administrator considers appropriate.

(d) PUBLIC NOTICE AND COMMENT.—On submitting the proposed mission plan for comment under subsection (c), the Administrator shall—

(1) publish a notice in the Federal Register of the availability of the proposed mission plan for public comment; and

(2) provided interested persons an opportunity to comment on the proposed plan.

(e) SUBMISSION OF FINAL MISSION PLAN.—After consideration of the comments received, the Administrator shall—

(1) revise the proposed mission plan to the extent that the Administrator considers appropriate; and

(2) submit the final mission plan to Congress, the President, and the Oversight Board.

(f) REVISION OF THE MISSION PLAN.—The Administrator shall—

(1) revise the mission plan, as appropriate, to reflect major changes in the planned activities, schedules, milestones, and cost estimates reported in the mission plan; and

(2) submit the revised mission plan to Congress, the President, and the Oversight Board prior to implementing the proposed changes.

**SEC. 505. ANNUAL REPORTS.**

(a) IN GENERAL.—The Administrator shall annually prepare and submit to Congress, the President, and the Oversight Board a comprehensive report on the activities and expenditures of the Administration.

(b) MANAGEMENT REPORT.—The annual report submitted under subsection (a) shall include—

(1) the annual management report required under section 9106 of title 31, United States Code; and

(2) the report on any audit of the financial statements of the Administration conducted under section 9105 of title 31, United States Code.

**SEC. 506. SAVINGS PROVISIONS; TERMINATIONS.**

(a) COMMISSION PROCEEDINGS.—This Act shall not affect any proceeding or any application for any license or permit pending before the Commission on the date of enactment of this Act.

(b) AUTHORITY OF THE SECRETARY.—This Act shall not transfer or affect the authority of the Secretary with respect to—

(1) the maintenance, treatment, packaging, and storage of defense wastes at Department of Energy sites prior to delivery to, and acceptance by, the Administrator for disposal in a repository;

(2) the conduct of generic research, development, and demonstration activities related to nuclear waste management, including proliferation-resistant advanced fuel recycling and transmutation technologies that minimize environmental and public health and safety impacts; and

(3) training and workforce development programs relating to nuclear waste management.

(c) PILOT PROGRAM.—Nothwithstanding section 304, the Administrator may proceed with the siting and licensing of 1 or more consolidated storage facilities under a cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with—

(1) the terms of the cooperative agreement; and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

(d) TERMINATIONS.—The authority for each function of the Secretary relating to the siting, construction, and operation of repositories, storage facilities, or test and evaluation facilities not transferred to the Administrator under this Act shall terminate on the date of enactment of this Act, including the authority—

(1) to provide interim storage or monitored, retrievable storage under subtitles B and C of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10151 et seq.);

(2) to site or construct a test and evaluation facility under title II of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10191 et seq.); and

(3) to issue requests for proposals or enter into agreements under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

**SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT FUEL STORAGE AND DISPOSAL.**

(a) JOINT NOTICE.—Not later than 90 days after the date of enactment of this Act and annually for 5 succeeding years, the Secretary and the Commission shall update and publish in the Federal Register the joint notice required by section 223(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(b)).

(b) INFORMING FOREIGN GOVERNMENTS.—As soon as practicable after the date of the publication of the annual joint notice described in subsection (a), the Secretary of State shall inform the governments of nations and organizations operating nuclear power plants, solicit expressions of interest, and transmit any such expressions of interest to the Secretary and the Commission, as provided in section 223(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203(c)).

(c) BUDGET REQUESTS.—The President shall include in the budget request of the President for the Commission and the Department of Energy for each of fiscal years 2014 through 2019 such funding requests for a program of cooperation and technical assistance with nations in the fields of spent nuclear fuel storage and disposal as the President determines appropriate in light of expressions of interest in the cooperation and assistance.

(d) ELIGIBILITY.—Notwithstanding any limitation on cooperation and technical assistance to non-nuclear weapon states under section 223 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10203), the Secretary and the Commission may cooperate with and provide technical assistance to nuclear weapon states, if the Secretary and the Commission determine the cooperation and technical assistance is in the national interest.

**SEC. 508. NUCLEAR WASTE TECHNICAL REVIEW BOARD.**

(a) ELIGIBILITY.—Section 502(b)(3)(C)(iii)(I) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10262(b)(3)(C)(iii)(I)) is amended by inserting ''or the Nuclear Waste Administration'' after ''the Department of Energy''.

(b) FUNCTIONS.—Section 503 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10263) is amended by striking ''Secretary after the date of the enactment of the Nuclear Waste Policy Amendments Act of 1987'' and inserting ''Nuclear Waste Administrator after the date of enactment of the Nuclear Waste Administration Act of 2012''.

(c) PRODUCTION OF DOCUMENTS.—Section 504(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10264(b)) is amended by striking

''Secretary'' each place it appears and inserting ''Nuclear Waste Administrator''.

(d) REPORTS.—Section 508 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10268) is amended in the first sentence by striking ''Congress and the Secretary'' and inserting ''Congress, the Nuclear Waste Administrator, and the Nuclear Waste Oversight Board''.

(e) TERMINATION.—Section 510 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking ''Secretary'' and inserting ''Nuclear Waste Administrator''.

**SEC. 509. REPEAL OF VOLUME LIMITATION.**

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

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By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about a bill that I have the pleasure of helping to lead with several of my colleagues, particularly Senator GRASSLEY, who has been my long-standing partner and a wonderful cochair of the foster care caucus. There are any number of us, Republicans and Democrats, who have our eyes on and our hearts connected to the 500,000 children who are technically being raised by the government.

The government does many things well, but raising children isn't one of them. So it is our responsibility, when we enter into or respond to a case of abuse, gross abuse, neglect, or gross neglect, that we respond appropriately by removing children from homes who have, unfortunately, been tortured at times by their own parents. That, of course, is inconceivable to me and to many, but, unfortunately, it happens.

So we remove children—hopefully temporarily—until the situation at home can be addressed with community services, faith-based services and support, where the children can be reunited with parents who have been healed, possibly, of their situation. That is not always the case, and we work as quickly as we can to find responsible and able relatives to take in the child—willing and able relatives, the law says, to take in the child with sibling groups intact. If that is not possible, then we seek to find a family in the community that will adopt these children.

The thing I want to say about these wonderful children is that while their families may be broken—families may disintegrate for all sorts of reasons, including mental health, drug abuse, uncontrollable violence, criminal activity that disintegrates the family, and children are most certainly affected—these children, in many instances, aren't broken. Their families are broken. The possibility of these children, from the ages of zero to 1 or 2 or 3 or 9 or 12 or 15, being given an opportunity to be adopted into the loving arms of a stable family who will raise that child or children as their own or to be reunified with loving family members is ideal.

As I said, governments do many things well, but raising children isn't one of them. Human beings raise other human beings, and we need to do a better job of placing our children in quality, temporary foster homes, and then finding permanent, loving homes.

We have this crazy notion in America and around the world that children are grown when they are 18, so we put all of their belongings in a plastic bag and we say goodbye to them, and we tell them: Please forget my cell phone number because you have aged out of the system.

Several of us have been working for years, including former Senator Chafee, for one, to create more permanent opportunities for extended, independent living. While I support that—it is much better than putting their things in a bag, their few little items after 18 years, and sending them on their way—we now can extend that help until they are 21. However, what we really need to be doing is finding families for these children.

I am 57 and I still need my family. I still talk to my mother and father almost every day. I was with my family this weekend. They will be with me and have been with me for every important moment of my life. When did somebody get a notion that children don't need a family after they are 18? It is a silly notion, and it is not even true. We would not send our own children into the world alone by themselves. So our whole foster system needs great reform, and we are working on that.

But one piece of this system that needs reform is what we are trying to address today by introducing the Uninterrupted Scholars Act, which is a bill that Senator GRASSLEY and many others, including Senator BEGICH, Senator BLUNT, Senator BOXER, Senator FRANKEN, and Senator KLOBUCHAR have graciously agreed to cosponsor and provide their leadership. Congresswoman BASS is a U.S. Representative from California's 33rd District. She, along with Congresswoman BACHMANN from Minnesota, Congressman MARINO from Pennsylvania, and Congressman MCDERMOTT from Washington State, has introduced the same bipartisan bill in the House. So we are very excited about the strong bipartisan support for this bill.

All this bill says—and it makes such sense I can't believe it is not in the law already—is that when a child comes into the care of the government, the government agency responsible for the care of this child—now it is not parents any longer because the parents' rights either have been terminated or are in the process of being terminated—the government will have the right, or the agencies representing the government, to their academic records.

What is happening now is foster children are getting lost not only in the system but lost in their schools because of the difficulty in getting access to education records under the guise that these records should be private, et cetera.

What is happening is some of these privacy rules are not protecting the children, they are protecting the system that is broken, and that is the problem. We are doing everything we can to protect the privacy of the child, but what is happening is some of these privacy rules are putting up a screen so that we can't find out that the school is not doing its job on behalf of the child, or the social workers are not doing their job on behalf of the child.

So this simply streamlines the process of making sure academic records can be accessed by foster families—either adoptive families or guardians—without having to go through the courts for a long, extended timeframe.

I think this is an important change. It is one of probably 100 changes to this system that need to be made. Of course, we can make these new laws in Washington. A lot of this has to be carried out with heart and compassion and common sense, which, unfortunately, we cannot legislate from Washington. But what we can do is try, when we see a problem—this problem was identified not by me or by my staff. It was actually identified by foster youth who came up here this summer to intern and brought to our attention the issue that some of their records are not accessible to their foster families who are trying their best to raise them and to help them, et cetera. So the young people themselves have asked for this change. We are happy to accommodate that request.

Let me end by saying again, there are over 480,000—about 400,000 to 500,000—children who are in our foster care system representing less than one-half of 1 percent of all the children in America, which is about 100 million. But it is an important one-half of 1 percent because these are children whose families have failed them terribly. These are children who are vulnerable and need us to love them extra specially, to help them extra specially. That is what some of us spend a good bit of our time trying to do because they are willing and able to become great citizens of our Nation but need that extra special help.

So this Uninterrupted Scholars Act will give access, appropriately with protections, to their academic records. Senator FRANKEN has a bill to give them choice in public schools to help give them stability in their public schools, so they can stay with their friends, their teachers, as they, unfortunately, have to move around in the system.

Many people will benefit—most importantly, the youth involved.

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By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I am waiting now for them to bring up a bill I have filed today and will have a number to go with it which I will announce in a moment.

First of all, let me say that the talk of the whole country right now is on the sequestration problems we are having. I would only observe that I don't know why it is so difficult for people to understand, but President Obama has written four budgets and these budgets have come before us, and if we add up all of the deficits in the four budgets, it comes to $5.3 trillion worth of deficits. I suggest that is more deficit than all Presidents in the history of this country for the past 200-plus years.

So, people say, how did we get into this mess? Because when we have those kinds of deficits over a period of time, we wonder where it is coming from. Let me tell my colleagues where it didn't come from, where it wasn't spent, and that is military.

I went over the first budget President Obama had. I went over to Afghanistan so I could make sure I could get the attention of the American people and let them know how this disarming of America by President Obama is going. Of course, if one of my colleagues was part of that first budget, they would know that it cut out our only fifth-generation fighter, the F–22; our lift capacity, the C–17; the future combat system; the ground based interceptor in Poland. That was just the first budget. Then it has gotten worse since that time. Since there isn't time to go over that detail year by year, I can only say that the President has already cut in his budget over the next decade $487 billion, roughly $500 billion, $½ trillion—from defense spending over the next 10 years.

I would suggest to my colleagues that the American people—this is something that is very frustrating, because they assume that when we send our kids into battle, they have the best of equipment, and this just flat isn't true. The British have an AS90, a Howitzer that is better than ours. The Russians have the 2S19 that is better than ours. Even South Africa has a system that is a better nonline-of-sight cannon than we have in our arsenal. The Chinese have a J–10 that is better than ours. In fact, they are now cranking them out to where they rival our F–15s, F–16s, and F/A18s.

So the point I am making here is there has been no emphasis. If we go out and borrow and increase the deficit by $5.3 trillion as this President is doing, one would think we would be in a position to have a lot more robust military, but the military has been consistently cut over that period of time.

In the event the Obama sequestration as it is designed right now goes through, that will be another $½ trillion that will come out of the military. Even the President's own Secretary of Defense, Secretary Panetta, has said if these cuts take place—talking about the Obama sequestration cuts—in addition to what he has already cut, it would be ''devastating to the military.'' That means we would have the smallest ground fleet since the 1940s, we would have the smallest fleet of ships since 1915, and the smallest tactical fighter capability or force in the history of the Air Force.

So if we want the United States to continue providing the type of global leadership our people have come to expect and meet the expectations of the American people—when we talk to the American people, they are shocked when they find out other countries have things that are better than we have.

If we want to beat this, then we are going to have to do something about, No. 1, what is happening to the military; and No. 2, the sequestration.

I have it all in one bill. In a minute we will get a number for that bill. Anyway, it is called the Sequestration Prevention Act of 2012. It replaces the sequestration cuts with some smart reforms, and I am going to go over those in a minute to show my colleagues what they are. It replaces the $1.2 trillion and then has a lot of money left over.

Let me just kind of go over what this bill would do. People keep saying: We cannot do anything about it. We cannot do anything about the sequestration, the cuts.

We had this great committee that was supposed to be out there finding $1.2 trillion over a 10-year period and yet we have a President who was able to give us deficits of five times that much over just a 4-year period.

What it does, first of all, to come up with this $1.2 trillion, plus rebuilding the military—we want to rebuild the military, in my estimation, up to 4 percent of GDP. For the last 100 years, prior to 1990—for 100 years—the average defense spending constituted 5.7 percent of GDP. That was the average, in times of war and in times of peace. Now it is all the way down, after his sequestration, to below 3 percent; in other words, about half of that.

What I wish to do with additional funds that come from this bill I am introducing today is put that back into the military and bring us up to 4 percent of GDP—still considerably less than where we have been over the last 100 years.

The first thing it does is completely repeal ObamaCare and adopts PAUL RYAN's approach to block granting the Medicaid Program so States have complete control over the dollars they use to reach their low-income populations with health care assistance. Together, these two changes will reduce spending by $1.1 trillion over 10 years.

Secondly, it returns nondefense discretionary spending to the 2006 levels. When this President came in, the amount of the nondefense discretionary spending surged. This would have a savings over that period of time of $952 billion.

The third thing it does is it block grants the Food Stamp Program and converts it into a discretionary program so States have complete control over the design of their nutrition assistance programs to best meet the needs of their low-income populations. This provision reverses the massive expansion we have seen of the Food Stamp Program under the Obama administration, which has literally doubled in size, up to 100 percent, since he took office.

On President Obama's inauguration day, just under 32 million people were on food stamps. Today, it is more than 46 million people, and they receive these benefits. It is going to have to stop. It will continue to go up if we do not do something about it. This provision saves $285 billion.

By the way, I think it is important to know, when we look at the farm program, the farm program is a welfare program because they increase all these provisions and call it part of the farm bill. But that is a different subject, and I will talk about it later, not today but later.

The fourth thing the legislation does is it reduces the Federal workforce by 10 percent through attrition. Nobody out there is going to be fired. There are not going to be any cuts. In fact, it would continue to have some modest increases in payment for those who are there. Through attrition, the savings would be about $144 billion over 10 years.

The fifth thing the bill does is it repeals the authority of the Federal Government to spend taxpayer dollars on climate change or global warming. This is kind of interesting because very few people know that—even though they remember that every time there has been a bill on cap and trade, there is a cost to the American people of somewhere between $300 billion and $400 billion a year, and people's heads start spinning when we talk about these large amounts. Sometimes in my State of Oklahoma, what I have done is take the total number of families who file Federal tax returns and then I apply this to it. This would be about $3,000 per family in my State of Oklahoma. Yet even the Director of the EPA admits that if we did this, it would not reduce $CO_2$ emissions worldwide. That is the Director of the EPA, Lisa Jackson, and that is on the record. I appreciate her honesty in that respect.

If we do this right now—what people do not know is this President has spent $68.4 billion since he has been President on all this global warming stuff. That is without authority because we have clearly defeated all those bills. What he has done through regulations is what he could not do through legislation. But nobody knows about it, until now. Now they know about it.

Anyway, if we stop doing that over the next 10 years, that will save an additional $83 billion.

Finally, the legislation includes comprehensive medical malpractice and

tort reform. That is the same thing that was passed by the House of Representatives and that would save $74 billion over 10 years.

All told, all the savings generated would be $2.6 trillion—not $1.2 trillion—$2.6 trillion over 10 years. So do not let anyone tell you, we cannot get there from here. Clearly, we can get there from here.

We use the remaining amount to beef up the military to get back to our 4-percent level. I believe if we were to talk to the average American, they would say: Yes, let's go ahead and do this. Why aren't we doing it now?

Let me mention one other thing before I conclude; that is, we have something called the WARN Act. What that does is require the employers—who know because of sequestration there are going to be layoffs—to give pink slips at least 60 days prior to the time that will happen. Under sequestration, if they do not adopt my act, if they do that, then those pink slips would have to be out there by the 2nd of November.

The President does not want that to happen. He does not want the Obama sequestration to be pointed out and identified as to what is causing them to lose their jobs, so he is trying to get companies not to comply with the WARN Act.

Clearly, the WARN Act says ''an employer shall not order a plant closing or mass layoff until the end of a 60-day period after the employer serves written notice of such an order.''

The WARN Act states—this is very significant because if there are companies out there that are listening to the President when he is asking them not to issue the pink slips, this is what would happen to them—it states that ''any employer who orders a plant closing or mass layoff in violation of Section 3 . . . shall be liable to each aggrieved employee who suffers an employment loss as a result of such closing or layoff.''

In other words, if they do not do it, then that opens the doors for all the trial lawyers to come in. Just imagine the cases. At Lockheed Martin, they say they are going to have to let go of some 120,000 people. If they had a class action suit, each one who was let go would receive something like $1,000. That would be $120 million that company would have to pay. I cannot imagine the board of directors of any company anywhere in America not complying with this legal act called the WARN Act.

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By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASEY, Ms. SNOWE, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, I rise today to introduce the Women, Peace, and Security Act of 2012 with Senators HUTCHISON, CASEY, SNOWE, SHAHEEN, GILLIBRAND and SCOTT BROWN. A companion bill was also introduced in the House of Representatives today by Representatives CARNAHAN, BERMAN and SCHAKOWSKY.

This important legislation will help codify the United States National Action Plan on Women, Peace, and Security, which was released by the Obama administration in December, 2011, to help further ongoing U.S. initiatives regarding women, peace, and security and the objectives of United Nations Security Council Resolution 1325, UNSCR 1325.

UNSCR 1325 calls on all countries to establish national action plans aimed at promoting the inclusion of women in conflict resolution efforts and peace-building institutions, such as police services.

This is essential because women and girls are disproportionately impacted by violence and armed conflict. But at the same time, we know that women are critical to helping prevent violence before it occurs and resolving crises once they begin. Furthermore, evidence shows that integrating women into peace-building processes helps promote democracy and ensure the likelihood of a peace process succeeding.

With the National Action Plan on Women, Peace, and Security, the U.S. joins the more than 37 other countries who have released similar National Action Plans recognizing women's contributions to peace building and committing to support women's inclusion in all aspects of peace processes.

As Chair of the Senate Foreign Relations Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, I am proud of the Obama Administration for undertaking this important initiative, and remain committed to continuing to promote the full inclusion of women in all aspects of peace-building efforts.

I look forward to working with my colleagues to pass this important legislation.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 535—RECOGNIZING THE GOALS AND IDEALS OF THE MOVEMENT IS LIFE CAUCUS

Ms. KLOBUCHAR (for herself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 535

Whereas arthritis is the number one cause of disability in the United States, according to the Centers for Disease Control and Prevention, affecting 50,000,000 Americans, and among the leading reasons for doctors' visits and missed work;

Whereas the Centers for Disease Control and Prevention finds that in 2003 arthritis cost the United States economy $128,000,000,000 annually in medical costs and lost wages;

Whereas 27,000,000 Americans suffer from osteoarthritis (the most common form of arthritis) and almost 80 percent have some degree of movement limitation;

Whereas the onset of chronic joint pain and osteoarthritis can lead to disability and a loss of personal independence;

Whereas, women along with African Americans and Latinos, the two largest racial and ethnic minority groups in the United States, face more severe osteoarthritis and disability, yet receive less than optimal access to diagnostic, medical, and surgical intervention than do other groups;

Whereas women and minorities experiencing chronic diseases (such as diabetes, obesity, and heart disease (all medical conditions positively impacted by physical activity)) struggle disproportionately with undiagnosed and diagnosed osteoarthritis;

Whereas there is a lack of awareness about the connection between musculoskeletal health disparities, increasing physical inactivity levels and disparities in diabetes, obesity, and heart disease among women, African-Americans and Latinos, which have a significant impact on increasing health care costs and workforce productivity;

Whereas the first Movement is Life National Summit in September 2010 facilitated a national dialogue among stakeholders engaged in the continuum of care of women, African Americans, and Latinos, about musculoskeletal health disparities;

Whereas the National Movement is Life Work Group Caucus has been established and the third annual meeting will be held this September 16-18, 2012 in Washington, D.C.;

Whereas the National Movement is Life Work Group Caucus will facilitate the development of action plans to help reduce musculoskeletal health disparities; and

Whereas the National Movement is Life Work Group Caucus seeks to promote early intervention, slow musculoskeletal disease progression, reduce disability, and encourage physical activity and daily movement in order to improve the health of those currently disadvantaged as well as the overall health of the nation: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the musculoskeletal health disparities present among women, African Americans, and Latinos;

(2) acknowledges the dangers posed to these populations, from rising inactivity levels and the impact on increased risk of chronic diseases such as diabetes, obesity, and heart disease;

(3) seeks to raise public awareness in these communities about osteoarthritis and the importance of early intervention;

(4) encourages physical activity and daily movement, in order to limit the exasperation of related chronic diseases and loss of independence; and

(5) commends the Movement is Life National Caucus for its efforts in creating a dialogue which draws attention to these health disparities which continue to impact our national economy and many lives around the country.

## SENATE RESOLUTION 536—DESIGNATING SEPTEMBER 9, 2012, AS ''NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY''

Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 536

Whereas the term ''fetal alcohol spectrum disorders'' includes a broader range of conditions than the term ''fetal alcohol syndrome'' and has replaced the term ''fetal alcohol syndrome'' as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked ''What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

## SENATE RESOLUTION 537—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 537

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the ''War on Cancer'' was declared, more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as ''National Ovarian Cancer Awareness Month'' to increase the awareness of the public regarding the cancer:

Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

## SENATE RESOLUTION 538—DESIGNATING SEPTEMBER 2012 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 538

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 28,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2012 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding in an amount commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

## SENATE RESOLUTION 539—DESIGNATING OCTOBER 13, 2012, AS ''NATIONAL CHESS DAY''

Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 539

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the ''Federation''), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately ½ of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem;

Whereas the Federation offers guidance to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance students' reading skills and understanding of math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2012, as ''National Chess Day'' to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

## SENATE RESOLUTION 540—DESIGNATING THE WEEK OF AUGUST 6 THROUGH AUGUST 10, 2012, AS ''NATIONAL CONVENIENT CARE CLINIC WEEK''

Mr. INOUYE (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 540

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians' offices, urgent care clinics, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week'';

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

## SENATE CONCURRENT RESOLUTION 55—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 1627

Mr. HARKIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 55

*Resolved by the Senate (the House of Representatives concurring)*, That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 201, strike ''Andrew Connelly'' and insert ''Andrew Connolly''.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2743. Mr. PAUL 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.

SA 2744. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2745. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2747. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2748. Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2749. Mrs. MURRAY (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2750. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2751. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2752. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2753. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2754. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2755. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2756. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2757. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2758. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2759. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2760. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2761. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2762. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2763. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2764. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2765. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2766. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2767. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2768. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2769. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2579 submitted by Mr. LEAHY and intended to be proposed to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2770. Mr. REID (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

## TEXT OF AMENDMENTS

**SA 2743.** Mr. PAUL 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 of section 604, add the following:

(__) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act may be construed as—

(A) an authorization for any person, entity, or element of the Federal Government, or any person or entity acting on behalf of an element of the Federal Government, to take, authorize, or direct any offensive cyber-related action against a foreign country or an entity owned or controlled by a foreign country; or

(B) an authorization for any person, entity, or element of the Federal Government, or any person or entity acting on behalf of an element of the Federal Government, to take, authorize, or direct any cyber-related action if such action is likely to cause death or serious bodily harm to any person outside of the jurisdiction of the United States,

unless Congress has declared war or otherwise specifically authorized such action pursuant to Article I, section 8, of the Constitution.

(2) CYBER-RELATED ACTIONS.—For purposes of this subsection, a cyber-related action includes, but is not limited to, any action by cyber means as follows:

(A) An action to disable a power grid or power source that will result in temporary or permanent loss of electricity to a civilian area.

(B) An action to disable or to cause a temporary or permanent malfunction of a civilian water supply, reservoir, or water source.

(C) An action to disable or otherwise cause a temporary or permanent loss of a civilian communication system, including telephone, electronic mail, or Internet services for a civilian population.

(D) An action to disrupt or disable a civilian transportation network, including, but not limited to—

(i) a transportation hub;

(ii) a railroad or train;

(iii) motor vehicles;

(iv) airplanes; and

(v) traffic signals, including motor vehicle and railroad traffic signals.

(3) DEFENSIVE ACTIONS.—Nothing in this subsection shall be construed to limit the ability of the President to respond to an imminent cyber threat to the extent that such response is solely defensive in nature and intended to terminate an ongoing cyber action that is causing, or is likely to cause, significant damage, injury, or loss of life.

**SA 2744.** Mr. HOEVEN 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 of the bill, add the following:

**TITLE VIII—MISCELLANEOUS**

**SEC. 801. PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT.**

Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is striking subsection (d) and inserting the following:

''(d) PILOT PROJECT OFFICES.—The following Bureau of Land Management Offices shall serve as the Pilot Project offices:

''(1) Rawlins Field Office, Wyoming.

''(2) Buffalo Field Office, Wyoming.

''(3) Eastern Montana/Dakotas District, Montana.

''(4) Farmington Field Office, New Mexico.

''(5) Carlsbad Field Office, New Mexico.

''(6) Grand Junction/Glenwood Springs Field Office, Colorado.

''(7) Vernal Field Office, Utah.''.

**SA 2745.** Mr. BROWN of Massachusetts 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:

On page 51, line 23, insert '', including through the use of security analytics whenever possible,'' after ''awareness''.

On page 53, line 9, insert '', including security analytics,'' after ''capabilities''.

On page 67, line 3, insert ''the use of real-time security analytics for'' before ''reporting''.

On page 72, line 1, insert '', real-time or near real-time analysis,'' after ''security testing''.

**SA 2746.** Ms. LANDRIEU 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:

On page 154, strike line 9, and insert the following:

**SEC. 415. REPORT ON NATIONAL GUARD CYBERSECURITY CAPABILITIES.**

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on—

(1) the current cybersecurity defensive, offensive, and training capabilities within the National Guard;

(2) the current balance of cybersecurity defensive, offensive, and training capabilities across the Active and Reserve components of the Armed Forces and whether it achieves the appropriate balance between capability and cost; and

(3) the number of Federal cyber security civilian employees who are currently serving as members of the National Guard, including the States and units to which such National Guard members are assigned.

**SEC. 416. MARKETPLACE INFORMATION.**

**SA 2747.** Mr. PAUL 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:

On page 185, line 7, insert ''if a warrant has been obtained and'' after ''(A)''.

**SA 2748.** Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) 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:

On page 105, after the end of the matter between lines 11 and 12, insert the following:

**SEC. 205. PRIVACY BREACH REQUIREMENTS.**

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

**''§ 3559. Privacy breach requirements**

''(a) POLICIES AND PROCEDURES.—The Director of the Office of Management and Budget shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

''(1) timely notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

''(2) timely reporting to a Federal cybersecurity center (as defined in section 708 of the Cybersecurity Act of 2012), as designated by the Director of the Office of Management and Budget; and

''(3) additional actions as necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.

''(b) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Director of the Office of Management and Budget under subsection (a).

''(c) REPORT.—Not later than March 1 of each year, the Director of the Office of Management and Budget shall report to Congress

on agency compliance with the policies and procedures established under subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subtitle II for chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding at the end the following:

''3559. Privacy breach requirements.''.

**SEC. 206. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.**

Section 208(b)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347) is amended—

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

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

(3) by adding at the end the following:

''(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source.''.

**SEC. 207. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FEDERAL INFORMATION POLICY.**

Section 3504(g) of title 44, United States Code, is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) designate a Federal Chief Privacy Officer within the Office of Management and Budget who is a noncareer appointee in a Senior Executive Service position and who is a trained and experienced privacy professional to carry out the responsibilities of the Director with regard to privacy.''.

**SEC. 208. CIVIL REMEDIES UNDER THE PRIVACY ACT.**

Section 552a(g)(4)(A) of title 5, United States Code, is amended—

(1) by striking ''actual damages'' and inserting ''provable damages, including damages that are not pecuniary damages,''; and

(2) by striking '', but in no case shall a person entitled to recovery receive less than the sum of $1,000'' and inserting ''or the sum of $1,000, whichever is greater.''.

On page 188, lines 5 through 7, strike ''the Chief Privacy and Civil Liberties Officer of the Department of Justice and the Chief Privacy Officer of the Department'' and insert ''the Federal Chief Privacy Officer''.

On page 191, line 19, strike ''actual damages'' and insert ''provable damages, including damages that are not pecuniary damages,''

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**SA 2749.** Mrs. MURRAY (for herself and Ms. LANDRIEU) 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:

On page 11, strike lines 12 and 13 and insert the following:

as appropriate;

(7) the National Guard Bureau; and

(8) the Department.

At the end of title IV, add the following:

**SEC. 416. REPORT ON ROLES AND MISSIONS OF THE NATIONAL GUARD IN STATE STATUS IN SUPPORT OF THE CYBERSECURITY EFFORTS OF THE FEDERAL GOVERNMENT.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall, in consultation with the Secretary of Defense and the Chief of the National Guard Bureau, submit to the appropriate committees of Congress a report on the roles and missions of the National Guard in State status (commonly referred to as ''title 32 status'') in support of the cybersecurity efforts of the Department of Homeland Security, the Department of Defense, and other departments and agencies of the Federal Government.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current roles and missions of the National Guard in State status in support of the cybersecurity efforts of the Federal Government, and a description of the policies and authorities governing the discharge of such roles and missions.

(2) A description of the current roles and missions of the National Guard while on active duty in support of the cybersecurity efforts of the Federal Government, and a comparison of the costs to organize, train, and equip units of the National Guard on active duty in support of such efforts with the costs to organize, train, and equip units of the regular components of the Armed Forces with the same or similar capabilities in support of such efforts.

(3) A description of potential roles and missions for the National Guard in State status in support of the cybersecurity efforts of the Federal Government, a description of the policies and authorities to govern the discharge of such roles and missions, and recommendations for such legislative or administrative actions as may be required to establish and implement such roles and missions.

(4) An assessment of the feasability and advisability of public-private partnerships on homeland cybersecurity missions involving the National Guard in State status, including the advisability of using pilot programs to evaluate feasability and advisability of such partnerships.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(2) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

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**SA 2750.** Mr. MANCHIN 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 of title IV, add the following:

**SEC. 416. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON CRITICAL INFRASTRUCTURE OPERATIONS.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the efforts and authorities of the Federal Government and States relating to the resiliency of public and private critical infrastructure operations after natural or manmade disasters, cyber attacks, or accidents, including the ability to operate critical infrastructure with backup or alternative power generation.

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall—

(A) examine critical infrastructure, including—

(i) fueling stations;

(ii) water treatment facilities;

(iii) banking institutions;

(iv) health care facilities;

(v) the Emergency Alert System;

(vi) emergency 911 operations; and

(vii) any other critical infrastructure that the Comptroller General identifies;

(B) examine the role and authority of—

(i) State public utility or service commissions;

(ii) the Federal Communications Commission;

(iii) the Federal Energy Regulatory Commission;

(iv) the North American Electric Reliability Corporation;

(v) the Department of Energy; and

(vi) the Department;

(C) review policies on the priorities for restoring electrical power; and

(D) consider—

(i) the voluntary Defense Industrial Base Critical Infrastructure Protection program of the Department of Defense; and

(ii) the West Virginia University project for Cyber Security in Critical Infrastructure.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) that includes recommendations, if any, to improve the reliability, resiliency, and sustainability of, and to reduce any redundancy in, the critical infrastructure and related systems studied.

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**SA 2751.** Mr. LIEBERMAN 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:

On page 6, beginning on line 2, strike ''the underlying framework that information systems and assets rely on'' and insert ''information and information systems relied upon''.

On page 7, strike line 20 and all that follows through page 8, line 9, and insert the following:

(21) OPERATOR.—The term ''operator''—

(A) means an entity that manages, runs, or operates, in whole or in part, the day-to-day operations of critical infrastructure; and

(B) may include the owner of critical infrastructure.

(22) OWNER.—The term ''owner''—

(A) means an entity that owns critical infrastructure; and

(B) does not include a company contracted by the owner to manage, run, or operate that critical infrastructure, or to provide a specific information technology product or service that is used or incorporated into that critical infrastructure.

On page 8, beginning on line 14, strike '', or an attempted to cause an incident that, if successful, would have resulted in''.

On page 8, after line 22, insert the following:

**SEC. 3. RULE OF CONSTRUCTION.**

(a) DEFINITION.—In this section, the term ''covered information'' means information collected by a Federal agency solely for statistical purposes under a pledge of confidentiality.

(b) RULE OF CONSTRUCTION RELATING TO COVERED INFORMATION.—Nothing in this Act or an amendment made by this Act shall be construed to alter, amend, or repeal any provision of title 13, United States Code, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.), or the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), or any similar provision of law, that relates to the unauthorized disclosure or use of covered information, except that the head of each Federal agency that collects covered information pursuant to any such provision of law is authorized to disclose the covered information to the Secretary to fulfill the information security responsibilities

of the head of the Federal agency and the Secretary under sections 3553 and 3554 of title 44, United States Code, as amended by this Act.

On page 10, line 7, before ''; and'' insert '', in connection with activities authorized and conducted in accordance with this title''.

On page 10, beginning on line 9, strike ''technical guidance or assistance to owners and operators consistent with this title'' and insert ''guidance on the application of cybersecurity practices in accordance with this title''.

On page 10, line 18, insert ''and'' after the semicolon.

On page 11, strike lines 1 through 13 and insert the following:

(d) MEMBERSHIP.—The Council shall be comprised of—

(1) the Secretary of Commerce;

(2) the Secretary of Defense;

(3) the Attorney General;

(4) the Director of National Intelligence;

(5) the heads of sector-specific Federal agencies that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g);

(6) the heads of Federal agencies with responsibility for regulating the security of critical cyber infrastructure that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g); and

(7) the Secretary.

On page 12, line 3, after ''provide'' insert '', to the maximum extent possible,''.

On page 12, line 5, after ''provide'' insert '', to the maximum extent possible,''.

On page 12, line 8, strike ''A'' and insert ''The head of a''.

On page 12, line 9, strike ''and a'' and insert ''or a''.

On page 12, line 13, after ''responsibility'' insert '', including''.

On page 13, line 13, after ''with'' insert ''appropriate''.

On page 13, line 20, strike ''180 days'' and insert ''90 days''.

On page 15, between lines 9 and 10, insert the following:

(6) INITIAL ASSESSMENTS.—Not later than 270 days after the date of enactment of this Act, the member agency designated under paragraph (1) shall complete initial cyber risk assessments described in paragraph (2)(B).

On page 17, line 16, strike ''damage'' and insert ''harm''.

On page 18, line 2, strike ''damage'' and insert ''harm''.

On page 20, line 5, strike ''180 days'' and insert ''1 year''.

On page 20, line 12, strike '', standards,''.

On page 20, line 22, after ''with'' insert ''appropriate''.

On page 21, beginning on line 3, strike ''relevant security experts and'' and insert ''appropriate security experts,''.

On page 21, between lines 17 and 18, insert the following:

(2) NIST INVOLVEMENT.—As part of the process described in paragraph (1), the Director of the National Institute of Standards and Technology shall be invited to provide advice and guidance on any possible amendments to the cybersecurity practices and any additional cybersecurity practices in consultation with appropriate public and private stakeholders.

On page 21, line 18, strike ''(2)'' and insert ''(3)''.

On page 21, line 19, strike ''1 year'' and insert ''18 months''.

On page 22, beginning on line 11, strike ''180 days'' and insert ''1 year''.

On page 22, line 13, strike ''1 year'' and insert ''18 months''.

On page 25, strike lines 10 through 17 and insert the following:

(1) IN GENERAL.—After the Council adopts a cybersecurity practice, a relevant sector coordinating council and the Critical Infrastructure Partnership Advisory Council may issue a public report evaluating the cybersecurity practice, which may include input from appropriate institutions of higher education, including university information security centers, national laboratories, and appropriate nongovernmental cybersecurity experts.

On page 25, line 19, strike ''consider any review conducted'' and insert ''consider, in accordance with subsection (c), any public report issued''.

On page 25, strike lines 21 through 24 and insert the following:

(i) VOLUNTARY GUIDANCE.—At the request of an owner or operator, the Council may provide guidance on the application of cybersecurity practices to the critical infrastructure in accordance with this title.

On page 26, line 5, strike ''1 year'' and insert ''18 months''.

On page 27, line 13, strike ''an assessment'' and insert ''a third-party assessment, in accordance with subsection (b),''.

On page 28, beginning on line 15, strike ''specific cybersecurity measures that, if implemented, would'' and insert ''guidance on how to''.

On page 29, line 5, strike ''owner'' and all that follows through line 7, and insert the following: ''owner has effectively implemented cybersecurity measures sufficient to satisfy the outcome-based cybersecurity practices established under section 103.''.

On page 30, line 20, strike ''Subaragraph'' and insert ''Subparagraph''.

On page 34, line 15, before ''or'' insert ''including under title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),''.

On page 35, beginning on line 19, strike ''treated as voluntarily shared critical infrastructure information under'' and insert ''afforded the protections of''.

On page 36, beginning on line 16, strike ''covered critical'' and insert ''critical cyber''.

On page 36, beginning on line 19, strike ''concerns (in addition to any concerns described under subparagraph (A))'' and insert ''other concerns''.

On page 37, line 11, strike ''specifically prohibited by law or is''.

On page 37, line 14, after ''affairs'' insert ''or the disclosure of which is otherwise subject to legal restrictions''.

On page 41, line 4, strike ''1 year'' and insert ''2 years''.

On page 42, line 16, strike ''covered critical'' and insert ''critical cyber''.

On page 43, line 14, after ''and'' insert ''in connection with affording the protections of section 214 of the Homeland Security Act of 2012 (6 U.S.C. 133) to covered information in accordance with''.

On page 44, beginning on line 6, strike ''a private sector coordinating council'' and insert ''the entity''.

On page 44, line 9, strike ''sector of critical infrastructure'' and insert ''critical infrastructure or key resource sector''.

On page 44, line 10, after ''Plan'' insert '', or any successor plan''.

On page 44, line 15, strike ''under the National'' and all that follows through line 18, and insert the following: '', as designated by the President or the President's designee.''.

On page 46, beginning on line 6, strike ''improve and continuously monitor'' and insert ''continuously monitor and improve''.

On page 46, beginning on line 25, strike ''the complete set of''.

On page 47, line 2, after ''system'' insert ''have been implemented and''.

On page 47, line 5, strike ''To the maximum'' and all that follows through line 9.

On page 47, line 22, after ''protected'' insert '', or in accordance with section 3553(d)(3)''.

On page 47, between lines 22 and 23, insert the following:

''(4) CYBERSECURITY SERVICES.—The term ''cybersecurity services'' means products, goods, or services intended to detect, mitigate, or prevent cybersecurity threats.

On page 47, line 23, strike ''(4)'' and insert ''(5)''.

On page 48, line 8, strike ''(5)'' and insert ''(6)''.

On page 49, line 1, strike ''(6)'' and insert ''(7)''.

On page 49, line 4, strike ''(7)'' and insert ''(8)''.

On page 50, line 13, strike ''(8)'' and insert ''(9)''.

On page 53, line 7, strike ''and penetration testing'' and insert '', penetration testing, and the operation of a continuous monitoring capability to provide real-time visibility into the condition and status of agency information systems''.

On page 57, beginning on line 21, strike ''or information security services'' and insert ''services, remote computing services, or cybersecurity services''.

On page 57, line 24, strike ''or to deploy countermeasures'' and insert '', deploy countermeasures, or otherwise operate protective capabilities''.

On page 60, line 17, strike ''Assistant Secretary'' and all that follows through line 19, and insert the following: ''Director of the National Center for Cybersecurity and Communications.''.

On page 76, line 5, strike ''section 3553'' and insert ''section 3553(d)(3)''.

On page 77, beginning on line 17, strike ''under the control of the Department of Defense'' and insert ''described in section 3553(g)(2)''.

On page 77, beginning on line 20, strike ''under the control of the Central Intelligence Agency'' and insert ''described in section 3553(g)(3)''.

On page 77, beginning on line 24, strike ''under the control of the Office of the Director of National Intelligence'' and insert ''described in section 3553(g)(4)''.

On page 81, strike the matter between lines 15 and 16 and insert the following:

''SUBCHAPTER II—INFORMATION SECURITY

''3551. Purposes.
''3552. Definitions.
''3553. Federal information security authority and coordination.
''3554. Agency responsibilities.
''3555. Annual assessments.
''3556. Independent evaluations.
''3557. National security systems.
''3558. Effect on existing law.''.

On page 90, line 16, before ''National'' insert ''functions of the''.

On page 90, beginning on line 17, strike ''on the date of enactment of the Cybersecurity Act of 2012'' and insert ''transferred to the Department''.

On page 90, line 19, strike ''Order 12472'' and insert ''Order 13618''.

On page 91, beginning on line 19, strike ''National Communications System'' and insert ''functions of the National Communications System transferred to the Department under section 201(g)''.

On page 91, line 20, strike ''the'' and insert ''their''.

On page 91, line 21, strike ''liabilities of the'' and all that follows through line 24, and insert ''liabilities.''.

On page 93, line 20, after ''providing'' insert ''technical assistance, analysis of incidents, and other''.

On page 102, line 5, after ''as'' insert ''appropriate and''.

On page 105, line 23, strike ''authorized'' and insert ''permitted''.

On page 105, line 24, strike ''Code, or'' and insert ''Code,''.

On page 106, line 2, after ''et seq.)'' insert '', or section 3553 of title 44, United States Code''.

On page 113, line 19, after ''Communications'' insert '', and in consultation with the Director of the National Institute of Standards and Technology and the Administrator of the National Telecommunications and Information Administration''.

On page 120, line 15, before ''of'' insert ''and the Committee on Homeland Security and Governmental Affairs''.

On page 120, line 16, after ''Technology'' insert ''and the Committee on Oversight and Government Reform''.

On page 125, line 15, after ''other'' insert ''cybersecurity''.

On page 128, line 18, after ''Secretary'' insert ''and the Director of the Office of Personnel Management''.

On page 130, line 12, strike ''shall'' and insert ''may''.

On page 131, line 16, after ''Foundation'' insert '', in coordination with the Director of the Office of Personnel Management,''.

On page 134, line 6, strike ''all'' and insert ''appropriate''.

On page 136, line 17, strike ''engaged in'' and insert ''in vacant positions that are part of the Federal''.

On page 147, strike the matter between lines 3 and 4 and insert the following:

''Sec. 245. National Center for Cybersecurity and Communications acquisition authorities.

''Sec. 246. Recruitment and retention program for the National Center for Cybersecurity and Communications.''.

On page 152, strike line 20 and all that follows through page 153, line 14, and insert the following:

(1) legal or other impediments to appropriate public awareness of the nature of, methods of propagation of, and damage caused by common cybersecurity threats such as computer viruses, phishing techniques, and malware; and

(2) a summary of the plans of the Secretary to enhance public awareness of common cybersecurity threats, including a description of the metrics used by the Department for evaluating the efficacy of public awareness campaigns.

On page 201, line 19, strike ''or''.

On page 201, between lines 19 and 20, insert the following:

(11) to alter or amend the law enforcement or intelligence authorities of any agency or Federal cybersecurity center; or

On page 201, line 20, strike ''(11)'' and insert ''(12)''.

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**SA 2752.** Mr. JOHNSON of South Dakota 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:

On page 156, line 3, strike ''(1);'' and all that follows through ''any public'' on line 10 and insert ''(1); and

''(3) any public''.

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**SA 2753.** Mr. JOHNSON of South Dakota 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:

On page 61, between lines 4 and 5, insert the following:

''(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.

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**SA 2754.** Mr. JOHNSON of South Dakota 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:

On page 60, strike lines 1 through 13 and insert the following:

''(A) IN GENERAL.—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

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**SA 2755.** Mr. JOHNSON of South Dakota 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:

On page 58, strike lines 18 through 21 and insert the following:

''(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

''(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

''(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

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**SA 2756.** Mr. JOHNSON of South Dakota 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:

On page 55, line 22, insert '', with the concurrence of the affected agency,'' after ''the Secretary''.

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**SA 2757.** Mr. JOHNSON of South Dakota 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:

On page 51, line 12, strike ''used or''.

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**SA 2758.** Mr. JOHNSON of South Dakota 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:

On page 18, line 25, strike ''or'' and all that follows through page 19, line 2, and insert the following:

(C) a commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

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**SA 2759.** Mr. JOHNSON of South Dakota 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:

On page 12, between lines 21 and 22, insert the following:

(h) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

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**SA 2760.** Mr. JOHNSON of South Dakota 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:

On page 12, line 12, insert ''or owner'' after ''the sector''.

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**SA 2761.** Mr. JOHNSON of South Dakota 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:

On page 11, between lines 12 and 13, insert the following:

(7) the Department of the Treasury; and

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**SA 2762.** Mr. JOHNSON of South Dakota 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:

On page 11, line 12, strike ''and''.

On page 11, between lines 12 and 13, insert the following:

(7) the Department of the Treasury; and

On page 11, line 13, strike ''(7)'' and insert ''(8)''.

On page 12, line 12, insert ''or owner'' after ''the sector''.

On page 12, between lines 21 and 22, insert the following:

(h) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

On page 18, line 25, strike ''or'' and all that follows through page 19, line 2, and insert the following:

(C) a commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

On page 51, line 12, strike ''used or''.

On page 55, line 22, insert '', with the concurrence of the affected agency,'' after ''the Secretary''.

On page 58, strike line 18 and all that follows through page 60, line 13, and insert the following:

''(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

''(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

''(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

''(2) PROCEDURES FOR USE OF AUTHORITY.—The Secretary shall—

''(A) in coordination with the Director of the Office of Management and Budget and, as appropriate, in consultation with operators of information systems, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

''(i) thresholds and other criteria;

''(ii) privacy and civil liberties protections; and

''(iii) providing notice to potentially affected third parties;

''(B) specify the reasons for the required action and the duration of the directive;

''(C) minimize the impact of directives under this subsection by—

''(i) adopting the least intrusive means possible under the circumstances to secure the agency information systems; and

''(ii) limiting directives to the shortest period practicable; and

''(D) notify the Director of the Office of Management and Budget and head of any affected agency immediately upon the issuance of a directive under this subsection.

''(3) IMMINENT THREATS.—

''(A) IN GENERAL.—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transiting to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

On page 61, between lines 4 and 5, insert the following:

''(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.

On page 61, line 5, strike ''(D)'' and insert ''(E)''.

On page 156, line 3, insert ''and'' after the semicolon.

On page 156, strike lines 4 through 9.

On page 156, line 10, strike ''(4)'' and insert ''(3)''.

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**SA 2763.** Ms. LANDRIEU 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:

On page 108, line 21, after ''software'' insert '', hardware, and other cybersecurity technology''.

On page 121, line 6, after ''science'' insert ''and cyber-engineering''.

On page 121, line 14, after ''Foundation'' insert '', in consultation with the Secretary,''.

On page 124, line 13, strike ''national and statewide'' and insert ''national, statewide, regional, and local''.

On page 125, line 24, after ''other'' insert ''nonprofit or''.

On page 137, between lines 5 and 6, insert the following:

(e) REPORT.—The Secretary, in coordination with the Director of the Office of Personnel Management, the Director of National Intelligence, the Secretary of Defense, and the Chief Information Officers Council established under section 3603 of title 44, United States Code, shall submit a report to the appropriate committees of Congress on whether the establishment of a national institute dedicated to cybersecurity education and training described under subsection (b) is appropriate.

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**SA 2764.** Mr. COCHRAN 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. ____. CRITICAL COMMUNICATIONS INFRASTRUCTURE PILOT PROGRAM.**

(a) DEFINITION.—In this section, the term ''passive Internet Protocol route analytics'' means a method for determining behaviors, patterns, and statuses of Internet Protocol network equipment and paths without—

(1) actively communicating directly with network equipment, such as routers and switches; or

(2) significantly inspecting the contents of an Internet Protocol network packet.

(b) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Manager of the National Coordinating Center for Telecommunications, acting through the National Communications System, shall initiate a 12-month pilot program to evaluate enhanced critical communications infrastructure, including systems supporting operational and situational awareness, national security, and emergency preparedness.

(c) EVALUATION CRITERIA.—By means of passive Internet Protocol route analytics, the pilot program under this section shall include criteria to evaluate the status of a representative subset of critical communications infrastructure.

(d) CONNECTIVITY.—The program shall at a minimum provide—

(1) end-to-end connectivity between the National Center for Critical Information Processing and Storage and United States Pacific Command facilities; and

(2) undersea communications between the mainland of the United States and Europe.

(e) TERMINATION.—The pilot program established under this section shall terminate 1 year after the date on which the program is established.

(f) REPORT.—Not later than 6 months after the termination date described in subsection (e), the Manager of the National Coordinating Center for Telecommunications, acting through the National Communications System, shall submit to the appropriate Congressional committees a report on the effectiveness and scalability of enhanced critical communications infrastructure, including systems supporting operational and situational awareness, national security, and emergency preparedness.

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**SA 2765.** Mr. COCHRAN 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:

On page 107, line 1, after ''science'' insert '', legal,''.

On page 108, strike lines 10 and 11 and insert the following:

amended by subsection (f);

(12) how improved education of judges and other legal professionals can contribute to cybersecurity; and

(13) any additional objectives the Director or

On page 115, line 11, before ''; and'' insert the following: '', including by increasing educational opportunities for judges and other legal professionals''.

On page 125, line 20, after ''State,'' insert ''national,''.

On page 126, strike lines 9 through 11 and insert the following:

(F) offensive and defensive cyber operations;

(G) legal analysis of cyber crime and cybersecurity; and

(H) other areas to fulfill the cybersecurity

At the end of title IV, add the following:

**SEC. 416. CYBER EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION AND CAREER AND TECHNICAL INSTITUTIONS.**

The Secretary of Education, in coordination with the Secretary, and after consultation with appropriate private entities, shall—

(1) develop model curriculum standards and guidelines to address cyber safety, cybersecurity, and cyber ethics for all students enrolled in institutions of higher education, and all students enrolled in career and technical institutions, in the United States; and

(2) analyze and develop recommended courses for students interested in pursuing careers in information technology, communications, computer science, engineering, law, mathematics, and science, as those subjects relate to cybersecurity.

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**SA 2766.** Mr. COCHRAN 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:

On page 174, strike line 12 and all that follows through page 180, line 14, and insert the following:

**SEC. 703. CYBERSECURITY EXCHANGES.**

(a) DESIGNATION OF CYBERSECURITY EXCHANGES.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall establish—

(1) a process for designating one or more appropriate civilian Federal entities or non-Federal entities to serve as cybersecurity exchanges to receive and distribute cybersecurity threat indicators;

(2) procedures to facilitate and ensure the sharing of classified and unclassified cybersecurity threat indicators in as close to real time as possible with appropriate Federal entities and non-Federal entities in accordance with this title, including through automated and other means that allow for the immediate sharing of such indicators in accordance with this title; and

(3) a process for identifying certified entities to receive classified cybersecurity threat indicators in accordance with paragraph (2).

(b) PURPOSE.—The purpose of a cybersecurity exchange is to receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with the requirements of this title and the procedures established under subsection (a)(2), and to thereby avoid unnecessary and duplicative Federal bureaucracy for information sharing as provided in this title.

(c) REQUIREMENT FOR A LEAD FEDERAL CIVILIAN CYBERSECURITY EXCHANGE.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall designate a civilian Federal entity as the lead cybersecurity exchange to serve as a focal point within the Federal Government for cybersecurity information sharing among Federal entities and with non-Federal entities.

(2) RESPONSIBILITIES.—The lead Federal civilian cybersecurity exchange designated under paragraph (1) shall—

(A) receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with this title and the procedures established under subsection (a)(2);

(B) facilitate information sharing, interaction, and collaboration among and between—

(i) Federal entities;

(ii) State, local, tribal, and territorial governments;

(iii) private entities;

(iv) academia;

(v) international partners, in consultation with the Secretary of State; and

(vi) other cybersecurity exchanges;

(C) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information lawfully obtained from any source, including alerts, advisories, indicators, signatures, and mitigation and response measures, to appropriate Federal and non-Federal entities in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible to improve the security and protection of information systems;

(D) coordinate with other Federal and non-Federal entities, as appropriate, to integrate information from Federal and non-Federal entities, including Federal cybersecurity centers, non-Federal network or security operation centers, other cybersecurity exchanges, and non-Federal entities that disclose cybersecurity threat indicators under section 704(a), in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible, to provide situational awareness of the United States information security posture and foster information security collaboration among information system owners and operators;

(E) conduct, in consultation with private entities and relevant Federal and other governmental entities, regular assessments of existing and proposed information sharing models to eliminate bureaucratic obstacles to information sharing and identify best practices for such sharing; and

(F) coordinate with other Federal entities, as appropriate, to compile and analyze information about risks and incidents that threaten information systems, including information voluntarily submitted in accordance with section 704(a) or otherwise in accordance with applicable laws.

(3) SCHEDULE FOR DESIGNATION.—The designation of a lead Federal civilian cybersecurity exchange under paragraph (1) shall be made concurrently with the issuance of the interim policies and procedures under section 704(g)(3)(D).

(d) ADDITIONAL CIVILIAN FEDERAL CYBERSECURITY EXCHANGES.—In accordance with the process and procedures established in subsection (a), the Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, may designate additional civilian Federal entities to receive and distribute cybersecurity threat indicators, if such entities are subject to the requirements for use, retention, and disclosure of information by a cybersecurity exchange under section 704(b) and the special requirements for Federal entities under section 704(g).

(e) REQUIREMENTS FOR NON-FEDERAL CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—In considering whether to designate a private entity or any other non-Federal entity as a cybersecurity exchange to receive and distribute cybersecurity threat indicators under section 704, and what entity to designate, the Secretary shall consider the following factors:

(A) The net effect that such designation would have on the overall cybersecurity of the United States.

(B) Whether such designation could substantially improve such overall cybersecurity by serving as a hub for receiving and sharing cybersecurity threat indicators in as close to real time as possible, including the capacity of the non-Federal entity for performing those functions in accordance with this title and the procedures established under subsection (a)(2).

(C) The capacity of such non-Federal entity to safeguard cybersecurity threat indicators from unauthorized disclosure and use.

(D) The adequacy of the policies and procedures of such non-Federal entity to protect personally identifiable information from unauthorized disclosure and use.

(E) The ability of the non-Federal entity to sustain operations using entirely non-Federal sources of funding.

(2) REGULATIONS.—The Secretary may promulgate regulations as may be necessary to carry out this subsection.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—Nothing in this section may be construed to alter the authorities of a Federal cybersecurity center, unless such cybersecurity center is acting in its capacity as a designated cybersecurity exchange.

(g) CONGRESSIONAL NOTIFICATION OF DESIGNATION OF CYBERSECURITY EXCHANGES.—

(1) IN GENERAL.—The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall promptly notify Congress, in writing, of any designation of a cybersecurity exchange under this title.

(2) REQUIREMENT.—Written notification under paragraph (1) shall include a description of the criteria and processes used to make the designation.

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**SA 2767.** Mr. COCHRAN 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:

On page 117, strike line 14 and all that follows to page 119, line 2 and insert the following:

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation, in coordination with the Secretary, shall establish cybersecurity research centers based at institutions of higher education and other entities that meet the criteria described in subsection (b) to develop solutions and strategies that support the efforts of the Federal Government under this Act in—

(1) improving the security and resilience of information infrastructure;

(2) reducing cyber vulnerabilities;

(3) mitigating the consequences of cyber attacks on critical infrastructure;

(4) developing awareness training strategies for owners and operators of critical infrastructure; and

(5) diversifying cybersecurity research and education.

(b) CRITERIA FOR SELECTION.—In selecting an institution of higher education or other entity to serve as a Research Center for Cybersecurity, the Director of the National Science Foundation shall consider—

(1) demonstrated expertise in systems security, wireless security, networking and protocols, formal methods and high-performance computing, nanotechnology, and industrial control systems;

(2) demonstrated capability to conduct high performance computation integral to complex cybersecurity research, whether through on-site or off-site computing;

(3) demonstrated expertise in interdisciplinary cybersecurity research;

(4) affiliation with private sector entities involved with industrial research described in paragraph (1) and ready access to testable commercial data;

(5) prior formal research collaboration arrangements with institutions of higher education and Federal research laboratories;

(6) capability to conduct research in a secure environment; and

(7) affiliation with existing research programs of the Federal Government, including designation as a National Center of Academic Excellence by the National Security Agency.

(c) REQUIREMENTS.—The research centers established under subsection (a) shall include centers led by institutions of higher education that are eligible institutions, as defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)) that—

(1) have accredited engineering and law schools

(2) are classified by the Carnegie Foundation as research universities with high research activity; and

(3) have been designated as a center of excellence or model institute of excellence by a Federal agency.

(d) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a cybersecurity research advisory board, which shall meet regularly with the Director of the National Science Foundation, the Department of

Homeland Security Under Secretary for Science and Technology, and the Department of Homeland Security Under Secretary for the National Protection and Programs Directorate to review the activities of the research centers established under subsection (a).

(2) MEMBERSHIPS.—In establishing the advisory board under subsection (d), the Secretary of Homeland Security shall ensure that the members of the advisory board are—

(A) from institutions of higher education with the expertise in the protection of critical infrastructure against cyber attacks;

(B) from institutions described in subsection (c); and

(C) equally representative of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ''Standard Federal Regions'' and dated April 1974 (circular A-105).

**SA 2768.** Mr. COCHRAN 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. ____. FEDERAL CYBERSECURITY SCHOLARSHIP FOR SERVICE PROGRAM.**

(a) DEFINITION.—In this section, the term ''veteran'' has the meaning given that term under section 101 of title 38, United States Code.

(b) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in coordination with the National Initiative for Cybersecurity Education of the National Institute of Standards and Technology and the Director of the National Science Foundation, shall establish a program within the Federal Cyber Service Scholarship for Service to provide education and training in the area of cybersecurity to veterans (in this section referred to as the ''program'').

(c) ELIGIBLE STUDENTS.—To be eligible under the program, an applicant shall—

(1) be a veteran; and

(2) pursue a baccalaureate, master's, or doctorate degree in a program of study relevant to cybersecurity.

(d) PRIORITY FOR DISABLED VETERANS.—Priority for eligibility under the program shall be given to veterans who are disabled.

(e) ELIGIBLE INSTITUTIONS.—In developing the program, the Director of the Office of Personnel Management, in coordination with the Director of the National Institute of Standards and Technology, shall designate multiple institutions participating in the Federal Cyber Service Scholarship for Service program on the date of enactment of this Act as Centers of Academic Excellence in Veteran Cyber Security Education, which shall be participating institutions for purposes of the program.

(f) BENEFITS.—Subject to the availability of appropriations, the Director of the National Science Foundation shall provide scholarship benefits to eligible students for attendance at an institution designated under subsection (e).

(g) DIRECT HIRING AUTHORITY.—The Director of the Office of Personnel Management shall establish direct hiring authority, which shall not be limited to a specific job code or grade, for relevant Federal agencies desiring to hire graduates of the program.

**SA 2769.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2579 submitted by Mr. LEAHY and intended to be proposed 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:

On page 11, strike lines 1 through 10.

**SA 2770.** Mr. REID (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

**SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

**SEC. 4. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

**SEC. 5. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal,

State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

**SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

## NOTICES OF HEARINGS

### 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 field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, August 15, 2012, at 10:00 a.m., at the University of Colorado, Centennial Room 203, Colorado Springs, 1420 Austin Bluffs Pkwy, Colorado Springs, CO.

The purpose of the hearing is to discuss the recent Colorado wildfires, focusing on lessons learned that can be applied to future suppression, recovery, and mitigation efforts. The Fourmile Canyon fire report that was released on July 25 will be discussed, as will projections for future wildfire conditions and best practices that can improve forest health.

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 Meagan___Gins@energy.senate.gov.

For further information, please contact Kevin Rennert (202) 224–7826, Meagan Gins at (202) 224–0883, or Jacqueline Emanuel at (202) 224–5512.

### 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 field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Friday, August 17, 2012, at 10:00 a.m., at the Santa Fe Community College, 6401 Richards Avenue, Room 216 Lecture Hall, West Wing of the Main Building, Santa Fe, NM.

The purpose of the hearing is to examine the current and future impacts of climate change on the Intermountain West, focusing on drought, wildfire frequency and severity, and ecosystems.

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 Meagan___Gins@energy.senate.gov.

For further information, please contact Kevin Rennert at (202) 224–7826 or Meagan Gins at (202) 224–0883.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on August 1, 2012, at 9 a.m. in room SR 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. 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 August 1, 2012, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Marketplace Fairness: Leveling the Playing Field for Small Business.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. 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 August 1, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Update on the Latest Climate Change Science and Local Adaptation Measures.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 1, 2012, at 10:30 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform: Examining the Taxation of Business Entities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m. to hold a hearing entitled ''Next Steps in Syria.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 1, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Rising Prison Costs: Restricting Budgets and Crime Prevention Options.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 2:30 p.m., to hold a European Affairs subcommittee hearing entitled, ''The Future of the Eurozone: Outlook and Lessons.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m., to conduct a

hearing entitled, ''Streamlining and Strengthening HUD's Rental Housing Assistance Programs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted to Jenny Carson, an intern in my office, for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Katharine Beamer, a Department of State detailee from my office, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jasper Craven of my staff be given the privileges of the floor for the rest of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jeanette Quick, a detailee on the Banking Committee staff, as well as Ingianni Acosta and Georgina Cannan, two interns on Senator JOHNSON's staff, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Kareem Yakub and Ghazan Jamal, members of my staff, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for today's session: Jenessa Albertson, Carly Colligan, Cale Clingenpeel, Courtney Lewis, Travis Logan, Joseph Mueller, Katherine Tomera, Marissa Torgerson, Sierra Udland, Douglas Watts, Mari Freitag, and Parker Haymans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## DESIGNATING THE WARREN LINDLEY POST OFFICE

## DESIGNATING THE REVEREND ABE BROWN POST OFFICE BUILDING

## DESIGNATING THE SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

## DESIGNATING THE SPC NICHOLAS SCOTT HARTGE POST OFFICE

## DESIGNATING THE FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

Mr. REID. I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal-naming bills en bloc, and the Senate proceed to their consideration en bloc: H.R. 1369 through H.R. 3276, H.R. 3412, H.R. 3501 and H.R. 3772.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1369) to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office'' was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the ''Sergeant Richard Franklin Abshire Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office,'' was ordered to a third reading, was read the third time, and passed.

A bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the ''First Sergeant Landres Cheeks Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

## AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 480, H.R. 1560.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, there be no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560) was ordered to a third reading, was read the third time, and passed.

## IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 449, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1409) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.*

***SEC. 2. DEFINITION.***

*In this Act, the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code.*

***SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.***

*(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—*

*(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;*

*(2) by inserting after subsection (a) the following:*

*''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—*

*''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—*

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest frequency of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall—

''(i) review—

''(I) the assessment of the level of risk associated with the applicable program, and the quality of the improper payment estimates and methodology of the agency; and

''(II) the oversight or financial controls to identify and prevent improper payments; and

''(ii) provide recommendations, for modifying any plans of the agency, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)''; and

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

**SEC. 4. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

**SEC. 5. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall consist of—

(A) the databases described under subsection (a)(2); and

(B) any other database designated by the Director of the Office of Management and Budget in consultation with agencies.

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall consider any database that assists in preventing improper payments.

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to determine payment or award eligibility when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is on the Do Not Pay Initiative.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than January 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) MULTILATERAL DATA USE AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop a plan to establish a multilateral data use agreement authority to carry out this section, including access to databases such as the New Hire Database under section 453(j) of the Social Security Act (42 U.S.C. 653(j)).

(2) PRIVACY ACT MATCHING AGREEMENTS.—Section 552a(o)(1) of title 5, United States Code, is amended in the matter preceding subparagraph (A), by inserting ''or an agreement governing multiple agencies'' before ''specifying''.

(3) GENERAL PROTOCOLS AND SECURITY.—

(A) IN GENERAL.—In developing the multilateral data use agreements, the Director of the Office of Management and Budget shall establish implementing regulations and guidelines that include streamlined interagency processes to ensure agency access to data, and provide for appropriate transfer and storage of any transferred data, in a manner consistent with relevant privacy, security and disclosure laws.

(B) CONSULTATION.—The Director of the Office of Management and Budget shall consult with—

(i) the Council of Inspectors General on Integrity and Efficiency before implementing this paragraph; and

(ii) the Secretary of Health and Human Services, the Social Security Administrator, and the head of any other agency, as appropriate.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

*(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—*

*(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).*

*(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—*

*(A) increase the quality and frequency of access to the Death Master File and other death data;*

*(B) achieve a goal of at least daily access as appropriate;*

*(C) provide for all States and other data providers to use improved and electronic means for providing data;*

*(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and*

*(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.*

*(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.*

***SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.***

*(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.*

*(b) IN GENERAL.—The Director of the Office of Management and Budget shall determine—*

*(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including specific information of amounts and payments recovered by recovery audit contractors; and*

*(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.*

*(c) RECOVERY AUDIT CONTRACTOR PROGRAMS.—*

*(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a plan for no less than 10 Recovery Audit Contracting programs for the purpose of identifying and recovering overpayments and underpayments in 10 agencies.*

*(2) RANGE OF RECOVERY AUDIT CONTRACTING TYPES.—Programs established under paragraph (1) shall be representative of different types of—*

*(A) programs, including programs that differ in size, payment types, and recipient types (such as beneficiaries and vendors or contractors) across the Federal Government; and*

*(B) recover audit contracting (including individual payments review and demographic analysis).*

*(3) INITIAL OPERATION OF PROGRAMS.—Not later than 1 year after the plan under paragraph (1) is established, each applicable agency shall establish the programs included in that plan which shall be conducted for not more than a 3-year period.*

*(4) REPORTS.—*

*(A) IN GENERAL.—Not later than 2 years after establishing a program under the plan established under paragraph (1), the head of the agency conducting the program shall submit a report on the program to Congress.*

*(B) CONTENTS.—Each report under this paragraph shall include—*

*(i) a description of the impact of the program on savings and recoveries; and*

*(ii) such recommendations as the head of the agency considers appropriate on extending or expanding the program.*

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered, the Carper amendment, which is at the desk, be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2770) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Improper Payments Elimination and Recovery Improvement Act of 2012''.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term ''agency'' means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term ''improper payment'' has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

**SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

''(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

''(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

''(i) in which the highest dollar value or highest rate of improper payments occur; or

''(ii) for which there is a higher risk of improper payments; and

''(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

''(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

''(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

''(B) CONTENTS.—Each report under this paragraph—

''(i) shall describe—

''(I) any action the agency—

''(aa) has taken or plans to take to recover improper payments; and

''(bb) intends to take to prevent future improper payments; and

''(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

''(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

''(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

''(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

''(i) review—

''(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

''(II) the oversight or financial controls to identify and prevent improper payments under the program; and

''(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.'';

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' each place that term appears and inserting ''subsection (c)'';

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ''or a Federal employee'' after ''non-Federal person or entity''.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs

identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking ''section 2(f)'' and all that follows and inserting ''section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''; and

(B) in paragraph (3)—

(i) by striking ''section 2(b)'' each place it appears and inserting ''section 2(c)''; and

(ii) by striking ''section 2(c)'' each place it appears and inserting ''section 2(d)''.

**SEC. 4. IMPROPER PAYMENTS INFORMATION.**

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking ''with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget'' and inserting ''with respect to fiscal year 2014 and each fiscal year thereafter''.

**SEC. 5. DO NOT PAY INITIATIVE.**

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term ''Inspector General'' means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5, United States Code, shall be applied by substituting ''between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies'' for ''between the source agency and the recipient agency or non-Federal agency'' in the matter preceding subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Not later than 6 months after the date of enactment of this Act, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the

rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

**SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) DEFINITION.—In this section, the term ''recovery audit'' means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

The committee-reported substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## PROVIDING FOR THE APPOINTMENT OF BARBARA BARRETT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S.J. Res. 49.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 49) providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 49

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

## NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 519, and that the Senate proceed to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 519) designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 519

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009; Senate Resolution 653, 111th Congress, agreed to September 28, 2010; and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

## RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 536, S. Res. 537, S. Res. 538, S. Res. 539, and S. Res. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements related to these matters be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 536

(Designating September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day'')

Whereas the term ''fetal alcohol spectrum disorders'' includes a broader range of conditions than the term ''fetal alcohol syndrome'' and has replaced the term ''fetal alcohol syndrome'' as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked ''What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?''; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

S. RES. 537

(Supporting the goals and ideals of National Ovarian Cancer Awareness Month)

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the ''War on Cancer'' was declared, more than 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including prophylactic surgery, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as ''National Ovarian Cancer Awareness Month'' to increase the awareness of the public regarding the cancer:

Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

S. RES. 538

(Designating September 2012 as ''National Prostate Cancer Awareness Month'')

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 28,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have an 83 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2012 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding in an amount commensurate with the burden of prostate cancer so that—

(i) screening and treatment for prostate cancer may be improved;

(ii) the causes of prostate cancer may be discovered; and

(iii) a cure for prostate cancer may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

S. RES. 539

(Designating October 13, 2012, as ''National Chess Day'')

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the ''Federation''), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately ½ of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs to the improvement of students' scores in reading and math, as well as improved self-esteem;

Whereas the Federation offers guidance to educators to help incorporate chess into the school curriculum;

Whereas chess is a powerful cognitive learning tool that can be used to successfully enhance students' reading skills and understanding of math concepts; and

Whereas chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 13, 2012, as ''National Chess Day'' to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

NATIONAL CHESS DAY RESOLUTION

Mr. ROCKEFELLER. Mr. President, I rise in support of a bipartisan resolution to designate National Chess Day as October 13, 2012. I greatly appreciate the support of my colleagues, Senator LAMAR ALEXANDER of Tennessee and Senator CARL LEVIN of Michigan.

National Chess Day is designed to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills.

There are over 80,000 members of the Chess Federation with many of these members joining before the age of 10. Studies indicate that chess programs aid in improving students' scores in math and reading and interest students of all learning styles and strengths. Engaging students in such activities can make learning fun and help them develop a lifelong pastime to exercise their skills.

Engaging students in chess is a wonderful opportunity to promote education, and I hope as school begins in a few weeks, more students will join the Chess Federation and learn to love this historical game.

S. RES. 540

(Designating the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week'')

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to patients who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

Whereas convenient care clinics follow rigid industry-wide quality of care and safety standards;

Whereas convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

Whereas convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening;

Whereas convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians' offices, urgent care clinics, or emergency departments; and

Whereas convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week'';

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

Mr. INOUYE. Mr. President, today I rise to recognize all of the providers who work in retail-based Convenient Care Clinics in a Resolution to designate August 6 through August 10, 2012 as National Convenient Care Clinic Week. National Convenient Care Clinic Week will provide a platform from which to promote the pivotal services offered by the more than 1,350 retail-based convenient care clinics in the United States.

Today, thousands of nurse practitioners, physician assistants, and physicians provide care in convenient care clinics. At a time when Americans are more and more challenged by the inaccessibility and high costs of health care, convenient care clinics offer a primary care alternative.

A Senate Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to Convenient Care Clinics.

I request unanimous consent that the full text of my resolution be printed in the CONGRESSIONAL RECORD.

## ORDERS FOR THURSDAY, AUGUST 2, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, August 2; 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 following his remarks, the Senate begin consideration of S. 3326, the AGOA/Burma sanctions bill and the Coburn amendment under the previous order.

Mr. President, I think it is important to note because of the time frame in the morning which Senator MCCONNELL and I just briefly announced, he and I will give no opening statements tomorrow.

Following the debate on the Coburn amendment, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees prior to the cloture vote on S. 3414, the cyber security bill; further, that notwithstanding the outcome of the cloture vote, the Senate then proceed to vote on the Coburn amendment to S. 3326, and the remaining provisions of the previous order be executed; and finally I ask consent that the filing deadline for second-degree amendments to S. 3414 be at 10 a.m. on Thursday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes tomorrow at 11 a.m. The first will be a cloture vote on the cyber security bill. The second will be on the Coburn amendment to the Burma sanctions legislation. Additional votes are possible tomorrow. Senators will be notified as soon as we know.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, August 2, 2012, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## CONGRATULATING MINISTER LOUIS FARRAKHAN AND THE NATION OF THE ISLAM ON REOPENING OF THE SALAAM RESTAURANT IN THE CITY OF CHICAGO.

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Minister Louis Farrakhan and the Nation of Islam for implementation of a tremendous economic development project in the Auburn-Gresham community of Chicago, Illinois.

After being closed for twelve years, on Sunday July 1, 2012, at 706 W. 79th Street, 17 Ward, where the Honorable Latasha Thomas is Alderman. The Nation of Islam re-opened the beautiful five (5) million dollar renovated Salaam Restaurant. In the Webster Dictionary, Salaam is defined as meaning peace. And peaceful it is.

The Nation is reported to have spent in excess of $5 million dollars to renovate the facility and make it a top of the line, first class community venue.

The Salaam has already attracted family gatherings, dinner parties, ministers meetings, business group meetings and visitors from across the nation.

At one meeting with ministers, Minister Farrakhan is reported to have said to the group ''We built the Salaam restaurant with steel and concrete, that's why we could close it for twelve years and come and find it still here! Because brothers and sisters; for you, there is nothing too good.''

For you, we call this, ''The Palace of the People.'' ''From our bakery, we intend to give out your daily bread, freshly baked bread made of the finest ingredients. The Salaam restaurant also has wonderful vegetarian cuisine. But for those who just must have a tenderloin steak, or lamb, come on here to the Salaam.''

''Up stairs on the second floor is a private banquet hall, along with the Ministers' private dining room and adjacent is a piano room.''

Currently the restaurant employs forty people and is eager to expand. Many people have called this magnificent creation the ''jewel of 79th street'' and is a wonderful place for tourist and visitors when they come to Chicago.''

Once again, my hat is off to Minister Louis Farrakhan and the Nation of Islam for putting their money where their mouth is and adding another level of pride for Alderman Latasha Thomas and the people of the 17th Ward in the City of Chicago.

## DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

SPEECH OF

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. FARR. Mr. Speaker, the majority claims that there is no war on women, but here is yet another example of their attempt to restrict women's access to reproductive health care. H.R. 3803 is quite simply another attempt by anti-choice Republicans to reverse the freedoms women have gained over the last several decades regarding reproductive choice in health care.

Once again, the majority has sought to restrict women's access to reproductive healthcare by threatening doctors with prison (two years) and other penalties if they perform abortions after 20 weeks. With doctors fearful of yet even more restrictions to their practice, many will simply refuse to treat women who want to obtain a safe and legal abortion, thus achieving the majority's intended goal.

Unbelievably, this bill also allows the woman who obtains the abortion, the father, or the maternal grandparents to press civil charges against the doctor! In addition, there are no exceptions to this ban for rape, incest, fetal anomaly, or a woman's health, and with only a narrow exception for a woman's life. This bill also uses the term ''unborn child'' which is a very slippery slope.

The fact that H.R. 3803 is blatantly unconstitutional has been over-looked by the majority. It clearly violates two Supreme Court decisions regarding pre-viability and exceptions for a woman's life and health.

There can be no doubt about the national implications of a bill with D.C.'s name on it as a cover for attacking the reproductive rights of the Nation's women. The citizen's of the District of Columbia are being unfairly attacked. It is absolutely shameful that the sponsors of this legislation are trying to impose their will on the women of D.C. because they know for a fact they could not pass this policy at the national level.

Mr. Speaker, H.R. 3803 is just another attempt by the majority to wage a war upon women—unfortunately, this time it is directed at residents of the District of Columbia.

## IN RECOGNITION OF NATIONAL HEALTH CENTER WEEK

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Federally Qualified Health Centers (FQHC) for 47 years of service during National Health Center Week.

In Cleveland, the celebration honoring National Health Center Week will take place on Tuesday, August 7th, and be hosted by the members of Cleveland's Federally Qualified Community Health Network which consists of: Care Alliance Health Center, Neighborhood Family Practice, Northeast Ohio Neighborhood Health Services and The Free Medical Clinic of Greater Cleveland.

The theme for this year's event is ''Celebrating America's Health Centers: Powering Healthier Communities.'' The focus will be on the success of Cleveland's FQHCs over the years, as well as how the community will welcome new movements in the health sector.

The event will feature local and state experts to discuss health disparities in the Cleveland area. A representative from the Ohio Department of Health will provide the keynote address.

As of 2011, the Cleveland Community Health Center Network has served more than 66,000 patients; Nationwide FQHC's have served over 20 million people. Community Health Centers all across America are partnering with local healthcare providers, social service agencies, and visionaries to ensure that quality health care is available to all.

Mr. Speaker and colleagues, please join me in honoring Cleveland Community Health Center Network as well as the Federally Qualified Health Centers for their dedication and service to our communities and country.

## IN SUPPORT OF WOMEN'S ACCESS TO PREVENTIVE HEALTH CARE SERVICES

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. RICHARDSON. Mr. Speaker, beginning today, August 1, preventative health care provisions for women under the Affordable Care Act will begin going into effect for new insurance plans.

As an increasing number of health insurance policies come under the reach of the Affordable Care Act, a growing number of women will finally be able to access—with no co-payments or deductibles—important preventative services including breastfeeding support, counseling for domestic violence, screenings for HIV, and well-woman visits.

Also importantly, women with these new insurance policies will have access to all FDA-approved forms of contraception. This is an unprecedented victory for women in every district and for women of all backgrounds.

The use of birth control is nearly universal, with 99 percent of women using contraception at some point in their lives. A June Hart Research poll also found that 80 percent of all American women agree that cost should not be a barrier to using effective birth control.

In addition, a letter released by leading law-and-religion scholar Leslie Griffin, and co-

signed by 170 law professors at top religiously affiliated and non-religiously affiliated law schools clearly explains why the contraceptive-coverage benefit protects the rights of individual employees and in no way violates religious freedom. I ask unanimous consent to include the letter in the RECORD.

Mr. Speaker, I agree with the majority of Americans that all women have the right to affordable and effective birth control, and I am proud to have fought for this great achievement.

Even before the Affordable Care Act went into effect, the benefits of publicly-funded family planning services could be seen, as these programs have assisted 7 million women each year and have prevented 2 million unintended pregnancies.

Every dollar spent on family planning services is also estimated to save four dollars on future Medicaid costs for prenatal services, delivery, and one year of the baby's medical care.

Affordable birth control and preventative health care services help women plan the timing and size of their families and protect their health. There is a direct link between increased access to birth control and declines in maternal and infant mortality.

The critical provisions within the Affordable Care Act will therefore allow us to expand on these previous successes and give women the freedom to make their own private health decisions.

Mr. Speaker, I am proud to stand with my colleagues and to acknowledge the hard work and long hours we devoted to ensuring that women have access to health care they deserve and I pledge to continue championing women's access to these important preventative services.

AUGUST 1, 2012.

TO PRESIDENT BARACK OBAMA AND THE CONGRESSIONAL LEADERSHIP: We are law professors concerned about the Constitution, religious freedom, individual liberty, and gender equality. Today, the egalitarian notion that every American deserves to enjoy religious freedom is under attack from those who would cede employees' religious-liberty rights to corporate executives and nonprofit directors. In this cramped and one-sided view of religious freedom, supervisors are entitled to decide, based on their religious sentiments, whether their employees will be permitted to enjoy essential health benefits without the slightest concern for their religious beliefs. In particular, advocates claim that the Constitution gives all employers the right to veto their employees' health-insurance coverage of contraception.

This view, which is espoused by the U.S. Conference of Catholic Bishops and others, is both wrong as a matter of law and profoundly undemocratic. Nothing in our nation's history or laws permits a boss to impose his or her religious views on non-consenting employees. Indeed, this nation was founded upon the basic principle that every individual—whether company president or assistant janitor—has an equal claim to religious freedom.

Nor does religious freedom provide a constitutional entitlement to limit women's liberty and equality, which are protected by the Fourteenth Amendment. Throughout the 1960s, religious leaders advocated laws banning contraception because they believed contraception was immoral. Nonetheless, in 1965 the Supreme Court held that contraceptive use enjoys constitutional protection in Griswold v. Connecticut. Moreover, the Equal Protection Clause of the Fourteenth Amendment requires that women enjoy the same health and reproductive freedom enjoyed by men.

Women's liberty and equality are well-settled constitutional law and must remain so. Just as the Court ruled in 1983 in Bob Jones that the free exercise of religion may not override government policies against racial discrimination, today free exercise must not undermine women's liberty and equality.

The diminishment of women's liberty and equality will be the result if organizations claiming a religious affiliation are granted an exemption from the Obama administration's policy requiring all employers to provide contraceptive insurance to their employees.

The battle against legal contraception has been fought and lost before, not only in the 1960s, but also in the 1990s, when state legislatures and courts repeatedly rejected the argument that religious liberty provides a justification for undermining women's equality and denying them contraceptive insurance.

The same principle must apply today in the battle between the U.S. Conference of Catholic Bishops and their allies and the Obama administration over insurance coverage for contraception. Simply put, religious freedom requires religiously affiliated employers to obey the law rather than to become a law unto themselves.

Even forty-seven years after the Supreme Court recognized a constitutional right to contraceptive use, many American women continue to lack access to effective and affordable contraception. One reason for this has been the disparate insurance coverage for men and women. For that reason, twenty-eight states have passed contraceptive equity acts that help women gain equal access to reproductive health care. Several of those acts, just like the Obama administration's policy, require employer insurance plans that offer prescription-drug coverage to include contraceptive drugs and devices in their coverage. Most of those acts, just like the Obama plan, do not apply to houses of worship but to religiously affiliated employers like Catholic Charities, a large social-services organization that receives more than two-thirds of its funding from taxpayers, as well as to Catholic schools, universities and hospitals that employ both non-Catholics and Catholic women who use contraception.

The bishops and their allies opposed those bills in the legislatures and the state courts, arguing that religious freedom requires a complete exemption for all employers that claim a religious affiliation. As the recent debate demonstrates, that argument has a certain intuitive appeal to religious organizations that believe that free exercise allows religiously affiliated organizations to avail themselves of special rules. Under the leading free exercise case (Employment Division v. Smith), however, religious employers are subject to neutral laws of general applicability. Two state courts, namely the highest courts of New York and California, forcefully rejected the bishops' argument for exemptions from laws requiring the provision of contraception insurance to employees.

The state courts first ruled that providing insurance could not be a matter of internal church governance protected from state interference by the First Amendment. The courts also held that insurance laws applying to all employers were neutral laws of general applicability that could be constitutionally applied to religious employers under Smith. The two holdings reinforce each other. As the New York Court of Appeals explained, ''The employment relationship is a frequent subject of legislation, and when a religious organization chooses to hire non-believers it must, at least to some degree, be prepared to accept neutral regulations imposed to protect those employees' legitimate interests in doing what their own beliefs permit.''

The California Supreme Court took a further step, ruling that its women's health act survived strict scrutiny. Under strict scrutiny, a law that substantially burdens a religious practice is upheld only if the law represents the least restrictive means of achieving a compelling interest. The court concluded that the women's health care act was narrowly tailored to the government's compelling interest in eliminating gender discrimination, obviating the need to undertake a substantial-burdens analysis.

The California Supreme Court's strict scrutiny analysis remains relevant to criticisms of President Obama's plan. Opponents of the regulations have argued that they violate the Religious Freedom Restoration Act (RFRA), which subjects federal policies to strict scrutiny if they substantially burden a person's exercise of religion. The opponents are wrong. First, under existing case law, the provision of insurance coverage is arguably not the exercise of religion. Moreover, allowing individuals the choice of contraceptives does not substantially burden any exercise of religion.

Even if the courts found a substantial burden on religion, however, the government's interests in protecting women's health and reproductive freedom, and combating gender discrimination, are compelling. The Institute of Medicine panel's report, and a mountain of evidence from other public health groups, amply demonstrate the government's compelling interest in ensuring widespread access to affordable contraception as a means of promoting health and remedying gender inequality.

The California Supreme Court ruled that a law nearly identical to President Obama's initial plan to provide insurance coverage—including a virtually identical exemption for houses of worship—was narrowly tailored to protect women's equality. Thus President Obama's original regulation could have withstood constitutional scrutiny. The constitutional case is even clearer for the accommodation, which requires insurance companies to bear the burden of providing coverage to employees claiming a religious affiliation. The accommodation is even more narrowly tailored than the initial regulation was to reflect the government's interest in women's equality.

In past Supreme Court decisions, religious employers have been required to pay Social Security and unemployment taxes for their employees and to observe the minimum wage laws. Federal courts of appeals have required religious employers to comply with the child labor laws and to observe the equal pay laws even when the employers believed head-of-household pay was required by the Bible. As the California Supreme Court observed, ''We are unaware of any decision in which this court, or the United States Supreme Court, has exempted a religious objector from the operation of a neutral, generally applicable law despite the recognition that the requested exemption would detrimentally affect the rights of third parties.''

The federal government must continue to protect the rights of women who need insurance laws so that they may make reproductive choices consistent with their individual consciences. Religious freedom must not provide a justification to deprive women of legal rights they should enjoy as employees and citizens. To the contrary, the First Amendment specifically preserves space for their religious liberty, and secures their right to act as individuals who exercise their own

conscience on matters pertaining to their faith, body, and health.

LESLIE GRIFFIN,
*Professor of Law,*
*William S. Boyd School of Law,*
*University of Nevada Las Vegas.*

Signed [Note: Affiliations provided for identification purposes only]:

Paula Abrams, Jeffrey Bain Faculty Scholar and Professor of Law, Lewis & Clark Law School; Libby Adler, Professor of Law, Northeastern University School of Law; Janet Ainsworth, John D. Eshelman Professor of Law, Seattle University School of Law; Sara Ainsworth, Lecturer, University of Washington School of Law; Catherine Albiston, Professor of Law and Professor of Sociology; Executive Committee Member, Thelton E. Henderson Center for Social Justice, University of California, Berkeley School of Law; Jose Alvarez, Herbert and Rose Rubin Professor of International Law, New York University School of Law; Mark Anderson, Associate Professor of Law, Temple University Beasley School of Law; Susan Appleton, Lemma Barkeloo and Phoebe Couzins Professor of Law, Washington University School of Law; Margalynne Armstrong, Associate Professor of Law, Santa Clara University School of Law and Marie Ashe, Professor of Law, Suffolk University Law School.

Barbara Babcock, Judge John Crown Professor of Law, Emerita, Stanford Law School; Katharine Baker, Professor of Law, IIT Chicago-Kent College of Law; Susan Smith Bakhshian, Clinical Professor, Director of Bar Programs & Academic Success, Loyola Law School; Ann Bartow, Professor of Law, Pace Law School; Carrie Basas, Visiting Associate Professor of Law, Case Western Reserve University; John Beckerman, Visiting Professor, Rutgers University School of Law—Camden; Valena Beety, Associate Professor of Law, West Virginia University College of Law; Leslie Bender, Professor of Law, Syracuse University College of Law; Mary Berkheiser, Professor of Law, Director of Clinical Programs and Director of Juvenile Justice Clinic, William S. Boyd School of Law, University of Nevada Las Vegas; and Adele Bernhard, Associate Professor of Law, Pace Law School.

Anita Bernstein, Anita and Stuart Subotnick Professor of Law, Brooklyn Law School; Caroline Bettinger-Lopez, Associate Professor of Clinical Legal Education and Director, Human Rights Clinic, University of Miami School of Law; M. Gregg Bloche, M.D., J.D., Professor of Law, Georgetown University; Karen M. Blum, Associate Dean and Professor of Law, Suffolk University Law School; Grace Ganz Blumberg, Distinguished Professor of Law Emerita, UCLA School of Law; AmeliaBoss, Trustee Professor of Law, Earle Mack School of Law, Drexel University; Cynthia Bowman, Dorothea S. Clarke Professor of Law, Cornell Law School; Alfred L. Brophy, Judge John J. Parker Distinguished Professor of Law, University of North Carolina, Chapel Hill; Naomi Cahn, John Theodore Fey Research Professor of Law, George Washington University Law School; June Carbone, Edward A. Smith/Missouri Chair of Law, University of Missouri-Kansas City School of Law.

David Cassuto, Professor of Law and Director, Brazil-American Institute for Law & Environment, Pace Law School; Erwin Chemerinsky, Founding Dean, University of California Irvine School of Law; Nancy Chi Cantalupo, Professor, Temple University Beasley School of Law; Margaret Chon, Donald & Lynda Horowitz Professor for the Pursuit of Justice, Seattle University School of Law; Roger Clark, Board of Governors Professor, Rutgers University School of Law—Camden; David S. Cohen, Associate Professor of Law, Earle Mack School of Law at Drexel University; Clare Coleman, Assistant Teaching Professor and Director of Student Advising, Earle Mack School of Law at Drexel University; Rebecca Cook, Faculty Chair in International Human Rights Faculty of Law and Co-Director of the International Program on Reproductive and Sexual Health Law, University of Toronto; Bridget Crawford, Professor of Law and Associate Dean for Research and Faculty Development, Pace Law School; Lynn Daggett, Professor of Law, Gonzaga School of Law.

Anne Dailey, Evangeline Starr Professor of Law, University of Connecticut School of Law; Anne Dalesandro, Director of the Law Library, Rutgers School of Law—Camden; Christine S. Davik, Professor of Law, University of Maine School of Law; Martha Davis, Professor of Law, Northeastern University School of Law; Kate Nance Day, Professor of Law, Suffolk University Law School; Bernard Dickens, Emeritus Professor of Health Law and Policy, University of Toronto; Norman Dorsen, Frederick I. and Grace A. Stokes Professor of Law, New York University School of Law; Margaret Drew, Professor of Clinical Law and Director of the Domestic Violence and Civil Protection Order Clinic, University of Alabama School of Law. Jennifer Drobac, Professor of Law, Indiana University Robert H. McKinney School of Law; and Linda Edwards, E.L. Cord Foundation Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas.

Maxine Eichner, Reef C. Ivey II Professor of Law, University of North Carolina Chapel Hill School of Law; Kathleen C. Engel, Associate Dean for Intellectual Life and Professor of Law, Suffolk University Law School; JoAnne Epps, Dean, Beasley School of Law, Temple University; Deborah Epstein, Professor of Law and Associate Dean, Georgetown Law; Martha Ertman, Carole & Hanan Sibel Research Professor of Law, University of Maryland School of Law; Lisa Faigman, Lecturer in Law, University of California Hastings College of the Law; Bryan Fair, Thomas E. Skinner Professor of Law, University of Alabama School of Law; Mary Fellows, Everett Fraser Professor of Law, Emerita, University of Minnesota Law School; Linda Fentiman, James D. Hopkins Professor of Law, Pace Law School; and Zanita E. Fenton, Professor of Law, University of Miami School of Law.

Victor Flatt, Taft Distinguished Professor of Environmental Law, University of North Carolina Chapel Hill School of Law; Marsha Freeman, Professor of Law, Barry University Dwayne O. Andreas School of Law; Jaqueline Fox, Associate Professor of Law, University of South Carolina School of Law; Katherine Franke, Isidor and Seville Sulzbacher Professor of Law and Director of the Center for Gender and Sexuality Law, Columbia Law School; Theresa Gabaldon, Lyle T. Alverson Professor of Law and Director of Academic Programs and Administration, George Washington University Law School; Ruben Garcia, Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas; Leslie Garfield, Professor of Law, Pace Law School; Marsha Garrison, Suzanne J. and Norman Miles Professor of Law, Brooklyn Law School; Susan Gary, Orlando J. and Marian H. Hollis Professor of Law, School of Law University of Oregon; and Bennett Gershman, Professor of Law, Pace Law School.

Lauren Gilbert, Professor of Law, St. Thomas University School of Law; Theresa Glennon, Professor of Law, James E. Beasley School of Law at Temple University; Sally Goldfarb, Professor of Law, Rutgers University School of Law—Camden; Julie Goldscheid, Professor of Law, CUNY Law School; Leigh Goodmark, Associate Professor, Director, Family Law Clinic and Co-Director of the Center on Applied Feminism, University of Baltimore School of Law; Michele Goodwin, Everett Fraser Professor of Law, University of Minnesota; Cheryl Hanna, Professor of Law, Vermont Law School; Kathy Hessler, Clinical Professor of Law and Animal Law Clinic Director, Lewis & Clark Law School; Steven J. Heyman, Professor of Law, IIT Chicago-Kent College of Law; and Tracy Higgins, Professor of Law, Fordham School of Law.

Jessie Hill, Professor of Law, Case Western Reserve University School of Law; Cynthia M. Ho, Associate Professor of Law & Vickrey Research Professor; Director, Intellectual Property & Technology Program, Loyola University Chicago School of Law; Sharon Hoffman, Edgar A. Hahn Professor of Law, Professor of Bioethics, Co-Director, Law-Medicine Center, Case Western Reserve University School of Law; Joan H. Hollinger, Lecturer-in-Law, Berkeley Law School, University of California; Deena Hurwitz, Associate Professor of Law and Director of the International Human Rights Law Clinic and Human Rights Program, University of Virginia; Melanie Jacobs, Professor of Law, Michigan State University College of Law; Stewart Jay, Pendleton Miller Endowed Chair of Law, University of Washington School of Law; Faye Jones, Director and Professor of Law, Florida State University College of Law; Sital Kalantry, Associate Clinical Professor of Law and Faculty Director of the Avon Global Center for Women and Justice, Cornell University Law School; and Margo Kaplan, Assistant Professor of Law, Rutgers School of Law.

Harriet Katz, Professor of Law, Rutgers University School of Law—Camden; Linda K. Kerber, May Brodbeck Professor in the Liberal Arts Emerita, and Lecturer in Law, University of Iowa College of Law; Jaime King, Associate Professor of Law, University of California Hastings College of the Law; Kristine S. Knaplund, Professor of Law, Pepperdine University School of Law; Ellen Kreitzberg, Professor of Law, Santa Clara University School of Law; Sylvia Law, Elizabeth K. Dollard Professor of Law Medicine and Psychiatry, New York University School of Law; Nancy Leong, Assistant Professor, University of Denver, Sturm College of Law; Nancy Levit, Curators' and Edward D. Ellison Professor of Law, UMKC School of Law; Francine J. Lipman, William S. Boyd Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas; and David Luban, University Professor in Law and Philosophy, Georgetown Law.

Jody Lynee Madeira, Associate Professor of Law, Indiana University School of Law; Kevin Noble Maillard, Professor of Law, Syracuse University College of Law; Maya Manian, Associate Professor of Law, University of San Francisco School of Law; Thomas McAffee, William S. Boyd Professor, William S. Boyd School of Law, University of Nevada Las Vegas; Joyce E. McConnell, William J. Maier, Jr. Dean, Thomas R. Goodwin Professor of Law, WVU College of Law; Marcia McCormick, Associate Professor, Saint Louis University School of Law; Ann McGinley, William S. Boyd Professor, William S. Boyd School of Law, University of Nevada Las Vegas; Michelle McKinley, Associate Professor, Dean's Faculty Fellow, University of Oregon School of Law; Laura McNally, Professor of Law, Case Western Reserve University School of Law; and Carrie Menkel-Meadow, A.B. Chettle, Jr. Professor of Dispute Resolution and Civil Procedure, Georgetown Law.

Cynthia Mertens, Associate Dean for Academic Affairs and Professor of Law, Santa Clara University; Vanessa Merton, Professor

of Law and Faculty Supervisor of the Immigration Justice Clinic, Pace Law School; Sally Merry, Professor of Anthropology, Institute for Law and Society, New York University School of Law; Carlin Meyer, Professor of Law and Director of the Diane Abbey Law Center for Children and Families, New York Law School; Naomi Mezey, Professor of Law, Georgetown Law; Jennifer Moore, Professor of Law, University of New Mexico School of Law; Karen Moran, Associate Professor of Law, General Faculty, University of Virginia; Daniel Morrissey, Former Dean and Professor of Law, Gonzaga University School of Law; Jill Morrison, Adjunct Professor of Law, University of DC David A. Clarke School of Law; and Ann Murphy, Professor of Law, Gonzaga School of Law.

Karen Musalo, Clinical Professor of Law and Director of the Center for Gender and Refugee Studies, University of California, Hastings College of Law; Michael Mushlin, Professor of Law, Pace Law School; Kimberly Mutcherson, Associate Professor of Law, Rutgers University School of Law—Camden; Cynthia Nance, Dean Emeritus & Nathan G. Gordon Professor of Law, University of Arkansas; Michelle Oberman, Professor of Law, Santa Clara University School of Law; Nancy K. Ota, Professor of Law, Albany Law School; Richard L. Ottinger, Dean Emeritus, Pace Law School; Justin Pidot, Assistant Professor, University of Denver, Sturm College of Law; Deana Pollard-Sacks, Professor of Law, Texas Southern University Thurgood Marshall School of Law; and Andrew S. Pollis, Assistant Professor of Law, Milton A. Kramer Law Clinic Center, Case Western Reserve University School of Law.

Terrill Pollman, Director of the Lawyering Process Program and Professor of Law, Williams S. Boyd School of Law, University of Las Vegas; Lucille M. Ponte, Professor of Law, Florida Coastal School of Law; Sarah Ricks, Clinical Professor of Law, Rutgers University School of Law—Camden Angela R. Riley, Professor of Law, UCLA School of Law, Director, UCLA American Indian Studies Center; Dorothy Roberts, George A. Weiss University Professor of Law & Sociology and Raymond Pace & Sadie Tanner Mossell Alexander Professor of Civil Rights, University of Pennsylvania; Rand Rosenblatt, Professor of Law, Rutgers University School of Law—Camden; Susan Deller Ross, Professor of Law and Director, International Women's Human Rights Clinic, Georgetown Law; Margaret Russell, Professor of Law, Santa Clara University School of Law; Carol Sanger, Barbara Aronstein Black Professor of Law, Columbia Law School and Nadia N. Sawicki, Assistant Professor of Law, Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law.

Robert P. Schuwerk, Professor of Law, University of Houston Law Center; Elizabeth Sepper, Associate Professor of Law, Washington University School of Law; Ann Shalleck, Professor of Law, Director of Women and Law Program, Carrington Shields Scholar, American University Washington College of Law; Laurie Shanks, Clinical Professor of Law, Albany Law School; Julie Shapiro, Professor of Law, Seattle University School of Law; Jessica Silbey, Professor of Law, Suffolk University Law School; Rosalind Simson, Adjunct Professor of Law, Mercer University School of Law and Associate Professor of Philosophy, Mercer University; Jana Singer, Professor of Law, University of Maryland, Francis King Carey School of Law; Abbe Smith, Professor of Law and Director of the Criminal Defense and Prisoner Advocacy Clinic, Georgetown Law and Cynthia Soohoo, Director of the International Women's Human Rights Clinic, CUNY Law School.

Roy G. Spece, Professor of Law, University of Arizona James E. Rogers College of Law; Carrie Sperling, Associate Clinical Professor of Law, Sandra Day O'Connor College of Law; Ralph Stein, Professor of Law, Pace Law School; Lara Stemple, Director of Graduate Studies, Director of Health and Human Rights Law Project, UCLA School of Law; Richard Storrow, Professor of Law, CUNY School of Law; John Strait, Associate Professor of Law, Seattle University School of Law; Jennifer Templeton Dunn, Executive Director, UCSF/Hastings Consortium on Law and Adjunct Professor, University of California, Hastings College of the Law; Tracy Thomas, Professor of Law, University of Akron School of Law; Stacey Tovino, Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas and Mary Pat Treuthart, Professor of Law, Gonzaga University School of Law.

Ann E. Tweedy, Assistant Professor, Hamline University School of Law; Carole Vance, Associate Clinical Professor of Sociomedical Sciences, Mailman School of Public Health, Columbia University; Valorie K. Vojdik, Professor and Deputy Director, Law Clinic, West Virginia University College of Law; Lois Weithorn, Professor of Law, University of California Hastings College of the Law; Robin West, Frederick J. Haas Professor of Law and Philosophy, Georgetown Law; Lesley Wexler, Thomas M. Mengler Faculty Scholar and Professor of Law, University of Illinois College of Law; Deborah Widiss, Associate Professor of Law, Indiana University Maurer School of Law; Lindsay Wiley, Assistant Professor of Law, American University Washington College of Law; Verna Williams, Professor of Law, University of Cincinnati College of Law; Zipporah Wiseman, Thos. H. Law Centennial Professor, University of Texas at Austin School of Law and Marcia Zug, Assistant Professor of Law, University of South Carolina School of Law.

## IN HONOR OF KATHLEEN PEPERA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Kathleen Pepera who is retiring on August 1, 2012 after 34 years of dedicated service with the Social Security Administration.

Kathy began her career with the Social Security Administration (SSA) in the Cleveland West District Office as a summer intern while still a student at Baldwin-Wallace College. Following graduation, she took the Professional and Administrative Career Examination and was subsequently hired in 1979 as a Claims Representative in the Cleveland Southwest Social Security Office.

Throughout her career with SSA, Kathy has held a number of positions with increasing responsibilities. She has served as a supervisor at the Cleveland Teleservice Center and the Cleveland Downtown Field Office. Kathy also worked as the District Manager at the Cleveland Southeast Office and Cleveland Northeast Office. She also fulfilled a temporary role as Deputy Area Director for Northern Ohio. Kathy will be retiring as the District Manager of the Cleveland West District Office, the same office where she started her 34 year career.

Kathy's dedication to the SSA and citizens she helped serve was unquestionable. She was steadfast in fulfilling SSA's mission to "deliver Social Security services that meet the changing needs of the public."

Mr. Speaker and colleagues, please join me in honoring Kathleen Pepera on the occasion of her retirement.

## PERSONAL EXPLANATION

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 537 on suspending the rules and passing S. 679—the Presidential Appointment Efficiency and Streamlining Act of 2011—I am not recorded because I was unavoidably detained. Had I been present, I would have voted "no."

Mr. Speaker, on rollcall No. 538 on suspending the rules and passing H.R. 828—the Federal Employee Tax Accountability Act of 2011—I am not recorded because I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 539 on suspending the rules and passing H.R. 3803—the District of Columbia Pain-Capable Unborn Child Protection Act—I am not recorded because I was unavoidably detained. Had I been present, I would have voted "aye."

## CONCURRENT TECHNOLOGIES CORPORATION CELEBRATES ITS 25TH ANNIVERSARY, TUESDAY, AUGUST 28, 2012

### HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CRITZ. Mr. Speaker, on August 28, 2012, Concurrent Technologies Corporation will celebrate its twenty-fifth anniversary. I rise to acknowledge this notable milestone and to pay recognition to the company's history and dedicated employees.

Concurrent Technologies Corporation (CTC) was first known as Metalworking Technology Inc., a subsidiary of the University of Pittsburgh Trust. Metalworking Technology Inc. was formed in 1987 in Johnstown, Pennsylvania, to operate the National Center for Excellence in Metalworking Technology for the U.S. Navy.

In 1992, Metalworking Technology Inc. changed its name to Concurrent Technologies Corporation to more accurately convey the organization's expanded mission: to provide cutting-edge scientific, applied research and development solutions to its clients. Two years later, CTC separated from the University of Pittsburgh Trust to become a fully independent nonprofit corporation.

Daniel R. DeVos was the company's first permanent Chief Executive Officer, and through his leadership the organization quickly expanded its capabilities and gained national recognition. Edward J. Sheehan, Jr., who succeeded Mr. DeVos, is the current President and Chief Executive Officer. Under his guidance, CTC continues to grow and prosper—earning respect and appreciation from its many customers across our nation and globe.

Over its 25 years, Concurrent Technologies Corporation, in partnership with its clients, has created numerous breakthrough technologies and innovative solutions. CTC takes a collaborative approach to its work, sharing credit and celebrating achievements with everyone who plays a role in its success.

Today, Concurrent Technologies Corporation, with offices throughout the U.S. and in Europe, is an independent, nonprofit, applied research and development professional services organization providing management and technology-based solutions to each branch of the U.S. military, various U.S. Government agencies, and industry. CTC is routinely listed as one of the Top 100 Government Contractors by Washington Technology.

At any given time, CTC is working on multiple projects in areas such as advanced engineering and manufacturing; environment and sustainability; intelligence and information security; logistics, management, and acquisition; power and energy; readiness, preparedness, and continuity; safety and occupational health; and special missions.

For example, CTC helped NATO establish quality management services in less than 60 days at Kabul International Airfield in Afghanistan. The company also won the Environmental Excellence in Transportation Award for designing and implementing laser coatings removal systems throughout the U.S. Air Force.

Concurrent Technologies Corporation played a major role in the development, certification, and implementation of HSLA–115, a new higher strength modification of the HSLA–100 structural steel used for critical applications on aircraft carriers and other U.S. Navy combatant vessels.

Working for the U.S. Marine Corps Logistics Command, CTC developed an information technology tool that benefits U.S. warfighters by resolving logistics challenges in the Marine Corps supply chain. The tool, known as START, which stands for Secondary Repairables (SECREP) Total Allowance Recomputation Tool, won the Defense Logistics' Best Technology Implementation Award as a ''significant contribution to military logistics and the warfighter.''

Concurrent Technologies Corporation developed a highly successful Exportable Combat Training program that immerses warfighters in real-life computer-generated scenarios, preparing our troops to survive and succeed in rapidly changing operational environments. The program was developed for the National Training Center with the support of the U.S. Army Forces Command.

The transportation Capacity Planning Tool developed for the U.S. Marine Corps has grown into an approved Global Combat Support System-Marine Corps bridge technology.

Concurrent Technologies Corporation is a responsible employer, business partner and community-oriented organization. The company was recently named one of the world's most ethical companies by the Ethisphere Institute. For 11 consecutive years, CTC has been named ''One of the Best Places to Work in Pennsylvania.''

Concurrent Technologies Corporation has received multiple honors as a military-friendly organization. Two awards came from the Employer Support of the Guard and Reserve that recognized the company's initiatives in promoting cooperation and understanding between the National Guard and Reserve members and their civilian employers. CTC is a member of the 100,000 Jobs Mission; a coalition of 41 companies committed to hiring at least 100,000 veterans by 2020, and has also been named a ''Best for Vets Employer'' for the past two years.

The company is also a good corporate citizen, whose employees volunteer thousands-of-hours to worthwhile local, regional, and national causes. They actively support schools, healthcare and human service providers, economic development programs, the arts, and recreation.

Mr. Speaker, I offer my congratulates to Concurrent Technologies Corporation on completing twenty-five years of vital collaboration with the U.S. Department of Defense and other U.S. agencies to improve the security of our nation. Because of their efforts, the United States military is better equipped to serve our great nation and the United States is a safer place to live for all of us. I know I speak for many when I wish CTC and its employees the best of luck in the future.

## IN HONOR OF THE 102ND ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF HEAT AND FROST INSULATORS AND ALLIED WORKERS LOCAL NO. 3

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3 of Cleveland, Ohio, which is celebrating its 102nd anniversary on September 8, 2012.

Members of Local No. 3 can trace their beginnings back to the earliest days of the modern industrial era with the sudden expansions of steam power in the 1880s which created the need for the insulation industry. An attempt to form a national bond between insulators occurred in 1900 when the Salamander Association of New York sent out an appeal to related crafts in other cities to form a ''National Organization of Pipe and Boiler Covers.'' The appeal struck a chord of solidarity and two years later, the officers and members of the Pipe Covers Union affiliated with the National Building Trades Council of America and invited other pipe coverer unions and related trades to join them. Seven local unions from around the country, including Cleveland, responded, resulting in the birth of the foundation for an international union. The interested locals met for their first convention on July 7, 1902, where they drafted and approved a constitution and elected Thomas Kennedy as their first president. They chose ''the National Association of Heat, Frost and General Insulators and Asbestos Workers of America'' as the name of the international union. On September 22 1902, the American Federation of Labor issued an official charter designating the insulator workers as a national union.

The union met again in October, 1904 in Pittsburgh to adopt a constitution and issue local numbers: St. Louis, No.1; Pittsburgh, No. 2; Cleveland, No. 3; Buffalo, No. 4; Chicago, No. 5; Boston, No. 6; and Seattle, No. 7. The charter issued to Local No. 3 in 1910 contained these Clevelanders: Thomas Richards, James Wiley, Phil Frigge, M.O. Taitle, Harry Jacoby, Archie Budd, Harry Morris, Harry Graff and George Davis. James Dalton, Al Dalton and Thomas O'Neil of Local No. 3 became officers of the International Association.

Over the years, Local No. 3 has fought for higher wages, safer working conditions on construction sites and better benefits. Local No. 3 has established funds to help with medical expenses, retirement, apprenticeships and training. As Local No. 3 continues into its second century, its goals remain to make a member's life safer, more productive and prosperous, to continue to work to meet the needs of its current members and to teach new members that there is strength and prosperity in solidarity.

Mr. Speaker and colleagues, please join me in honoring the 102nd anniversary of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3 of Cleveland, Ohio.

## CELEBRATING THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 508

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the 50th anniversary of Boy Scout Troop 508 of Irving, Texas. The troop has a remarkable history of serving the community and developing young men into leaders.

Troop 508 was originally chartered at Woodhaven Presbyterian Church in 1962. The troop has a reputation for frequent traveling and extended outdoor adventures. Much of the boys' solidarity has revolved around their travels together, starting with ''The Green Weeny'' bus in 1966. During its history, the troop has traveled to exciting natural locations such as the Grand Canyon, Colorado, Brazos River, and to the center of civic leadership—right here in Washington, D.C. Indeed, in a troop where ''three-fourths of scouting is outing'' it is only fitting that the group have adopted the roadrunner as its traditional logo.

Boy Scout Troop 508 also has a history of exceptional adult leadership, both in its scoutmasters and former members. The adult leaders have been trained in Woodbadge and eight of the last twelve Silver Beavers were members of the 508. Many of them serve on the staff of ALTs, Webelorees, Camporees, and the District Committee for Five Trails. The troop has won first-place several times at Camporees and at Winter Camp. Throughout its 50 years, the distinguished troop has been guided by the leadership of scoutmasters including Mitch Barker, Sterling Bradley, David White, Blackie Marks, Norman Rozell, Jack Graham, George Gray, Bob Hootman, ''Indian George'' Alford, Dwight Sensabough, Jim Bell, Herb Boyd, Hamilton, Jerry Wicker, Scott Pohl, Roger Knapp, Bob Harris, Randall Svajda, Carter Hallmark, Richard Gamble, Roland Jeter, Dean Calvert, Bob Perkins, and Wayne Fletcher. ''Indian George'' Alford was an especially noteworthy man, a selfless and kind Comanche who founded Troop and Post 134 in Dallas and moved on to make a lasting legacy with Troop 508 in Irving, particularly with his Indian dance teams.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Boy Scout Troop 508 on 50 years of inspiring young men to do their best in all that they do, while enjoying competition with good sportsmanship.

## CONGRATULATING ELIZABETH BEISEL

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. LANGEVIN. Mr. Speaker, I rise to congratulate Olympic silver medalist and Rhode Island resident, Elizabeth Beisel. Elizabeth is a member of the USA Olympic Swimming Team, and on July 28, she competed in the Women's 400 meter individual medley, finishing in second place with a time of 4:31.27. I join her family, friends, Rhode Islanders, and the entire United States in congratulating her on this remarkable accomplishment.

Growing up in Saunderstown, Rhode Island, Elizabeth began swimming at 5 years old. Her passion, energy, and hard work paid off in 2008 when she qualified for her first Olympics. In Beijing, 15 year old Elizabeth was the first Olympic swimmer from Rhode Island in 44 years. She finished in fourth and fifth in the 400 meter individual medley and the 200 meter backstroke respectively. Last year she won her first world title at the Shanghai World Championships in the 400 meter individual medley.

After the Beijing Olympics, Elizabeth enrolled in the University of Florida, where she continues to train and compete. Outside of the pool, Elizabeth is a dedicated student and a talented violin player. She balances the demands of her collegiate and Olympic training programs, academic coursework, and international competition schedule with incredible grace and maturity.

Mr. Speaker, I know my colleagues join me in extending congratulations and best wishes to Elizabeth and all of the exceptional athletes who make up Team USA. America is so proud of you!

## HONORING BARBARA ANTHONY, VALDINE ATWOOD, BARBARA DRISKO, AND SALLY JACOBS

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to honor the nominations of Barbara Anthony, Valdine Atwood, Barbara Drisko, and Sally Jacobs for the Mighty Women of Washington County Elder Award.

The Mighty Women of Washington County is a group of strong, compassionate women who collaborate with businesses in Washington County to promote positive social and economic change in the community. This self sustaining organization continues to draw together talented and dedicated women who are committed to the region. Since 2006, the Mighty Women of Washington County have grown their membership to over 180 strong representing business owners, government workers and volunteers. Together, their remarkable efforts have made a positive impact in the areas of homelessness, health care and other social issues.

In June of this year, the organization held its first event "Celebrating the Mighty Women of Washington County" in the town of Machias. At the event, Barbara Anthony, Valdine Atwood, Barbara Drisko, and Sally Jacobs were nominated for the Mighty Women Elder Award. This recognition is offered to members of the organization who embody exceptional character and citizenship.

Each of these women is a pillar of the Washington County community and they are all tremendously deserving of this recognition. Their energy, commitment to helping others, and devotion to the region are an inspiration to future generations of Washington County women and to Mainers throughout the state.

Mr. Speaker, please join me in congratulating these exceptional women for being recognized through this honor and thanking them all that they do for their community.

## IN RECOGNITION OF THE CONGRESSIONAL BLACK CAUCUS FOUNDATION'S 2012 SUMMER INTERNS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RANGEL. Mr. Speaker, it is with immense gratification that I recognize the Congressional Black Caucus Foundation (CBCF) and its Summer 2012 Interns for the completion of their intensive nine-week internship program on Capitol Hill. This summer, 40 college-aged students from across the nation participated in this program. These students were chosen through a competitive process based on an essay submission, a history of community involvement and a sense of civic engagement.

The CBCF's Congressional Internship program was designed to diversify our Congressional offices and give students an opportunity to develop their talent as young professionals and future leaders. During their tenure, summer interns had the opportunity to learn more about public policy and gain a complete understanding of the federal legislative process. In addition, they have grown professionally by identifying the skills and qualities of strong leaders. Outside their congressional offices interns put their legislative experience to use by engaging in their own mock Congress simulation.

Furthermore, interns were offered the opportunity to attend numerous professional and leadership development workshops, networking events, and engage with Members of the Congressional Black Caucus. I had the privilege to speak with the CBCF interns myself, encouraging them to be leaders and continue to be persistent in their fight for equal justice and opportunities for all. I would like to specially recognize CBCF intern Amir Rowe who worked in my office this summer. Amir demonstrated a great deal of proficiency in completing assignments and engaging with my constituents.

Mr. Speaker, I am proud to congratulate the CBCF 2012 summer interns for taking advantage of this lifetime opportunity and I thank the CBCF, under the leadership of Elsie L. Scott, Ph.D., for providing such an invaluable experience.

Ashley Bobo, interning in the office of Rep. LAURA RICHARDSON, attending Harvard College;

Jeremy Broadus, interning in the office of Rep. EMANUEL CLEAVER, attending Rutgers University;

Tierra Burns, interning in the office of Rep. MELVIN WATT CAMERON, attending North Carolina Central University;

Melissa Chin, interning in the office of Sen. CHARLES SCHUMER, attending Brown University;

Saliha Cifci, interning in the office of Rep. AL GREEN, attending Rutgers University;

Devon Cox, interning in the office of Rep. HANSEN CLARKE, attending University of Michigan;

Nairobi Cratic, interning in the office of Rep. GWEN MOORE, attending Temple University;

Devon Crawford, interning in the office of Rep. TERRI SEWELL, attending Morehouse College;

Elizabeth Davis, interning in the office of Rep. BOBBY SCOTT, attending George Mason University;

Courtnie Drigo, interning in the office of Rep. EDDIE BERNICE JOHNSON, attending Rice University;

Camylle Fleming, interning in the office of Rep. ELEANOR HOLMES NORTON, attending Wellesley College;

Chazmon Flood, interning in the office of Rep. MAXINE WATERS, attending Howard University;

Ariana Gibbs, interning in the office of Rep. BENNIE THOMPSON, attending Spelman College;

Brianna Gibson, interning in the office of Rep. DONNA EDWARDS, attending Columbia University;

John Grigg, Jr., interning in the office of Rep. DONNA CHRISTENSEN, attending University of Tampa;

Brittany Harvey, interning in the office of Rep. ANDRÉ CARSON, attending Clark Atlanta University;

Brandon Hill, interning in the office of Rep. CORRINE BROWN, attending Stanford University;

Tyler Hill, interning in the office of Rep. BARBARA LEE, attending University of California, Berkeley;

Brooke Hutchins, interning in the office of Rep. CHAKA FATTAH, attending Georgetown University;

Duane Jackson, interning in the office of Rep. YVETTE CLARKE, attending Bates College;

Ocoszio Jackson, interning in the office of Rep. SANFORD BISHOP JR., attending Morehouse College;

Tatehona Kelly, interning in the office of Rep. MARCIA FUDGE, attending American University;

Jordan Lindsay, interning in the office of Rep. WILLIAM LACY CLAY, attending Morehouse College;

Malaiya McGee, interning in the office of Rep. GREGORY MEEKS, attending Howard University;

Kaylan Meaza, interning in the office of Rep. G.K. BUTTERFIELD, attending North Carolina State University;

Origen Monsanto, interning in the office of Rep. DAVID SCOTT, attending Southern Polytechnic State University;

Khristopher Nicholas, interning in the office of Rep. ALCEE HASTINGS, attending Columbia University;

Matthew Norwood, interning in the office of Rep. JOHN LEWIS, attending Dartmouth College.

Jasmine Omeke, interning in the office of Rep. JESSE JACKSON JR., attending Harvard University.

Brittany Porter, interning in the office of Rep. FREDERICA WILSON, attending Hampton University;

Jeremy Ratcliff, interning in the office of Rep. EMANUEL CLEAVER, II, attending Livingstone College;

Amir Rowe, interning in the office of Rep. CHARLES RANGEL, attending St. John's University;

Shannon Schoultz, interning in the office of Rep. JAMES CLYBURN, attending American University;

Kaleese Shepperd, interning in the office of Rep. BOBBY L. RUSH, attending Western Illinois University;

Jason Sneed, interning in the office of Rep. KAREN BASS, attending University of Southern California;

Travis Stanislaus, interning in the office of Rep. EDOLPHUS TOWNS, attending Cornell University;

Jonathan Sykes, interning in the office of Rep. HANK JOHNSON, attending Fort Valley State University;

Rahel Tekola, interning in the office of Rep. SHEILA JACKSON LEE, attending Texas Tech University;

Terrence Thrweatt Jr., interning in the office of Rep. ELIJAH CUMMINGS, attending St. Mary's College of Maryland;

Benjamin Turman, interning in the office of Rep. JOHN CONYERS, attending Hampton University.

## TRIBUTE TO PRIVATE FIRST CLASS JOSE OSCAR BELMONTES

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a hero from La Verne, California, Private First Class (PFC) Jose Oscar Belmontes, United States Army. Today I ask that the House of Representatives join me to honor and remember this incredible young man who died in service of our country.

PFC Belmontes was born in Riverside, California in 1984. He graduated from Polytechnic High School in 2002 and joined the Army in February 2011. After training at Fort Leonard Wood, Missouri, he arrived at Fort Drum in July 2011. He was serving as a construction engineer with the 630th Engineer Company, 7th Engineer Battalion, 10th Sustainment Brigade, 10th Mountain Division, which deployed to Afghanistan later that month. He died of injuries sustained from small arms fire in Wardak Province, Afghanistan on July 28, 2012 in support of Operation Enduring Freedom. PFC Belmontes was 28 years old.

PFC Belmontes' fellow servicemen and women fondly remember him for his positive attitude; Belmontes was known for stepping up to the plate and helping out whenever he was needed. PFC Belmontes accomplished so much during his short time and he will be dearly missed by his unit and all who knew him. PFC Belmontes served honorably, earning many awards and decorations including the Purple Heart, the Army Achievement Medal, the Afghanistan Campaign Medal with one star, the National Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon and the Combat Action Badge. He is survived by his wife, mother, and father.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like PFC Belmontes, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Belmontes family learned of their husband and son's death was probably the hardest day they have ever faced and our thoughts, prayers and deepest gratitude for their sacrifice go out to them. There are no words that can relieve their pain and what words we can offer only begin to convey our deep respect and highest appreciation.

PFC Belmontes' family have all given a part of themselves in the loss of their loved one and we hope they know that the goodness he brought to this world and the sacrifice he has made, will never be forgotten.

## IN HONOR OF THE HITCHCOCK CENTER FOR WOMEN

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Hitchcock Center for Women, HCFW, for 30 years of dedicated service to thousands of women and their families in Cleveland, OH.

The mission of the Hitchcock Center is to holistically empower women to achieve and maintain productive, chemical-free lives. The Hitchcock Center is "the place where healing begins" for women who are in need of help.

The founder of the Hitchcock Center is Jayne Mazzerella, who realized that women recover differently from chemical substances than men. She founded Merrick Hall, a 4-bed treatment program for female alcoholics, which led to the beginnings of the Hitchcock Center.

The Hitchcock Center is now the largest agency of its kind in the Greater Cleveland area. To date, it has provided services to approximately 13,000 women and their families. The Hitchcock Center recently announced its planned expansion of the Traditional Housing and Recovery Management services, which strives to return families back into the community. They eventually seek to expand into even more communities.

Today, there are 53 women who work for the Hitchcock Center. There are also many alumnae of the program who return to volunteer for the center through the HCFW Alumnae Council. Together, they have proven success in helping women to grow and recover so they can go back to their families and homes as whole and healed persons.

Mr. Speaker and colleagues, please join me in honoring the HCFW of Cleveland, OH, for all of their dedication and service to the community.

## IN RECOGNITION OF EUGENE MORGAN WELSH

### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today to honor the late Eugene Morgan Welsh. Gene passed away peacefully on July 25, 2012. Staff Sgt. Gene Welsh was a true American hero and served his country with pride and dedication.

Eugene "Gene" Morgan Welsh was born May 9, 1925 in McAllister, OK to William Morgan Welsh and Tina Pearl Welsh. Gene had two brothers, Kenneth and Billy Welsh, who preceded him in death, brother Don and a sister Wanda Griffith.

Proudly at age 18, Gene joined the U.S. Army's 19th Infantry Regiment during World War II. Staff Sgt. Welsh's assignment took him to the South Pacific. While serving in the Asiatic Pacific, Staff Sgt. Welsh was wounded in combat and was eventually awarded the Purple Heart with the Oak Leaf Cluster.

While recovering from his injuries, Gene started writing to a Pen Pal, Miss Bettye Cavazos from Sharyland, TX. This was the bright spot during his recovery and he often told her in his letters that if he ever made it out of the war alive he was going to come back to the U.S. and marry her. Upon completion of his military career, he in fact went to Texas and asked for her hand in marriage. Flag Day, June 14, 1946, Bettye Cavazos became Mrs. Eugene Welsh; that same year they moved to Ceres, CA. Gene eventually opened up a business in 1967 that is known today as Ceres ProTow and it is still located at the same place 45 years later. Gene and Bettye had two sons, Mike and Ron. Gene was very proud of his sons and was devastated when Ron passed away from a pulmonary embolism. Mike continues to run the family business.

Gene had a great love for his community and was very active with many social and charitable as well as civic organizations. In 1987, Gene was awarded Rotarian of the Year and in 1988 he was awarded Ceres Citizen of the Year and in 2003 he was awarded the Stanislaus County Senior Citizen of the Year. Gene also had a love of Square Dancing, and taught beginner Square Dance lessons and eventually formed the Ceres Twisters where he was the club caller for over 40 years. Gene and Bettye were always happy to share their love of Square Dancing with others and provided demonstrations to Ceres and Modesto grammar schools and convalescent homes and they danced at local, state and national festivals as well as on cruise ships.

Gene is survived by his wife of 66 years Bettye, son Mike and his wife Maureen, daughter-in-law Sherry and 8 grandchildren, 8 great-grandchildren and one great-great grandson.

Mr. Speaker, the recognition that I am offering today before the House of Representatives for Eugene Morgan Welsh is small compared

to the contributions and impact he had on the lives of so many. He was a leader of our community, role model to our youth and a great American.

## A TRIBUTE IN HONOR OF THE LIFE OF DOROTHY MAE JAROCH

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of an exceptional woman, Dorothy Mae Jaroch, who passed away on June 12, 2012, at the age of 88. Her youngest son, Pete, cared for her in her final weeks and was by her side at the moment of her passing. Dorothy Mae Jaroch was a devoted wife, an exceptional mother, a loving grandmother, a beloved sister, a teacher and a leader. She will be greatly missed by all who were fortunate enough to know her, and I count myself among those so blessed.

Dorothy Mae Jaroch, a longtime resident of the San Francisco Bay Area, was born and raised in Lenexa, Kansas. She attended Spring Hill High School, and after completing her academics there, Dorothy married Lieutenant Commander Eugene Jaroch in 1945. She moved to San Francisco to join her new husband, Eugene with the tune ''Sentimental Journey'' by Doris Day with the Les Brown Orchestra in her heart and mind. Together, they travelled extensively throughout the country, danced in harmony and were very much in love. Dorothy, a longtime friend of the Religious of the Sacred Heart at Oakwood, was dedicated to helping others, always making them feel that her home was also theirs. Her greatest attribute was her unswerving faith in God and the goodness of people, and her legacy of compassion serves as a positive example for us all.

Dorothy is survived by her children Eugene Paul, Steven, Peter and Suzanne; grandchildren and great-grandchildren. Her husband, Eugene, the love and light of her life, passed away twelve years ago.

Mr. Speaker, I ask the entire House of Representatives to join me in extending our deepest condolences to Dorothy Mae Jaroch's family and to all those who were blessed by her friendship. Dorothy Mae Jaroch was an exceptional citizen whose pursuits strengthened our community and bettered our country.

## PERSONAL EXPLANATION

### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CARNAHAN. Mr. Speaker, I regrettably missed the suspension votes on July 31, 2012. Please let the record reflect my position on each of these pieces of legislation.

(1) S. 679 (Roll no. 537)—Presidential Appointment Efficiency and Streamlining Act of 2011. I would like the record to reflect that I would have voted in favor of this legislation, which I support, had I been present to record my vote.

(2) H.R. 828 (Roll no. 538)—Federal Employee Tax Accountability Act of 2011, as amended. I would like the record to reflect that I would have voted against this legislation, which I oppose, had I been present to record my vote. I believe that holding individuals with seriously delinquent tax debts accountable is important—to address our fiscal deficit and to ensure all Americans are fulfilling their responsibilities as citizens of this country. However, this legislation unnecessarily and unfairly singles out federal employees. For this reason, I oppose this legislation.

(3) H.R. 3803 (Roll no. 539)—District of Columbia Pain-Capable Unborn Child Protection Act. I would like the record to reflect that I would have voted against this legislation, which I strongly oppose, had I been present to record my vote.

The District of Columbia Pain-Capable Unborn Child Protection Act represents just one more step in the Republican's agenda to undermine women's access to reproductive health care. This measure cruelly contains no exemptions in the case of rape, incest, or a terminal fetal anomaly, requiring a woman to carry a non-viable fetus to term. Moreover, this bill is another instance of a congressional overreach into the District of Columbia's affairs. If supporters truly deemed this legislation acceptable for all Americans, they would have moved to enact it nationally, as opposed to imposing it solely on D.C.'s population.

I have long been a strong supporter of women's reproductive rights, and I have continued to work to ensure that women's rights and access to abortion care remain safe and legal. This Congress, we have seen the rights of women come under attack repeatedly in the House of Representatives. Though I firmly believe in encouraging healthy debate, the attacks we have seen are an affront to the rights and health of women around this country. I have, and will continue to, consistently oppose measures like this legislation, which undercut critical access to reproductive health care.

## RECOGNIZING THE RETIREMENT OF DALE JOHNSEN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. VISCLOSKY. Mr. Speaker, I am pleased to stand before you and my colleagues today to applaud Mr. Dale Johnsen upon his retirement. Dale has devoted his life to the interests of his fellow tradesmen and women, and to the entire community of Northwest Indiana. Mr. Johnsen has been a member of Bricklayers Local #4 Indiana/Kentucky for 36 years, 22 of which he served as an officer and field representative. Additionally, he has served as President of the Indiana State Building and Construction Trades Council for the past two years. For his lifetime of service to the Bricklayers and the Northwestern Indiana Building and Construction Trades Council, as well as the Indiana State Building Trades Council, Mr. Johnsen will be honored at a retirement dinner taking place at Avalon Manor in Merrillville, Indiana on August 17, 2012.

During his 36 years with Bricklayers Local #4 Indiana/Kentucky, Dale Johnsen has assisted those who want to work for a living wage in countless ways. For example, he has represented the union as a Trustee for the Pension Fund and the Health and Welfare Fund, as well as the Joint Apprenticeship and Training Committee. A leader in the truest sense of the word, Dale has also served as President of the Northwestern Indiana Building and Construction Trades Council. Also, he is currently a member of the Business Construction Resource Center and the Tripartite Committees for ArcelorMittal Indiana Harbor and Burns Harbor. In addition, Dale served as Admiral for the Pirates Charity Organization and now serves on the organization's Captain's Table. Mr. Johnsen's enthusiasm, dedication, and constant support to the Building Trades and charities within our greater community is truly outstanding, and for this, he is worthy of the utmost praise.

Northwest Indiana's building trades have a strong history of excellence in its craftsmanship and loyalty by its members, as well as a steadfast commitment to serving the community. Dale Johnsen has always exhibited these qualities, and I have a profound respect and admiration for his absolute dedication to helping others, both locally and statewide. When it comes to serving those in need, the Indiana State Building and Construction Trades Council and the Northwestern Indiana Building and Construction Trades Councils have long been one of the state's most generous organizations. Dale Johnsen has been at the forefront of these efforts.

From a personal perspective, I am proud and lucky to have Dale Johnsen as a friend. A friend who has been completely loyal, a friend who has been selfless, a friend who has always ''been there.''

Mr. Speaker, in conclusion, Dale Johnsen has generously dedicated his life and all his efforts to those he has worked with and represented so well. His passion and commitment to the Building Trades and to the community of Northwest Indiana is to be admired. I respectfully request that you and my other dignified colleagues join me in commending Dale for his many years of service and in wishing him well upon his retirement.

## HONORING BLACK LAW ENFORCEMENT PIONEERS

### HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RIGELL. Mr. Speaker, I arise today to recognize an important milestone in my community. On August 20, 2012, the Virginia Beach Police Department is hosting an event to honor Black Law Enforcement Pioneers from our area. Robert E.W. Sparrow, Mondoza Holloway, Clyde I. Siler, Alexander H. Woodhouse, Russell H. Lawrence, Charles Pace, Johnny E. Parks III, Warfield M. Wood and as many as 22 auxiliary police officers who patrolled Virginia Beach prior to 1969, will be honored for serving during a time when bigotry and racism ran rampant throughout our country. I want to thank these fine men for standing bravely in the face of hatred, and doing their jobs honorably. Because of men like these, America remains the greatest country in the world, where the bastions of liberty and freedom stand over those who wish to harm it. We can all learn from their outstanding character and commitment to doing what is right.

## HONORING SECOND LIEUTENANT YER VANG

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life and service of the late Second Lieutenant Yer Vang. Second Lieutenant Vang served the United States of America honorably during the Vietnam War.

Yer Vang was born on February 2, 1960, at Ban Long Xai, Muan Long Xai, in the Xieng Khouang province in the Kingdom of Laos. He attended Ban Na Elementary School. In March of 1972, when he reached the age of twelve, he was recruited to train at Muang Cha Military Training Center, located in the Xieng Khouang province.

Upon completion of his military training, Yer Vang was assigned to work as a water supplier and a mail carrier at the 228th Battalion Headquarters. On January 1, 1973, he was transferred to the 2281st Company Infantry Division of the 228th Battalion Special Guerrilla Units (SGU), 1st Strike Division Infantry of the United States Secret Army. Yer Vang fought in the Vietnam War with this unit through May of 1975. During this tenure of his service, he took part in many important missions advanced by the United States Secret Army and was promoted to the rank of Second Lieutenant.

After the communist takeover of Laos in May of 1975, Yer Vang's unit was stationed south of the Plains des Jarres. Unable to be airlifted to a U.S. Airbase in Thailand, Yer Vang had to flee his position and go into hiding in fear of being persecuted by the ruling government. He remained in hiding until June of 1979, when he passed through the jungles of Laos by moonlight and crossed the Mekong River to safety in Thailand.

Yer Vang was a political refugee at Ban Vinai Camp in Thailand for twenty years. On January 31, 1990, he came to the United States and began his life in Fresno, California. Once resettled in Fresno, Yer Vang attended Fresno Adult School, where he graduated in 1993. He worked at a local Pizza Hut for two years, before he was hired as a teacher's aide for Fresno Unified School District in August of 1995. In 1997, Yer Vang was selected to be a board member of the Lao Veterans of America, where he served as Treasurer from 1997 through 2000 and Secretary from 2005 through 2012.

Second Lieutenant Yer Vang passed away on June 24, 2012. He is survived by his wife, whom he married while in the refugee camp in Thailand. The couple has thirteen children: three sons and ten daughters.

For his military service, Yer Yang was awarded the Bronze Medal from the King of Laos, the United States Special Forces in Laos Medal, and multiple commendations and citations from the United States Congress. He was also honored by the United States Congress with the Vietnam Service Medal, Vietnam Campaign Medal, and Vietnam Veterans Medal.

Mr. Speaker, please join me in posthumously honoring Second Lieutenant Yer Yang for his heroic service to the United States of America and extending our deepest condolences to his family. His legacy serves as an example of excellence, and his contributions to our country will not be forgotten.

## DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

SPEECH OF

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. GOODLATTE. Mr. Speaker, H.R. 3803 would prevent abortions of unborn children who are more than 20 weeks after fertilization—the age at which scientific evidence shows that they can feel great pain.

This bill will prevent brutal, late term abortion procedures, including one in which unborn children are mutilated and dismembered while they are still alive. Only the most calloused among us can hear the description of these types of procedures and not react with disgust.

I strongly believe that life begins at conception, and that we should protect the lives of innocent unborn children. I wish this bill went even further, but the absolute least we can do is ban abortion when we know the unborn children experience great pain. I urge support of this important legislation.

## CELEBRATING THE 50TH WEDDING ANNIVERSARY OF JOHN AND BETTY DODD

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. MARCHANT. Mr. Speaker, it is with a sense of joy that I recognize and celebrate the 50th anniversary of the wedding of John and Betty Dodd, two outstanding and esteemed citizens of Farmers Branch, Texas.

John and Betty were married on August 19, 1962, and have lived in Dallas County ever since. They have both led inspiring lives dedicated to education and our community. John is a Certified Financial Planner and CEO of Honors Academy, a nonprofit organization that operates charter schools. He has served as a member of the Dallas Independent School District Board, a city council member and the mayor of Farmers Branch, and remains active in many community organizations. Betty is a teacher and a volunteer and board member at several organizations including her children's schools, Prestonwest Republican Women, Farmers Branch Civic League, and Farmers Branch Women's Club. Truly, the Dodds have been valuable assets in the town that they call home.

They have raised a family together and are the dedicated parents of David Dodd and Angela Dodd Miller. John and Betty are also the loving parents-in-law of Shannon and Jon, and grandparents of Justin and Caroline Dodd, and Matthew, Caroline, Nathan, and Andrew Miller. The Dodds are members of First United Methodist Church in Dallas, Texas.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating John and Betty Dodd on 50 years of marriage, a truly noteworthy testament to their strong commitment to each other and to the beauty of marriage.

## TRIBUTE TO HORACE CURLIN HALL III

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CUELLAR. Mr. Speaker, I rise today to honor the late Horace Curlin Hall III, an upstanding lawyer, devoted father and true friend to the South Texas community. Mr. Hall will be long remembered as a man who was dedicated to his country, his family and his profession for years after his passing.

Mr. Hall, a third generation Laredoan, attended Martin High School where he graduated at the young age of fifteen. A lifetime Longhorn, he attended The University of Texas at Austin, where he joined the Sigma Chi fraternity, an organization whose fundamental purpose is to promote the core values of friendship, justice and learning—all virtues he modeled throughout his lifetime. After graduating with a Bachelor of Arts in 1950, he honorably served his country as First Lieutenant in the Army during the Korean Conflict. Upon his return from Korea, he enrolled at The University of Texas School of Law and received his degree in 1955.

While attending law school, Mr. Hall met and married Nancy Louise Black and together they raised five daughters. Mr. Hall presented each daughter as a debutante in the Society of Martha Washington, a bicultural organization committed to celebrating the legacy of our country and chartered in part by Mr. Hall's grandmother, Camila Scott Hall. An endlessly supportive father and an advocate of education, Mr. Hall encouraged each daughter to attend college.

Regarded as a distinguished lawyer, Mr. Hall joined his father's law firm in Laredo, Texas, and practiced until passing, advocating on behalf of those that shared his loyalty to the South Texas community. In continuation of his commitment to education, Mr. Hall legally represented Laredo Community College throughout most of his career. Included in the list of clients to the firm were banks, construction companies and the Association of Laredo Forwarding Agents, an organization whose purpose is to promote local corporations at both the national and international level.

Mr. Hall was well known for his many passions outside of his profession, including a love of literature and poetry, which he shared with those close to him. He enjoyed the South Texas country and was considered an excellent marksman, often bringing together his family after a hunt for a gourmet meal. His sense of humor was one of his greatest characteristics, attracting friends that remained faithful to him until the end.

Mr. Speaker, I am honored to have had the opportunity to recognize the late Horace Curlin Hall III. He is no longer with us, but his contributions not only to his country and family, but also to his profession and his beloved community will live on.

## TRIBUTE TO DR. CLEMMIE E. WEBBER

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an extraordinary educator, entrepreneur, author, community activist and mother. Dr. Clemmie E. Webber passed away on July 25, 2012, at the age of 99. This remarkable trailblazer will be sorely missed by all who had the honor of knowing her, and I count myself in that number.

Dr. Webber was born in St. Matthews, South Carolina in 1913. She moved at the age of three with her parents, Henry W. and Colin Embly, to Treadwell Street in Orangeburg. She grew up there with her four younger siblings, and would later write a book about their childhood experiences.

Education was always important to Dr. Webber. Her early school years were spent at Claflin University's elementary department, and in high school she attended what is now South Carolina State University. She earned both her bachelor's and master's degrees in chemistry at South Carolina State, and went on to earn a doctorate in science education from The American University.

In 1935, at the age of 19, Dr. Webber married Paul Webber, a fellow classmate at South Carolina State. They were entrepreneurs who owned Webber Motor Sales and the Orangeburg Tigers baseball team. However, they were most known for their ownership of two soda shops in Orangeburg that were popular hang outs for students and provided them much-needed jobs. The College Soda Shop also became the inspiration for her second book.

Dr. Webber began her teaching career at the former Wilkinson High School and several elementary schools in the area. She went on to teach chemistry and economics at her alma mater for 25 years. While a professor on South Carolina State's campus, Dr. Webber was a catalyst for change. She led the effort to build the I.P. Stanback Museum and Planetarium, which now houses the Clemmie E. Webber Educator Resource Center. She and her husband, who also served as a history and economics professor at South Carolina State, were mentors for many young people—myself included—during the student Movement of the 1960s.

Her love for education extended to serving on the Orangeburg School District 5 Board for 11 years. She served as Chair of that body for six years, and is credited with developing the compromise that allowed the school district to build the current Orangeburg-Wilkinson High School on U.S Highway 601. She also served as President of the South Carolina School Boards Association and was appointed to a five-year term as a Commissioner on the State Education Commission.

Dr. Webber had an interest not only in educating young people, but helping them to develop character and be good leaders. She was actively involved in the Cub Scouts and Girl Scouts organizations, the Jack and Jill program, the Sunlight Club, and served as the PTA President at two schools.

She also demonstrated her exceptional touch with young people at home raising three children—Carolyn, Sheryl, and Paul, III. Her nurturing nature led to her recognition as the South Carolina and National Mother of the Year in 1983.

Dr. Webber has received numerous other awards and honors including the Order of the Palmetto, the highest honor a South Carolina governor can bestow on a citizen. She was also inducted into the South Carolina Black Hall of Fame, received the South Carolina School Boards Distinguished Service Award, and the South Carolina Legislative Black Caucus Award in recognition of her outstanding civic and educational achievements. In 2008, an Orangeburg street was renamed Webber Boulevard in honor of Dr. Webber and her husband's contributions to the community.

Mr. Speaker, I ask you and our colleagues to join me in celebrating the extraordinary life of Dr. Clemmie E. Webber. She led by example and gave generations of young people the tools they would need to excel in life. What a tremendous legacy she has left for the City of Orangeburg and the State of South Carolina.

## HONORING ROBERT D. GRANT

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. QUIGLEY. Mr. Speaker, I rise today to honor and express my gratitude to Robert D. Grant, Special Agent-in-Charge of the Chicago office of the Federal Bureau of Investigation. He is retiring from his position as head of the Chicago FBI after an outstanding 29 years of distinguished service to this country.

In 1983, Mr. Grant began his career with the FBI and has since served in Memphis, New York, and San Antonio, along with several different assignments at FBI headquarters here in Washington, D.C., including Chief Inspector.

Mr. Grant spent his time with the FBI committed to improving all areas of operations and has brought tremendous changes to fruition. In 2005, Mr. Grant became the head of the Chicago office, where he is now the longest serving agent-in-charge in the history of that office.

During his time in Chicago, Mr. Grant has overseen numerous widely-recognized investigations, from corrupt public officials to our most violent criminals.

He was at the forefront of the indictment and convictions of several high-ranking members of the Chicago Mafia and played a key role in the arrest of two Chicago men on charges related to the 2008 terror attacks in Mumbai, India.

Throughout his career, Mr. Grant has received numerous accolades for his impressive service, ranging from local community group recognition to the 2008 Presidential Rank Service Award.

While acknowledging Special Agent-in-Charge Grant today for his three decades of service, we also reaffirm our appreciation to all of the brave men and women of the United States law enforcement community, who work every day to protect our families and keep our country safe.

Once more, we thank Mr. Grant for his integrity, leadership, and dedication to the FBI and our country. And we wish him the best of luck in his future endeavors.

## PERSONAL EXPLANATION

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. MOORE. Mr. Speaker, I was absent from votes in the House Tuesday afternoon (July 31). My flight was unavoidably delayed on my return to Washington from Milwaukee, WI due to bad weather.

Had I been present—

(1) I would have voted "yea" on rollcall No. 537—S. 679—Presidential Appointment Efficiency and Streamlining Act of 2011.

(2) I would have voted "nay" on rollcall No. 538—H.R. 828—Federal Employee Tax Accountability Act of 2011, as amended.

(3) I would have voted "nay" on rollcall No. 539—H.R. 3803—District of Columbia Pain-Capable Unborn Child Protection Act.

## PERSONAL EXPLANATION

### HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. HANNA. Mr. Speaker, on rollcall No. 537, I was unavoidably absent. Had I been present, I would have voted "yes."

Mr. Speaker, on rollcall No. 538, I was unavoidably absent. Had I been present, I would have voted "yes."

Mr. Speaker, on rollcall No. 539, due to severe thunderstorms over the Northeast, my flight was unavoidably delayed. Had I been present, I would have voted "no."

## TRIBUTE TO RONALD F. DASH

### HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RUNYAN. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ronald F. Dash, a resident of the Township of Willingboro, Burlington County, New Jersey in recognition of his outstanding service on behalf of veterans throughout the State of New Jersey. Ronald F. Dash has served as Chairman of the Willingboro Veterans Advisory Committee and as the Advisor to Willingboro's Mayor and Council on Veterans Issues. He also serves on my Military Academy Advisory Committee which makes recommendations for young men and women from New Jersey's Third District who are applying to attend one of our nation's service academies.

Ronald F. Dash served his country with honor and valor as a member of the United States Marine Corps during the Vietnam War, where he was wounded and received the Purple Heart. After his Marine Corps (USMC) service in Vietnam, he served in the Army Reserves and then transitioned to the Army National Guard attaining a final military rank of Staff Sergeant (E6).

He has given generously of his time, energies, and resources as a Commander and State Chaplain in the Military Order of the Purple Heart Chapter 26, and as a member of the

Veterans of Foreign Wars (V.F.W.) Post 4914, the American Legion Post 516, the Disabled American Veterans Chapter 42, and the Marine Corps League 695. Ron Dash continues to visit and assist veterans, provide food for the homeless, and provide transportation for people with special needs across Willingboro and other communities.

I thank Ronald F. Dash for his patriotism, and his continued service to the Willingboro community, the State of New Jersey, and this great nation. I urge my colleagues to join me in recognizing this great veteran hero and community servant.

## VIRGINIA BEACH CRIME SOLVERS 30TH ANNIVERSARY

### HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. RIGELL. Mr. Speaker, I arise today to recognize the 30th anniversary of the Virginia Beach Crime Solvers. This organization has been a stalwart in our community and has been instrumental in keeping the streets of Virginia Beach safe. The partnership between the community, the Virginia Beach Police Department, and local media, is key to helping the Crime Solvers become one of the top crime solver organizations in the country. Since its inception in 1982, tips to Crime Solvers have resulted in over seven thousand arrests and fourteen thousand solved crimes. Their fine work led the Federal Bureau of Investigation to name Virginia Beach as the ''lowest violent crime rate city in the United States'' in 2010. I would like to thank the original Board of Directors: Chairman Al Craft; Vice Chairman John J. Kruger; Tom Gmitter, Secretary; Bob DeFord, Treasurer; and, Members Thomas C. Broyles, Mary Ellen Cox, Ed Crittenden, Glenn R. Croshaw, George Duvall, John Godfrey, Marlene J. Hager, Ernie Hyers, Clarence Keel, Bill Myers, Dennis O'Hearn, Ragan B. Pulley, Jr., Gerald Weimer, Roy Willman, Navy Captain Danny Michaels and Aaron Parsons. I also want to thank the current Board of Directors: Chairman Joe O'Brien; Vice Chairman Freddi E. Moody; Bonnie B. Capito, Secretary; Daniel D. Edwards, Treasurer; and Members Don Albee, Marie Bauckman, Ginger Carl, James H. Capps, Alfred W. Craft, III, Ross Forster, Dr. Valerio M. Genta; Nancy Guy, Carleen Lombardo, Roseann Lugar, Stuart Myers, Karl Nichols, Ragan B. Pulley, Jr., Chris Roberts, Laura Roland, Lawrence E. Ronan, Troy Snead, Ruth Ann Steenburgh, Thomas H. Thatcher, Donald R.Thrush, Marion Wall and Francis L. Warren, Jr. I am thankful to both groups for stepping forward when their community needed them. Because of these fine community leaders, our children and grandchildren continue to have the opportunity to grow up in a safe community. I congratulate them on 30 years of service and look forward to having the Virginia Beach Crime Solvers serve the community for many years to come.

## IN RECOGNITION OF THE VICTORY ARCH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Victory Arch, which will make its debut after undergoing a two year restoration at the Cuyahoga County Fair in Berea, Ohio.

The original Victory Arch was built in 1929 by Fred Hartman and was erected at the main entry to the Berea Fairgrounds on Eastland Road. The arch's columns are 25 feet high and span 35 feet across. For years the Victory Arch served as a beautiful welcoming sign to Cuyahoga County residents coming to enjoy the annual County Fair. Unfortunately, over the years, with the exception of some minimal work in the late 1970s, the arch began to rust and fell into disrepair. A few years ago, Berea's Save Our Arch Committee began advocating for a full restoration of the Victory Arch. Two years ago the project began.

The Cuyahoga County Fair Board, American Legion Post 91 and the Berea Historical Society helped to raise money and awareness needed to restore the structure. However, the physical restoration would not have been possible if it had not been for donations, support and countless man hours of the Berea City Club, Iron Workers Local 17 Apprentice Program, Cosmos Industrial Service, Inc., AkzoNobel, eGlobal Construction, Kottler Metal Products, Inc., Ziegler Bolt, Local 17 President Tim McCarthy, Retiree Local 17 Doug McJunkins, Sealcoat, Horizon Metal, Inc., Luna and American International—Michael Petrasek.

The Victory Arch was resurrected to its original place on Eastland Avenue on July 12, 2012 just weeks before thousands will visit the Berea Fairgrounds for the 116th Cuyahoga County Fair.

Mr. Speaker and colleagues, please join me in honoring the reinstatement of the Victory Arch at the Cuyahoga County Fairgrounds.

## ADAM WALSH REAUTHORIZATION ACT OF 2012

SPEECH OF

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2012*

Mr. PENCE. Mr. Speaker, I rise today in support of the Adam Walsh Reauthorization Act of 2012 (H.R. 3796). I would like to recognize Representative Sensenbrenner for a career spent protecting our nation's children, including this bill before the House today.

Six years ago I stood with my then 15-year old son and 13-year old daughter in the Rose Garden at the White House when President George W. Bush signed into law the Adam Walsh Child Protection and Safety Act of 2006.

Title V of the Adam Walsh legislation contains my bill, the Child Pornography Prevention Act. My bill set forth new findings to protect children against so-called ''home pornographers'' to better enable federal prosecutors to proceed with cases against them. It also provided increased protection to victims of child pornography and strengthened the hand of law enforcement in investigating and bringing charges in obscenity and child pornography cases. Finally, it closed a loophole that allowed pornographers to exploit children by using them in productions with simulated sexual activity or lascivious sexually explicit content and then claim that they believed the children to be over age eighteen.

The Adam Walsh legislation had many other good initiatives that have protected our nation's children by improving sex offender registration and providing local law enforcement officials with tools needed to track those who prey upon children. Some of these provisions require reauthorization, and I am pleased today that we are moving forward with this reauthorization, especially of the two key programs that fund the U.S. Marshall's fugitive apprehension program and the grants that help states comply with the national sex offender registry requirements, in a fiscally responsible manner.

I consider myself fortunate to have been able to contribute to the Adam Walsh bill, as well as the 2003 Child Abduction Prevention Act (later renamed the PROTECT Act), which setup the Amber Alert system. That legislation also included the Truth in Domain Names Act that I authored. The Truth in Domain Names Act made it a criminal act to knowingly use a misleading domain name with the intent to deceive a child into viewing harmful material on the Internet, and it has made a difference in protecting children from Internet pornography.

Congress over the years has faced many very difficult issues, but we always have kept the best interest of children at the forefront of our work. As we move to reauthorize these important programs in the Adam Walsh bill today, I want to thank my colleagues for coming together to put our children first.

## HONORING THE LIFE OF ANÍBAL DE JESÚS RODRÍGUEZ

### HON. PEDRO R. PIERLUISI

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. PIERLUISI. Mr. Speaker, I rise today to pay my respects to a great Puerto Rican and a great American, Aníbal De Jesús Rodríguez, who passed away on June 26, 2012. Army Staff Sergeant De Jesús Rodríguez was a veteran of both World War II and the Korean War. He served with distinction from September 1943 until December 1964, retiring after more than 20 years of active-duty service to our nation.

In recognition of his achievements while in uniform, De Jesús Rodríguez was awarded the Army Commendation Medal, the American Theater Service Medal and the World War II Victory Medal.

In addition to his own extraordinary service, Sergeant De Jesús Rodríguez helped cultivate a tradition of service in his family. His brothers also served in the U.S. Army, as did his three sons: Aníbal, Efrain and Juan. Moreover, three of his grandsons have served in the U.S. Air Force, U.S. Army and U.S. Navy. It is families like his that keep our nation safe and strong. And it is families like his that make our country great.

I ask my colleagues to join me in honoring the life of this proud veteran, American patriot, family patriarch and role model, Aníbal De Jesús Rodríguez. I know he will be greatly missed by those who had the privilege to know him. But I also know that he will never be forgotten.

## TRIBUTE TO T. RANDOLPH COX

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the lifetime accomplishments of my friend, T. Randolph ''Randy'' Cox, who is being honored by the YMCA of the Kanawha Valley as its 2012 Spirit of the Valley recipient. Unfortunately Randy is being recognized post mortem as he passed away on his birthday, October 19, 2011, while participating in one of his favorite athletic sports, the game of squash.

Raised in Princeton, New Jersey, Randy attended the University of Virginia as an undergraduate, the University of Massachusetts completing an MBA, and the University of Miami, where he completed his law degree and met his wife and lifelong partner, Ann. Randy and Ann moved to West Virginia and each became members of the law firm of Spilman, Thomas & Battle. Randy's practice included environmental, telecommunications and corporate law, with a primary focus on government relations and insurance regulatory matters. Randy was well respected as a member of his firm and for his work throughout West Virginia's legal community.

Randy was also committed to serving the Kanawha Valley and his state, by giving back to the region where he resided and raised his family. He served in leadership roles with a number of local charitable, civic and philanthropic organizations, most notably, the Greater Kanawha Valley Foundation as its former chairman of the board, the West Virginia Chamber of Commerce as its former chairman of the government relations committee and board of directors, and lastly, the Charleston YMCA, who is honoring him as its 2012 Spirit of the Valley recipient, having served as its chairman of the board. At the time of his death, Randy was serving as President of Edgewood Country Club where he spent his leisure time on the golf course or squash court. Randy was truly a versatile and talented man whose life was cut too short.

The Spirit of the Valley award specifies that its recipient be, ". . . a person who quietly gives of themselves, their time and their resources when the Valley's citizens need them. Their commitment, persistence, good judgment and joyful heart only enrich the fabric of life in our Valley.'' There is no question that Randy certainly embodies these good character traits and is most deserving of this esteemed honor. I am just sorry that he cannot be with us as we honor him.

In addition to his wife, Ann, Randy leaves behind two children, Thomas and his wife, Brittany, and his daughter Erin, whom he truly loved.

Mr. Speaker, I am honored to speak to the accomplishments of T. Randolph ''Randy'' Cox, for the level of devotion to his family and his dedication to community service which makes Randy most deserving of the honor of the YMCA's Spirit of the Valley. I am honored to call him my good friend and the Kanawha Valley is fortunate to remember him as one of their own.

## MR. DAVID M. DONNINI

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor David M. Donnini who will be sworn in as President of UNICO National in August 2012. Founded on October 10, 1922, UNICO National is the largest Italian-American service organization in the United States. During its outstanding history, the group has raised hundreds of thousands of dollars to help countless people and numerous charities.

Mr. Donnini, a former Wilkes-Barre, Pennsylvania resident, joined the Wilkes-Barre Chapter of UNICO National in 2001. He was exceptionally active in committee work within the chapter and held numerous positions including treasurer and first elected vice president. In 2005, he relocated to Redondo Beach, California, and continued to dedicate his time to UNICO National by joining the Los Angeles Chapter. Due to his hard work, a year later, he was elected chapter president and served in this role from 2007 to 2008. To further aid the community, he founded the annual Italian Festival and Bocce Ball tournament in Hawthorne, California, to benefit the Jimmy V Foundation for Cancer Research.

It is an honor to recognize Mr. Donnini and his involvement in an organization that has given so much to the community. I have had the esteemed privilege of attending many UNICO events in my congressional district, including pig roasts and charity events, and proudly witnessed the positive impact the group's efforts have made in my community.

I congratulate Mr. Donnini on this major accomplishment and look forward to seeing how his leadership impacts Italian-Americans and the thousands of people who benefit from this fine organization.

Mr. Speaker, I commend David M. Donnini for his years of committed service to UNICO National and his readiness to serve the needs of Italian-Americans across our Nation and in northeastern Pennsylvania.

## AFGHANISTAN WITHDRAWAL LOGISTICS AND CAPABILITY OF AZERBAIJAN TO SUPPORT U.S. MILITARY REQUIREMENTS

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. BORDALLO. Mr. Speaker, I rise today to bring to the attention of my colleagues a very important matter that our military will soon face; the logistics of withdrawing our servicemembers and supplies from Afghanistan.

Some 90,000 servicemembers, 100,000 shipping containers and 50,000 vehicles will need to be transported out of Afghanistan by the end of 2014 when U.S. and NATO major combat operations come to an end. This accumulation has occurred over a decade and the logistics to drawdown will be monumental.

Adding to this challenge is the instability of what has been the primary transit route which relies on the cooperation of Pakistan. Pakistan only recently reopened the transit routes after having closed them in late 2011. We must have safe, reliable, and secure alternative ways to move our servicemembers and supplies.

Azerbaijan is one of several options that provides a reliable transit route for over 40% of non-munitions supplies to Afghanistan and with the announced closing of Transit Center at Manas (formerly Manas Air Base) in Kyrgyzstan, this route will be ever more important.

Azerbaijan has been a strategic partner and key ally in our efforts to combat global terrorism. Azerbaijan was among the first Muslim countries to send troops to Afghanistan and Iraq as well as provide flyover rights to our military.

Mr. Speaker, I ask my colleagues to join me in thanking Azerbaijan for their friendship and partnership. I hope we continue to work with Azerbaijan to make certain our servicemembers have a safe and secure route for the supplies they need for their well-being while we are still in Afghanistan. It is also essential that we continue to partner with Azerbaijan to ensure we have reliable ways to safely withdraw by the end of 2014.

## IN HONOR OF THE LAWNSIDE VOLUNTEER FIRE COMPANY NO. 1

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Lawnside Volunteer Fire Company No. 1 for its tireless efforts protecting and serving the residents of Lawnside over the last 100 years. At this great milestone, I recognize the heroic work of these individuals who routinely place themselves in harm's way for the greater good of the community. These volunteers serve as vanguards of safety and stability, performing necessary duties that few are willing to undertake.

Since its humble beginnings in 1912 with only a small fire hall and single Model T Ford, the Lawnside Volunteer Fire Company has found growth through determination and community initiative. Through fundraising and the awarding of federal grants, the Lawnside Fire Company steadily grew its fleet of emergency vehicles, providing greater lifesaving assistance to the Lawnside community. The Lawnside Fire Company has also gained statewide recognition as a premiere company, having won a series of awards at the annual New Jersey Firemen's Convention.

Mr. Speaker, Lawnside Fire Company's contributions and endless dedication to the Lawnside community should not go unrecognized. I join the citizens of Lawnside and all of Camden County in honoring the achievements of this exceptional fire company.

PERSONAL EXPLANATION

## HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. JORDAN. Mr. Speaker, my scheduled flight into Washington yesterday afternoon was cancelled for mechanical reasons. As a result, I was absent from the House floor during last night's three rollcall votes.

Had I been present, I would have voted against S. 679 and in favor of H.R. 828 and H.R. 3803.

A TRIBUTE TO THE CAMELLIA SYMPHONY ORCHESTRA AND RECOGNITION OF THEIR 50TH ANNIVERSARY

## HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize the 50th anniversary of the Camellia Symphony Orchestra of Sacramento, California.

The Camellia Symphony Orchestra is one of Sacramento's prized assets and has deep roots in the region.

Today's Orchestra traces its beginnings back to a small group of local musicians who began informally gathering together and playing music, simply for the fun of it. This group began performing at Encina High School, originally naming themselves the ''Pot Luck Symphony.''

On September 1, 1962, the group formally organized eventually adopting the name the North Area Community Symphony. Ever since that September evening, the Orchestra has continued to grow, educate and entertain people in the Sacramento area.

By 1970 the Orchestra changed its name to the Camellia Symphony and became a regular participant of Camellia Day events held annually by the City of Sacramento. As the Orchestra has grown, it continues to earn national praise while also showcasing the talent of Sacramentans across the country. In 1979 the Camellia Symphony won its first of many future ASCAP awards, and in 1986 won the prestigious ''INDIE'' award for best classical release.

As the years have progressed, the Camellia Symphony Orchestra has developed and produced innovative, historical and exciting performances, earning a reputation as one of the finest orchestras in the region. While earning this reputation of excellence, the Orchestra has continued to give back to the Sacramento community, providing opportunities for local musicians to display their musical ability. The Orchestra's commitment to community is seen through its ongoing collaboration with a variety of Sacramento events and organizations, such as Camerata California, the Strauss Festival, St. John's Lutheran Church and many others in the region.

On behalf of all those in the Sacramento area who appreciate what the Camellia Symphony Orchestra means to our community, I would like to congratulate them on their 50th anniversary and wish them many more years of success and prosperity.

INTRODUCTION OF COMMISSION ON AMERICANS LIVING ABROAD ACT

## HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mrs. MALONEY. Mr. Speaker, U.S. citizens who live and work abroad serve as American's informal ambassadors, helping to strengthen the United States economy and promoting American influence around the globe. For years I have worked to ensure overseas Americans are able to exercise their right to vote and have access to banking services. Five years ago I formed the Congressional Americans Abroad Caucus to focus and bring awareness to the concerns of the 4–6 million U.S. citizens residing abroad. Because they're scattered across the world, it can be hard for Americans living abroad to get the attention of Congress. U.S. citizens remain Americans wherever they are in the world and should not be ignored.

Americans living and working outside the U.S. continue to voice concerns regarding the impact of federal policies on voting, access to financial institutions, immigration, and taxation. Given that these and other federal policies affecting Americans abroad cover an array of agencies, we should study the full impact of these policies on the overseas community. That is why today I am introducing the Commission on Americans Living Abroad Act, creating an Executive Commission expressly charged with examining the concerns of U.S. citizens living and working abroad. This new legislation creates a 15 member panel to study the impact of U.S. laws and Executive actions on the overseas Americans community. The study would then be used to make recommendations for actions Congress and the Executive Branch could take to improve collaboration and communication of policies impacting this community. Through this study we can better ensure awareness, coordination, and integration of the activities of the federal government relating to Americans abroad. Thanks to original cosponsors Reps. MICHAEL HONDA and CHARLES RANGEL for their support of the bill and their advocacy on behalf of overseas Americans.

It is time we take a systemic look at all the issues affecting our citizens living abroad. Through this bipartisan Commission we can establish the state of policies and rules affecting Americans abroad so we can better serve their needs as they live and work in our global economy. I urge my colleagues to support the bill.

PERSONAL EXPLANATION

## HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on rollcall No. 537, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted ''No.''

Mr. Speaker, on rollcall No. 538, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted ''yes.''

Mr. Speaker, on rollcall No. 539, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted ''yes.''

HONORING JOHN BOGERT

## HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. HAHN. Mr. Speaker. I rise today to honor the memory of John Bogert, who passed away on July 29, 2012 at the age of 63 following a lengthy battle with cancer.

John Bogert was a columnist for the Daily Breeze, a South Bay local staple, for 28 years. In that time, he wrote some 6,500 columns. He worked hard, writing five or six columns weekly, and his efforts did not go unrecognized. By the end of his life he was known as the ''Voice of the South Bay.''

He wrote about anything and everything, but some of my favorite columns were those he wrote about his family. These columns were honest—sometimes brutally so—and gave readers insight into a life that often seemed very familiar. He had an uncanny ability to draw readers into his experiences and after reading his columns, his followers felt that they knew him. His book signings were characterized by long lines and his appearance at local events drew crowds of people waiting to shake his hand. He even wrote one of his columns on me as he attempted to capture a ''Day in the Life of Janice Hahn''—it was one of my favorite writings on my life.

John was born on October 7, 1948 in Utica, New York and spent much of his childhood in Fort Lauderdale, Florida. He attended the University of Florida where he started his own newspaper and starred on the track team. After some time abroad, he moved to Southern California where he was hired by the Daily Breeze in 1979. He did not originally plan on staying long, but he became one of the Breeze's longest tenured journalists until his departure in June of this year.

He once said in an interview that journalism gave him the opportunity to ''meet some pretty great people.'' And indeed he met with so many interesting figures, from presidents to nuns to an encounter that let him drop the line, ''Stalin's interpreter once told me . . .''

John Bogert leaves behind three children: Caitlin, 29, Rachel, 25 and Ian, 18. His eldest daughter is expecting his first grandchild in September. The granddaughter will be named Charlotte, a name picked by John himself. I consider myself incredibly lucky to have known John, and to have considered him a close friend. His family, friends, colleagues and so many readers will miss him dearly. I know that I will.

RECOGNIZING RADIOLOGISTS AND THE INTERNATIONAL DAY OF RADIOLOGY

## HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. SESSIONS. Mr. Speaker, I rise to recognize the International Day of Radiology, and

draw attention to the important contribution that radiology, in particular diagnostic imaging, serves in the health care delivery system. International Day of Radiology is observed annually on November 8th, an important date in the history of radiology. On that day in 1895, Professor Wilhelm Conrad Roentgen discovered x-rays. Radiology will be celebrated by many groups including the American College of Radiology, the Radiological Society of North America, and the European Society of Radiology.

Radiologists (physicians with special training in the use of imaging including x-rays), Radiation Oncologists (physicians trained to treat cancers with radiation alone or in combination with surgery and/or chemotherapy), and the medical imaging community have made significant contributions to modern medicine, providing powerful tools for clinical diagnosis, decision making, and treatment of disease. Over the last 30 years, medical imaging tools have been among the most sophisticated and cutting-edge technologies developed for patient care. During that span we have seen consistent decreases in cancer mortality rates with corresponding increases in American life expectancy.

The U.S. National Academy of Engineering recognized the tremendous contribution of medical imaging exams when it ranked imaging among the 20 greatest engineering achievements of the twentieth century. Practicing physicians surveyed in a 2001 Health Affairs study ranked Computed Tomography (CT) and Magnetic Resonance Imaging (MRI) number one among the top 30 recent medical innovations. Perhaps most telling, the New England Journal of Medicine named medical imaging one of the top 10 medical advances of the last 1,000 years.

A 2009 National Bureau of Economic Research study found that individuals with greater access to imaging scans live longer. Diagnostic imaging services have enabled patients to avoid several types of expensive and invasive procedures. Imaging scans cost less than surgeries and reduce the number of unnecessary hospital admissions and length of hospital stays. As such, medical imaging serves an important role in containing the cost of health care in the United States.

With its impact on patients' health, I'm pleased to recognize the importance of diagnostic imaging and radiation oncology, and call attention to November 8th as the International Day of Radiology.

## HONORING DIANE SHERMAN, MAINE HOUSING COUNSELOR

### HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. PINGREE of Maine. Mr. Speaker, I would like to honor the work of housing counselors across the country who have assisted homeowners during the hardships of the recent housing crisis—and one counselor in particular from Maine.

A constituent wrote to me about Diane Sherman, a housing counselor at Coastal Enterprises in Wiscasset, Maine, who helped this constituent in a four-year process to modify their mortgage. For all that time, Diane has been this family's constant advocate. She has helped them through multiple hearings, held their bank to their word, and guided them through the bank's maze-like bureaucracy.

But what has mattered to this constituent more than anything else is that Diane treated her family with dignity, respect, and sympathy. This was in stark contrast to an institution that dealt with them more like a number than a person. At every step of the way, Diane reminded all involved that this was not an inhuman transaction—the situation was about real people threatened with losing a home that meant so much to them.

Truly outstanding, though, is that Diane performed her services for this family and many others while she herself dealt with life-threatening cancer. When too sick to go to the office, she worked from home. She is still dealing with the terrible disease but I hope and pray for her recovery.

Across the country, thousands of housing counselors like Diane are working to keep families in their homes. They've only become more important in recent years as the housing crisis impacted millions of families. Combined with falling home values, unresponsive mortgage servicers, and long-term unemployment, these families have few places to turn. Thank goodness for housing counselors, who work to make sure consumers get a fair shot. They are not always successful, but they still make an incredible difference for families in very difficult situations.

My sincere gratitude goes to these housing counselors for their heartfelt work, and my best wishes to Diane Sherman for her recovery.

## INTRODUCTION OF THE WATER PROTECTION AND REINVESTMENT ACT

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BLUMENAUER. Mr. Speaker, there is nothing more essential to quality of life, to the health of our families and of our communities than water. Water is life. Safe drinking water and basic sanitation make the difference between health and sickness, between a family thriving or struggling just to exist.

Water quality and quantity are serious issues in communities across the country, especially now, when changing weather patterns, extreme drought, continued growth combine to put an even greater demand on our aging, inadequate infrastructure. To ease these pressures, I am introducing the Water Protection and Reinvestment Act, which would establish a trust fund to help local communities meet their water infrastructure needs.

Over a thousand communities across the country are struggling with combined sewer overflows as well as inadequate and aging sewer pipes. Small communities in particular, which already face huge questions of water supply and quality, have few resources with which to pay the bills and are seeing sky-high monthly costs for consumers.

The Water Protection and Reinvestment Act creates a deficit-neutral, consistent, and firewalled trust fund to help states replace, repair, and rehabilitate critical wastewater treatment facilities. It will be financed by assessing small fees on a broad base of those who use water and contribute to pollution: water-based beverages, items disposed of in wastewater, and pharmaceuticals, which often wind up in wastewater systems.

The materials that flow into sewer systems and then into rivers and streams present unprecedented challenges to our water infrastructure. More and more products are designed to be flushed down toilets and drains, placing them in systems that are already stressed. Pharmaceutical residues are showing up in treated wastewater and because they are difficult to treat, I'm afraid we are slowly medicating vast numbers of Americans against their will. Aging water systems—some still made out of brick or wood, some dating from the century before last—mean that America also faces old-fashioned system reliability issues. Reports indicate that each year an average of six billion gallons of drinking water leaks from these inadequate and ancient pipes. Six billion gallons is enough to fill 6,000 Olympic sized swimming pools—if lined up, these pools would stretch from Washington, DC to Pittsburgh, PA.

These aging and outdated systems are not just a local problem, relevant only to a single neighborhood, city, county, or even state. Water does not obey county boundaries or even state lines, and it is a resource on which we all rely. The Federal Government should help fill the funding gaps that local communities and States cannot. The opportunity is now: There is significant State and local investment, interest rates are near an all-time low, and enacting this legislation, the Water Protection and Reinvestment Act, will leverage hundreds of billions of additional dollars.

The American public is already paying a disproportionate share of the costs of water infrastructure. Residential households have the least capacity to absorb additional costs during these difficult times, and they already face wildly escalating costs to deal with problems that they did not create. The voracious water demands of industry far outstrip household needs. In large measure, the Cokes of the world, the pharmaceutical companies, and industries that produce products that get flushed are the ones that accelerate water demand and complicate water treatment. Industries that profit by putting their products in the sewer systems—either by design or inadvertently—or who withdraw vast amounts of fresh water to make a profit should pay their fair share. Clean water is absolutely essential for these industries and the rest of the business community to function. A small fee to pay for water infrastructure upgrades would provide the business community far more in benefits than it would cost, and it could be used to leverage a broader range of investments.

This bill will help communities deal with their water infrastructure needs in a stable, proactive way, and will provide significant benefits for those who rely on our water system, the local government officials charged with making the system work, and the industries who rely on a clean, consistent source of water for their products.

PERSONAL EXPLANATION

## HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. FLEMING. Mr. Speaker, I was not present to vote for rollcall 537 and rollcall 538 due to flight delays from storm systems moving through the area. Had I been present I would have voted ''no'' on S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, and ''yes'' on H.R. 828, the Federal Employee Tax Accountability Act of 2011.

HONORING GARY WADDELL

## HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. BERKLEY. Mr. Speaker, I rise to recognize the outstanding achievements of a great Nevadan, Mr. Gary Waddell. I am proud to call Gary my friend, and that makes me just like hundreds of thousands of Southern Nevadans who also have a friend in Gary. All of us know that when we catch a Gary Waddell television newscast, we get the news as it should be presented. No other newscaster has ever delivered news with better judgment and community perspective than Gary has for more than 30 years. No one has ever broadcast with more intelligence, warmth, and integrity than has Gary.

Gary is the ''dean'' of newscasters, but that term hardly captures what he means to Southern Nevada. In times of crisis in our community over the years, we've always turned to Gary's coverage because he is a consummate news professional, never allowing competitive pressure to compromise accuracy, thoroughness and fairness. Gary's signature on-air style is incisive, sincere, assuring, and warm. Southern Nevadans rightly call him their ''Cronkite.''

When we see Gary's work on TV, we are also seeing Gary the man—the man who has done so much good for Southern Nevada, above and beyond the ordinary call of his profession. Since the 1970s, Gary has given his time and talent to help people in need. His efforts, both public and private, have aided countless thousands of Southern Nevadans and built a stronger community for all.

Gary is coming to the end of his legendary broadcasting career. To say he will be missed is a major understatement. I understand he'll soon be riding off on his motorcycle, but I look forward to his return, and hope he may pursue a new venture that will again bring him into our living rooms.

Congratulations and best wishes on your new life chapter, my friend.

NO CO-PAY DAY

## HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to commemorate No Co-Pay Day.

Today marks a victory for women's health care. Some 47 million women will now be able to get preventative services that couldn't before this rule went into effect.

Any new insurance policies sold to individuals or employers must cover contraception without a co-pay as part of a larger package of mandatory co-pay-free women's preventive care benefits. Insurance plans that have already been purchased will have to start offering no-co-pay contraception when they renew.

Before the Affordable Care Act, some insurance companies did not cover preventative services for women under their health care plans, and others required deductibles or co-pays for the care they needed.

That changes today—all health insurance policies are required to cover new preventative care without charging women any co-pays or deductibles. Some of the new preventative services now available with no co-pay include annual visits, FDA-approved contraceptives, domestic violence screenings and counseling, breastfeeding support, HPV DNA testing for women 30 or older, HIV and sexually transmitted infections screenings, and gestational diabetes screenings that help protect pregnant women from one of the most serious pregnancy-related diseases.

Too often, women put their families' health care before their own, especially when it comes to preventative care.

Thanks to this new benefit in the Affordable Care Act, women can get the regular check-ups and screenings that are so important to staying healthy without having to worry about how much it will affect the family budget.

Today's announcement is just one more part of the overall implementation plan for improving our nation's health care system.

The Affordable Care Act will provide greater access to affordable health care for millions of women and families who do not have coverage now, while also lowering health care costs, creating jobs, strengthening the middle class, and reducing the deficit.

PERSONAL EXPLANATION

## HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. SUTTON. Mr. Speaker, due to problems with travel, I was unable to vote. Had I been present, I would have voted ''yes'' on rollcall No. 537, ''yes'' on rollcall No. 538, and ''no'' on rollcall No. 539.

NATIONAL INFANTRY MUSEUM

## HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I am pleased to join my colleagues, LYNN WESTMORELAND and Senator SAXBY CHAMBLISS, in support of this legislation, which will strengthen for the future one of the crown jewels of southwest Georgia—the National Infantry Museum and Soldier Center at Fort Benning.

The National Infantry Museum sits on a 200 acre site that serves as a tribute to the Infantry's legacy of valor and sacrifice. The Museum honors infantry soldiers—from those who crossed the icy Delaware River with George Washington to those serving in Afghanistan today—for their selfless service to our country, while preserving their stories for future generations.

It also serves as a functional area for basic training graduations and other special and community events. Since its opening in 2009, for example, Infantry School classes regularly graduate on the facility's parade field.

In addition, the National Infantry Museum hosted a Congressional Military Family Caucus Summit just over a month ago, which connected military families with Members of Congress, officials from the Department of Defense, personnel from the Department of Veterans Affairs, and various military and veteran support organizations to discuss pressing issues impacting America's service members and their families.

In 2008, the National Infantry Museum and Soldier Center Commemorative Coin Act was enacted to raise funds to complete the facility as well as create an endowment to support its maintenance. No taxpayer funds have been involved and the U.S. Mint even made a profit for the taxpayers from the coin sales.

With the current economic challenges, however, the National Infantry Museum and Soldier Center hopes to direct the coin proceeds to pay down a portion of the $16 million in bank loans that the Foundation incurred in order to complete the facility as well as reduce interests costs.

Accordingly, this legislation makes a technical change that will allow the coin proceeds to be used ''for the retirement of debt associated with building the existing National Infantry Museum and Soldier center and for any future capital improvements.'' It is within the letter and the spirit of the original measure, and it will go a long way toward keeping our proud Army Infantry past alive so we as great nation never forget the sacrifices of our brave Infantry soldiers.

I urge my colleagues to support this legislation.

RECOGNITION OF THE RETIREMENT OF GARY BARRIGER

## HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. ROE of Tennessee. Mr. Speaker, I rise today to recognize Mr. Gary Barrigar, who is stepping down as president of the Boone Watershed Partnership, which he has served since 2005. Through both his work with the Partnership and as a schoolteacher, Gary has made incredible contributions to his East Tennessee community.

As a science teacher who was in the classroom for 38 years at Elizabethton High School, Gary headed the award-winning Elizabethton High Ecology Club. He has also been an integral part of numerous organizations that protect the environment and outdoor areas that we East Tennesseeans hold so close to our hearts.

Gary has made it his life's mission to increase water quality awareness and help preserve local rivers and streams—something

that all of us in East Tennessee are the better for.

I commend Gary for his selfless contributions to East Tennessee and its water resources and wish him the best as he transitions into this new stage in life.

## PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, July 31, 2012 I missed votes due to a meeting in my district with constituents in Urbana, IL on pressing local issues. Had I been present, I would have voted ''aye'' for S. 679, Presidential Appointment Efficiency and Streamlining Act of 2011; ''aye'' for H.R. 828, Federal Employee Tax Accountability Act of 2011; and ''aye'' for H.R. 3803, District of Columbia Pain-Capable Unborn Child Protection Act.

## IN HONOR OF DR. JOHN PETER GROTHE

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the late Dr. John Peter Grothe who passed away on June 16th, 2012 at the age of 81. Dr. Grothe was a dedicated public servant who counted among his proudest achievements drafting the original Peace Corps legislation and giving it the name ''Peace Corps'' when he worked for Senator Hubert Humphrey. Dr. Grothe was a dedicated educator, author, and public speaker whose passion and work touched countless lives.

Dr. Grothe was born on May 28, 1931 in San Francisco to Walter and Dorothy Grothe and grew up in Hillsborough, California. He earned his BA and MA degrees in Journalism from Stanford University and later went on to earn his PhD in Political Science from George Washington University. After his work with Senator Humphrey, Dr. Grothe was appointed Deputy Director of the United Nations Division of the U.S. Peace Corps.

Following this appointment, Dr. Grothe launched a long career in academia, serving as an Adjunct Professor at the Graduate School of International Policy Studies at the Monterey Institute of International Studies in my Congressional District where he was the Director of International Student Programs and taught American Politics and Cross-Cultural Communications. Dr. Grothe also held positions at San Jose State University, Odense University in Denmark, and State University of New York, Stony Brook. Dr. Grothe brought his knowledge and abilities to his work as a visiting research scholar, lecturing in Sweden, Norway, and 51 other countries. He also served with the American Field Service as an adviser, leader, and volunteer.

Dr. Grothe was also an accomplished author who wrote To Win the Minds of Men—A Study of the Propaganda War in East Germany and penned numerous scholarly articles that appeared in The New York Times, Washington Post, Christian Science Monitor, and San Francisco Chronicle, among other publications.

Dr. Grothe was an inspiring mentor, leader and volunteer who served as a father figure to many. He was committed to creating opportunity for tomorrow's leaders and made a financial contribution that allowed 145 qualified international and minority students to pursue their educational goals. The Peter Grothe Scholarship Fund for Women in Developing Countries was created to continue Dr. Grothe's tradition of providing educational opportunity.

Mr. Speaker, I offer my deepest condolences to Dr. Grothe's sister, Ms. Carol Stevens, and half siblings, Mr. Tom Grothe, and Ms. Heidi Carman. Dr. Grothe leaves an inspiring legacy and he will be deeply missed.

## CELEBRATING IAB'S FIRST 30 YEARS

### HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. BARTON of Texas. Mr. Speaker, today Dr. Burgess and I rise to recognize the Independent Association of Businesses (IAB), a leading national trade association, in celebrating 30 years of supporting small business owners and self-employed individuals. IAB was founded in 1982 and after years of growth, now serves more than one million members.

IAB was founded in Washington, DC and maintains its administrative headquarters in the Dallas/Fort Worth area. IAB is a non-profit, 501(c)6 designated business organization, and has been recognized by numerous State and Federal officials for its success in aiding and advancing small businesses. The organization has had success in providing businesses and individuals with beneficial tools such as research, advocacy, and access to numerous services. Additionally, members have the opportunity to become associates with JAB in order to further promote the organization's efforts.

After 30 years, IAB continues to put the interests of both business owners and consumers first. It is our pleasure to recognize the Independent Association of Businesses for 30 years of service and this significant milestone in its history. We are privileged to represent JAB, America's Premier Membership Association in the U.S. House of Representatives.

## IN RECOGNITION OF THE CAREER AND ACHIEVEMENTS OF SEYMOUR S. LEVANDER

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the exceptional achievements and outstanding career of Seymour S. Levander. Sy, as his friends and family know him, will turn 89 years old later this year, is a beloved father and grandfather. Sy, the son of immigrant refugees from Europe, began his version of the American Dream growing up in the Bronx, graduating from James Madison High School in 1941. He continued his academic studies at Cooper Union University, graduating in 1944 and teaching electrical engineering there for a short time.

Sy then started designing and selling equipment for the building trade, which was booming at that time in post-war America. In the 1950s, Sy, seeing an opportunity, struck out on his own and started his own business which he owned and ran until he sold the firm at the age of 66 at his wife Ellenore's request. However, retirement didn't take with Sy, and he continued to work. At the tender young age of 71, he started a new engineering and sales firm with younger partners where he continues his storied career in the construction industry to this day, still going in to work at age 88. Sy's knowledge, work ethic, and old-fashioned integrity are the stuff of legend in the industry. Over the years, he has been honored several times by ASHRAE, the nationwide building technology society, as well as other industry organizations.

Sy has also been a terrific community leader and a fighter for the underdog throughout his life. Through his businesses and a lifetime of charitable endeavors, he has created opportunities for people from all walks of life and backgrounds. In addition, he and his beloved wife Ellenore, who unfortunately passed away this year after 67 years of marriage, were founders of the Pelham Jewish Center, which has been a primary focus of his energies and care for many years.

Mr. Speaker, while he has many achievements to his name, Sy is most proud of his two children, a doctor and a lawyer; his daughter-in-law, an architect; and his four grandchildren, who are, respectively, the first trumpet for the San Francisco Opera and a music professor at Berkley, a doctor interning at Stony Brook University Medical Center, a law student and Human Rights Fellow at Columbia University Law School, and a rising junior at Dartmouth College. I ask all of our colleagues to rise and join me in honoring Seymour S. Levander.

## IN SUPPORT OF H. RES. 742, CONDEMNING THE RUSSIAN FEDERATION FOR SELLING WEAPONS TO SYRIA

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. RICHARDSON. Mr. Speaker, today I rise in support of H. Res. 742, a resolution I introduced condemning the Russian government for selling weapons to the Assad regime of Syria.

A bipartisan companion resolution sponsored by Senators CORNYN (R–TX) and DURBIN (D–IL) has been introduced in the Senate as S. Res. 494. I am proud that my colleagues SHEILA JACKSON LEE, DAVE CAMP, SUE MYRICK, BILL PASCRELL, JR. and BETTY MCCOLLUM have joined me as original cosponsors of this important resolution.

The resolution is endorsed by the American Syrian Coalition, ASC, and I ask unanimous consent to include in the record a letter of

support from ASC Chairman Mahmoud Khattab. I welcome and invite all members of the House to co-sponsor this resolution.

I am proud that I was able to work with Republican colleagues in the House and the Senate on a resolution that puts the Congress on record in calling upon the government of Russia to immediately end all weapons sales to Syria, support international sanctions against the regime of Syrian President Assad, and to use its influence to help bring about a peaceful transition of leadership within the government of Syria.

Mr. Speaker, what began as a peaceful stand against tyranny has morphed into the bloodiest movement of the Arab Spring. According to the International Red Cross, more than 16,000 men, women and children have been killed in the conflict, and the violence has increased substantially in the past few weeks. An estimated 1 million Syrians have also been internally displaced and tens of thousands more have fled to neighboring countries.

The massacres in Houla and Tremseh where dozens if not hundreds of civilians were killed are just two of the more shocking examples of the terror that has gripped this nation for over a year.

Battles are currently raging for the country's two largest cities, the capital Damascus and the commercial center Aleppo. In Aleppo rockets and shells have routinely been landing in residential areas, and there have been sightings of fighter planes over the city. The international community is holding its breath as the Assad regime gears up for what many fear will be a massacre of the city. A rebel victory in Aleppo would be a decisive turning point in the war, and this is something the Syrian government will prevent from happening at all costs.

President Assad's brutal crackdown in response to these protests has been directly fueled by the unrelenting support of the Russian Federation. Throughout the mass murders, torture and other atrocities perpetrated by the regime, Russia has continued to send weapons, knowing they are not being used for self defense purposes.

Although the vast majority of the world has condemned the actions of President Assad and his government, China and Russia have refused to support any efforts to end the violence. Russia in particular has been Mr. Assad's staunchest defender. The Russian Federation has now vetoed three United Nations Security Council Resolutions that would have imposed long overdue international sanctions against the Syrian regime.

I agree with Secretary of State Hillary Clinton when she stated, and I quote: "History will judge this council; its members must ask themselves whether continuing to allow the Assad regime to commit unspeakable violence against its own people is the legacy they want to leave."

These comments were obviously directed towards Russia and China, and Russian Defense Minister Sergei Lavrov has simply repeated Russia's support for non-intervention, and stated that any solution would have to be decided by Syrians themselves, and not a foreign power.

Mr. Lavrov says this as his country continues to send arms to Mr. Assad and his army whose firepower is already vastly superior to the rebels they are attacking.

Mr. Speaker, Russia can do what I cannot, and that is to sit idly by as thousands of innocent civilians are slaughtered because of their desire to live in a free and democratic country.

Syrian men and women fighting for democratic ideals should not be abandoned to face the wrath of a tyrant alone. They should know that they have a friend in the American government.

Today, I ask for my colleagues' support for H. Res. 742. The Russian government has enabled the Assad regime to commit murder among other mass atrocities, and they need to be held accountable for their actions.

As a member of the Committee on Homeland Security I have seen how America is an example of democracy and peace, and I wish to see the same outcome for Syria.

I stand today not only to ask for the support of my colleagues, but to show my support and admiration for the rebel fighters and all those in Syria who are fighting against oppression and cruelty.

JULY 30, 2012.

Hon. LAURA RICHARDSON,
*House of Representatives, Longworth Office Building, Washington, DC.*

DEAR REP. RICHARDSON: On behalf of the American Syrian Coalition (ASC), I would like to thank you for introducing H. Res. 742, a bipartisan resolution condemning the Russian government for continuing to sell offensive weapons to the Assad regime of Syria, which is using them to violently suppress peaceful demonstrations and protests by innocent Syrian citizens.

Since the beginning of the Syrian revolution in March 2011, more than 21,000 people have been killed, according to the Syrian Observatory for Human Rights, and thousands more have been wounded, displaced, detained, and/or tortured. Emboldened by the Russian and Chinese vetoes at the U.N. Security Council, the regime continues its all-out military assault using Russian-supplied helicopter gunships and fighter jets to bomb Syrian civilians simply because they demanded freedom, dignity and democracy. Your stance with the Syrian people is courageous and we wholeheartedly appreciate your efforts to help put an end to the brutal Assad regime.

Thank you again for supporting the Syrian people and for standing up for those facing injustice at home and abroad.

Sincerely,

DR. MAHMOUD KHATTAB,
*Chairman,*
*American Syrian Coalition.*

## HONORING NAVY LIEUTENANT COMMANDER LAWRENCE E. WESTERLUND

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to honor the career of United States Navy Lieutenant Commander Lawrence E. Westerlund and to congratulate him on his upcoming retirement from the U.S. Navy, following 20 years of active and reserve service.

Lieutenant Commander Westerlund, a native of Fresno, California, entered the U.S. Navy through Officer Candidate School, Class 8809, in Newport, Rhode Island shortly after graduating from California Polytechnic State University in San Luis Obispo, California. He was commissioned an Ensign on November 18, 1988, with his father, Richard Westerlund, and brother, Midshipman Lance Westerlund, in attendance.

After graduation from Surface Warfare Officer School in Coronado, California, he reported aboard the USS *Mahon S. Tisdale* (FFG–27), where he was assigned the position of First Lieutenant and also served as Helicopter Control Officer. He served two years aboard the USS *Tisdale*, earning his Surface Warfare Pin and deploying to Japan and Korea in support of PACEX89.

In 1990, Lieutenant Commander Westerlund was promoted to Lieutenant Junior Grade. He entered the U.S. Naval Reserves and became the Administrative Officer for the USS *Worden* (CG–18) naval reserve detachment based in Fresno, California.

From 1991 through 1994, Lieutenant Commander Westerlund served as a Convoy Officer for the Convoy Command Detachment in Seattle, Washington. In September of 1994, Lieutenant Commander Westerlund reported for duty with Mobile Inshore Underwater Warfare Units 103 and 104, where he served as a Division Officer and Department Head. He served multiple training periods in Korea and Bahrain with these two units.

In June 1997, Lieutenant Commander Westerlund was awarded the Navy and Marine Corp Achievement Medal while serving as the Physical Security Officer during Overseas Operations in Manama, Bahrain, where he was tasked with establishing waterside security watch to counter terrorist threats.

Lieutenant Commander Westerlund was recalled to active duty in April of 1998 for one year in support of stabilization operations in Bosnia. During this assignment, he was instrumental in writing a major force structure study for the US-European Command (EUCOM). While serving for the EUCOM, he was awarded his first Defense Commendation Medal and NATO Operations Medal. Shortly after returning from Bosnia, Lieutenant Commander Westerlund transferred to the Inactive Ready Reserve.

As a result of the attacks on the United States on September 11, 2001, Lieutenant Commander Westerlund returned to active drilling status. He was assigned to Commander Pacific Fleet (COMPACFLT) Det–520 in Sacramento, California—a capacity in which he served as the head of various divisions and departments.

In 2004, Lieutenant Commander Westerlund ran a successful election campaign for a seat on the Fresno City Council. Before taking office, Lieutenant Commander Westerlund returned to active duty for six months standing the Battle Watch for COMPACFLT. In January 2005, Lieutenant Commander Westerlund was sworn in as the District Four Representative for the Fresno City Council. During this time, he continued to drill in Sacramento for COMPACFLT Det–520.

Lieutenant Commander Westerlund was recalled to active duty in support of Operation Enduring Freedom in 2007. He served from April 2008 to May 2009 as the Counterterrorism Train and Equip Manager for the Joint Special Operations Task Force for the Tran-Sahara for the U.S. European Special Operations Command (SOCEUR) and Africa Special Operations Command (SOCAFRICA). For

his service, he was awarded his second Defense Commendation Medal.

In December of 2009, Lieutenant Commander Westerlund became the Officer in Charge (OIC) of the 38 sailors of the Military Sealift Command Cargo Afloat Rigging Team III, Detachment C based out of Lemoore, California. While serving as OIC, he was deployed twice onboard the USNS *Guadalupe* (T–AO–200).

Lieutenant Commander Westerlund is married to Dora Rivera of Mazatlan, Mexico. While deployed overseas in Operation Enduring Freedom, Lieutenant Commander Westerlund was reelected to the Fresno City Council, and his first child, Zoe, was born. Lieutenant Commander Westerlund and his wife recently welcomed their second child—a son named William.

On August 11, 2012, Lieutenant Commander Westerlund will retire from the United States Navy after 20 years of honorable military service. Mr. Speaker, please join me in honoring Lieutenant Commander Lawrence E. Westerlund for his outstanding career. He is a true public servant. I congratulate him on his retirement, and wish him the best of success in his future endeavors.

## IN HONOR OF ADMIRAL JAMES D. WATKINS

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor the life and exemplary service of the late Admiral James D. Watkins. Chief of Naval Operations, Chairman of the Commission on AIDS, Secretary of Energy, and Chairman of the U.S. Commission on Ocean Policy, he was called out of retirement on multiple occasions but left the service of our Nation and our world last Thursday night. He passed on from his home in Alexandria, VA at the age of 85. His presence will certainly be missed not just in Washington, but across the country and particularly in the ocean science community.

A native of California and a graduate of the U.S. Naval Postgraduate School in Monterey, Admiral Watkins served in the Navy for 37 years where he rose to become the Chief of Naval Operations. An esteemed feat by itself, this position was just the starting point for what would become his most venerable legacy. After retirement from the Navy, Admiral Watkins was appointed Secretary of Energy during the Reagan administration.

Accomplished through his ability to bring disparate groups together to understand and solve complex problems, he led two of the most important federal commissions to occur in the past 25 years—one on the AIDS pandemic and the other on the Congressionally directed Commission on Ocean Policy. Both commissions sought to improve the health and well-being of all through improved understanding of our least understood systems—the human immune system and the planetary ocean system. As a public servant and as a citizen, Admiral Watkins acted deliberately and thoughtfully to digest massive quantities of information and actors into specific challenges with clearly articulated steps to achieve agreed-upon outcomes.

His 16-member Commission on Ocean Policy developed ''An Ocean Blueprint for the 21st Century'' which offered comprehensive recommendations for a national ocean policy. When those recommendations were finalized and presented in 2004, he said, ''With a clear mandate from the President, and strong, bipartisan support among Members of Congress, we can begin the difficult, but critical process of implementing a comprehensive national ocean policy.'' He spent the last eight years of his life acting on implementing those recommendations. In his wake it will take many of us here in Congress, along with other nongovernmental actors to continue to steer and direct these efforts and contribute to the heavy lift of moving this important work forward.

Mr. Speaker, I know I speak for the whole House in recognizing the contributions that Admiral Watkins made to make this world a better place. We offer our condolences to his family and friends, and particularly his six children and his wife, Janet. Those of us who had the good fortune to have known him are better people for the experience.

## HONORING MONSIGNOR FELIX S. DIOMARTICH

### HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Ms. HAHN. Mr. Speaker, I rise to honor Monsignor Felix S. Diomartich, the oldest priest in the City of Los Angeles and the Sibenik region of Croatia, who is celebrating 75 years of service in the priesthood. Monsignor Diomartich was born on November 2, 1914, in Zlarin, Croatia. He began his life's journey at the parish of Vodice as the Associate Pastor. Soon after, he was named Secretary to Bishop Mileta. He later earned two doctorate degrees in theology and church law at the Gregorian University in Rome, Italy. Before leaving for the United States, he obtained the title of the lawyer of the Sacra Romana Rota.

After arriving in the United States, Monsignor Diomartich served at three parishes in the Archdiocese of New York before he was invited to serve at St. Anthony Croatian Church in Los Angeles. Monsignor Diomartich served for 36 years as an administrator and as a pastor. He supported such organizations as the St. Ann's Altar Society for women and the Holy Name Society for men. He founded two new societies for American-born young adults called the Anthonians and the St. Anthony's Women's Guild. His other accomplishments at the parish include the St. Anthony's Annual Picnic Festival, building of a new rectory, and remodeling and expanding the original parish hall.

In 1978, Pope Paul VI awarded him the title of Monsignor. The Croatian National Association and Foundation awarded him with its Lifetime Achievement award in 2008. Though he has retired from its administration, Monsignor Diomartich continues to reside at the St. Anthony Croatian Church, helping with masses and confessions. Through his passion of spreading the word of God, he has inspired and guided the residents of Los Angeles and has brought unity and pride to the Croatian community.

He has truly made a difference in the lives of so many people. It has been a privilege to call him a friend and to celebrate this significant milestone.

## RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

SPEECH OF

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2012*

The House in Committee of the Whole House on the state of the Union 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:

Ms. HIRONO. Mr. Chair, last week the House considered H.R. 4078, the Regulatory Freeze for Jobs Act. Like the REINS Act and other similar legislation this chamber has considered—and I have opposed—the Regulatory Freeze for Jobs Act (H.R. 4078) would prevent federal agencies from developing and implementing regulations that protect public health, consumers, and our environment.

One of the majority's primary arguments for this bill is that regulations kill jobs by making it hard for businesses to do what they need to do to succeed. In the current economy, this sounds plausible. Unfortunately, the facts and data do not support this claim.

Since 2007 the Bureau of Labor Statistics (BLS) has asked businesses that have laid off large numbers of workers what caused them to make such layoffs. According to the BLS's survey data government regulations contributed to only 0.2 percent of layoffs in 2009, 2010 and through the first half of 2011.

Instead, the BLS found that the number one reason companies made mass layoffs was because of reduced demand for their products or services from consumers.

Surveys conducted by the American Sustainable Business Council, the Main Street Alliance, and the Small Business Majority also found that lack of demand is the primary challenge facing businesses today—not regulations.

One of the other arguments the majority has advanced to support their claim that regulations hurt the economy is that there will be ''unintended consequences.'' Again, this sounds plausible given the state of our economy. But again, this assertion does not hold up against the facts.

Take, for example, the Clean Air Act and the regulations that resulted from the law. In 1990, Congress passed the Clean Air Act Amendments on a strong bipartisan basis. Despite concerns raised by industry over the cost of the rules mandated by the law, the decade following its enactment was a great time U.S. businesses. The economy created 21 million jobs, and we had the longest period of sustained economic growth in national history.

In fact, since passage of the initial Clean Air Act over 40 years ago, our economy has grown by over 200 percent. At the same time, we have improved the nation's air quality and the health of the American people by reducing toxic and health threatening air pollutants by 60 percent. The estimated economic benefits

from lower health care costs, less illness and premature death, and increased worker productivity of the Clean Air Act are expected to reach the $2 trillion mark in 2020. This exceeds the projected costs of implementing the regulations by more than 30 to 1.

We can also look at the recent financial crisis as a cautionary tale of the ''unintended consequences'' of not having appropriate safeguards put in place.

In 1994 Congress gave the Federal Reserve authority to regulate subprime and other high risk mortgages. It took them until 2008 to do anything with that authority. Unfortunately, 2008 was too late to prevent the housing bubble that popped and set off a financial crisis that cost American families $6.5 trillion in household wealth, millions of jobs, and required significant resources from the federal government to address.

Even former Federal Reserve Chairman Alan Greenspan admitted to the House Oversight and Government Affairs Committee in 2008 that he'd been wrong about the housing bubble and should have done more.

These stories illustrate the importance of responsible environmental and consumer protections to a strong economy, strong communities, and healthy families. Yet none of this information or experience seems to have had any impact on the majority.

In fact, the bill today would likely delay regulations like the mercury and air toxics rule. According to estimates, each year that we delay implementing this rule means 17,000 premature deaths, 120,000 cases of asthma, 12,200 hospital and emergency room visits for respiratory and cardiovascular disease, and 850,000 days of missed work and school due to illness.

In addition, every year approximately 1.2 million people get sick, 7,125 people are hospitalized, and 134 people die from foodborne illnesses attributed to contaminated produce. Enacting this bill would halt progress on implementing the Food Safety Modernization Act to reduce these contaminations and protect our families.

The Regulatory Freeze for Jobs Act would arbitrarily freeze all regulations until unemployment is below 6 percent, prevent regulations from being developed and implemented during presidential transitions, expose regulations to court challenges that will increase uncertainty, and make other changes to procedures for developing and implementing regulations.

These changes would primarily accomplish one thing—undermining the government's ability to do its job efficiently and cost effectively.

The Congressional Budget Office (CBO) found that these changes would freeze routine updates to programs like payment rates for services to Medicare patients. This would have a negative impact on doctors and seniors.

CBO also estimates that the legislation ''would have a significant effect on direct spending'' because laws could not be implemented properly—unnecessarily increasing the deficit.

H.R. 4078 would also give regulated industries the ability to influence rules behind closed doors by requiring that agencies consult with private industry stakeholders before proposed rules are made available for public comment. The changes made under this bill would also allow regulations to be challenged and delayed, increasing uncertainty for businesses and the economy—which seems to run counter to the majority's primary argument for the bill in the first place.

This bill also ignores the work that the Obama Administration has been engaged in to review current regulations in order to eliminate outdated, obsolete, and ineffective rules. The President placed a premium on getting feedback on this effort from the public—including the business community. As a result paperwork burdens, unnecessary or outdated rules, and barriers to exporting and other job creating activities have been or will be eliminated. These changes are projected to save taxpayers billions in the coming years.

Now is not the time to put the brakes on this effort, which has been open, transparent and appropriately balances the need for responsible safeguards for consumers, the environment, and public health with the need for a strong and growing economy.

## TRIBUTE TO DON DILLENBECK

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2012*

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute Hood River County Sheriff's Deputy Don Dillenbeck. Deputy Dillenbeck is retiring from the Sheriff's Office on July 29, capping more than 37 years of duty, honor and service to the citizens and visitors of Hood River County, Oregon.

Don Dillenbeck was born and raised in my home town of Hood River, Oregon where he graduated from Hood River Valley High School in 1972. Don began his career in public safety as a Dispatcher and Corrections Deputy with the Hood River County Sheriff's Office on January 23, 1975.

Deputy Dillenbeck was promoted to Road Deputy in 1978, taking on more responsibility with his new position. Patrolling the county for the next 34 years and serving under three different Sheriffs, Deputy Dillenbeck logged over 1 million miles on six different patrol cars. His duties included not only the protection of the public, but also the training and mentoring of new Deputies. His extensive knowledge of procedure, law and tactics has been invaluable to the county over the course of his career.

Mr. Speaker, Deputy Dillenbeck is also somewhat of a celebrity due to a dangerous highspeed pursuit that was featured on the television program ''World's Wildest Police Chases.'' In 1997, a fleeing suspect rammed his patrol car three times. Thankfully, the suspect was apprehended and did not seriously injure Deputy Dillenbeck. This incident is a prime example of the high level of commitment Deputy Dillenbeck holds for public service. When he is called upon to put his own life in danger—whether it's apprehending a fleeing felon or volunteering as a firefighter with Westside Fire Department—Deputy Dillenbeck can be counted on to answer.

Although he will officially retire from his full-time position, Deputy Dillenbeck has requested to remain with the Sheriff's Office in a volunteer capacity as a Reserve Deputy so he can continue to serve and protect the public in Hood River County. Even in retirement, Deputy Don Dillenbeck will continue to answer the call to service.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Don Dillenbeck. He has earned the thanks of a grateful nation not only for his dedication to service, but for his unwavering commitment to his community. Please join me in wishing Deputy Don Dillenbeck a very long and happy retirement.

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, August 2, 2012 may be found in the Daily Digest of today's RECORD.

# *Daily Digest*

## HIGHLIGHTS

See Resumé of Congressional Activity.

# Senate

## *Chamber Action*

***Routine Proceedings, pages S5805–S5900***

**Measures Introduced:** Sixteen bills and eight resolutions were introduced, as follows: S. 3465–3480, S.J. Res. 49, S. Res. 535–540, and S. Con. Res. 55. **Pages S5870–71**

**Measures Reported:**

H.R. 1272, to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188.

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. **Page S5870**

**Measures Passed:**

***Enrollment Correction:*** Senate agreed to S. Con. Res. 55, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627. **Pages S5824–25**

***Warren Lindley Post Office:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1369, to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office'', and the bill was then passed. **Page S5894**

***Reverend Abe Brown Post Office Building:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3276, to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the ''Reverend Abe Brown Post Office Building'', and the bill was then passed. **Page S5894**

***Sergeant Richard Franklin Abshire Post Office Building:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3412, to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the ''Sergeant Richard Franklin Abshire Post Office Building'', and the bill was then passed. **Page S5894**

***SPC Nicholas Scott Hartge Post Office:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3501, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office'', and the bill was then passed. **Page S5894**

***First Sergeant Landres Cheeks Post Office Building:*** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3772, to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the ''First Sergeant Landres Cheeks Post Office Building'', and the bill was then passed. **Page S5894**

***Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act:*** Senate passed H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe. **Page S5894**

***Improper Payments Elimination and Recovery Improvement Act:*** Senate passed S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S5894–98**

Reid (for Carper) Amendment No. 2770, in the nature of a substitute. **Pages S5896–98**

***Board of Regents of the Smithsonian Institution:*** Senate passed S.J. Res. 49, providing for the

appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution. **Page S5898**

***National Day of Remembrance for Nuclear Weapons Program Workers:*** Committee on the Judiciary was discharged from further consideration of S. Res. 519, designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers, and the resolution was then agreed to. **Page S5898**

***National Fetal Alcohol Spectrum Disorders Awareness Day:*** Senate agreed to S. Res. 536, designating September 9, 2012, as ''National Fetal Alcohol Spectrum Disorders Awareness Day''. **Pages S5898–99**

***National Ovarian Cancer Awareness Month:*** Senate agreed to S. Res. 537, supporting the goals and ideals of National Ovarian Cancer Awareness Month. **Pages S5898–99**

***National Prostate Cancer Awareness Month:*** Senate agreed to S. Res. 538, designating September 2012 as ''National Prostate Cancer Awareness Month''. **Pages S5898–99**

***National Chess Day:*** Senate agreed to S. Res. 539, designating October 13, 2012, as ''National Chess Day''. **Pages S5898–S5900**

***National Convenient Care Clinic Week:*** Senate agreed to S. Res. 540, designating the week of August 6 through August 10, 2012, as ''National Convenient Care Clinic Week''. **Page S5900**

**Measures Considered:**

**Veterans Jobs Corps Act:** Senate began consideration of the motion to proceed to consideration of S. 3429, to require the Secretary of Veterans Affairs to establish a veterans jobs corps. **Pages S5805–24, S5825–58**

**House Messages:**

***Iran Sanctions, Accountability, and Human Rights Act:*** Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 1905, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities. **Pages S5858–63**

**African Growth and Opportunity Act—Agreement:** A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate proceed to the consideration of 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; that the only amendment in order be a Coburn amendment, the text of which is at the desk, that there be 30 minutes for debate equally divided and controlled in the usual form; that upon the use or yielding back of time, Senate vote on or in relation to the amendment; that if the amendment is not agreed to, the bill be read a third time and passed, without further action or debate; that when the Senate receives H.R. 5986 and if its text is identical to S. 3326, Senate proceed to the immediate consideration of H.R. 5986, the bill be read a third time and passed, without further debate, with no amendments in order prior to passage; provided further that if the Coburn amendment is agreed to, the Committee on Finance be discharged from further consideration of H.R. 9 and Senate proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 3326, as amended, be inserted in lieu thereof, the bill be read a third time and passed, without further debate; that when the Senate receives H.R. 5986, the Senate proceed to its immediate consideration, and all after the enacting clause be stricken and the text of Sections 2 and 3 of S. 3326, as reported, be inserted in lieu thereof, the bill be read a third time and passed, without further debate, as amended; and S. 3326 be returned to the Calendar of Business; that no motions be in order other than motions to waive or motions to table. **Page S5858**

A unanimous-consent-time agreement was reached providing that at approximately 9:30 a.m., on Thursday, August 2, 2012, Senate begin consideration of S. 3326; following the debate on the Coburn amendment, the time until 11 a.m., be equally divided and controlled between the two Leaders, or their designees, prior to the cloture vote on S. 3414, Cybersecurity Act; provided further, that notwithstanding the outcome of the cloture vote, Senate proceed to vote on or in relation to Coburn amendment to S. 3326, and the remaining provisions of the previous order be executed; and that the filing deadline for second-degree amendments to S. 3414, be at 10 a.m., on Thursday, August 2, 2012. **Page S5900**

**Messages from the House:** **Pages S5866–67**

**Measures Referred:** **Page S5867**

**Executive Communications:** **Pages S5867–70**

**Additional Cosponsors:** **Pages S5871–72**

**Statements on Introduced Bills/Resolutions:** Pages S5872–84

**Additional Statements:** Pages S5865–66

**Amendments Submitted:** Pages S5884–93

**Notices of Hearings/Meetings:** Page S5893

**Authorities for Committees to Meet:** Pages S5893–94

**Privileges of the Floor:** Page S5894

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 8:05 p.m., until 9:30 a.m. on Thursday, August 2, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5900.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## FUTURES MARKETS

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine futures markets, focusing on responding to MF Global and Peregrine Financial Group, after receiving testimony from Gary Gensler, Chairman, and Jill E. Sommers, Commissioner, both of the Commodity Futures Trading Commission; James W. Giddens, Trustee for the Securities Investor Protection Act Liquidation of MF Global Inc., New York, New York; Ira Bodenstein, Trustee for the Chapter 7 Bankruptcy Estate of Peregrine Financial Group, Inc., Terrence A. Duffy, CME Group Inc., Daniel J. Roth, National Futures Association, and John L. Roe, Commodity Customer Coalition, all of Chicago, Illinois; Walter L. Lukken, Futures Industry Association, Washington, D.C.; and Diana Klemme, Grain Service Corporation, Atlanta, Georgia, on behalf of the National Grain and Feed Association.

## RENTAL HOUSING ASSISTANCE PROGRAMS

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine streamlining and strengthening Housing and Urban Development's rental housing assistance programs, after receiving testimony from Keith Kinard, Newark Housing Authority, Newark, New Jersey, on behalf of the Council of Large Public Housing Authorities; Dianne Hovdestad, Sioux Falls Housing and Redevelopment Commission, Sioux Falls, South Dakota, on behalf of the National Association of Housing and Redevelopment Officials; Howard Husock, Manhattan Institute, New York, New York; Will Fischer, Center on Budget and Policy Priorities, Austin, Texas; and Linda Couch, National Low Income Housing Coalition, Washington, D.C.

## MARKETPLACE FAIRNESS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine marketplace fairness, focusing on leveling the playing field for small businesses, after receiving testimony from Senators Durbin, Enzi, and Alexander; Paul Misener, Amazon.com, Seattle, Washington; Steven Bercu, BookPeople, Austin, Texas; Scott Peterson, Streamlined Sales Tax Governing Board, Nashville, Tennessee; and Steve DelBianco, NetChoice, Washington, D.C.

## CLIMATE CHANGE SCIENCE

*Committee on Environment and Public Works:* Committee concluded a hearing to examine an update on the latest climate change science and local adaptation measures, after receiving testimony from John R. Griffin, Maryland Department of Natural Resources Secretary, Annapolis; Christopher B. Field, Carnegie Institution for Science Department of Global Ecology, Stanford, California; John R. Christy, University of Alabama Earth System Science Center, Huntsville; James J. McCarthy, Harvard University, Cambridge, Massachusetts; Margo Thorning, American Council for Capital Formation, Washington, D.C.; and Jonathan Fielding, Los Angeles County Health Department, Los Angeles, California, on behalf of the National Association of County and City Health Officials.

## TAXATION OF BUSINESS ENTITIES

*Committee on Finance:* Committee concluded a hearing to examine the taxation of business entities, focusing on tax reform, after receiving testimony from Harrison LeFrak, The LeFrak Organization, and Dana L. Trier, Columbia University Law School, both of New York, New York; Alvin C. Warren, Harvard Law School, Cambridge, Massachusetts; and Fred C. de Hosson, Baker and McKenzie, Amsterdam, The Netherlands.

## NEXT STEPS IN SYRIA

*Committee on Foreign Relations:* Committee concluded a hearing to examine the next steps in Syria, after receiving testimony from Martin Indyk, Brookings Institution, James Dobbins, The RAND Corporation, and Andrew J. Tabler, Washington Institute for Near East Policy, all of Washington, D.C.

## EUROZONE

*Committee on Foreign Relations:* Subcommittee on European Affairs concluded a hearing to examine the future of the eurozone, focusing on the outlook and lessons, after receiving testimony from Frances G.

Burwell, Atlantic Council, and Nicolas Veron, Peterson Institute for International Economics, both of Washington, D.C.; and Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, Cambridge.

**RISING PRISON COSTS**

*Committee on the Judiciary:* Committee concluded a hearing to examine rising prison costs, focusing on restricting budgets and crime prevention options, after receiving testimony from Edward F. Davis, Boston Police Commissioner, Boston, Massachusetts; Jeffrey Leigh Sedgwick, Keswick Advisors, LLC, Richmond, Virginia; and Brett Tolman, Ray Quinney & Nebeker, Salt Lake City, Utah.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 28 public bills, H.R. 6244–6271; and 5 resolutions, H.Res. 750–754 were introduced. **Pages H5628–29**

**Additional Cosponsors:** **Page H5630**

**Reports Filed:** Reports were filed today as follows:

In the Matter of Allegations Relating to Representative Laura Richardson (H. Rept. 112–642);

H.R. 3158, to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms (H. Rept. 112–643); and

H. Res. 752, providing for consideration of the bill (H.R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes (H. Rept. 112–644). **Page H5628**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today. **Page H5527**

**Member Resignation:** Read a letter from Representative Geoff Davis, wherein he resigned as Representative for the Fourth Congressional District of Kentucky, effective at close of business on July 31, 2012. **Page H5527**

**Whole Number of the House:** The Speaker announced to the House that, in light of the resignation of the gentleman from Kentucky, Mr. Davis, the whole number of the House is 431. **Page H5527**

**Recess:** The House recessed at 11:11 a.m. and reconvened at 12 noon. **Pages H5534–35**

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Michael Catt, Sherwood Baptist Church, Albany, Georgia. **Page H5535**

**Committee Resignation:** Read a letter from Representative Guinta, wherein he resigned from the Committee on Transportation and Infrastructure. **Page H5538**

**Committee Resignation:** Read a letter from Representative Guinta, wherein he resigned from the Committee on the Budget. **Page H5538**

**Committee Resignation:** Read a letter from Representative Guinta, wherein he resigned from the Committee on Oversight and Government Reform. **Page H5538**

**Committee Election:** The House agreed to H. Res. 751, electing a Member to a certain standing committee of the House of Representatives. **Page H5538**

**Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627:** The House agreed by unanimous consent to S. Con. Res. 55, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627. **Page H5552**

**Authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi:** The House agreed to discharge and agree to H. Con. Res. 135, to authorize the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma. **Page H5552**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, August 2nd. **Page H5552**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment:*** H. Res. 750, to provide for the concurrence by the House in the Senate amendment to

H.R. 1905, with an amendment, by a ⅔ yea-and-nay vote of 421 yeas to 6 nays, Roll No. 546; **Pages H5552–78, H5597–98**

***Resolving Environmental and Grid Reliability Conflicts Act of 2012:*** H.R. 4273, amended, to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation; **Pages H5602–04**

***Residential and Commuter Toll Fairness Act:*** H.R. 897, to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments; **Pages H5604–06**

***Mille Lacs Lake Freedom To Fish Act of 2012:*** H.R. 5797, amended, to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota; **Pages H5606–08**

***Agreed to amend the title so as to read:*** "To exempt the owners and operators of vessels operating on Mille Lacs Lake, Minnesota, from certain Federal requirements." **Page H5608**

***Farmers Undertake Environmental Land Stewardship Act:*** H.R. 3158, amended, to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms; **Pages H5608–09**

***Marine Debris Act Amendments of 2012:*** H.R. 1171, amended, to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act; **Pages H5609–12**

***RESPA Home Warranty Clarification Act:*** H.R. 2446, amended, to clarify the treatment of homeowner warranties under current law; **Pages H5612–13**

***March of Dimes Commemorative Coin Act:*** H.R. 3187, amended, 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; and **Pages H5613–16**

***Pro Football Hall of Fame Commemorative Coin Act:*** H.R. 4104, amended, to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame. **Pages H5616–18**

***Job Protection and Recession Prevention Act of 2012:*** The House passed H.R. 8, to extend certain tax relief provisions enacted in 2001 and 2003, by a recorded vote of 256 ayes to 171 noes, Roll No. 545. **Pages H5538–52, H5578–97**

Rejected the DeFazio motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 181 ayes to 246 noes, Roll No. 544. **Pages H5594–97**

Rejected:

Levin amendment in the nature of a substitute (printed in part B of H. Rept. 112–641) that sought to extend for one year certain expired or expiring tax provisions that apply to middle-income taxpayers with income below $250,000 for married couples filing jointly, and below $200,000 for single filers, including, but not limited to, marginal rate reductions, capital gains and dividend rate preferences, alternative minimum tax relief, marriage penalty relief, and expanded tax relief for working families with children and college students (by a yea-and-nay vote of 170 yeas to 257 nays, Roll No. 543). **Pages H5588–94**

H. Res. 747, the rule providing for consideration of the bills (H.R. 6169) and (H.R. 8), was agreed to by a recorded vote of 240 ayes to 184 noes, Roll No. 542. **Pages H5538–52**

Agreed to the Scott (SC) amendment to the rule by a recorded vote of 238 ayes to 186 noes, Roll No. 541, after agreeing to order the previous question by a yea-and-nay vote of 240 yeas to 183 nays, Roll No. 540. **Pages H5549–51**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated yesterday, July 31st:

***Amending title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies:*** H.R. 4365, amended, to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, by a ⅔ yea-and-nay vote of 414 yeas to 6 nays with 1 answering "present", Roll No. 547; **Page H5598**

***Government Charge Card Abuse Prevention Act:*** S. 300, amended, to prevent abuse of Government charge cards; **Page H5599**

***Authorizing the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado:*** H.R. 4073, amended, to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875; **Page H5599**

***Creating the Office of Chief Financial Officer of the Government of the Virgin Islands:*** H.R. 3706,

amended, to create the Office of Chief Financial Officer of the Government of the Virgin Islands; **Page H5618**

***La Pine Land Conveyance Act:*** S. 270, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon; **Page H5618**

***Wallowa Forest Service Compound Conveyance Act:*** S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon; **Page H5618**

***Adam Walsh Reauthorization Act of 2012:*** H.R. 3796, amended, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; **Pages H5618–19**

***Enacting title 54, United States Code, "National Park System", as positive law:*** H.R. 1950, amended, to enact title 54, United States Code, "National Park System", as positive law; **Page H5619**

***Student Visa Reform Act:*** H.R. 3120, amended, to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa; **Page H5619**

***Foreign and Economic Espionage Penalty Enhancement Act of 2012:*** H.R. 6029, amended, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage; **Page H5619**

***Child Protection Act of 2012:*** H.R. 6063, to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; **Page H5619**

***STOP Identity Theft Act of 2012:*** H.R. 4362, to provide effective criminal prosecutions for certain identity thefts; **Page H5619**

***Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012:*** H.R. 6062, to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017; and **Page H5619**

***Federal Law Enforcement Recruitment and Retention Act:*** H.R. 1550, amended, to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime. **Page H5619**

Agreed to amend the title so as to read: "To establish a program in the Department of Justice to improve recruitment, assignment, and retention of Federal law enforcement officers in States, territories, and jurisdictions that have a high rate of homicide or other violent crime.". **Page H5619**

**Suspension—Proceedings Postponed:** The House debated the following measure under suspension of the rules. Further proceedings were postponed:

***Expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived:*** H. Con. Res. 127, to express the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived. **Pages H5599–H5602**

**Providing for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges:** The House agreed by unanimous consent to pass S. 3363, to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges. **Page H5613**

**Senate Message:** Message received from the Senate today appears on page H5552.

**Senate Referral:** S. Con. Res. 55 was held at the desk. **Page H5552**

**Quorum Calls—Votes:** Four yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H5550, H5550–51, H5551–52, H5594, H5596–97, H5597, H5597–98, and H5598. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10 p.m.

# *Committee Meetings*

## FINAL REPORT OF THE WILLIAM H. WEBSTER COMMISSION ON THE FBI, COUNTERTERRORISM INTELLIGENCE, AND THE EVENTS AT FORT HOOD, TEXAS ON NOVEMBER 5, 2009

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on the Final Report of the William H. Webster Commission on the FBI, Counterterrorism Intelligence, and the Events at Fort Hood, Texas on November 5, 2009. Testimony was heard from Mark F. Giuliano, Executive Assistant Director, National Security Branch, and Federal Bureau of Investigation.

## SEQUESTRATION IMPLEMENTATION OPTIONS AND THE EFFECTS ON NATIONAL DEFENSE: ADMINISTRATION PERSPECTIVES

*Committee on Armed Services:* Full Committee held a hearing on Sequestration Implementation Options and the Effects on National Defense: Administration Perspectives. Testimony was heard from Jeffrey Zients, Acting Director, Office of Management and

Budget; and Ashton Carter, Deputy Secretary of Defense, Department of Defense.

## UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY

*Committee on Armed Services:* Subcommittee on Readiness held a hearing on United States Pacific Command area of responsibility. Testimony was heard from Robert Scher, Deputy Assistant Secretary of Defense for Plans, Department of Defense; David F. Helvey, Acting Deputy Assistant Secretary of Defense for East Asia, Department of Defense; and public witnesses.

## NONPROLIFERATION AND DISARMAMENT: WHAT'S THE CONNECTION AND WHAT DOES THAT MEAN FOR U.S. SECURITY AND OBAMA ADMINISTRATION POLICY

*Committee on Armed Services:* Subcommittee on Strategic Forces held a hearing on Nonproliferation and Disarmament: What's the Connection and What Does that Mean for U.S. Security and Obama Administration Policy. Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Full Committee completed markup of H.R. 6213, the ''No More Solyndras Act''; H.R. 6190, the ''Asthma Inhalers Relief Act of 2012''; H.R. 6194, the ''U.S. Agricultural Sector Relief Act of 2012''; S. 710, the ''Hazardous Waste Electronic Manifest Establishment Act''; and H.R. 6131, a bill to extend the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Border Act of 2006''. The following were ordered reported, without amendment: S. 710; H.R. 6131; H.R. 6194; and H.R. 6190. The following was ordered reported, as amended: H.R. 6213.

## MISCELLANEOUS MEASURE

*Committee on Financial Services:* Full Committee held a markup of resolutions appointing Majority members to subcommittees. The resolutions were agreed to.

## MISCELLANEOUS MEASURES

*Committee on Financial Services:* Subcommittee on Capital Markets and Government Sponsored Enterprises held a markup of the following: H.R. 2827, to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; and H.R. 6161, the ''Fostering Innovation Act''. H.R. 2827 was forwarded, as amended; and H.R. 6161 was forwarded without amendment.

## SEEKING FREEDOM FOR AMERICAN TRAPPED IN BOLIVIAN PRISON

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''Seeking Freedom for American Trapped in Bolivian Prison''. Testimony was heard from public witnesses.

## BREACH OF TRUST: ADDRESSING MISCONDUCT AMONG TSA SCREENERS

*Committee on Homeland Security:* Subcommittee on Transportation Security held a hearing entitled ''Breach of Trust: Addressing Misconduct Among TSA Screeners''. Testimony was heard from John Halinski, Deputy Administrator, Transportation Security Administration, Department of Homeland Security.

## MISCELLANEOUS MEASURE

*Committee on Homeland Security:* Subcommittee on Oversight, Investigations, and Management held a markup of H.R. 5913, the ''DHS Accountability Act of 2012''. H.R. 5913 was forwarded, as amended.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Full Committee held a markup of the following: H.R. 6215, to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution; H.R. 6189, the ''Reporting Efficiency Improvement Act''; H.R. 4305, the ''Child and Elderly Missing Alert Program''; H.R. 6185, to improve security at State and local courthouses; H.R. 2800, the ''Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2011''; H.R. 1775, the ''Stolen Valor Act of 2011''; and S. 285, for the relief of Sopuruchi Chukwueke. The following were ordered reported, without amendment: H.R. 6215; H.R. 6189; H.R. 6185; and S. 285. The following were ordered reported, as amended: H.R. 4305; H.R. 1775; and H.R. 2800.

## LEGISLATIVE MEASURE

*Committee on the Judiciary:* Subcommittee on Intellectual Property, Competition and the Internet, hearing on H.R. 3889, the ''Promoting Automotive Repair, Trade, and Sales Act'' (''PARTS Act''). Testimony was heard from public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Natural Resources:* Full Committee held a meeting to consider motion to authorize issuance of subpoenas; and markup of the following measures: H.R. 2706, the ''Billfish Conservation Act of 2011''; H.R. 3319, to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; H.R. 4194, to amend the Alaska Native

Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes; H.R. 5319, the ''Nashua River Wild and Scenic River Study Act''; H.R. 5544, the ''Minnesota Education Investment and Employment Act''; H.R. 6007, the ''North Texas Zebra Mussel Barrier Act of 2012''; H.R. 6060, the ''Endangered Fish Recovery Programs Extension Act of 2012''; and H.R. 6089, the ''Healthy Forest Management Act of 2012''. The motion to authorize issuance of subpoenas was approved. The following were forwarded, as amended: H.R. 2706; H.R. 3319; H.R. 5319; and H.R. 6089. The following were forwarded, without amendment: H.R. 4194; H.R. 6007; H.R. 6060; and H.R. 6089.

**OVERSIGHT OF INVESTIGATION MANAGEMENT IN THE OFFICE OF THE DHS IG**

*Committee on Oversight and Government Reform:* Subcommittee on Government Organization, Efficiency and Financial Management held a hearing entitled ''Unresolved Internal Investigations at DHS: Oversight of Investigation Management in the Office of the DHS IG''. Testimony was heard from Charles Edwards, Acting Inspector General, Department of Homeland Security, Office of Inspector General; David Aguilar, Acting Commissioner, U.S. Customs and Border Protection; and Daniel Ragsdale, Acting Deputy Director, U.S. Immigration and Customs Enforcement.

**AGRICULTURAL DISASTER ASSISTANCE ACT OF 2012**

*Committee on Rules:* Full Committee held a hearing on H.R. 6233, the ''Agricultural Disaster Assistance Act of 2012''. The Committee, granted by voice vote, a closed rule providing one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. Finally, the rule provides one motion to recommit. Testimony was heard from Representative Lucas.

**RELATIONSHIP BETWEEN BUSINESS AND RESEARCH UNIVERSITIES: COLLABORATIONS FUELING AMERICAN INNOVATION AND JOB CREATION**

*Committee on Science, Space, and Technology:* Subcommittee on Research and Science Education held a hearing entitled ''The Relationship Between Business and Research Universities: Collaborations Fueling American Innovation and Job Creation''. Testimony was heard from public witnesses.

**EMERGING COMMERCIAL SUBORBITAL REUSABLE LAUNCH VEHICLE MARKET**

*Committee on Science, Space, and Technology:* Subcommittee on Space and Aeronautics held a hearing entitled ''The Emerging Commercial Suborbital Reusable Launch Vehicle Market''. Testimony was heard from public witnesses.

**KNOW BEFORE YOU REGULATE: THE IMPACT OF CFPB REGULATIONS ON SMALL BUSINESS**

*Committee on Small Business:* Full Committee held a hearing entitled ''Know Before You Regulate: The Impact of CFPB Regulations on Small Business''. Testimony was heard from Richard Cordray, Director, Consumer Financial Protection Bureau.

**GSA: A REVIEW OF AGENCY MISMANAGEMENT AND WASTEFUL SPENDING—PART 2**

*Committee on Transportation and Infrastructure:* Full Committee held a hearing entitled ''GSA: A Review of Agency Mismanagement and Wasteful Spending—Part 2''. Testimony was heard from Brian Miller, Inspector General, General Services Administration; and Cynthia Metzler, Chief Administrative Services Officer, General Services Administration.

**MISCELLANEOUS MEASURE**

*Committee on Transportation and Infrastructure :* Full Committee held a markup of the following: H.R. 2541, the ''Silviculture Regulatory Consistency Act''; H.R. 4278, the ''Preserving Rural Resources Act of 2012''; H.R. 5806, the ''Outreach to People With Disabilities During Emergencies Act''; and H.R. 5961, the ''Farmer's Privacy Act of 2012''. The following were ordered reported, as amended: H.R. 2541; H.R. 5806; and H.R. 5961. The following was ordered reported, without amendment H.R. 4278.

**REMOVING SOCIAL SECURITY NUMBERS FROM MEDICARE CARDS**

*Committee on Ways and Means:* Subcommittee on Social Security and Subcommittee on Health, held a hearing on Removing Social Security Numbers from Medicare Cards. Testimony was heard from Tony Trenkle, Chief Information Officer and Director, Office of Information Services, Centers for Medicare and Medicaid Services, Department of Health and Human Services, State of Maryland; and Kathleen King, Director, Health Care, Government Accountability Office.

## *Joint Meetings*

No joint committee meetings were held.

## NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D791)*

H.R. 205, to amend the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior. Signed on July 30, 2012. (Public Law 112–151)

## COMMITTEE MEETINGS FOR THURSDAY, AUGUST 2, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* business meeting to markup proposed budget estimates for fiscal year 2013 for the Department of Defense and the Legislative Branch, 10:30 a.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities, Insurance and Investment, to hold hearings to examine the tri-party repo market, focusing on the remaining challenges, 9 a.m., SD–538.

*Committee on Finance:* business meeting to consider an original bill entitled, ''The Family and Business Tax Cut Certainty Act of 2012'', 10 a.m., SD–215.

*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, S. 645, to amend the National Child Protection Act of 1993 to establish a permanent background check system, 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.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House

*Committee on Armed Services,* Subcommittee on Oversight and Investigations, hearing on Afghan National Security Forces: Afghan Corruption and the Development of an Effective Fighting Force, 3 p.m., 2118 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Energy and Power, hearing entitled ''The American Energy Initiative'', 9 a.m., 2123 Rayburn.

Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Oversight of the Consumer Product Safety Commission'', 9:30 a.m., 2322 Rayburn.

*Committee on Financial Services,* Subcommittee on Domestic Monetary Policy and Technology, hearing entitled ''Sound Money: Parallel Currencies and the Roadmap to Monetary Freedom'', 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled ''The State Department's Center for Strategic Counterterrorism Communications: Mission, Operations, and Impact'', 2 p.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on the Constitution, hearing on H.R. 997, the ''English Language Unity Act of 2011'', 10:30 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Full Committee, hearing entitled ''Oversight of the Actions, Independence and Accountability of the Acting Inspector General of the Department of the Interior'', 10 a.m., 1324 Longworth.

Subcommittee on National Park, Forests and Public Lands, hearing entitled ''Concession Contract Issues for Outfitters, Guides and Smaller Concessions'', 2 p.m., 1334 Longworth.

Subcommittee on Indian and Alaska Native Affairs, hearing entitled ''Indian lands: exploring resolutions to disputes concerning Indian tribes, state and local governments, and private landowners over land use and development'', 2 p.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* Full Committee, hearing entitled ''IRS: Enforcing ObamaCare's New Rules and Taxes'', 9 a.m., 2154 Rayburn.

*Committee on Transportation and Infrastructure,* Full Committee, hearing entitled ''A Review of Amtrak Operations, Part I: Mismanagement of Food and Beverage Services'', 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Economic Opportunity; and Subcommittee on Oversight and Investigations, joint hearing entitled ''Odyssey of the CVE'', 2 p.m., 334 Cannon.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

## DATA ON LEGISLATIVE ACTIVITY

January 3 through July 31, 2012

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| Days in session | 98 | 99 | .. |
| Time in session | 646 hrs., 3′ | 541 hrs., 14′ | .. |
| Congressional Record: | | | |
| Pages of proceedings | 5,803 | 5,526 | .. |
| Extensions of Remarks | .. | 1,368 | .. |
| Public bills enacted into law | 14 | 47 | 61 |
| Private bills enacted into law | .. | .. | .. |
| Bills in conference | .. | .. | .. |
| Measures passed, total | 233 | 252 | .. |
| Senate bills | 33 | 17 | .. |
| House bills | 50 | 162 | .. |
| Senate joint resolutions | .. | .. | .. |
| House joint resolutions | .. | 1 | .. |
| Senate concurrent resolutions | 7 | 5 | .. |
| House concurrent resolutions | 11 | 12 | .. |
| Simple resolutions | 132 | 55 | .. |
| Measures reported, total | *140 | *253 | 393 |
| Senate bills | 100 | 10 | .. |
| House bills | 24 | 202 | .. |
| Senate joint resolutions | .. | .. | .. |
| House joint resolutions | .. | .. | .. |
| Senate concurrent resolutions | .. | .. | .. |
| House concurrent resolutions | .. | 2 | .. |
| Simple resolutions | 16 | 39 | .. |
| Special reports | 5 | 25 | .. |
| Conference reports | 3 | 3 | .. |
| Measures pending on calendar | 345 | 95 | .. |
| Measures introduced, total | 1,652 | 2,781 | 4,433 |
| Bills | 1,433 | 2,481 | .. |
| Joint resolutions | 15 | 19 | .. |
| Concurrent resolutions | 21 | 40 | .. |
| Simple resolutions | 183 | 241 | .. |
| Quorum calls | .. | 1 | .. |
| Yea-and-nay votes | 186 | 169 | .. |
| Recorded votes | .. | **368 | .. |
| Bills vetoed | .. | .. | .. |
| Vetoes overridden | .. | .. | .. |

* These figures include all measures reported, even if there was no accompanying report. A total of 92 written reports have been filed in the Senate, 281 reports have been filed in the House.

** Proceedings on Roll Call No. 327 were vacated by unanimous consent.

## DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through July 31, 2012

| | |
|---|---|
| Civilian nominations, totaling 352 (including 188 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 176 |
| Unconfirmed | 160 |
| Withdrawn | 16 |
| Other Civilian Nominations, totaling 3764 (including 167 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 1,130 |
| Unconfirmed | 2,631 |
| Withdrawn | 3 |
| Air Force nominations, totaling 5,574 (including 295 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 2,129 |
| Unconfirmed | 3,624 |
| Withdrawn | 1 |
| Army nominations, totaling 4,422 (including 16 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 4,411 |
| Unconfirmed | 10 |
| Withdrawn | 1 |
| Navy nominations, totaling 1,818 (including 1 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 1,816 |
| Unconfirmed | 2 |
| Marine Corps nominations, totaling 1310, disposed of as follows: | |
| Confirmed | 1,310 |

*Summary*

| | |
|---|---|
| Total nominations carried over from the First Session | 667 |
| Total nominations received this Session | 16,753 |
| Total confirmed | 10,972 |
| Total unconfirmed | 6,427 |
| Total withdrawn | 21 |

*Next Meeting of the* SENATE

9:30 a.m., Thursday, August 2

Senate Chamber

**Program for Thursday:** The Majority Leader will be recognized. At approximately 9:30 a.m., Senate will begin consideration of S. 3326, African Growth and Opportunity Act. At 11 a.m., Senate will vote on the motion to invoke cloture on S. 3414, Cybersecurity Act, and on or in relation to the Coburn amendment to S. 3326. The filing deadline for second-degree amendments to S. 3414, Cybersecurity Act, will be at 10 a.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Thursday, August 2

House Chamber

**Program for Thursday:** Consideration of H.R. 6169—Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012 (Subject to a Rule) and consideration of H.R. 6233—Agricultural Disaster Assistance Act of 2012 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1384
Andrews, Robert E., N.J., E1380
Barletta, Lou, Pa., E1380
Barton, Joe, Tex., E1384
Berkley, Shelley, Nev., E1383
Bishop, Sanford D., Jr., Ga., E1383
Blumenauer, Earl, Ore., E1382
Bordallo, Madeleine Z., Guam, E1380
Calvert, Ken, Calif., E1375
Capito, Shelley Moore, W.Va., E1380
Cardoza, Dennis A., Calif., E1375
Carnahan, Russ, Mo., E1376
Clyburn, James E., S.C., E1378
Critz, Mark S., Pa., E1372
Cuellar, Henry, Tex., E1377
Davis, Danny K., Ill., E1369
Denham, Jeff, Calif., E1377, E1385
Eshoo, Anna G., Calif., E1376
Farr, Sam, Calif., E1369, E1384, E1386
Fleming, John, La., E1383
Gingrey, Phil, Ga., E1372
Goodlatte, Bob, Va., E1377
Hahn, Janice, Calif., E1381, E1386
Hanna, Richard L., N.Y., E1378
Hirono, Mazie K., Hawaii, E1386
Johnson, Timothy V., Ill., E1384
Jordan, Jim, Ohio, E1381
Kucinich, Dennis J., Ohio, E1369, E1372, E1373, E1375, E1379
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