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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. MCCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 20, 2012.

I hereby appoint the Honorable TOM MCCLINTOCK to act as Speaker pro tempore on this day.

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

REPORT ON H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

Mr. LATHAM, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112–541) on the bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

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

REPORT ON H.R. 5973, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

Mr. LATHAM, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112–542) on the bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

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

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.

EQUALITY

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

Mr. BLUMENAUER. While there have been occasional steps backward in America's march towards equality for all citizens, progress and understanding have marched steadily onward. As a result, America is more diverse, and it is better for it; but we must continue to work hard to create a truly equal and just society.

Discriminating against an individual based on race, religion, or sexual identity is deplorable and unacceptable. Historically, the LGBT community has faced significant discrimination, but the country has come a long way in recent years in attitude. Most Americans are more accepting regardless of one's sexual orientation, but there remain too many areas where society still must translate the attitude of most Americans into rights and protections for all citizens.

LGBT students should be able to learn in a safe school environment, free of cruel bullying, psychological or physical abuse. The term ''bullying'' actually does not capture the behavior and the threat. Foster children should be adopted by loving families regardless of the parents' sexual orientations. Of course, most fundamentally, Americans should be afforded the right of marriage whether they are gay, lesbian, bisexual, or transsexual—the same as heterosexual couples.

I've been involved with these issues since I first chaired a hearing in the Oregon House of Representatives on antidiscrimination in 1973, right through today, in advocating the repeal of DOMA. I've been proud to work for equality throughout my career, but there remains much work to be done.

In the name of extending equal rights to all Americans, no matter who they love, at a minimum, we should take the following steps:

Most importantly, we should aggressively support marriage equality for all. The Respect for Marriage Act will repeal the Defense of Marriage Act and will guarantee that the Federal Government will recognize any marriage that is legal in the State in which it is performed;

The lowest hanging fruit is workplace discrimination. It is long past time to enact the Employment Non-Discrimination Act, ENDA, which would make it illegal to discriminate in the workplace based on actual or perceived sexual orientation or gender identity;

Educational institutions must be safe places for young people to learn and grow without the threat of bullying or the risk of being denied the chance to participate in extracurricular activities based on their identities. We

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should pass the Safe Schools Improvement Act and the Tyler Clementi Higher Education Anti-Harassment Act of 2011;

We must stand up for real family values and support the Every Child Deserves a Family Act. All parents who wish to adopt a foster child deserve the chance to do so no matter their sexual identities;

Finally, I strongly support amending the Immigration and Nationality Act to grant same-sex partnerships the same rights and privileges as any other partnership.

One of the most important milestones in this struggle was the endorsement recently by President Obama and Vice President BIDEN of marriage equality for all Americans. With renewed momentum and with continued hard work, we will not only achieve marriage equality for our LGBT friends and families, but equality and fairness in all aspects of life.

Make no mistake, we are not striving just for tolerance; we are striving to make this country more equitable, just, and fair so that every man, woman, and child has the opportunity to pursue their dreams in a safe and accepting environment. Such freedom is the very cornerstone on which a livable community is established, where families are safe, healthy, and economically secure.

IN HONOR OF BRANDON ELIZARES

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

Mr. REYES. As a parent and a grandparent, I rise today with a heavy heart to take time to remember Brandon Elizares, a young man who left us 2½ weeks ago.

In our community, he will always be remembered for his smile, for his personality, and for his desire to serve as an inspiration to others. Brandon, like over 11 million people in this country, was gay, and like so many of his peers was being harassed and bullied until he took his own life on June 2 after being threatened with being buried alive and shot.

His last message echoed his infinite love for his family and his apologies for not being strong enough to continue taking the abuse that he had faced for over 2 years. His final words read, ''My name is Brandon Joseph Elizares, and I couldn't make it. I love you guys with all of my heart.''

High school should be an exciting time with an array of new experiences and challenges, but one thing it should not be is an environment in which young people worry about being bullied. Children in high school should be focused on their education, pure and simple. The sad reality, though, is that for many students their primary concerns don't lie in textbooks or in the upcoming exams but in the fear that they will not be accepted by their peers, that they will be physically abused, or, in the case of Brandon and in the cases of countless others like him, that they may consider taking their own lives to escape the terrible pain.

Brandon was a young man who exemplified our best in the El Paso community. He embodied what this Nation looks for in all its young people. He was a best friend, a loving son, an aspiring model and artist, an excellent student, and, to a teenage girl who had contemplated suicide herself due to bullying, Brandon was a superhero and an older brother.

Like so many El Pasoans, I feel a personal connection to Brandon, and his death reflects the unfortunate truth that many young people today in our community continue to suffer.

□ 1010

I stand here in the people's House to ask my colleagues to help me in ensuring that Brandon's death was not in vain. I ask my colleagues to join me in support of the Student Non-Discrimination Act, H.R. 998, and the Safe Schools Improvement Act, H.R. 1648, to protect LGBT students from discrimination and from bullying in the schools. I also ask that you stand with me in support of the ''It Gets Better Campaign,'' a project whose goal is to prevent suicide among youth by having adults and allies convey the message that these teens' lives will ultimately improve.

In our country today, unfortunately, the facts are clear. Fifty-six percent of students have personally felt some sort of bullying at school. Between the fourth and eighth grade in particular, 90 percent of students report being the victims of bullying. Nine out of ten LGBT youth reported being verbally harassed in school in the past year because of their sexual orientation. A victim of bullying is twice as likely to take his or her life compared to someone who has not been victimized.

Every day, thousands of children wake up fearing for their well-being as they go to school. If the Student Non-Discrimination Act and the Safe Schools Improvement Act were enacted today, we could provide students a sense of relief and some reassurance that their government is working to improve their lives by increasing awareness about their daily struggles. We owe that to Brandon and so many others who are suffering from bullying in our schools.

RECESS

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

Accordingly (at 10 o'clock and 12 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 Richard Haynes, Salem Missionary Baptist Church, Lilburn, Georgia, offered the following prayer:

Our Father in heaven, we thank You for a brand-new day and for all of the opportunities and possibilities that comes with this day.

We thank You for another opportunity to be better. Thank You for another blessed opportunity to do better. We thank You for yet another chance to correct mistakes and make critical legislative adjustments for the betterment of this country and the world.

With a heart of gratitude for the many possibilities that this day brings, we declare with the Psalmist David that we will rejoice and be glad in it. May our rejoicings manifest themselves in good works that others may see, that You may be glorified.

In the name of Your darling Son, we 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 Georgia (Mr. WOODALL) come forward and lead the House in the Pledge of Allegiance.

Mr. WOODALL led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 3314. An act to specifically authorize certain funds for an intelligence or intelligence-related activity and for other purposes.

WELCOMING REVEREND RICHARD HAYNES

The SPEAKER. Without objection, the gentleman from Georgia (Mr. WOODALL) is recognized for 1 minute.

There was no objection.

Mr. WOODALL. Mr. Speaker, the House is fortunate today to have Reverend Dr. Richard Benjamin Haynes as

our guest chaplain. He's a life-long servant of the Lord, growing up as the son of a Baptist minister. He now pastors Salem Missionary Baptist Church in my home county of Gwinnett. He's an avid angler, a fisherman. But first and foremost, he's a fisher of men. In the 23-plus years that he's led Salem Missionary Baptist, his congregation has grown from 100 to over 4,500.

Beyond the pulpit, Reverend Haynes is active throughout our community. He is past chaplain for the Gwinnett County Sheriff's Department, past director of the Statewide Ministers Convention, and currently member of the Gwinnett County Board of Education Advisory Board, to name just a few.

I'm honored to have him in Washington, D.C., with me today. His wife, Beverly, is with us today, as is his daughter Sheena, and his two grandsons, Benjamin and VaShon.

Reverend, thank you for your prayer today and thank you for your ministry every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

JOB AVAILABILITY IS NOT IMPROVING

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

Mr. WILSON of South Carolina. Madam Speaker, the Bureau of Labor Statistics announced yesterday that the number of job openings is at its lowest point in 5 months. The number of available jobs dropped from 3.7 million in March to 3.4 million in April. This fact shows that the President's failed policies are destroying jobs across our Nation and undermining families.

Unemployment has been above 8 percent for 40 months, not including the millions who are underemployed or who have lost hope and are no longer looking for a job. And yet the President still believes our private sector is doing fine. In fact, sadly, now the President is offering work permits to illegal aliens to take jobs from hard-working Americans.

It is past the time for the President and his liberal colleagues in the other Chamber to pass the dozens of bipartisan job-creation bills which are stalled in the Senate graveyard.

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

NATIONAL DAIRY MONTH

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

Ms. HOCHUL. Did any of you wake up to a nice bowl of cereal or an instant breakfast drink, like I did? Did you give any thought to the effort that went into bringing that fresh, wholesome milk to your table? Well, I sure do.

Just this past week, I was visiting the Koener farm in Wyoming County, the largest dairy-producing county in New York State, which is the fourth largest producer in this great country. But I didn't go just to have their milk; I went to listen to their concerns. And I saw a mother, father, brother, sister getting up before any of us see the light of day to do their work, tremendously hard work; but there's a lot of pride in what they do.

So as we proudly salute the millions of families across this country, in particular the dairy-farming families during National Dairy Month, we need to do more for these stewards of our national food security. We can give out proclamations and pay lip service to the 51,000 families across this Nation who supply us with these products, or we can actually listen to them and do something to help.

First of all, they want a farm bill. They want certainty to know what the deal's going to be, not later, not later this year, but right now.

Secondly, they need labor. That's the number one issue I hear when I'm visiting the Nobles and the other family farmers, the Zubers, the Coynes. Let's give them what they need.

LIFE OF A CHAMPION—RICHARD SCHOENSTADT

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

Mr. DOLD. Madam Speaker, I join with many others in the greater Chicago area in recognizing the life and recent passing of a tremendously respected, selfless, and inspirational leader in our community—Richard Schoenstadt.

Richard, no doubt, made a difference in this world with his tireless dedication to strengthening the U.S.-Israel relationship. His sweeping passion and energy for pro-Israel advocacy set a very high bar, which both elevated and advanced the commitment of so many good people to pro-Israel causes.

Richard believed in engagement and activism, and he lived his life knowing there was only one way to do things—the right way. He served his community as an outstanding example of leadership and earned a reputation as a brilliant and committed mentor to many, many people.

Like so many who were lucky to know him, I feel I was given a special gift in Richard's friendship. My thoughts and prayers go out to his family—his wife, Cindy, his daughters, Carly and Kate, and the entire extended Schoenstadt family.

May his memory continue to inspire us all to action, and may we in this Congress now and forever remain dedicated to advancing the principles that Richard Schoenstadt so proudly stood and fought for throughout his life.

□ 1210

STUDENT LOAN RATES

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

Mr. SIRES. Madam Speaker, access to affordable higher education is one of the reasons that our country is so great. As someone who lives in the gateway to America, I have seen firsthand the transformational power of education. However, access to higher education is now being threatened.

In less than 2 weeks, the interest rate for student loans is scheduled to double from 3.4 to 6.8 percent. This will make it extremely burdensome for students and families with limited financial resources to attend college. Just in the past 10 years, college tuition has increased by 28 percent. Middle class families are struggling to send their sons and daughters to school.

For many Americans, a college education is essential to future success. Over a lifetime, it is estimated that a college graduate makes an average of $2.27 million. In contrast, those with only a high school diploma are estimated to make $1.3 million.

The clock is ticking and we must act now. Congress should not block access to affordable education. Let us work together to keep student loan interest rates low.

WEST VIRGINIA DAY

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

Mr. MCKINLEY. Madam Speaker, the State of West Virginia is celebrating its 149th birthday today. Celebrations are being held as we speak throughout the State. I'm a proud seventh-generation West Virginian and honored to serve the State that I love.

Being a West Virginian comes with great honor, tradition, and pride. In concert with the restored State of Virginia, President Lincoln, on April 20, 1863, proclaimed that West Virginia would be admitted to the United States as a separate State. Sixty-one days later, on June 20, 1863, West Virginia became a member of the Union, the only State created during the War Between the States.

Every year, millions of people travel the country roads of our great State and view the beautiful scenic mountains, from the Shenandoah River to everything in between. Madam Speaker, I hope everyone enjoys this time-honored tradition of West Virginia Day and celebrates our wild and wonderful State.

Happy birthday, West Virginia.

30TH ANNIVERSARY OF MURDER OF VINCENT CHIN

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

Ms. CHU. Madam Speaker, 30 years ago, Vincent Chin, a young Chinese American engineer, was celebrating his impending wedding in Detroit, Michigan, when two unemployed autoworkers started shouting at him, saying, ''It is you Japanese who are taking away our jobs.'' They chased him down and bashed his head in with a baseball bat. Vincent's murderers were only punished with a $3,000 fine and got off without even spending a day in jail. In the meanwhile, instead of going to his wedding, Vincent's family went to his funeral.

This injustice led to the emergence of a national Asian Pacific American identity and movement. This week, as chair of the Congressional Asian Pacific Caucus, I will be introducing a resolution on the significance of the 30th anniversary of Vincent's death. His story remains an important reminder of why we must always combat the dangers of xenophobia and scapegoating.

AMNESTY

(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, most of us just returned from a week talking with our constituents back home. In the Third District of Texas, folks only had one thing on their mind: the President's disgraceful decision to grant amnesty to 1 million illegal immigrants. Americans across the country are outraged. Amnesty rewards people for breaking our laws and encourages others to do the same. Entry into the United States is not a right; it's a privilege.

Since taking office, the President has time and again taken reprehensible steps that weaken our border security and undermine the rule of law in America. By sidestepping Congress, the President is now single-handedly rewriting our immigration policies, violating the trust between the Congress and the President to uphold the laws of this land—just did it again today.

Enough is enough. This administration needs to stop putting politics ahead of the rights and privileges granted to him in the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward the President.

HONORING DEVIN BECK

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

Mr. CICILLINE. Madam Speaker, I rise today to honor Devin Beck, a native of Tiverton, in my home State of Rhode Island.

Devin set a goal to raise $2,000 for Executives Without Borders, a nonprofit organization that works to engage business professionals in solving humanitarian challenges across the world.

So on January 11 of this year, Devin left St. Augustine, Florida, with the goal of bicycling to San Diego, California, a destination more than 2,000 miles away. On February 25, 46 days later, Devin arrived in San Diego, completing a journey that spanned 232 hours, 17 minutes, and 44 seconds on his bike.

In the end, Devin exceeded his goals and raised $6,000 for Executives Without Borders to benefit a program that is helping Haiti to build new recycling centers to recover from the devastating hurricane it suffered in 2010.

I congratulate this young man, Devin, as well as his parents, Donald and Kathleen, on his truly impressive accomplishments and wish him continued success.

NATURAL GAS

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, on June 4, America's Natural Gas Alliance issued a report contesting the EPA's recent study on greenhouse gas emissions and natural gas development. Specifically, the study found that methane emissions from shale operations are 86 percent lower than EPA estimated. Furthermore, methane doesn't remain in the atmosphere for long relative to other gasses.

Unfortunately, some energy alternatives receiving government subsidies have worse emissions than what we thought. The new book, ''Green Illusions,'' by Ozzie Zehner, shows that building solar cells releases substantial quantities of emissions like sulfur hexafluoride, which lasts 267 times as long in the atmosphere, and have nearly doubled since 1998.

According to a May report from the International Energy Agency, U.S. carbon emissions are down more than any other country. In fact, since 2006, U.S. emissions have fallen 7.7 percent, with the increased use of shale gas as a key factor in the drop, according to the Agency's chief economist.

This leads to a conclusion that many might find paradoxical. If global warming is a problem we need to address, then we should welcome the increased production and use of natural gas as a prime energy source.

ACCESS TO EDUCATION

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

Mr. BACA. Madam Speaker, in these tough times, we should make every effort to increase access to higher education for all Americans. Making college more affordable doesn't just help students, it strengthens our economy.

Unfortunately, if Congress does not act soon, interest rates on student loans will double for over 7 million students in less than 2 weeks. July 1 is around the corner. It's time for a serious solution to help our Nation's children.

Instead of working towards a compromise, Republicans have put forward a plan to cut health services for women and children. Republicans just don't get it. Once again, they're too busy cutting taxes for millionaires and billionaires instead of working for our middle class. Republicans are showing their priorities are out of touch with hardworking Americans.

We need to act now on student loans. Let's help all of these students have access to education.

□ 1220

RECOGNIZING THE 25TH ANNIVERSARY OF THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

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

Mrs. BIGGERT. Madam Speaker, I rise today to salute the hardworking individuals who strive every day to protect the safety of air passengers. These are the men and women of the National Air Traffic Controllers Association, NATCA, who yesterday celebrated their 25th year as the guardians of the U.S. national airspace system.

On June 19, 1987, the Federal Labor Relations Authority certified NATCA as the exclusive bargaining representative for the Federal Aviation Administration air traffic controllers. NATCA now represents more than 20,000 air traffic controllers, engineers, and other aviation safety professionals. They have the safest record in history, guiding 70,000 flights per day and protecting over 700 million passengers per year.

Madam Speaker, I would ask all of my colleagues in the House today to join NATCA in celebrating a quarter century of hard work, keeping America's airspace system the safest in the world.

GREAT LAKES WATER QUALITY AGREEMENT

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

Mr. HIGGINS. Madam Speaker, the Great Lakes are our most threatened national assets, yet they are the largest source of fresh water in the world, and account for $7 billion in economic activity annually. In my western New York community, the resurgence of our Inner and Outer Harbors along Lake Erie is an important reminder of the

relationship between the health of the Great Lakes and our region's economic future.

The State Department is finalizing a revision to the Great Lakes Water Quality Agreement with Canada. This important agreement expresses a joint commitment to protecting and restoring the Great Lakes ecosystem.

Madam Speaker, I recently joined my congressional colleagues in the Great Lakes region in asking the State Department for the status of this agreement and have offered to host a signing ceremony between the United States and Canada in Buffalo, New York. It is more important than ever before to affirm our commitment to protecting the health of the Great Lakes.

HONORING THE LIFE OF FIRST LIEUTENANT MATHEW FAZZARI

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

Mrs. MCMORRIS RODGERS. Madam Speaker, it's with a heavy heart today that I rise to honor the life of First Lieutenant Mathew Fazzari. He is a 25-year-old American hero.

He's a native of Walla Walla, Washington, and he graduated from Gonzaga University, was commissioned in the United States Army, was a member of the prestigious 82nd Airborne, and he gave his life in serving and defending our country.

He lost his life on June 6, 2012, when his helicopter was shot down by enemy attack in Afghanistan. He lost his life in the name of American freedom, and he lost his life to protect all of ours.

He leaves behind a community who admires him, a country who pays homage to him, and a family who's been forever changed by him. He was a son, a brother, a husband and a father. He says goodbye to a family that got the call they hoped they would never get.

Madam Speaker, we mourn his loss. We celebrate his life. A life of patriotism, courage, and valor. A life and a legacy that will endure forever.

May God bless Lieutenant Mathew Fazzari, his parents, Greg and Susan; his siblings, Luke, Shawn, and Danielle; his wife, Tovah, and their two young sons, Dominic and Samuel. May God bless his family and all the brave men and women who have answered America's call to freedom.

AMERICANS ARE SAYING ''PUT ME TO WORK''

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

Mr. CARNAHAN. Madam Speaker, I stand here today frustrated but determined. Frustrated because I've heard from so many people in St. Louis, Missouri, that I represent, small business owners, veterans, students, and others. They're all saying the same thing: ''Put me to work.''

They want to help rebuild our economy. They want to help create new American jobs.

They're not saying, ''Kill me a sea lion.'' They're not saying, ''Allow corporations to pollute my air and water.'' They're not saying, ''Give more breaks for the well-off Americans and more burdens for seniors.'' They're saying, ''Put me to work.''

They are determined, and so am I. So I say to you, put Congress to work. Put us to work passing the student loan interest extension to protect students who are graduating into an unstable marketplace. Put us to work passing the Senate transportation bill that passed overwhelmingly with bipartisan support and would create thousands of jobs. Put us to work passing the STARTUP Act, to create new opportunities for American innovation.

Listen to our constituents. They want to go to work. They are cheering for our country to succeed and to work, and they expect and deserve their Congress to do the same.

THE PRIVATE SECTOR IS NOT DOING FINE

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

Mrs. BLACK. Madam Speaker, the President recently said that the private sector is doing just fine. But for millions of unemployed and underemployed Americans, and millions more struggling with higher food and energy prices, there is nothing fine about the state of the U.S. economy. That's why the House has passed more than a dozen bipartisan bills.

This week, the House will consider the Domestic Energy and Jobs Act. This package of domestic energy production bills, of which I am a cosponsor, will not only reduce energy costs for hardworking families and small businesses, but it will also get government out of the way so that American job creators can do what they do best, that is, grow the economy and put people back to work.

DOMESTIC ENERGY AND JOBS ACT

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

Mr. HIMES. Madam Speaker, today, this House takes up the cynically named Domestic Energy and Jobs Act, which is the latest Republican installment in their mad dash to allow polluters to dump garbage and poison into our air and water.

If I had more time I would point out that this bill would gut the Clean Air Act, which was signed into law in the early 1970s by a Republican President before that party abandoned the value that we should be stewards of our environment. I would talk about my daughter, who suffers from asthma. That asthma, and the asthma of millions of other young people, will get worse if this bill becomes law.

I would point out that the idea that this is about jobs is baloney. And I would cite the Bureau of Labor Statistics studies in 2010 that said that one-third of 1 percent of jobs and layoffs were because of government regulation.

Instead, I have a question. What happened to personal responsibility? What happened to the idea that we clean up our own mess?

Madam Speaker, why are we asking the entire American public to pay the cost of polluting our air and water? That, I don't understand.

DOMESTIC ENERGY AND JOBS ACT

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

Ms. FOXX. Madam Speaker, summer is upon us. Traditionally, this is the season when Americans pack the family car to head out for a well-deserved vacation. Unfortunately, this year, many will not be able to do this because gas prices are too high due to the failed economic and energy policies of this administration and lack of action from the Senate.

House Republicans have crafted and passed many bipartisan bills to address this issue, but Senate intransigence has prevented them from moving forward to provide relief to the people we represent. Today, House Republicans will offer another solution, H.R. 4480, the Domestic Energy and Jobs Act. This legislation promotes job creation and addresses the high energy costs which are burdening so many families and small businesses across America.

Madam Speaker, the May jobs report and the high cost of energy demand immediate action. House Republicans are answering the calls from Americans with this act. I urge my colleagues to support this very important legislation.

CONGRESSIONAL OVERSIGHT OF THE UNITED STATES ATTORNEY GENERAL

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

Ms. JACKSON LEE of Texas. Madam Speaker, the Constitution is an enormously important document. The oversight of Congress is an enormously important responsibility. Lives lost in the course of various activities of our law enforcement are issues that we take with great concern.

As a member of the Judiciary Committee, it has been my responsibility over the years, from impeachments to Waco to issues beyond, to look deep into the facts, and I respect that. I'm appalled, however, when the chief law enforcement officer of the United States is called a liar. And I stand on this floor to reject any thought that a

United States Attorney that takes an oath of office would lie.

We can find a resolution to the facts of Fast and Furious, started under the Bush administration, that have been reinvestigated and reinvestigated. But we do not have to malign Attorney General Holder for doing his job. And I would ask this Congress to ultimately reject any contempt charge against the chief law enforcement officer, and to denounce lying.

□ 1230

OPTION ACT

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

Mr. BROUN of Georgia. Madam Speaker, ObamaCare has not taken full effect yet, but it is already crippling our country and our economy: premiums are rising; businesses are shedding jobs; doctors and patients are constantly dealing with a third party making health care decisions—and that's the Federal Government.

Fortunately, the Supreme Court has some of these same concerns about ObamaCare; and, hopefully, they will strike down both the individual mandate and the entire law. However the Court rules, though, ObamaCare must go.

In the GOP Doctors Caucus, we know that the American health care system needs some serious surgery. We have brought forth many ideas to do just that. For example, my OPTION Act will revitalize American health care, not through government interference but by giving doctors and patients full control over their dollars and their decisions. When ObamaCare falls, my bill stands ready to provide the health care relief that Americans both want and need.

I hope my colleagues on both sides of the aisle will look to the OPTION Act as the example of what real reform looks like.

REJECT THE DOMESTIC ENERGY AND JOBS ACT

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

Ms. HAHN. Madam Speaker, I grew up in Los Angeles in the fifties, which was when the smog was so bad that we actually had to stay inside the classroom during recess; and when you tried to inhale deeply, the pain in your chest was so severe from the pollution and the smog.

Thanks to government intervention, we have made huge strides, not only in Los Angeles but throughout this country, in cleaning our air for the health of our children. We've made progress, but we need to make a lot more. Unfortunately, to continue to combat this problem, Congress should take bold steps to invest in clean-energy technology, including in new electric vehicles and in the infrastructure to charge them.

But with H.R. 4480, my Republican friends are denying not only Los Angeles but all cities in this country the tools they need to continue to improve our air and improve our health. This bill would rob the EPA of the ability to effectively enforce clean air laws, and it would deepen our dependency on dirty fossil fuels.

15TH ANNUAL CONGRESSIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

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

Mr. BARTLETT. Madam Speaker, tomorrow is the 15th Annual Congressional Renewable Energy and Energy Efficiency EXPO and Forum from 9:30 a.m. to 4:30 p.m. in the Cannon Caucus Room as well as in room 340 Cannon. It features more than 50 exhibitors, including six from Maryland; and it features 30 speakers, including Members of Congress, the executive branch, and the private sector.

Come and learn the present status and near-term potential of how the cross-section of renewable energy—that is biofuels-biomass, geothermal, solar, water, wind—and energy efficiency technologies are creating jobs and meeting 11.7 percent of domestic U.S. energy production and 12.7 percent of net U.S. electrical generation.

I encourage Members, staff and visitors to attend tomorrow's 15th Annual Congressional Renewable Energy and Energy Efficiency EXPO and Forum.

DISCLOSE ACT

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

Mrs. DAVIS of California. Madam Speaker, Justice Brandeis said that sunlight is the best disinfectant. Sadly, in Citizens United, the Roberts' Court has turned its back on this wisdom, and it has given corporations the power to influence our government from the shadows.

To say that these are not dark days for our democracy is not an understatement. Millions upon millions of dollars are flowing into our political system through super PACs, but the identities of the donors who supply this money remain hidden.

Let's not fool ourselves. Let's not fool ourselves into thinking that the identities of these donors are a secret to the politicians whose campaigns are being helped by their money. To ignore the potential for unseemly influence here is truly naive. When one donor can decide the fate of a legislator's reelection, they clearly wield a great deal of power.

We should come together to pass the DISCLOSE Act, which allows the public to see who is making these megadonations, and together we can let sunlight back into our democracy.

CONGRESSIONAL ART COMPETITION

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

Mr. COSTA. Since 1982, the Congressional Art Competition has recognized the special power that the arts have had in our Nation's classrooms.

Today, I have the pleasure of recognizing my district's Art Competition winner, Sarah Fanucchi, who credits the arts for helping her overcome her learning challenges.

From an early age, Sarah struggled with reading and math, but she excelled with a sketchbook and a pencil in hand. Once her teachers at Bakersfield's South High tapped into that talent, Sarah's life changed. She became excited about school, and her grades improved. Sarah's mother, Carrie, said, ''Art was and, I suspect, always will be her refuge. It was her place to begin to shine, her place in school to belong.'' Carrie and Sarah are more than mother and daughter; they are best friends.

As I welcome her and her family to Washington this week, I applaud Sarah's artistic feat. More importantly, her perseverance through her challenges is what I find most impressive about this young lady. The art and life she has created is something any parent or teacher can and should be proud of as she continues to add value to our Nation's fabric.

PROVIDING FOR CONSIDERATION OF H.R. 4480, DOMESTIC ENERGY AND JOBS ACT

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 691

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed two hours equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member

of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-24. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

□ 1240

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS). Pending that, 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. BISHOP of Utah. I also ask that all Members may have 5 legislative days during which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. This resolution provides for a structured rule for the consideration of H.R. 4480, the Strategic Energy Production Act of 2012, and it makes in order 27 individual amendments that are specified under the rule, two-thirds of which are Democrat amendments.

The rule provides for 2 hours of general debate equally divided and controlled by the chairman and ranking minority member of both the Committee on Energy and Commerce as well as the Committee on Natural Resources. So this structured rule is very fair, and it will provide for a balanced and open debate on the merits of the bill.

Madam Speaker, I'm actually pleased to stand before the House today in support of this rule as well as the underlying legislation, H.R. 4480. The lead sponsor of this legislation, the gentleman from Colorado (Mr. GARDNER), is to be commended for his hard work and leadership in putting this piece of legislation together. I also commend the chairmen of both the Energy and Commerce Committee and the Natural Resources Committee for their support and hard work, as well, on this particular act and on other important pieces of legislation aimed at making our Nation more energy independent.

Madam Speaker, this bill is yet another reminder that this administration is not doing enough to develop our own domestic energy resources, which are plentiful in many parts of our public lands. In my home State of Utah, for example, there are vast amounts of oil and oil shale reserves that remain untapped, largely due to special interest group politics that keeps these lands locked up, even as we go abroad and increase our dependence on foreign sources as well as increasing our trade deficit.

Energy is an absolute prerequisite to our economic engine and creates jobs. If this administration ever hopes to get unemployment down during its tenure, then helping to develop more domestic energy is the key.

This bill, H.R. 4480, stands for a very commonsense proposition. The proposition is that, whenever the President of the United States authorizes a release of oil from the Strategic Petroleum Reserve, the Secretary of Energy will be required to develop a plan to increase the percentage of Federal land oil production by a commensurate percentage to that released from the reserve. The reserve is a reserve. It is reserved for emergencies. Unfortunately, this administration is using our reserve to accommodate common daily life.

It is important and the purpose of this legislation is:

Number one, to develop our resources;

Number two, to make sure that we can streamline the process so that we do not delay the development of our resources;

Number three, to keep the reserve for real emergencies;

Number four, organize a plan to make sure that will be in effect; and

Number five, recognize clearly that energy is needed for job creation. Without that energy, we will not create the jobs that are necessary for this country to move forward.

This bill would actually limit the total amount of Federal lands to be leased, which is only 10 percent of the total of all public lands. Ten percent is very reasonable. The bill also excludes national parks, obviously, and congressionally designated wilderness areas from consideration of this bill.

It's a good bill. It's a commonsense bill. When passed, it will be a key part of our effective and comprehensive national energy strategy.

I urge adoption of the rule, which is a fair rule, and the underlying bill, which is a commonsense bill, and I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the rule and the underlying bill, H.R. 4480, the so-called Domestic Energy and Jobs Act, what is really a death and destruction act, an act that will directly lead to the death of American citizens from various health-related causes—including cancer—and destruction. It is the destruction of not only our environment, but of our quality of life, including our quality of life in my home State of Colorado that is such an important part of driving our economy forward and creating jobs.

Here we are where several controversial, highly partisan bills have been packaged together. There are seven bills. While there is an attempt to dress this up as a jobs package, it's really a wish list for the oil industry that has no chance of becoming law. It's a huge giveaway to the oil industry at the expense of the health of American families, the health of our environment, and our enjoyment and recreational opportunities and economic opportunities on public lands.

Instead of allowing improvements to this drastic death and destruction bill, the House majority has blocked many amendments offered by Republicans and Democrats alike. Under this restrictive rule, commonsense amendments were blocked, including an amendment I offered that would have directed a study on the impacts of oil shale development on agricultural and municipal water usage. My colleague from California, Representative NAPOLITANO, offered a similar amendment in committee.

Those of us in the West, where farmers, ranchers, and community leaders consistently keep us abreast of water issues—and water is our most precious resource—know that we need some commonsense and objective data with regard to how energy production impacts resources, particularly our most precious resource: water.

What lies at the heart of this death and destruction bill today is simply a false premise. It's the false premise that somehow the United States is failing to make good on its natural energy resources.

The fact is, as a result of President Obama's all-of-the-above energy strategy, our Nation's dependence on foreign oil has fallen drastically, and crude oil production in the United States is at an 8-year high. President Obama has increased production of crude oil substantially over the Bush administration lows. The President's policies are demonstrating that we can have an approach to energy in the United States that boosts oil and gas

production and invests in the next generation of cleaner, job-creating, renewable energy technologies, such as wind, solar, and geothermal.

In contrast to the President's all-of-the-above approach, which will lead to reductions in gas prices and a sustainable energy future for our country, this death and destruction bill before us today is an oil-above-all approach. This death and destruction bill hands public lands that we all value over to the oil and gas industry and undermines the laws and rules that have made our air and water cleaner and safer over the past 40 years.

One of the scariest provisions in this package would gut important health-based standards provided for in the Clean Air Act established on a bipartisan basis in 1970. The Clean Air Act-based standards are especially important for protecting children, the elderly, and others who are susceptible to harmful air pollution.

Many nonpartisan public health and medical organizations have recognized that this bill would override clean air standards that have protected American people and families from harmful pollution in the past 40 years. That is why on this bill, which the majority purports deals with energy, we've heard from pediatricians, we've heard from doctors, we've heard from health care providers that this would lead to death, as well as the destruction of jobs, as well as the destruction of our environment and recreational opportunities.

Another controversial partisan provision in this bill would open up vast quantities of public lands to drilling. The bill sets an arbitrary requirement on the Department of the Interior to offer oil companies at least 25 percent of onshore areas that industry nominates each year. Let me say that again. The Department of the Interior wants to open up more lands to industry, even though oil and gas companies hold more than 25 million acres of public lands on shore where they're not producing oil and gas. In addition, these companies are sitting on 6,700 drilling permits that have been approved that they are not using. They need to explore lands where they already hold energy leases.

This is not a sensible energy policy. It's called an old-fashioned land grab and an old-fashioned water grab. They're coming after our land in the West, and they're coming after our water in the West. We're not going to take it sitting down.

Another extreme provision is that this bill would overturn the Federal Land Policy and Management Act to elevate energy production above other public land uses. My constituents in Colorado are tremendously concerned that somehow oil production would trump job-creating activities, including hunting, fishing, recreation, grazing, conservation, mainstays of jobs and the economy in my district that would be overridden in the name of oil, which would destroy jobs and destroy the health of Colorado families and families across the United States.

Another provision in this bill turns the review of applications to drill into nothing more than a rubber stamp. The bill says that if the Secretary of the Interior doesn't make a decision within 60 days, it's automatically approved. It will be automatically approved with no process.

At the same time, many of the proponents of this bill are attempting to gut the budget of many of the agencies that need to review these applications, effectively ensuring that no application can properly be dealt with and evaluated within 60 days, and therefore they would all be automatically approved regardless of the impact on people's health or economic opportunities and jobs.

□ 1250

Now there are so many troubling provisions in this bill. Another one—and this one would likely violate our Constitution, which we began this session of Congress by reciting very publicly in this body—it would limit a citizen's right to participate in the discussion of leasing and drilling by making all dissenters pay a $5,000 fee.

Now imagine you are a Coloradan, an Arizonan, a Pennsylvanian, a Texan who's concerned about drilling near your home or near your school or near your ranch. Now under this death and destruction bill, opening your mouth would cost you $5,000. Free speech would no longer be free, if this bill passes.

Madam Speaker, public lands are just that, public. We all own a share of them. We all benefit from them. They're not the private playground of oil and gas companies. They're owned by all Americans. And all Americans should have a say in how they're used, not just Americans who cough up $5,000.

Well, this bill would grant the oil and gas industry's wish list by opening up public lands and rolling back public health safeguards, hurting health and killing American families. But one thing this bill will not do is lower the price of gasoline. Economists agree: this bill has no impact on the price of gasoline.

There are actually now more drilling rigs in operation in the United States, thanks to President Obama's leadership today, than the rest of the world combined. In addition, the number of drilling rigs has doubled, doubled since 2009. President Obama's leadership has doubled the number of drilling rigs since 2009.

Now research going back more than three decades shows that there is very little correlation between the volume of domestic oil and the price of gasoline at the pump.

Go ahead and tell the American people that we want oil and gas companies to drill anywhere they like with no regard for public health. Is that the message that we want to send? This bill, this death and destruction bill, would not only lead to the deaths of Americans but would destroy jobs, destroy economic opportunities, and destroy recreational opportunities. It's nothing short of a Federal land grab and a Federal water grab.

Representing my constituents in Colorado, I encourage my colleagues to say, ''Heck, no,'' on both the bill as well as the rule.

I reserve the balance of my time.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from North Dakota (Mr. BERG), the gentleman whose home State has provided a program of death and destruction which has led to a 3 percent or less unemployment rate, through jobs in energy production.

Mr. BERG. I thank the gentleman for recognizing me today.

Madam Speaker, I rise in support of the underlying bill, the Domestic Energy and Jobs Act. In my home State of North Dakota, we're seeing unprecedented growth. As it was mentioned, at 3 percent, North Dakota has the lowest unemployment rate in the country. We have a nearly $2 billion budget surplus. We have stabilized our finances, and we've created certainty. And I couldn't be more proud of our State.

A large part of our economic success is due to a comprehensive energy policy and a commonsense regulatory environment which, in North Dakota, is known as EmPower North Dakota. In North Dakota, we know that all energy production is good energy production. Rather than picking winners and losers in energy, this EmPower act creates a stable, business-friendly climate. It does this by encouraging all energy production.

North Dakota embraces all forms of energy production and natural resources capabilities across our State. And North Dakota is really proof that ''all-of-the-above'' really does work, and there's no reason why we should not be taking this proven approach to developing energy and domestic energy production and applying it nationwide. That's really the goal of this legislation that's being considered here in the House today.

I am proud to offer my strong support for this legislation, and I encourage all of my colleagues to do the same by supporting this rule.

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentleman from Colorado for yielding the time.

Madam Speaker and colleagues, I rise to oppose the rule and the underlying bill for three primary reasons. First, the package is very poor public policy. Second, I offered a commonsense amendment, and the Republican majority blocked it from being debated, so it will not be heard today, unfortunately. And third, the House of Representatives shouldn't be wasting its time on a

package that's not going anywhere. Instead, we should be focused on job creation, especially passage of the transportation bill, through which we could create thousands and thousands of jobs across the country.

But first, as we marked up part of this package in the Energy and Commerce Committee, it became apparent that this package is chock-full of detrimental policy decisions for America. It creates new bureaucracies when it comes to energy policy and undermines the Nation's energy security. It rolls back policies that support the continued growth of safe and responsible energy production in the United States. And it improperly removes protections that we enjoy under the Clean Air Act that protect the health of American families all across this great Nation.

Second, if my colleagues recall, following the BP Deepwater Horizon blowout in the Gulf of Mexico, a major flaw in the law came to light: that the Department of Interior's maximum penalty for companies violating offshore drilling laws is limited to $40,000, and for major onshore drilling violations, it's only $5,000. So these amounts are not enough of a deterrent for bad behavior. That's why I offered an amendment to give the Secretary of the Interior the authority to increase civil fines against oil companies that violate the law while drilling. But unfortunately, my Republican colleagues have once again blocked sensible policy in order to protect Big Oil.

The Deepwater Horizon disaster was a major economic blow to my home State of Florida. If our laws do not establish appropriate deterrents, then you put our jobs at risk. Our tourism industry, small businesses, restaurants, fishermen, and the military rely on clean water and clean beaches. And our laws should protect American families and businesses, and not just Big Oil.

Finally, I strongly disagree with the Republican majority's decision to block the transportation bill and the thousands and thousands of jobs that are dependent on it. The Republican inaction on a bill that passed the United States Senate in a bipartisan way with over 70 votes is being blocked here on the floor of the House, and people should be up in arms. At a time when we've got to make greater progress when it comes to putting people back to work, that's the best path forward. I think the Republican inaction is causing great economic harm across the country, and that is what we should be debating today.

Mr. BISHOP of Utah. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana, Dr. BOUSTANY, a State that truly understands what it means to have an all-of-the-above policy for energy production, and what energy means to job creation.

Mr. BOUSTANY. I thank the gentleman for yielding time to me.

Madam Speaker, the sad fact today is that this country does not have a coherent energy strategy, pure and simple.

Now I can tell you, I come from Louisiana, where we know firsthand, probably more than any other State, that good energy policy can march hand-in-hand with good economic policy and good environmental policy. We've lived that life. We know that the energy sector, American energy production, creates good-paying jobs. Many of these jobs go to people from families that have never had anyone attend college, and through these jobs, they have been able to pay for college for the next generation. These are good-paying jobs, better paying than most.

The first step in energy policy is, number one, don't punish your current energy production. Don't punish American energy production. And that's what we've seen from this administration. Four straight years of proposing high taxes, new taxes on independent small energy companies, small oil and gas companies. New taxes at a time when we ought to be developing our energy production makes no sense at all. Secondly, what's our transition strategy? We clearly have an abundance of oil and gas, new reserves, new technology.

□ 1300

We have led the world in this. We ought to be developing it. And we can achieve energy security for this country and create good-paying American jobs.

This administration proposed a moratorium on drilling in the Gulf of Mexico. And now, yes, they lifted the moratorium, but they still continue to slow-walk the permits. This bill would go forward and help us to streamline that process so we can get American energy production back up online in the Gulf of Mexico and to develop our energy security needs. We have the reserves. We have the opportunity.

The American energy production sector from upstream, midstream, downstream is accountable for 6 million jobs in this country; and we can grow more jobs. We can grow more jobs beyond that—good-paying jobs—if we do this—and meet our energy security needs.

The bottom line is this: I would ask my colleagues on the other side of the aisle to take a look at that plaque up there near the ceiling just above the Speaker's chair. Read the first sentence. It says: ''Let us develop the resources of our land,'' a quote from Daniel Webster. We should heed that advice. We should develop the resources of our land.

Let's develop our American energy production in the Gulf of Mexico and Alaska. Let's develop it in the shale plays. Let's create jobs. Let's create a secure energy future for this country, and let's move this country forward.

Mr. POLIS. If we defeat the previous question, I'll offer an amendment to this rule that will allow the House to consider the Stop the Rate Hike Act of 2012, legislation that would keep the student loan interest rate low and reduce the deficit. If Congress fails to act, more than 7 million students across this country will see their student loan interest rate double come July 1, just around the corner. It's outrageous that at this time of slow and painful economic recovery the majority continues to refuse to work on this issue in a bipartisan way.

To discuss this proposal, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Thank you, Mr. POLIS, for yielding and for, again, bringing this issue back to the floor, which, as my chart indicates, we're now down to 10 days.

When this chart was first created, it was 110 days, and it coincided with the delivery of 130,000 petition signatures from college campuses all across America, pleading with Congress to listen to President Obama's challenge on January 25 right from that podium that we should block the increase from going through.

My legislation, which was introduced at midnight the same night, had 152 cosponsors to lock in the lower rate. For 3 months, nothing happened. A bill was rushed to the floor by the majority without any consultation with the other side. It took money out of a fund to pay for cervical cancer screening and diabetes screening, a hyperpartisan measure which the President indicated he would veto even before the vote was taken.

The good news is Mr. BOEHNER has already moved away from that proposal. He sent a letter with Senator MCCONNELL to the Senate leadership offering new pay-fors and moving off the House bill. Again, that was rushed through with absolutely no consultation on any bipartisan basis.

There are 7 million college students who are waiting for an answer in the next 10 days to this issue. The rates will double from 3.4 percent to 6.8 percent. Senator REID has talked already about a proposal which is a pay-for that, again, there appears to be some willingness to move forward on. We should be focused on that issue right now, not this measure on the floor which is going nowhere. It's another bill which will never see the light of day in the Senate.

This issue, helping students pay for college at a time when student loan debt now exceeds $1 trillion, is the issue that America is watching and waiting. And editorially, from Florida all the way to the west coast, newspapers are demanding bipartisan compromise, not the kind of measure which was rammed through this House a month and a half ago.

The building blocks are there, but we have to focus on that, not the measure that's before us here today. And the Tierney bill is a perfect opportunity for us to do something which, again, has a balanced approach and which will protect students from the doubling of their student loan interest rates.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to a Member who is really a great and wonderful Member of this body, the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman for yielding time.

Madam Speaker, our economy is struggling, the American people need jobs, and too many families are struggling under the burden of ever-rising energy prices. It's certainly long past time for the Federal Government to act; and, today, this House will act.

This Nation, Madam Speaker, has been blessed with so many vast energy resources that if we actually advantaged ourselves, we could actually meet all of our Nation's energy needs. We could create countless good-paying jobs right here at home. We could provide needed funding for our Federal Treasury, expand our economy, and make our Nation more secure.

But, unfortunately, we don't do that. Instead, in fact, we are nearly the only Nation I think on the face of the planet, really, that does not take advantage of its own natural energy resources. Instead, we, unfortunately, have made the choice to rely on foreign sources of energy to meet many of our needs—many from unstable or unfriendly nations to whom we export literally hundreds of billions of dollars of our national wealth each and every year and we bypass the opportunity to create needed jobs right here at home. This absolutely needs to change.

While President Obama talks about an all-of-the-above energy strategy, his actions tell a different story, really. While exploration of oil and other energy resources is up overall, it's been reduced on lands under Federal control under this administration. And this administration's EPA has made the coal industry public enemy number one, even though it's the cheapest and most abundant source of electric generation that we have here in our Nation.

Today, this House will act on a true all-of-the-above energy strategy. This legislation will streamline and remove government red tape as a hurdle to energy production. It will require our Nation to put forward goals for production of all energy sources, including oil, natural gas, coal, renewables, of course, on Federal lands. And it will make the permitting process much easier, and it will open up new areas to exploration and development both onshore as well as offshore. This legislation will lower energy prices for hard-pressed consumers, it will create good-paying jobs here at home, and it will enhance our economic security and national security as well.

I certainly urge all of my colleagues to join me in supporting this critical legislation, and I support the rule as well.

Mr. POLIS. I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise to express my strong opposition to this rule and the underlying bill. We all know that high oil and gasoline prices take their toll on American consumers. Understandably, they want their elected officials to take action. But what the American people don't want is empty promises, and they don't want more political posturing designed to score cheap political points in an election year. And that's all this bill gives us.

H.R. 4480 blocks and delays EPA air-quality protections—protections that haven't even been proposed yet. It includes a radical proposal that damages the Clean Air Act goal that air should be clean enough to breathe safely. And it gives the Energy Department the job of developing a new drilling plan on Federal lands, even though this is not an area of expertise at all.

Madam Speaker, the idea behind this bill is just not thought out. It's not a solution to high oil and gasoline prices, nor will it create any immediate jobs. It is really nothing more than a transparent attempt to use this issue as an excuse for advancing an agenda in order to hurt our precious resources of lands and our own health.

And that's why I had sent to the Rules Committee a straightforward amendment that would have protected my State's coastline from new offshore drilling. My Republican colleague from California, Mr. BILBRAY, had a similar amendment on the same issue; but this Rules Committee is not allowing either amendment even to be debated, even to have its say on the House floor. A State where offshore drilling has been protected in State waters will now, because these amendments were not made in order, have to allow the Federal Government to work its will in contradiction to the State. And that's wrong. That's why Members from both sides should use their good sense and oppose this rule and oppose the underlying bill.

□ 1310

Mr. BISHOP of Utah. Madam Speaker, I am now pleased to yield 3 minutes to the distinguished gentleman from Texas, Chairman HALL, who has probably heard many of these arguments before.

Mr. HALL. Madam Speaker, I rise in support of H.R. 4480, the Domestic Energy and Jobs Act, a proactive piece of legislation that encourages and expands production of our vast domestic resources to help put Americans back to work.

I strongly believe that, other than prayer, energy is the most important word in the dictionary for our young people. It's the foundation upon which our Nation has prospered and key to our quality of life and standard of living.

America is blessed with a wealth of natural resources and energy reserves, leading Citigroup to predict that we could soon become the world's largest oil producer. The recent shale gas revolution has driven production to new heights and prices to new lows. It has created hundreds of thousands of new jobs and stimulated a resurgence of domestic manufacturing in this country. In 2010, unconventional natural gas production alone supported approximately 1 million American jobs.

Simultaneously, shale oil production has led to rapid and dramatic economic growth and job creation in places not typically known for energy production, such as North Dakota. Workers are flocking to the State to pursue the abundant opportunities in the Bakken shale. While the Nation suffers unemployment rates in excess of 8 percent, unemployment in North Dakota is the lowest in this country at just 3 percent.

The only thing preventing us from reaping the benefits of being a world leader in energy production is bureaucratic red tape. Permitting delays, declining production on Federal land, restricted access, and stifling regulations all stand in the way. H.R. 4480 would free us from these barriers put forth by the administration and, instead, set us on the right track to unleash the full energy potential of this Nation.

This bill addresses numerous issues the Science, Space, and Technology Committee has examined, including, for example, costly Tier 3 regulations that would increase the price of fuel at a time when families can least afford to pay more for their commute. Not only would this standard place a burden on household budgets, but the EPA ignored the law by failing to complete a study on the detrimental effects of RFS prior to beginning work on these standards. Quite simply, again the EPA failed to do its homework, instead barreling forward with regulations without a sufficient foundation.

Regulations like this one are far too often based on shaky science, devoid of adequate peer review, and rely on secret data EPA refuses to share with the public. The EPA ignores the scientific method in order to overstate the economic benefits of its rules in an attempt to justify their sizeable costs.

H.R. 4480 takes a timeout from EPA's activist regulatory agenda and seeks to put our country on track to pursue a genuine all-of-the-above energy strategy that would expand opportunities for production rather than stifle them.

I urge Members to support this rule as well as the underlying bill.

Mr. POLIS. Madam Speaker, this is a rare time when we are talking about energy, when we are hearing from the Academy of Pediatrics, the Heart Association, the American Lung Association, the Public Health Association, the National Association of City and County Health Officials, and a number of other signatories on this letter which says, very simply, that we should make sure that the EPA can determine whether our air is safe to breathe and not do it based on how much it costs to reduce air pollution.

JUNE 18, 2012.

DEAR REPRESENTATIVE: The undersigned public health and medical organizations

write to express our strong opposition to H.R. 4480, which includes dangerous provisions that would block and delay important public health safeguards under the Clean Air Act. Gutting the Clean Air Act will not address rising gas prices, but it will needlessly weaken the Clean Air Act's life-saving protections and delay much-needed air pollution safeguards.

Title II of H.R. 4480 indefinitely delays three overdue air quality safeguards, including standards for tailpipes emissions and gasoline sulfur content (Tier 3), air emissions standards for petroleum refineries and ground level ozone standards. Most egregiously, H.R. 4480 also repeals the health premise of the Clean Air Act.

In 1970, an overwhelming bipartisan majority in Congress agreed that to adequately protect public health, the U.S. Environmental Protection Agency (EPA) must set air quality standards to protect health with an adequate margin of safety. These standards are based on the best available health science. This system has worked for more than 40 years to let people know if the air is safe to breathe, and motivate action to improve air quality when it is not safe. EPA must retain this authority to establish health-based ambient air quality standards.

The Clean Air Act fully considers cost and feasibility in determining how to meet air quality standards. States and EPA consider these factors during the implementation process as strategies are implemented to meet air quality standards. Just as a doctor does not diagnose a patient based on the cost of treatment, EPA should not determine whether the air is safe to breathe based on how much it costs to reduce air pollution.

The Clean Air Act is one of the nation's premier public health laws. Since its establishment in 1970, the aggregate emissions of criteria air pollutants decreased 71%, while Gross Domestic Product increased 210%. Given the enormous contribution of the Clean Air Act to public health, we urge you to reject all efforts to weaken and delay it. Please vote NO on H.R. 4480.

Sincerely,

American Academy of Pediatrics.
American Heart Association.
American Lung Association.
American Public Health Association.
American Thoracic Society.
Asthma and Allergy Foundation of America.
Health Care Without Harm.
National Association of City and County Health Officials.
National Environmental Health Association.
Trust for America's Health.

Madam Speaker, I'm proud to yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, I thank the gentleman very much.

This bill represents the latest Republican attempt to give away our public lands to the wealthiest oil companies in the world. This bill is the culmination of the Republican oil-above-all agenda. Instead of approving this legislative love letter to Big Oil, the majority should be sending a thank-you note to President Obama for his actions to increase domestic energy production and decrease our dependence on foreign oil.

The truth is that oil production from Federal lands on shore today is higher than it was under President Bush. And across the United States, oil production from all public and private lands is unbelievably now at an 18-year high. Obama is drilling, baby; he's drilling.

The Obama administration's all-of-the-above strategy has also been successful in creating jobs. Since 2008, 14,000 new jobs have been created in oil and gas extraction. Thank you, President Obama. And 50,000 new jobs have also been created in wind and solar, but Republicans don't want a real all-of-the-above energy strategy.

At the Rules Committee, I offered an amendment, along with Mr. WELCH, that would have established a national renewable energy standard. That amendment would have created wind and solar all across our country as a standard. That amendment was germane to this bill and had no budgetary impact, but the Republican majority refused to even allow us to debate an amendment so that Members could have a chance to vote on an actual all-of-the-above package that wasn't just oil and gas.

And President Obama is about as good a President as you can have on that issue; but wind and solar and biomass and geothermal and all of these technologies of the future, they refused to even allow the Democrats to have a vote on that on the House floor this afternoon. They are not all of the above; they are oil above all. They don't want wind and solar because the oil industry doesn't want it, and the coal industry doesn't want it because it's real competition from the future.

The renewable electricity standard that I would have offered would have created 300,000 new jobs and saved consumers billions of dollars on their electricity bills.

In 2007, 32 Republicans joined 188 Democrats in overwhelming support of a similar renewable electricity standard. In 2009, the House again passed that policy on a bipartisan basis. It died in the Senate both times. Today, it dies here on the House floor because the Republicans don't want 32 Republicans to even have the right to vote for wind and solar and biomass and geothermal. They're afraid Republicans might vote for it, so there's a gag here, a gag order to the House floor saying no debate on the renewables because oil and coal don't want it debated. There will not be a vote on this.

The majority has voted more than 100 times in this Congress to help the oil industry, but they have not voted once in favor of clean energy in the year and a half that they have controlled the United States Congress.

Moreover, because they will not extend the production tax credit for wind, 40,000 jobs are going to be lost in the wind industry in the first 6 months of 2013. This is the Big Oil dream act. This is the dream act of the Republicans. This is something that should be opposed.

Mr. BISHOP of Utah. Ironically, I do agree with the gentleman from Massachusetts in one element of what he said, that this administration, President Obama, is drilling on permits that were granted by Bush and Clinton. The unfortunate side is that this administration is not permitting any new drilling permits for the future growth of this country.

With that, I'm pleased to yield 3 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN) who has been working diligently for many years on this particular issue and has a clear understanding of it.

□ 1320

Mrs. BLACKBURN. I thank the gentleman from Utah for yielding the time.

I am so pleased, Madam Speaker, that we are pushing forward on some bills that are going to actually create the environment for jobs growth to take place. Of course we know that that is needed by the American people. We hear about it every single day.

We are at the longest streak that we have had since the Great Depression, the longest streak with unemployment being above 8 percent. If you look at underemployment, it's at 14.8 percent. Clearly, the American people are speaking out that they want action and they want to get back to work. The Domestic Energy and Jobs Act will do that, helping to create the environment for jobs growth to take place and helping to create the environment where we take actions to fuel this economy.

Our unemployment and underemployment numbers should be a wake-up call to the President, should be a wake-up call to the Senate. They can't continue to sit on their hands and play the blame game while 13 million Americans remain out of work.

As I said, this legislation will help create the jobs that are needed in our Nation's energy sector. What we want to see is more American-made energy, more American exploration. We want to see American innovation and end our dependence on foreign oil. Those are worthy goals, and these are steps in the right direction.

We also hear a lot about the price at the pump. I have many friends who are the mom in the minivan and are getting children back and forth, to and from activities. And at $3.50 a gallon as the new normal, if you will, gas having doubled, the price of gasoline as a transportation fuel having doubled since this President was sworn in, this is something that women talk to us about regularly. There are deep concerns about this.

The greatest potential for economic growth in this country can be found in this Nation's precious natural resources, in our energy resources. While the President is clearly preoccupied with telling Americans what we won't do on energy, what he will not take steps to do, the economy and jobs and what he isn't going to do there, House Republicans are laying out a pathway for what we can do.

By working hard, we can empower those innovators to harness our domestic energy capabilities using so many

of those new technologies that are out there, new innovations that have been brought forward by so many of the petroleum engineers and the innovators in this country.

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

Mr. BISHOP of Utah. I yield the gentlewoman 1 minute.

Mrs. BLACKBURN. I have to say this: with every new discovery of American energy and every new technology advancement, we are able to put more into the marketplace for our Nation's manufacturers, engineers, our leasing specialists, our rig operators, and much more.

I recently had the opportunity to be back in south Mississippi, where I grew up. I had the opportunity to talk with some of the men and women who are involved and working and innovating in the oil and gas industry every single day. What I heard from them was the degree of advancement and the number of opportunities that exist if the Federal Government will get out of the way and return our focus to creating the environment for energy exploration and jobs growth to take place in this great Nation.

Mr. POLIS. Madam Speaker, it's my honor to yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Speaker, the gentlelady was quite correct about worrying about the price of gasoline. And as you sit around talking about that, you ought to be concerned about the 24 million gallons of gasoline that's exported from the United States every day. You might also want to consider that the price of natural gas has plummeted by more than 60 percent during the Obama administration, providing us with an extraordinary opportunity for growth.

But what I'd really like to talk about is, this bill is not a Strategic Energy Production Act. It does not deal with the renewable energy. In fact, the wind energy industry in the United States is about to come to a screeching halt. Seventy-five thousand jobs are presently in this industry. We are already beginning to see the downsizing—17,000 are now being laid off because the production tax credit is not being extended. If we were to extend the production tax credit, we could probably find another 37,000 people working next year.

If we added to this my piece of legislation, H.R. 487, which requires that our tax dollars—in this case, the production tax credit—be spent on American-made equipment, we could see, perhaps, even more manufacturing in the United States.

Bottom line: the Strategic Energy Production Act is an act for the oil and coal industry. It is not for America. We need to change that. We need to look at all of the above, not just oil and coal.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Speaker, I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act, a package of seven bills that, taken together, will create jobs and make America more energy independent.

There are a number of provisions, but among them the bill reforms and streamlines the energy permitting process by setting firm timelines for legal challenges and limiting the duration of injunctions. This provision is critical because it addresses all the red tape, the Washington red tape, and the constant wave of lawsuits by radical environmentalists that have prevented many American energy projects from ever getting off the ground. Some of them have been stalled for decades. Too often, activist Washington lawyers come between the American people and abundant affordable energy. With this bill, we are fighting back.

According to the U.S. Chamber of Commerce's Project No Project report, energy permitting reform could unleash investment to the tune of $3.4 trillion in economic benefits and over 2.6 million jobs created.

All you've got to do is look at the State of North Dakota for the benefits of producing American energy. Oil and gas production is booming, the State has a 3 percent unemployment rate—wouldn't we like to have that nationally? Good grief. And workers are sleeping in their cars, many of them, because the housing supply can't keep up with the demand.

In my home State of Arkansas, we've got our own success story. Production in the Fayetteville shale and the Brown Dense Formation has and will continue to create jobs and American energy, but we can't afford to let up. We have talked way too long about job creation and energy independence. We need less talk and more action.

I urge all my colleagues to support this important bill to create jobs and increase American energy independence.

Mr. POLIS. Madam Speaker, I would like to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman for yielding and for your tremendous leadership on this issue. Of course I rise in strong opposition to the rule and also the bill.

This so-called Domestic Jobs and Energy Act is yet another example of how the Tea Party-led House is wasting the American people's time by passing legislation that will never become law.

This unconscionable wish list for Big Oil contains dangerous provisions that would irresponsibly expand drilling on public lands, roll back policies to provide for safe and responsible energy production in the United States, and it will endanger our public health by blocking important public health safeguards under the Clean Air Act. Gutting the Clean Air Act will not lower gas prices, but it will hurt the health of millions of Americans.

Madam Speaker, we need a real jobs agenda, not another massive giveaway to Big Oil. We must pass the American Jobs Act, invest in our infrastructure, increase job training efforts, and strengthen our safety net. We should support the economy and create jobs by investing in the American people.

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

Mr. POLIS. I yield the gentlewoman an additional 20 seconds.

Ms. LEE of California. In conclusion, this Congress must ensure that our Nation's safety net is a bridge that is strong enough to deliver us all—even the most vulnerable—over these troubled waters. This giveaway to Big Oil will not do that. We need to protect the public health of the American people.

Mr. BISHOP of Utah. I am pleased to yield 3 minutes to another member of the Resources Committee here who understands this issue very well, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Madam Speaker, this act removes the obstacles that are blocking our efforts to achieve greater American energy production and job creation by providing more certainty and clarity to the public lands leasing and permitting process.

In particular, my part of this legislation will ensure that Federal oil and natural gas lease sales occur on a consistent basis and provide the necessary lease certainty so production is made easier.

□ 1330

Currently, there are roughly 1,631 outstanding projects on Federal lands, including lands in Colorado, which have been delayed over 3 years. Federal regulatory delays to these projects prevent the creation of over 60,000 jobs.

We have endured several years of over 8 percent unemployment. Over 12 percent of our veterans who have served in Iraq and Afghanistan are still out of work. The fact that we are not fully benefiting from the employment and financial potential of our energy resources is simply wrong.

The President often boasts about his energy record, but this administration regularly delays and blocks leases. In fact, BLM only approved 11 oil and gas leases in Colorado in 2011 where, in 2006, there were 363 approvals.

We in Colorado understand the importance of harnessing our own resources and the value it provides our economy. The oil and gas industry in Colorado directly employs 50,000 people and supports over 190,000 jobs in our State. This industry is responsible for roughly 6 percent of total employment in Colorado. We have an opportunity with this legislation to create jobs by developing our own resources right here at home.

Opponents of domestic energy exploration claim that the industry already has thousands of acres but are not producing the wells. These critics point to recent Department of the Interior reports that this report represents the

reasons for nonproducing wells. More often than not, the factors that cause our production are delays instituted by the Interior Department itself by requiring redundant reviews of projects, one example being the newest Master Leasing Plans instituted by the Secretary.

Delays also occur because exploration companies do not have full information as to the capacity of production on the land until after the lease sale is finalized. Therefore, some leases prove to be noncommercial and go unused. Although industry has already paid the government thousands of dollars in fees for the opportunity to explore, many times they receive no economic benefit, and the risk is entirely on them.

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

Mr. BISHOP of Utah. I yield the gentleman an additional minute.

Mr. COFFMAN of Colorado. Let me also be clear, because this fact is largely missed by the opponents of this legislation. Only lands that are already approved by BLM for exploration can be nominated by industry. This bill is not a green light for immediate production on all Federal acres. Rather, it grants access to a very small percentage of the total of Federal lands.

As a Coloradoan, I respect the need to preserve our wilderness areas, but I also understand the need to responsibly capitalize on our vast resources in order to get people back to work.

As a Marine Corps combat veteran who has served multiple tours in the Middle East, I fully understand the need to reduce our reliance on foreign oil, and this legislation will help do that.

For these reasons, I ask my colleagues to vote ''yes'' on certainty, ''yes'' on jobs, and ''yes'' on the final passage of the Domestic Energy and Jobs Act.

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

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

There was no objection.

Mr. POLIS. And here we are. While we're debating this death and destruction, oil above all bill, the clock is ticking on student loan payments that will cost middle class families millions and millions of dollars.

I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding.

At the end of this month, the student Federal loan interest rate is set to double from 3.4 percent to 6.8 percent. It's an urgent deadline for more than 7 million American students and more than 177,000 students across the Commonwealth of Massachusetts. It's an urgent deadline for students that I met with at Middlesex College all the way through to Endicott College in my district and elsewhere. These students are working many jobs. They're still carrying thousands of dollars in student debt, and they're deeply concerned about the doubling of the rate that will occur on July 1.

Madam Speaker, this is urgent deadline for House Democrats. We've been on top of this issue for many, many months. Our colleague, Mr. COURTNEY of Connecticut, introduced legislation establishing a permanent fix back in January. Our colleagues, Mr. MILLER of California and Mr. HINOJOSA of Texas, sent a letter to Education and the Workforce Committee Chairman Mr. KLINE in February asking that the question be taken before the committee to prevent the student loan interest hike.

It's unfortunate, Madam Speaker, that the majority in the House of Representatives does not appear to understand or share this urgency. There are 10 days left in June, and we're only scheduled to be in session for 5 of them. As of right now, taking action to stop the doubling of the student loan interest rates is still not on the House's legislative agenda between now and the end of the month. In fact, addressing the issue was not part of the majority leader's summer legislative agenda, and it was reported that Speaker BOEHNER privately called the issue a phony issue.

So let's make no mistake about it. This is nothing phony for the millions of students who will be impacted and will see their rates double in July.

Madam Speaker, since the House majority doesn't appear willing to move forward on this issue, we have to take this action today to defeat the previous question so the rule can be amended to allow for consideration of my bill, the Stop the Rate Hike Act of 2012. That bill continues the current need-based Stafford loan rate at 3.4 percent for 1 year and offsets the cost by closing a tax subsidy for the oil industry, just one tax subsidy, one that they weren't originally intended to benefit from at any rate. I think that's a fair and reasonable plan for eliminating an unjustified giveaway to a hugely profitable industry so millions of our constituents do not see an increase in their student loans.

I urge my colleagues to defeat the previous question so the House can consider that bill and stop the student loan interest rate hike.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. POLIS. I would like to inquire of the other side if he has any remaining speakers.

Mr. BISHOP of Utah. No; I think I'm it.

Mr. POLIS. Very good. Then I'm prepared to close, and I will yield myself the balance of the time.

Now, this rule only provides for consideration of certain amendments. Why are the Republicans so concerned with letting the House work their will on such an important bill?

Now, a number of these measures have been brought forward by Representatives from Colorado. I want to be clear that these are policies that are not universally supported in Colorado and that many of us believe that the policies contained in this set of bills would destroy jobs as well as the quality of life and health of not only Colorado and the West, but the entire country.

In Colorado, we've created a balanced approach to energy policy that's worked. In some areas we lease, some areas we use for other purposes, some areas we protect. Many Colorado small business owners agree, our parks and public lands are critical not only to the economy and job growth, hiking, fishing, hunting, the outdoor industry, but also to our quality of life and our health.

This job-destroying Federal landgrab, Federal water grab bill would put tens of thousands of Coloradoans out of work and destroy the quality of life for our entire State. This bill puts the wish list of the oil and gas industry above all the other users of public lands, above the interest of hunters, above the interest of fishermen, above the interest of hikers, above the interest of tourism, above the interest of skiers, above the interest of conservationists. This bill is out of touch with the citizens of Colorado and will destroy jobs in Colorado and throughout the country.

Look, companies are able to drill. They've been drilling the last 40 years. President Obama's leadership has led to twice the number of drilling wells. Our energy production is at an 8-year peak from oil and gas, and we continue to increase our energy production on public lands, and there's a responsible way to do it.

But we need a balanced approach that doesn't throw out the safeguards and protections that protect the health of children and the health of families, to protect our jobs in the outdoor industry, that protect our jobs in the recreation industry and protect our quality of life across the Western United States, and laws that protect our water and laws that protect our air.

This bill, this series of omnibus death and destruction bills, simply fails that test. The American people deserve more than the death and destruction, oil above all omnibus package that's being offered here today. While millions of Americans are waiting in the unemployment lines, we need a bill that creates jobs rather than destroys jobs.

□ 1340

An increased concentration of toxic chemicals can harm the health of American citizens and Coloradans. Now there is great promise and opportunity in technology that will allow companies to drill with less of an impact on

human health and the environment. That's why we have a regulatory framework. It is to ensure that there is incentive to make sure that American families are safe.

This package of job-destroying bills that has been brought before us today would harm our sensitive lands and constitute a Federal land grab and Federal water grab, all without lowering the price at the pump and destroying tens of thousands of jobs in the process.

This death-and-destruction bill is simply not what this country needs to move forward. I urge my colleagues to oppose the rule and to oppose the bill. I urge a ''no'' vote on the rule and to defeat the previous question.

I yield back the balance of my time.

Mr. BISHOP of Utah. I yield myself the balance of my time.

In the 111th Congress, when the other side was in charge, H.R. 2454 was brought forth from the floor. It was called the American Clean Energy and Security Act. There were 224 amendments submitted, and one was made in order. In our bill today, 27 amendments are made in order, two-thirds of which are Democrat amendments. This is a very fair rule, and it will provide for an open and clear debate on the particular issue.

Let's face it, Madam Speaker. The United States has a lot of untapped areas on public lands that are involved not only in oil and oil shale but in natural gas and coal. We are an energy-rich country. We are an energy-producing country. It's about time we recognized that fact and developed the energy that we have for the betterment of our people and for job creation.

We need an all-of-the-above strategy that is not just a rhetorical exercise in an election year but an all-of-the-above strategy that, actually, really creates something without hidden delays disguised as procedural practices and processes.

This bill will create jobs. This bill will keep American dollars at home. This bill will provide economic growth instead of sending our money abroad. This is a good bill, and it is an incredibly fair rule. I urge its adoption.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 691 OFFERED BY MR. POLIS OF COLORADO

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

Sec. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4816) to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Education and the Workforce and the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

Sec. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2 of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

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

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

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

Mr. BISHOP of Utah. With that, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

RECORDED VOTE

Mr. POLIS. Madam 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 ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to instruct conferees offered by Mr. WALZ of Minnesota.

The vote was taken by electronic device, and there were—ayes 242, noes 183, not voting 7, as follows:

[Roll No. 389]

AYES—242

Adams	Campbell	Fleming
Aderholt	Canseco	Flores
Akin	Cantor	Forbes
Alexander	Capito	Fortenberry
Amash	Carter	Foxx
Amodei	Cassidy	Franks (AZ)
Austria	Chabot	Frelinghuysen
Bachmann	Chaffetz	Gallegly
Barletta	Chandler	Gardner
Bartlett	Coble	Garrett
Barton (TX)	Coffman (CO)	Gerlach
Bass (NH)	Cole	Gibbs
Benishek	Conaway	Gibson
Berg	Cravaack	Gingrey (GA)
Biggert	Crawford	Gohmert
Bilbray	Crenshaw	Goodlatte
Bilirakis	Culberson	Gosar
Bishop (UT)	Davis (KY)	Gowdy
Black	Denham	Granger
Blackburn	Dent	Graves (GA)
Bonner	DesJarlais	Graves (MO)
Bono Mack	Diaz-Balart	Green, Gene
Boren	Dold	Griffin (AR)
Boustany	Dreier	Griffith (VA)
Brady (TX)	Duffy	Grimm
Brooks	Duncan (SC)	Guinta
Broun (GA)	Duncan (TN)	Guthrie
Buchanan	Ellmers	Hall
Bucshon	Emerson	Hanna
Buerkle	Farenthold	Harper
Burgess	Fincher	Harris
Burton (IN)	Fitzpatrick	Hartzler
Calvert	Flake	Hastings (WA)
Camp	Fleischmann	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
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (MI)
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
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
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—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
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
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
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
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)
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

Bachus
Jackson (IL)
Lewis (CA)
Miller (FL)
Miller, Gary
Reed
Sánchez, Linda T.

□ 1408

Ms. WASSERMAN SCHULTZ, Ms. BROWN of Florida, Ms. SLAUGHTER, and Ms. VELÁZQUEZ changed their vote from ''aye'' to ''no.''

Mr. MCINTYRE and Mrs. MCMORRIS RODGERS changed their vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. YODER). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 245, nays 178, not voting 9, as follows:

[Roll No. 390]

YEAS—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
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
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
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
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
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters

Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—9

Bachus
Becerra
Dreier
Jackson (IL)
Lewis (CA)
Miller (FL)
Miller, Gary
Reed
Sánchez, Linda T.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1415

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BECERRA. Mr. Speaker, on June 20, 2012, I was unavoidably detained and missed rollcall vote 390. If present, I would have voted "yea" on rollcall vote 390.

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Minnesota (Mr. WALZ) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 34, answered "present" 1, not voting 11, as follows:

[Roll No. 391]

YEAS—386

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Gowdy
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
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—34

Amash
Bishop (UT)
Brady (TX)
Broun (GA)
Camp
Campbell
Canseco
Carter
Conaway
Culberson
Fincher
Flores
Foxx
Garrett
Gingrey (GA)
Gohmert
Granger
Huizenga (MI)
Long
McClintock
Neugebauer
Pearce
Poe (TX)
Pompeo
Posey
Quayle
Rooney
Sessions
Stearns
Thompson (PA)
Thornberry
Webster
Westmoreland
Young (AK)

ANSWERED "PRESENT"—1

Ribble

NOT VOTING—11

Bachus
Bass (CA)
Dreier
Jackson (IL)
Lewis (CA)
Miller (FL)
Miller, Gary
Reed
Sánchez, Linda T.
Schock
Walsh (IL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1422

Mr. GINGREY of Georgia changed his vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. HOYER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4348.

The form of the motion is as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement to the amendment of the Senate.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mrs. BLACK. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mrs. BLACK moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to reject section 31108 of the Senate amendment (relating to distracted driving grants), other than the matter proposed to be inserted as section 411(g) of title 23, United States Code (relating to a distracted driving study).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are

ordered, or on which the vote incurs objection under clause 6 of rule XX.

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

FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3187) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Food and Drug Administration Safety and Innovation Act''.

SEC. 2. TABLE OF CONTENTS; REFERENCES IN ACT.

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

Sec. 1. Short title.
Sec. 2. Table of contents; references in Act.

TITLE I—FEES RELATING TO DRUGS

Sec. 101. Short title; finding.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Reauthorization; reporting requirements.
Sec. 105. Sunset dates.
Sec. 106. Effective date.
Sec. 107. Savings clause.

TITLE II—FEES RELATING TO DEVICES

Sec. 201. Short title; findings.
Sec. 202. Definitions.
Sec. 203. Authority to assess and use device fees.
Sec. 204. Reauthorization; reporting requirements.
Sec. 205. Savings clause.
Sec. 206. Effective date.
Sec. 207. Sunset clause.
Sec. 208. Streamlined hiring authority to support activities related to the process for the review of device applications.

TITLE III—FEES RELATING TO GENERIC DRUGS

Sec. 301. Short title.
Sec. 302. Authority to assess and use human generic drug fees.
Sec. 303. Reauthorization; reporting requirements.
Sec. 304. Sunset dates.
Sec. 305. Effective date.
Sec. 306. Amendment with respect to misbranding.
Sec. 307. Streamlined hiring authority to support activities related to human generic drugs.
Sec. 308. Additional reporting requirements.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

Sec. 401. Short title; finding.
Sec. 402. Fees relating to biosimilar biological products.
Sec. 403. Reauthorization; reporting requirements.
Sec. 404. Sunset dates.
Sec. 405. Effective date.
Sec. 406. Savings clause.
Sec. 407. Conforming amendment.
Sec. 408. Additional reporting requirements.

TITLE V—PEDIATRIC DRUGS AND DEVICES

Sec. 501. Permanence.
Sec. 502. Written requests.
Sec. 503. Communication with Pediatric Review Committee.
Sec. 504. Access to data.
Sec. 505. Ensuring the completion of pediatric studies.
Sec. 506. Pediatric study plans.
Sec. 507. Reauthorizations.
Sec. 508. Report.
Sec. 509. Technical amendments.
Sec. 510. Pediatric rare diseases.
Sec. 511. Staff of Office of Pediatric Therapeutics.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

Sec. 601. Investigational device exemptions.
Sec. 602. Clarification of least burdensome standard.
Sec. 603. Agency documentation and review of significant decisions.
Sec. 604. Device modifications requiring premarket notification prior to marketing.
Sec. 605. Program to improve the device recall system.
Sec. 606. Clinical holds on investigational device exemptions.
Sec. 607. Modification of de novo application process.
Sec. 608. Reclassification procedures.
Sec. 609. Harmonization of device premarket review, inspection, and labeling symbols.
Sec. 610. Participation in international fora.
Sec. 611. Reauthorization of third-party review.
Sec. 612. Reauthorization of third-party inspection.
Sec. 613. Humanitarian device exemptions.
Sec. 614. Unique device identifier.
Sec. 615. Sentinel.
Sec. 616. Postmarket surveillance.
Sec. 617. Custom devices.
Sec. 618. Health information technology.
Sec. 619. Good guidance practices relating to devices.
Sec. 620. Pediatric device consortia.

TITLE VII—DRUG SUPPLY CHAIN

Sec. 701. Registration of domestic drug establishments.
Sec. 702. Registration of foreign establishments.
Sec. 703. Identification of drug excipient information with product listing.
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Sec. 706. Records for inspection.
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Sec. 708. Destruction of adulterated, misbranded, or counterfeit drugs offered for import.
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Sec. 711. Enhancing the safety and quality of the drug supply.
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Sec. 714. Registration of commercial importers.
Sec. 715. Notification.
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TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

Sec. 801. Extension of exclusivity period for drugs.
Sec. 802. Priority review.
Sec. 803. Fast track product.
Sec. 804. Clinical trials.
Sec. 805. Reassessment of qualified infectious disease product incentives in 5 years.
Sec. 806. Guidance on pathogen-focused antibacterial drug development.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

Sec. 901. Enhancement of accelerated patient access to new medical treatments.
Sec. 902. Breakthrough therapies.
Sec. 903. Consultation with external experts on rare diseases, targeted therapies, and genetic targeting of treatments.
Sec. 904. Accessibility of information on prescription drug container labels by visually impaired and blind consumers.
Sec. 905. Risk-benefit framework.
Sec. 906. Grants and Contracts for the Development of Orphan Drugs.
Sec. 907. Reporting of inclusion of demographic subgroups in clinical trials and data analysis in applications for drugs, biologics, and devices.
Sec. 908. Rare pediatric disease priority review voucher incentive program.

TITLE X—DRUG SHORTAGES

Sec. 1001. Discontinuance or interruption in the production of life-saving drugs.
Sec. 1002. Annual reporting on drug shortages.
Sec. 1003. Coordination; task force and strategic plan.
Sec. 1004. Drug shortage list.
Sec. 1005. Quotas applicable to drugs in shortage.
Sec. 1006. Attorney General report on drug shortages.
Sec. 1007. Hospital repackaging of drugs in shortage.
Sec. 1008. Study on drug shortages.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

Sec. 1101. Reauthorization of provision relating to exclusivity of certain drugs containing single enantiomers.
Sec. 1102. Reauthorization of the critical path public-private partnerships.

Subtitle B—Medical Gas Product Regulation

Sec. 1111. Regulation of medical gases.
Sec. 1112. Changes to regulations.
Sec. 1113. Rules of construction.

Subtitle C—Miscellaneous Provisions

Sec. 1121. Guidance document regarding product promotion using the Internet.
Sec. 1122. Combating prescription drug abuse.
Sec. 1123. Optimizing global clinical trials.
Sec. 1124. Advancing regulatory science to promote public health innovation.
Sec. 1125. Information technology.
Sec. 1126. Nanotechnology.
Sec. 1127. Online pharmacy report to Congress.
Sec. 1128. Report on small businesses.
Sec. 1129. Protections for the commissioned corps of the public health service act.
Sec. 1130. Compliance date for rule relating to sunscreen drug products for over-the-counter human use.
Sec. 1131. Strategic integrated management plan.
Sec. 1132. Assessment and modification of REMS.
Sec. 1133. Extension of period for first applicant to obtain tentative approval without forfeiting 180-day-exclusivity period.
Sec. 1134. Deadline for determination on certain petitions.
Sec. 1135. Final agency action relating to petitions and civil actions.
Sec. 1136. Electronic submission of applications.
Sec. 1137. Patient participation in medical product discussions.
Sec. 1138. Ensuring adequate information regarding pharmaceuticals for all populations, particularly underrepresented subpopulations, including racial subgroups.

Sec. 1139. Scheduling of hydrocodone.
Sec. 1140. Study on Drug Labeling by Electronic Means.
Sec. 1141. Recommendations on interoperability standards.
Sec. 1142. Conflicts of interest.
Sec. 1143. Notification of FDA intent to regulate laboratory-developed tests.

Subtitle D—Synthetic Drugs

Sec. 1151. Short title.
Sec. 1152. Addition of synthetic drugs to schedule I of the Controlled Substances Act.
Sec. 1153. Temporary scheduling to avoid imminent hazards to public safety expansion.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—FEES RELATING TO DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the ''Prescription Drug User Fee Amendments of 2012''.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 735(7) (21 U.S.C. 379g) is amended by striking ''expenses incurred in connection with'' and inserting ''expenses in connection with''.

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

Section 736 (21 U.S.C. 379h) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''fiscal year 2008'' and inserting ''fiscal year 2013'';

(B) in paragraph (1)(A)—

(i) in clause (i), by striking ''(c)(5)'' and inserting ''(c)(4)''; and

(ii) in clause (ii), by striking ''(c)(5)'' and inserting ''(c)(4)'';

(C) in the matter following clause (ii) in paragraph (2)(A)—

(i) by striking ''(c)(5)'' and inserting ''(c)(4)''; and

(ii) by striking ''payable on or before October 1 of each year'' and inserting ''due on the later of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section'';

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''subsection (c)(5)'' and inserting ''subsection (c)(4)''; and

(II) by striking ''payable on or before October 1 of each year.'' and inserting ''due on the later of the first business day on or after October 1 of each fiscal year or the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) EXCEPTION.—A prescription drug product shall not be assessed a fee under subparagraph (A) if such product is—

''(i) identified on the list compiled under section 505(j)(7) with a potency described in terms of per 100 mL;

''(ii) the same product as another product that—

''(I) was approved under an application filed under section 505(b) or 505(j); and

''(II) is not in the list of discontinued products compiled under section 505(j)(7);

''(iii) the same product as another product that was approved under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997); or

''(iv) the same product as another product that was approved under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''fiscal years 2008 through 2012'' and inserting ''fiscal years 2013 through 2017'';

(ii) in subparagraph (A), by striking ''$392,783,000; and'' and inserting ''$693,099,000;''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) the dollar amount equal to the inflation adjustment for fiscal year 2013 (as determined under paragraph (3)(A)); and

''(C) the dollar amount equal to the workload adjustment for fiscal year 2013 (as determined under paragraph (3)(B)).''; and

(B) by striking paragraphs (3) and (4) and inserting the following:

''(3) FISCAL YEAR 2013 INFLATION AND WORKLOAD ADJUSTMENTS.—For purposes of paragraph (1), the dollar amount of the inflation and workload adjustments for fiscal year 2013 shall be determined as follows:

''(A) INFLATION ADJUSTMENT.—The inflation adjustment for fiscal year 2013 shall be the sum of—

''(i) $652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(B); and

''(ii) $652,709,000 multiplied by the result of an inflation adjustment calculation determined using the methodology described in subsection (c)(1)(C).

''(B) WORKLOAD ADJUSTMENT.—Subject to subparagraph (C), the workload adjustment for fiscal 2013 shall be—

''(i) $652,709,000 plus the amount of the inflation adjustment calculated under subparagraph (A); multiplied by

''(ii) the amount (if any) by which a percentage workload adjustment for fiscal year 2013, as determined using the methodology described in subsection (c)(2)(A), would exceed the percentage workload adjustment (as so determined) for fiscal year 2012, if both such adjustment percentages were calculated using the 5-year base period consisting of fiscal years 2003 through 2007.

''(C) LIMITATION.—Under no circumstances shall the adjustment under subparagraph (B) result in fee revenues for fiscal year 2013 that are less than the sum of the amount under paragraph (1)(A) and the amount under paragraph (1)(B).'';

(3) by striking subsection (c) and inserting the following:

''(c) ADJUSTMENTS.—

''(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year by the amount equal to the sum of—

''(A) one;

''(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years, and

''(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this paragraph.

''(2) WORKLOAD ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary for the process for the review of human drug applications. With respect to such adjustment:

''(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph), efficacy supplements, and manufacturing supplements submitted to the Secretary, and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

''(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the sum of the amount under subsection (b)(1)(A) and the amount under subsection (b)(1)(B), as adjusted for inflation under paragraph (1).

''(C) The Secretary shall contract with an independent accounting or consulting firm to periodically review the adequacy of the adjustment and publish the results of those reviews. The first review shall be conducted and published by the end of fiscal year 2013 (to examine the performance of the adjustment since fiscal year 2009), and the second review shall be conducted and published by the end of fiscal year 2015 (to examine the continued performance of the adjustment). The reports shall evaluate whether the adjustment reasonably represents actual changes in workload volume and complexity and present options to discontinue, retain, or modify any elements of the adjustment. The reports shall be published for public comment. After review of the reports and receipt of public comments, the Secretary shall, if warranted, adopt appropriate changes to the methodology. If the Secretary adopts changes to the methodology based on the first report, the changes shall be effective for the first fiscal year for which fees are set after the Secretary adopts such changes and each subsequent fiscal year.

''(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1) and (2), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of human drug applications for the first 3 months of fiscal year 2018. If such an adjustment is necessary,

the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such process in excess of 3 months of such operating reserves, the adjustment under this paragraph shall not be made.

''(4) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, application, product, and establishment fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

''(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications.''; and

(4) in subsection (g)—

(A) in paragraph (1), by striking ''Fees authorized'' and inserting ''Subject to paragraph (2)(C), fees authorized'';

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''shall be retained'' and inserting ''subject to subparagraph (C), shall be collected and available'';

(ii) in subparagraph (A)(ii), by striking ''shall only be collected and available'' and inserting ''shall be available''; and

(iii) by adding at the end the following new subparagraph:

''(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.'';

(C) in paragraph (3), by striking ''fiscal years 2008 through 2012'' and inserting ''fiscal years 2013 through 2017''; and

(D) in paragraph (4)—

(i) by striking ''fiscal years 2008 through 2010'' and inserting ''fiscal years 2013 through 2015'';

(ii) by striking ''fiscal year 2011'' and inserting ''fiscal year 2016'';

(iii) by striking ''fiscal years 2008 through 2011'' and inserting ''fiscal years 2013 through 2016''; and

(iv) by striking ''fiscal year 2012'' and inserting ''fiscal year 2017''.

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B (21 U.S.C. 379h–2) is amended—

(1) by amending subsection (a) to read as follows:

''(a) PERFORMANCE REPORT.—

''(1) IN GENERAL.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

''(A) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, including the status of the independent assessment described in such letters; and

''(B) the progress of the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in achieving the goals, and future plans for meeting the goals, including, for each review division—

''(i) the number of original standard new drug applications and biologics license applications filed per fiscal year for each review division;

''(ii) the number of original priority new drug applications and biologics license applications filed per fiscal year for each review division;

''(iii) the number of standard efficacy supplements filed per fiscal year for each review division;

''(iv) the number of priority efficacy supplements filed per fiscal year for each review division;

''(v) the number of applications filed for review under accelerated approval per fiscal year for each review division;

''(vi) the number of applications filed for review as fast track products per fiscal year for each review division;

''(vii) the number of applications filed for orphan-designated products per fiscal year for each review division; and

''(viii) the number of breakthrough designations for a fiscal year for each review division.

''(2) INCLUSION.—The report under this subsection for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.''.

(2) in subsection (b), by striking ''2008'' and inserting ''2013''; and

(3) in subsection (d), by striking ''2012'' each place it appears and inserting ''2017''.

SEC. 105. SUNSET DATES.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) shall cease to be effective January 31, 2018.

(c) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Section 106 of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is amended in the table of contents in section 2, by striking the item relating to section 106.

(d) TECHNICAL CLARIFICATIONS.—

(1) Effective September 30, 2007—

(A) section 509 of the Prescription Drug User Fee Amendments Act of 2002 (Title V of Public Law 107–188) is repealed; and

(B) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188) is amended in the table of contents in section 1(b), by striking the item relating to section 509.

(2) Effective September 30, 2002—

(A) section 107 of the Food and Drug Administration Modernization Act of 1997 (Public Law 105–115) is repealed; and

(B) the table of contents in section 1(c) of such Act is amended by striking the item related to section 107.

(3) Effective September 30, 1997, section 105 of the Prescription Drug User Fee Act of 1992 (Public Law 102–571) is repealed.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 107. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2012.

TITLE II—FEES RELATING TO DEVICES

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the ''Medical Device User Fee Amendments of 2012''.

(b) FINDINGS.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (9), by striking ''incurred'' after ''expenses'';

(2) in paragraph (10), by striking ''October 2001'' and inserting ''October 2011''; and

(3) in paragraph (13), by striking ''is required to register'' and all that follows through the end of paragraph (13) and inserting the following: ''is registered (or is required to register) with the Secretary under section 510 because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device.''.

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking ''fiscal year 2008'' and inserting ''fiscal year 2013'';

(2) in paragraph (2)(A)—

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

(i) by striking ''subsections (d) and (e)'' and inserting ''subsections (d), (e), and (f)'';

(ii) by striking ''October 1, 2002'' and inserting ''October 1, 2012''; and

(iii) by striking ''subsection (c)(1)'' and inserting ''subsection (c)''; and

(B) in clause (viii), by striking ''1.84'' and inserting ''2''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by inserting ''and subsection (f)'' after ''subparagraph (B)''; and

(B) in subparagraph (C), by striking ''initial registration'' and all that follows through ''section 510.'' and inserting ''later of—

''(i) the initial or annual registration (as applicable) of the establishment under section 510; or

''(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.''.

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

''(b) FEE AMOUNTS.—

''(1) IN GENERAL.—Subject to subsections (c), (d), (e), (f), and (i), for each of fiscal years 2013 through 2017, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the total revenue amounts specified in paragraph (3).

''(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

''Fee Type	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
Premarket Application	$248,000	$252,960	$258,019	$263,180	$268,443
Establishment Registration	$2,575	$3,200	$3,750	$3,872	$3,872

''(3) TOTAL REVENUE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

''(A) $97,722,301 for fiscal year 2013.

''(B) $112,580,497 for fiscal year 2014.

''(C) $125,767,107 for fiscal year 2015.

''(D) $129,339,949 for fiscal year 2016.

''(E) $130,184,348 for fiscal year 2017.''.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) (21 U.S.C. 379j(c)) is amended—

(1) in the subsection heading, by inserting ''; ADJUSTMENTS'' after ''SETTING'';

(2) by striking paragraphs (1) and (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting before paragraph (4), as so redesignated, the following:

''(1) IN GENERAL.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2012, establish fees under subsection (a), based on amounts specified under subsection (b) and the adjustments provided under this subsection, and publish such fees, and the rationale for any adjustments to such fees, in the Federal Register.

''(2) INFLATION ADJUSTMENTS.—

''(A) ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—For fiscal year 2014 and each subsequent fiscal year, the Secretary shall adjust the total revenue amount specified in subsection (b)(3) for such fiscal year by multiplying such amount by the applicable inflation adjustment under subparagraph (B) for such year.

''(B) APPLICABLE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—The applicable inflation adjustment for a fiscal year is—

''(i) for fiscal year 2014, the base inflation adjustment under subparagraph (C) for such fiscal year; and

''(ii) for fiscal year 2015 and each subsequent fiscal year, the product of—

''(I) the base inflation adjustment under subparagraph (C) for such fiscal year; and

''(II) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2014.

''(C) BASE INFLATION ADJUSTMENT TO TOTAL REVENUE AMOUNTS.—

''(i) IN GENERAL.—Subject to further adjustment under clause (ii), the base inflation adjustment for a fiscal year is the sum of one plus—

''(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by 0.60; and

''(II) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by 0.40.

''(ii) LIMITATIONS.—For purposes of subparagraph (B), if the base inflation adjustment for a fiscal year under clause (i)—

''(I) is less than 1, such adjustment shall be considered to be equal to 1; or

''(II) is greater than 1.04, such adjustment shall be considered to be equal to 1.04.

''(D) ADJUSTMENT TO BASE FEE AMOUNTS.—For each of fiscal years 2014 through 2017, the base fee amounts specified in subsection (b)(2) shall be adjusted as needed, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A).

''(3) VOLUME-BASED ADJUSTMENTS TO ESTABLISHMENT REGISTRATION BASE FEES.—For each of fiscal years 2014 through 2017, after the base fee amounts specified in subsection (b)(2) are adjusted under paragraph (2)(D), the base establishment registration fee amounts specified in such subsection shall be further adjusted, as the Secretary estimates is necessary in order for total fee collections for such fiscal year to generate the total revenue amounts, as adjusted under paragraph (2).''.

(d) FEE WAIVER OR REDUCTION.—Section 738 (21 U.S.C. 379j) is amended by—

(1) redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) FEE WAIVER OR REDUCTION.—

''(1) IN GENERAL.—The Secretary may, at the Secretary's sole discretion, grant a waiver or reduction of fees under subsection (a)(2) or (a)(3) if the Secretary finds that such waiver or reduction is in the interest of public health.

''(2) LIMITATION.—The sum of all fee waivers or reductions granted by the Secretary in any fiscal year under paragraph (1) shall not exceed 2 percent of the total fee revenue amounts established for such year under subsection (c).

''(3) DURATION.—The authority provided by this subsection terminates October 1, 2017.''.

(e) CONDITIONS.—Section 738(h)(1)(A) (21 U.S.C. 379j(h)(1)(A)), as redesignated by subsection (d)(1), is amended by striking ''$205,720,000'' and inserting ''$280,587,000''.

(f) CREDITING AND AVAILABILITY OF FEES.—Section 738(i) (21 U.S.C. 379j(i)), as redesignated by subsection (d)(1), is amended—

(1) in paragraph (1), by striking ''Fees authorized'' and inserting ''Subject to paragraph (2)(C), fees authorized'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''shall be retained'' and inserting ''subject to subparagraph (C), shall be collected and available''; and

(ii) in clause (ii)—

(I) by striking ''collected and'' after ''shall only be''; and

(II) by striking ''fiscal year 2002'' and inserting ''fiscal year 2009''; and

(B) by adding at the end, the following:

''(C) PROVISION FOR EARLY PAYMENTS.—Payment of fees authorized under this section for a fiscal year, prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.'';

(3) by amending paragraph (3) to read as follows:

''(3) AUTHORIZATIONS OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount specified under subsection (b)(3) for the fiscal year, as adjusted under subsection (c) and, for fiscal year 2017 only, as further adjusted under paragraph (4).''; and

(4) in paragraph (4)—

(A) by striking ''fiscal years 2008, 2009, and 2010'' and inserting ''fiscal years 2013, 2014, and 2015'';

(B) by striking ''fiscal year 2011'' and inserting ''fiscal year 2016'';

(C) by striking ''June 30, 2011'' and inserting ''June 30, 2016'';

(D) by striking ''the amount of fees specified in aggregate in'' and inserting ''the cumulative amount appropriated pursuant to'';

(E) by striking ''aggregate amount in'' before ''excess shall be credited''; and

(F) by striking ''fiscal year 2012'' and inserting ''fiscal year 2017''.

(g) CONFORMING AMENDMENT.—Section 515(c)(4)(A) (21 U.S.C. 360e(c)(4)(A)) is amended by striking ''738(g)'' and inserting ''738(h)''.

SEC. 204. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) REAUTHORIZATION.—Section 738A(b) (21 U.S.C. 379j–1(b)) is amended—

(1) in paragraph (1), by striking ''2012'' and inserting ''2017''; and

(2) in paragraph (5), by striking ''2012'' and inserting ''2017''.

(b) PERFORMANCE REPORTS.—Section 738A(a) (21 U.S.C. 379j–1(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PERFORMANCE REPORT.—

''(A) IN GENERAL.—Beginning with fiscal year 2013, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives annual reports concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Medical Device User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

''(B) PUBLICATION.—With regard to information to be reported by the Food and Drug Administration to industry on a quarterly and annual basis pursuant to the letters described in section 201(b) of the Medical Device User Fee Amendments Act of 2012, the Secretary shall make such information publicly available on the Internet Web site of the Food and Drug Administration not later than 60 days after the end of each quarter or 120 days after the end of each fiscal year, respectively, to which such information applies. This information shall include the status of the independent assessment identified in the letters described in such section 201(b).

''(C) UPDATES.—The Secretary shall include in each report under subparagraph (A) information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications and reports, supplements, and premarket notifications in the cohort.''; and

(2) in paragraph (2), by striking ''2008 through 2012'' and inserting ''2013 through 2017''.

SEC. 205. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (in effect as of such day) that on or after October 1, 2007, but before October 1, 2012, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 206. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2012, regardless of the date of the enactment of this Act.

SEC. 207. SUNSET CLAUSE.

(a) IN GENERAL.—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739i; 739j) shall cease to be effective October 1, 2017. Section 738A (21 U.S.C. 739j–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2018.

(b) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Section 217 of the Food and Drug Administration Amendments Act of 2007 (Title II of Public Law 110–85) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Amendments Act of 2007 (Public Law 110–85) is amended in the table of contents in section 2, by striking the item relating to section 217.

(c) TECHNICAL CLARIFICATION.—Effective September 30, 2007—

(1) section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250) is repealed; and

(2) the table of contents in section 1(b) of such Act is amended by striking the item related to section 107.

SEC. 208. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by inserting after section 713 the following new section:

"SEC. 714. STREAMLINED HIRING AUTHORITY.

''(a) IN GENERAL.—In addition to any other personnel authorities under other provisions of law, the Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint employees to positions in the Food and Drug Administration to perform, administer, or support activities described in subsection (b), if the Secretary determines that such appointments are needed to achieve the objectives specified in subsection (c).

''(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are activities under this Act related to the process for the review of device applications (as defined in section 737(8)).

''(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are with respect to the activities under subsection (b), the goals referred to in section 738A(a)(1).

''(d) INTERNAL CONTROLS.—The Secretary shall institute appropriate internal controls for appointments under this section.

''(e) SUNSET.—The authority to appoint employees under this section shall terminate on the date that is 3 years after the date of enactment of this section.''.

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 301. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Generic Drug User Fee Amendments of 2012''.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 302. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

"PART 7—FEES RELATING TO GENERIC DRUGS

"SEC. 744A. DEFINITIONS.

''For purposes of this part:

''(1) The term 'abbreviated new drug application'—

''(A) means an application submitted under section 505(j), an abbreviated application submitted under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or an abbreviated new drug application submitted pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984; and

''(B) does not include an application for a positron emission tomography drug.

''(2) The term 'active pharmaceutical ingredient' means—

''(A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended—

''(i) to be used as a component of a drug; and

''(ii) to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or

''(B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become a substance or mixture described in subparagraph (A).

''(3) The term 'adjustment factor' means a factor applicable to a fiscal year that is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2011.

''(4) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

''(A) one business entity controls, or has the power to control, the other business entity; or

''(B) a third party controls, or has power to control, both of the business entities.

''(5)(A) The term 'facility'—

''(i) means a business or other entity—

''(I) under one management, either direct or indirect; and

''(II) at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form; and

''(ii) does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing.

''(B) For purposes of subparagraph (A), separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are—

''(i) closely related to the same business enterprise;

''(ii) under the supervision of the same local management; and

''(iii) capable of being inspected by the Food and Drug Administration during a single inspection.

''(C) If a business or other entity would meet the definition of a facility under this paragraph but for being under multiple management, the business or other entity is deemed to constitute multiple facilities, one per management entity, for purposes of this paragraph.

''(6) The term 'finished dosage form' means—

''(A) a drug product in the form in which it will be administered to a patient, such as a tablet, capsule, solution, or topical application;

''(B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or

''(C) any combination of an active pharmaceutical ingredient with another component of a drug product for purposes of production of a drug product described in subparagraph (A) or (B).

''(7) The term 'generic drug submission' means an abbreviated new drug application, an amendment to an abbreviated new drug application, or a prior approval supplement to an abbreviated new drug application.

''(8) The term 'human generic drug activities' means the following activities of the Secretary associated with generic drugs and inspection of facilities associated with generic drugs:

''(A) The activities necessary for the review of generic drug submissions, including review of drug master files referenced in such submissions.

''(B) The issuance of—

''(i) approval letters which approve abbreviated new drug applications or supplements to such applications; or

''(ii) complete response letters which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in condition for approval.

''(C) The issuance of letters related to Type II active pharmaceutical drug master files which—

''(i) set forth in detail the specific deficiencies in such submissions, and where appropriate, the actions necessary to resolve those deficiencies; or

''(ii) document that no deficiencies need to be addressed.

''(D) Inspections related to generic drugs.

''(E) Monitoring of research conducted in connection with the review of generic drug submissions and drug master files.

''(F) Postmarket safety activities with respect to drugs approved under abbreviated new drug applications or supplements, including the following activities:

''(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

''(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

''(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

''(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies) insofar as those activities relate to abbreviated new drug applications.

''(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

''(G) Regulatory science activities related to generic drugs.

''(9) The term 'positron emission tomography drug' has the meaning given to the term 'compounded positron emission tomography drug' in section 201(ii), except that paragraph (1)(B) of such section shall not apply.

''(10) The term 'prior approval supplement' means a request to the Secretary to approve a change in the drug substance, drug product, production process, quality controls, equipment, or facilities covered by an approved abbreviated new drug application when that change has a substantial potential to have an adverse effect on the identity, strength, quality, purity, or potency of the drug product as these factors may relate to the safety or effectiveness of the drug product.

''(11) The term 'resources allocated for human generic drug activities' means the expenses for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers and employees and to contracts with such contractors;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(D) collecting fees under subsection (a) and accounting for resources allocated for the review of abbreviated new drug applications and supplements and inspection related to generic drugs.

''(12) The term 'Type II active pharmaceutical ingredient drug master file' means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

"SEC. 744B. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

''(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ONE-TIME BACKLOG FEE FOR ABBREVIATED NEW DRUG APPLICATIONS PENDING ON OCTOBER 1, 2012.—

''(A) IN GENERAL.—Each person that owns an abbreviated new drug application that is pending on October 1, 2012, and that has not received a tentative approval prior to that date, shall be subject to a fee for each such application, as calculated under subparagraph (B).

''(B) METHOD OF FEE AMOUNT CALCULATION.—The amount of each one-time backlog fee shall be calculated by dividing $50,000,000 by the total number of abbreviated new drug applications pending on October 1, 2012, that have not received a tentative approval as of that date.

''(C) NOTICE.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fee required by subparagraph (A).

''(D) FEE DUE DATE.—The fee required by subparagraph (A) shall be due no later than 30 calendar days after the date of the publication of the notice specified in subparagraph (C).

''(2) DRUG MASTER FILE FEE.—

''(A) IN GENERAL.—Each person that owns a Type II active pharmaceutical ingredient drug master file that is referenced on or after October 1, 2012, in a generic drug submission by any initial letter of authorization shall be subject to a drug master file fee.

''(B) ONE-TIME PAYMENT.—If a person has paid a drug master file fee for a Type II active pharmaceutical ingredient drug master file, the person shall not be required to pay a subsequent drug master file fee when that Type II active pharmaceutical ingredient drug master file is subsequently referenced in generic drug submissions.

''(C) NOTICE.—

''(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the drug master file fee for fiscal year 2013.

''(ii) FISCAL YEAR 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the drug master file fee established by this paragraph for such fiscal year.

''(D) AVAILABILITY FOR REFERENCE.—

''(i) IN GENERAL.—Subject to subsection (g)(2)(C), for a generic drug submission to reference a Type II active pharmaceutical ingredient drug master file, the drug master file must be deemed available for reference by the Secretary.

''(ii) CONDITIONS.—A drug master file shall be deemed available for reference by the Secretary if—

''(I) the person that owns a Type II active pharmaceutical ingredient drug master file has paid the fee required under subparagraph (A) within 20 calendar days after the applicable due date under subparagraph (E); and

''(II) the drug master file has not failed an initial completeness assessment by the Secretary, in accordance with criteria to be published by the Secretary.

''(iii) LIST.—The Secretary shall make publicly available on the Internet Web site of the Food and Drug Administration a list of the drug master file numbers that correspond to drug master files that have successfully undergone an initial completeness assessment, in accordance with criteria to be published by the Secretary, and are available for reference.

''(E) FEE DUE DATE.—

''(i) IN GENERAL.—Subject to clause (ii), a drug master file fee shall be due no later than the date on which the first generic drug submission is submitted that references the associated Type II active pharmaceutical ingredient drug master file.

''(ii) LIMITATION.—No fee shall be due under subparagraph (A) for a fiscal year until the later of—

''(I) 30 calendar days after publication of the notice provided for in clause (i) or (ii) of subparagraph (C), as applicable; or

''(II) 30 calendar days after the date of enactment of an appropriations Act providing for the collection and obligation of fees under this section.

''(3) ABBREVIATED NEW DRUG APPLICATION AND PRIOR APPROVAL SUPPLEMENT FILING FEE.—

''(A) IN GENERAL.—Each applicant that submits, on or after October 1, 2012, an abbreviated new drug application or a prior approval supplement to an abbreviated new drug application shall be subject to a fee for each such submission in the amount established under subsection (d).

''(B) NOTICE.—

''(i) FISCAL YEAR 2013.—Not later than October 31, 2012, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees under subparagraph (A) for fiscal year 2013.

''(ii) FISCAL YEARS 2014 THROUGH 2017.—Not later than 60 days before the start of each of fiscal years 2014 through 2017, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

''(C) FEE DUE DATE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the abbreviated new drug application or prior approval supplement for which such fee applies.

''(ii) SPECIAL RULE FOR 2013.—For fiscal year 2013, such fees shall be due on the later of—

''(I) the date on which the fee is due under clause (i);

''(II) 30 calendar days after publication of the notice referred to in subparagraph (B)(i); or

''(III) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of submission of the application or prior approval supplement for which the fees under subparagraphs (A) and (F) apply, 30 calendar days after the date that such an appropriations Act is enacted.

''(D) REFUND OF FEE IF ABBREVIATED NEW DRUG APPLICATION IS NOT CONSIDERED TO HAVE BEEN RECEIVED.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any abbreviated new drug application or prior approval supplement to an abbreviated new drug application that the Secretary considers not to have been received within the meaning of section 505(j)(5)(A) for a cause other than failure to pay fees.

''(E) FEE FOR AN APPLICATION THE SECRETARY CONSIDERS NOT TO HAVE BEEN RECEIVED, OR THAT HAS BEEN WITHDRAWN.—An abbreviated new drug application or prior approval supplement that was submitted on or after October 1, 2012, and that the Secretary considers not to have been received, or that has been withdrawn, shall, upon resubmission of the application or a subsequent new submission following the applicant's withdrawal of the application, be subject to a full fee under subparagraph (A).

''(F) ADDITIONAL FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—An applicant that submits a generic drug submission on or after October 1, 2012, shall pay a fee, in the amount determined under subsection (d)(3), in addition to the fee required under subparagraph (A), if—

''(i) such submission contains information concerning the manufacture of an active pharmaceutical ingredient at a facility by means other than reference by a letter of authorization to a Type II active pharmaceutical drug master file; and

''(ii) a fee in the amount equal to the drug master file fee established in paragraph (2) has not been previously paid with respect to such information.

''(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

''(A) IN GENERAL.—Facilities identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce a finished dosage form of a human generic drug or an active pharmaceutical ingredient contained in a human generic drug shall be subject to fees as follows:

''(i) GENERIC DRUG FACILITY.—Each person that owns a facility which is identified or intended to be identified in at least one generic drug submission that is pending or approved to produce one or more finished dosage forms of a human generic drug shall be assessed an annual fee for each such facility.

''(ii) ACTIVE PHARMACEUTICAL INGREDIENT FACILITY.—Each person that owns a facility which produces, or which is pending review to produce, one or more active pharmaceutical ingredients identified, or intended to be identified, in at least one generic drug submission that is pending or approved or in a Type II active pharmaceutical ingredient drug master file referenced in such a generic drug submission, shall be assessed an annual fee for each such facility.

''(iii) FACILITIES PRODUCING BOTH ACTIVE PHARMACEUTICAL INGREDIENTS AND FINISHED DOSAGE FORMS.—Each person that owns a facility identified, or intended to be identified, in at least one generic drug submission that is pending or approved to produce both one or more finished dosage forms subject to clause (i) and one or more active pharmaceutical ingredients subject to clause (ii) shall be subject to fees under both such clauses for that facility.

''(B) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

''(C) NOTICE.—

''(i) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall publish in the Federal Register a notice announcing the amount of the fees provided for in subparagraph (A) within the timeframe specified in subsection (d)(1)(B).

''(ii) FISCAL YEARS 2014 THROUGH 2017.—Within the timeframe specified in subsection (d)(2), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

''(D) FEE DUE DATE.—

''(i) FISCAL YEAR 2013.—For fiscal year 2013, the fees under subparagraph (A) shall be due on the later of—

''(I) not later than 45 days after the publication of the notice under subparagraph (B); or

''(II) if an appropriations Act is not enacted providing for the collection and obligation of fees under this section by the date of the publication of such notice, 30 days after the date that such an appropriations Act is enacted.

''(ii) FISCAL YEARS 2014 THROUGH 2017.—For each of fiscal years 2014 through 2017, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

''(I) the first business day on or after October 1 of each such year; or

''(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

''(5) DATE OF SUBMISSION.—For purposes of this Act, a generic drug submission or Type II pharmaceutical master file is deemed to be 'submitted' to the Food and Drug Administration—

''(A) if it is submitted via a Food and Drug Administration electronic gateway, on the day when transmission to that electronic gateway is

completed, except that a submission or master file that arrives on a weekend, Federal holiday, or day when the Food and Drug Administration office that will review that submission is not otherwise open for business shall be deemed to be submitted on the next day when that office is open for business; or

''(B) if it is submitted in physical media form, on the day it arrives at the appropriate designated document room of the Food and Drug Administration.

''(b) FEE REVENUE AMOUNTS.—

''(1) IN GENERAL.—

''(A) FISCAL YEAR 2013.—For fiscal year 2013, fees under subsection (a) shall be established to generate a total estimated revenue amount under such subsection of $299,000,000. Of that amount—

''(i) $50,000,000 shall be generated by the one-time backlog fee for generic drug applications pending on October 1, 2012, established in subsection (a)(1); and

''(ii) $249,000,000 shall be generated by the fees under paragraphs (2) through (4) of subsection (a).

''(B) FISCAL YEARS 2014 THROUGH 2017.—For each of the fiscal years 2014 through 2017, fees under paragraphs (2) through (4) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to $299,000,000, as adjusted pursuant to subsection (c).

''(2) TYPES OF FEES.—In establishing fees under paragraph (1) to generate the revenue amounts specified in paragraph (1)(A)(ii) for fiscal year 2013 and paragraph (1)(B) for each of fiscal years 2014 through 2017, such fees shall be derived from the fees under paragraphs (2) through (4) of subsection (a) as follows:

''(A) Six percent shall be derived from fees under subsection (a)(2) (relating to drug master files).

''(B) Twenty-four percent shall be derived from fees under subsection (a)(3) (relating to abbreviated new drug applications and supplements). The amount of a fee for a prior approval supplement shall be half the amount of the fee for an abbreviated new drug application.

''(C) Fifty-six percent shall be derived from fees under subsection (a)(4)(A)(i) (relating to generic drug facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than $15,000 and not more than $30,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States, including its territories and possessions, and those located outside of the United States and its territories and possessions.

''(D) Fourteen percent shall be derived from fees under subsection (a)(4)(A)(ii) (relating to active pharmaceutical ingredient facilities). The amount of the fee for a facility located outside the United States and its territories and possessions shall be not less than $15,000 and not more than $30,000 higher than the amount of the fee for a facility located in the United States, including its territories and possessions, as determined by the Secretary on the basis of data concerning the difference in cost between inspections of facilities located in the United States and its territories and possessions and those located outside of the United States and its territories and possessions.

''(c) ADJUSTMENTS.—

''(1) INFLATION ADJUSTMENT.—For fiscal year 2014 and subsequent fiscal years, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year, by an amount equal to the sum of—

''(A) one;

''(B) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years multiplied by the proportion of personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years; and

''(C) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of human generic drug activities for the first 3 years of the preceding 4 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2013 under this subsection.

''(2) FINAL YEAR ADJUSTMENT.—For fiscal year 2017, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for human generic drug activities for the first 3 months of fiscal year 2018. Such fees may only be used in fiscal year 2018. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2017. If the Secretary has carryover balances for such activities in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

''(d) ANNUAL FEE SETTING.—

''(1) FISCAL YEAR 2013.—For fiscal year 2013—

''(A) the Secretary shall establish, by October 31, 2012, the one-time generic drug backlog fee for generic drug applications pending on October 1, 2012, the drug master file fee, the abbreviated new drug application fee, and the prior approval supplement fee under subsection (a), based on the revenue amounts established under subsection (b); and

''(B) the Secretary shall establish, not later than 45 days after the date to comply with the requirement for identification of facilities in subsection (f)(2), the generic drug facility fee and active pharmaceutical ingredient facility fee under subsection (a) based on the revenue amounts established under subsection (b).

''(2) FISCAL YEARS 2014 THROUGH 2017.—Not more than 60 days before the first day of each of fiscal years 2014 through 2017, the Secretary shall establish the drug master file fee, the abbreviated new drug application fee, the prior approval supplement fee, the generic drug facility fee, and the active pharmaceutical ingredient facility fee under subsection (a) for such fiscal year, based on the revenue amounts established under subsection (b) and the adjustments provided under subsection (c).

''(3) FEE FOR ACTIVE PHARMACEUTICAL INGREDIENT INFORMATION NOT INCLUDED BY REFERENCE TO TYPE II ACTIVE PHARMACEUTICAL INGREDIENT DRUG MASTER FILE.—In establishing the fees under paragraphs (1) and (2), the amount of the fee under subsection (a)(3)(F) shall be determined by multiplying—

''(A) the sum of—

''(i) the total number of such active pharmaceutical ingredients in such submission; and

''(ii) for each such ingredient that is manufactured at more than one such facility, the total number of such additional facilities; and

''(B) the amount equal to the drug master file fee established in subsection (a)(2) for such submission.

''(e) LIMIT.—The total amount of fees charged, as adjusted under subsection (c), for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for human generic drug activities.

''(f) IDENTIFICATION OF FACILITIES.—

''(1) PUBLICATION OF NOTICE; DEADLINE FOR COMPLIANCE.—Not later than October 1, 2012, the Secretary shall publish in the Federal Register a notice requiring each person that owns a facility described in subsection (a)(4)(A), or a site or organization required to be identified by paragraph (4), to submit to the Secretary information on the identity of each such facility, site, or organization. The notice required by this paragraph shall specify the type of information to be submitted and the means and format for submission of such information.

''(2) REQUIRED SUBMISSION OF FACILITY IDENTIFICATION.—Each person that owns a facility described in subsection (a)(4)(A) or a site or organization required to be identified by paragraph (4) shall submit to the Secretary the information required under this subsection each year. Such information shall—

''(A) for fiscal year 2013, be submitted not later than 60 days after the publication of the notice under paragraph (1); and

''(B) for each subsequent fiscal year, be submitted, updated, or reconfirmed on or before June 1 of the previous year.

''(3) CONTENTS OF NOTICE.—At a minimum, the submission required by paragraph (2) shall include for each such facility—

''(A) identification of a facility identified or intended to be identified in an approved or pending generic drug submission;

''(B) whether the facility manufactures active pharmaceutical ingredients or finished dosage forms, or both;

''(C) whether or not the facility is located within the United States and its territories and possessions;

''(D) whether the facility manufactures positron emission tomography drugs solely, or in addition to other drugs; and

''(E) whether the facility manufactures drugs that are not generic drugs.

''(4) CERTAIN SITES AND ORGANIZATIONS.—

''(A) IN GENERAL.—Any person that owns or operates a site or organization described in subparagraph (B) shall submit to the Secretary information concerning the ownership, name, and address of the site or organization.

''(B) SITES AND ORGANIZATIONS.—A site or organization is described in this subparagraph if it is identified in a generic drug submission and is—

''(i) a site in which a bioanalytical study is conducted;

''(ii) a clinical research organization;

''(iii) a contract analytical testing site; or

''(iv) a contract repackager site.

''(C) NOTICE.—The Secretary may, by notice published in the Federal Register, specify the means and format for submission of the information under subparagraph (A) and may specify, as necessary for purposes of this section, any additional information to be submitted.

''(D) INSPECTION AUTHORITY.—The Secretary's inspection authority under section 704(a)(1) shall extend to all such sites and organizations.

''(g) EFFECT OF FAILURE TO PAY FEES.—

''(1) GENERIC DRUG BACKLOG FEE.—Failure to pay the fee under subsection (a)(1) shall result in the Secretary placing the person that owns the abbreviated new drug application subject to that fee on a publicly available arrears list, such that no new abbreviated new drug applications or supplement submitted on or after October 1, 2012, from that person, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

''(2) DRUG MASTER FILE FEE.—

''(A) Failure to pay the fee under subsection (a)(2) within 20 calendar days after the applicable due date under subparagraph (E) of such subsection (as described in subsection (a)(2)(D)(ii)(I)) shall result in the Type II active pharmaceutical ingredient drug master file not being deemed available for reference.

''(B)(i) Any generic drug submission submitted on or after October 1, 2012, that references, by

a letter of authorization, a Type II active pharmaceutical ingredient drug master file that has not been deemed available for reference shall not be received within the meaning of section 505(j)(5)(A) unless the condition specified in clause (ii) is met.

''(ii) The condition specified in this clause is that the fee established under subsection (a)(2) has been paid within 20 calendar days of the Secretary providing the notification to the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the drug master file fee as specified in subparagraph (C).

''(C)(i) If an abbreviated new drug application or supplement to an abbreviated new drug application references a Type II active pharmaceutical ingredient drug master file for which a fee under subsection (a)(2)(A) has not been paid by the applicable date under subsection (a)(2)(E), the Secretary shall notify the sponsor of the abbreviated new drug application or supplement of the failure of the owner of the Type II active pharmaceutical ingredient drug master file to pay the applicable fee.

''(ii) If such fee is not paid within 20 calendar days of the Secretary providing the notification, the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of 505(j)(5)(A).

''(3) ABBREVIATED NEW DRUG APPLICATION FEE AND PRIOR APPROVAL SUPPLEMENT FEE.—Failure to pay a fee under subparagraph (A) or (F) of subsection (a)(3) within 20 calendar days of the applicable due date under subparagraph (C) of such subsection shall result in the abbreviated new drug application or the prior approval supplement to an abbreviated new drug application not being received within the meaning of section 505(j)(5)(A) until such outstanding fee is paid.

''(4) GENERIC DRUG FACILITY FEE AND ACTIVE PHARMACEUTICAL INGREDIENT FACILITY FEE.—

''(A) IN GENERAL.—Failure to pay the fee under subsection (a)(4) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

''(i) The Secretary shall place the facility on a publicly available arrears list, such that no new abbreviated new drug application or supplement submitted on or after October 1, 2012, from the person that is responsible for paying such fee, or any affiliate of that person, will be received within the meaning of section 505(j)(5)(A).

''(ii) Any new generic drug submission submitted on or after October 1, 2012, that references such a facility shall not be received, within the meaning of section 505(j)(5)(A) if the outstanding facility fee is not paid within 20 calendar days of the Secretary providing the notification to the sponsor of the failure of the owner of the facility to pay the facility fee under subsection (a)(4)(C).

''(iii) All drugs or active pharmaceutical ingredients manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(aa).

''(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(4) is paid or the facility is removed from all generic drug submissions that refer to the facility.

''(C) NONRECEIVAL FOR NONPAYMENT.—

''(i) NOTICE.—If an abbreviated new drug application or supplement to an abbreviated new drug application submitted on or after October 1, 2012, references a facility for which a facility fee has not been paid by the applicable date under subsection (a)(4)(C), the Secretary shall notify the sponsor of the generic drug submission of the failure of the owner of the facility to pay the facility fee.

''(ii) NONRECEIVAL.—If the facility fee is not paid within 20 calendar days of the Secretary providing the notification under clause (i), the abbreviated new drug application or supplement to an abbreviated new drug application shall not be received within the meaning of section 505(j)(5)(A).

''(h) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2012, unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor (as defined in section 744A) applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(i) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for human generic drug activities.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) subject to subparagraphs (C) and (D), shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

''(ii) shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of human generic drug activities (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $97,000,000 multiplied by the adjustment factor defined in section 744A(3) applicable to the fiscal year involved.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for human generic activities are not more than 10 percent below the level specified in such subparagraph.

''(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013 for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013, may be collected and shall be credited to such account and remain available until expended.

''(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted under subsection (c), if applicable, or as otherwise affected under paragraph (2) of this subsection.

''(j) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(k) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in human generic drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(l) POSITRON EMISSION TOMOGRAPHY DRUGS.—

''(1) EXEMPTION FROM FEES.—Submission of an application for a positron emission tomography drug or active pharmaceutical ingredient for a positron emission tomography drug shall not require the payment of any fee under this section. Facilities that solely produce positron emission tomography drugs shall not be required to pay a facility fee as established in subsection (a)(4).

''(2) IDENTIFICATION REQUIREMENT.—Facilities that produce positron emission tomography drugs or active pharmaceutical ingredients of such drugs are required to be identified pursuant to subsection (f).

''(m) DISPUTES CONCERNING FEES.—To qualify for the return of a fee claimed to have been paid in error under this section, a person shall submit to the Secretary a written request justifying such return within 180 calendar days after such fee was paid.

''(n) SUBSTANTIALLY COMPLETE APPLICATIONS.—An abbreviated new drug application that is not considered to be received within the meaning of section 505(j)(5)(A) because of failure to pay an applicable fee under this provision within the time period specified in subsection (g) shall be deemed not to have been 'substantially complete' on the date of its submission within the meaning of section 505(j)(5)(B)(iv)(II)(cc). An abbreviated new drug application that is not substantially complete on the date of its submission solely because of failure to pay an applicable fee under the preceding sentence shall be deemed substantially complete and received within the meaning of section 505(j)(5)(A) as of the date such applicable fee is received.''.

SEC. 303. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 7 of subchapter C of chapter VII, as added by section 302 of this Act, is amended by inserting after section 744B the following:

''SEC. 744C. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

''(b) FISCAL REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected

under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for human generic drug activities for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) health care professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the generic drug industry.

''(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the generic drug industry on the reauthorization of this part, the Secretary shall—

''(A) publish a notice in the Federal Register requesting public input on the reauthorization;

''(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

''(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

''(D) publish the comments on the Food and Drug Administration's Internet Web site.

''(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the generic drug industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

''(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the generic drug industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

''(6) MINUTES OF NEGOTIATION MEETINGS.—

''(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the generic drug industry.

''(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.''.

SEC. 304. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744A and 744B of the Federal Food, Drug, and Cosmetic Act, as added by section 302 of this Act, shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act, as added by section 303 of this Act, shall cease to be effective January 31, 2018.

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2012, or the date of the enactment of this title, whichever is later, except that fees under section 302 shall be assessed for all human generic drug submissions and Type II active pharmaceutical drug master files received on or after October 1, 2012, regardless of the date of enactment of this title.

SEC. 306. AMENDMENT WITH RESPECT TO MISBRANDING.

Section 502 (21 U.S.C. 352) is amended by adding at the end the following:

''(aa) If it is a drug, or an active pharmaceutical ingredient, and it was manufactured, prepared, propagated, compounded, or processed in a facility for which fees have not been paid as required by section 744A(a)(4) or for which identifying information required by section 744B(f) has not been submitted, or it contains an active pharmaceutical ingredient that was manufactured, prepared, propagated, compounded, or processed in such a facility.''.

SEC. 307. STREAMLINED HIRING AUTHORITY TO SUPPORT ACTIVITIES RELATED TO HUMAN GENERIC DRUGS.

Section 714, as added by section 208 of this Act, is amended—

(1) by amending subsection (b) to read as follows:

''(b) ACTIVITIES DESCRIBED.—The activities described in this subsection are—

''(1) activities under this Act related to the process for the review of device applications (as defined in section 737(8)); and

''(2) activities under this Act related to human generic drug activities (as defined in section 744A).''; and

(2) by amending subsection (c) to read as follows:

''(c) OBJECTIVES SPECIFIED.—The objectives specified in this subsection are—

''(1) with respect to the activities under subsection (b)(1), the goals referred to in section 738A(a)(1); and

''(2) with respect to the activities under subsection (b)(2), the goals referred to in section 744C(a).''.

SEC. 308. ADDITIONAL REPORTING REQUIREMENTS.

Subchapter A of chapter VII (21 U.S.C. 371 et seq.), as amended by section 208, is further amended by adding at the end the following:

''SEC. 715. REPORTING REQUIREMENTS.

''(a) GENERIC DRUGS.—Beginning with fiscal year 2013 and ending after fiscal year 2017, not later than 120 days after the end of each fiscal year for which fees are collected under part 7 of subchapter C, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning, for all applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year—

''(1) the number of such applications that met the goals identified for purposes of part 7 of subchapter C, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record;

''(2) the average total time to decision by the Secretary for applications for approval of a generic drug under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications filed in the previous fiscal year, including the number of calendar days spent during the review by the Food and Drug Administration and the number of calendar days spent by the sponsor responding to a complete response letter;

''(3) the total number of applications under section 505(j), amendments to such applications, and prior approval supplements with respect to such applications that were pending with the Secretary for more than 10 months on the date of enactment of the Food and Drug Administration Safety and Innovation Act; and

''(4) the number of applications described in paragraph (3) on which the Food and Drug Administration took final regulatory action in the previous fiscal year.''.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the ''Biosimilar User Fee Act of 2012''.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 402. FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS.

Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after part 7, as added by title III of this Act, the following:

''PART 8—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

''SEC. 744G. DEFINITIONS.

''For purposes of this part:

''(1) The term 'adjustment factor' applicable to a fiscal year that is the Consumer Price Index for all urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items) of the preceding fiscal year divided by such Index for September 2011.

''(2) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

''(A) one business entity controls, or has the power to control, the other business entity; or

''(B) a third party controls, or has power to control, both of the business entities.

''(3) The term 'biosimilar biological product' means a product for which a biosimilar biological product application has been approved.

''(4)(A) Subject to subparagraph (B), the term 'biosimilar biological product application' means an application for licensure of a biological product under section 351(k) of the Public Health Service Act.

''(B) Such term does not include—

''(i) a supplement to such an application;

''(ii) an application filed under section 351(k) of the Public Health Service Act that cites as the reference product a bovine blood product for topical application licensed before September 1, 1992, or a large volume parenteral drug product approved before such date;

''(iii) an application filed under section 351(k) of the Public Health Service Act with respect to—

''(I) whole blood or a blood component for transfusion;

''(II) an allergenic extract product;

''(III) an in vitro diagnostic biological product; or

''(IV) a biological product for further manufacturing use only; or

''(iv) an application for licensure under section 351(k) of the Public Health Service Act that is submitted by a State or Federal Government entity for a product that is not distributed commercially.

''(5) The term 'biosimilar biological product development meeting' means any meeting, other than a biosimilar initial advisory meeting, regarding the content of a development program, including a proposed design for, or data from, a study intended to support a biosimilar biological product application.

''(6) The term 'biosimilar biological product development program' means the program under this part for expediting the process for the review of submissions in connection with biosimilar biological product development.

''(7)(A) The term 'biosimilar biological product establishment' means a foreign or domestic place of business—

''(i) that is at one general physical location consisting of one or more buildings, all of which are within 5 miles of each other; and

''(ii) at which one or more biosimilar biological products are manufactured in final dosage form.

''(B) For purposes of subparagraph (A)(ii), the term 'manufactured' does not include packaging.

''(8) The term 'biosimilar initial advisory meeting'—

''(A) means a meeting, if requested, that is limited to—

''(i) a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product; and

''(ii) if so, general advice on the expected content of the development program; and

''(B) does not include any meeting that involves substantive review of summary data or full study reports.

''(9) The term 'costs of resources allocated for the process for the review of biosimilar biological product applications' means the expenses in connection with the process for the review of biosimilar biological product applications for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers employees and committees and to contracts with such contractors;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(D) collecting fees under section 744H and accounting for resources allocated for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

''(10) The term 'final dosage form' means, with respect to a biosimilar biological product, a finished dosage form which is approved for administration to a patient without substantial further manufacturing (such as lyophilized products before reconstitution).

''(11) The term 'financial hold'—

''(A) means an order issued by the Secretary to prohibit the sponsor of a clinical investigation from continuing the investigation if the Secretary determines that the investigation is intended to support a biosimilar biological product application and the sponsor has failed to pay any fee for the product required under subparagraph (A), (B), or (D) of section 744H(a)(1); and

''(B) does not mean that any of the bases for a 'clinical hold' under section 505(i)(3) have been determined by the Secretary to exist concerning the investigation.

''(12) The term 'person' includes an affiliate of such person.

''(13) The term 'process for the review of biosimilar biological product applications' means the following activities of the Secretary with respect to the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements:

''(A) The activities necessary for the review of submissions in connection with biosimilar biological product development, biosimilar biological product applications, and supplements.

''(B) Actions related to submissions in connection with biosimilar biological product development, the issuance of action letters which approve biosimilar biological product applications or which set forth in detail the specific deficiencies in such applications, and where appropriate, the actions necessary to place such applications in condition for approval.

''(C) The inspection of biosimilar biological product establishments and other facilities undertaken as part of the Secretary's review of pending biosimilar biological product applications and supplements.

''(D) Activities necessary for the release of lots of biosimilar biological products under section 351(k) of the Public Health Service Act.

''(E) Monitoring of research conducted in connection with the review of biosimilar biological product applications.

''(F) Postmarket safety activities with respect to biologics approved under biosimilar biological product applications or supplements, including the following activities:

''(i) Collecting, developing, and reviewing safety information on biosimilar biological products, including adverse-event reports.

''(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

''(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

''(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

''(v) Carrying out section 505(k)(5) (relating to adverse-event reports and postmarket safety activities).

''(14) The term 'supplement' means a request to the Secretary to approve a change in a biosimilar biological product application which has been approved, including a supplement requesting that the Secretary determine that the biosimilar biological product meets the standards for interchangeability described in section 351(k)(4) of the Public Health Service Act.

''SEC. 744H. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.

''(a) TYPES OF FEES.—Beginning in fiscal year 2013, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

''(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

''(i) IN GENERAL.—Each person that submits to the Secretary a meeting request described under clause (ii) or a clinical protocol for an investigational new drug protocol described under clause (iii) shall pay for the product named in the meeting request or the investigational new drug application the initial biosimilar biological product development fee established under subsection (b)(1)(A).

''(ii) MEETING REQUEST.—The meeting request described in this clause is a request for a biosimilar biological product development meeting for a product.

''(iii) CLINICAL PROTOCOL FOR IND.—A clinical protocol for an investigational new drug protocol described in this clause is a clinical protocol consistent with the provisions of section 505(i), including any regulations promulgated under section 505(i), (referred to in this section as 'investigational new drug application') describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for a product.

''(iv) DUE DATE.—The initial biosimilar biological product development fee shall be due by the earlier of the following:

''(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

''(II) The date of submission of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application.

''(v) TRANSITION RULE.—Each person that has submitted an investigational new drug application prior to the date of enactment of the Biosimilars User Fee Act of 2012 shall pay the initial biosimilar biological product development fee by the earlier of the following:

''(I) Not later than 60 days after the date of the enactment of the Biosimilars User Fee Act of 2012, if the Secretary determines that the investigational new drug application describes an investigation that is intended to support a biosimilar biological product application.

''(II) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting.

''(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—

''(i) IN GENERAL.—A person that pays an initial biosimilar biological product development fee for a product shall pay for such product, beginning in the fiscal year following the fiscal year in which the initial biosimilar biological product development fee was paid, an annual fee established under subsection (b)(1)(B) for biosimilar biological product development (referred to in this section as 'annual biosimilar biological product development fee').

''(ii) DUE DATE.—The annual biosimilar biological product development program fee for each fiscal year will be due on the later of—

''(I) the first business day on or after October 1 of each such year; or

''(II) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

''(iii) EXCEPTION.—The annual biosimilar development program fee for each fiscal year will be due on the date specified in clause (ii), unless the person has—

''(I) submitted a marketing application for the biological product that was accepted for filing; or

''(II) discontinued participation in the biosimilar biological product development program for the product under subparagraph (C).

''(C) DISCONTINUATION OF FEE OBLIGATION.—A person may discontinue participation in the biosimilar biological product development program for a product effective October 1 of a fiscal year by, not later than August 1 of the preceding fiscal year—

''(i) if no investigational new drug application concerning the product has been submitted, submitting to the Secretary a written declaration that the person has no present intention of further developing the product as a biosimilar biological product; or

''(ii) if an investigational new drug application concerning the product has been submitted, withdrawing the investigational new drug application in accordance with part 312 of title 21, Code of Federal Regulations (or any successor regulations).

''(D) REACTIVATION FEE.—

''(i) IN GENERAL.—A person that has discontinued participation in the biosimilar biological

product development program for a product under subparagraph (C) shall pay a fee (referred to in this section as 'reactivation fee') by the earlier of the following:

''(I) Not later than 5 days after the Secretary grants a request for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued).

''(II) Upon the date of submission (after the date on which such participation was discontinued) of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

''(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B).

''(E) EFFECT OF FAILURE TO PAY BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

''(i) NO BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT MEETINGS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), the Secretary shall not provide a biosimilar biological product development meeting relating to the product for which fees are owed.

''(ii) NO RECEIPT OF INVESTIGATIONAL NEW DRUG APPLICATIONS.—Except in extraordinary circumstances, the Secretary shall not consider an investigational new drug application to have been received under section 505(i)(2) if—

''(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

''(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D).

''(iii) FINANCIAL HOLD.—Notwithstanding section 505(i)(2), except in extraordinary circumstances, the Secretary shall prohibit the sponsor of a clinical investigation from continuing the investigation if—

''(I) the Secretary determines that the investigation is intended to support a biosimilar biological product application; and

''(II) the sponsor has failed to pay an initial or annual biosimilar biological product development fee for the product as required under subparagraph (A) or (B), or a reactivation fee for the product as required under subparagraph (D).

''(iv) NO ACCEPTANCE OF BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS OR SUPPLEMENTS.—If a person has failed to pay an initial or annual biosimilar biological product development fee as required under subparagraph (A) or (B), or a reactivation fee as required under subparagraph (D), any biosimilar biological product application or supplement submitted by that person shall be considered incomplete and shall not be accepted for filing by the Secretary until all such fees owed by such person have been paid.

''(F) LIMITS REGARDING BIOSIMILAR DEVELOPMENT PROGRAM FEES.—

''(i) NO REFUNDS.—The Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) or (B), or any reactivation fee paid under subparagraph (D).

''(ii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any initial or annual biosimilar biological product development fee due or payable under subparagraph (A) or (B), or any reactivation fee due or payable under subparagraph (D).

''(2) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION AND SUPPLEMENT FEE.—

''(A) IN GENERAL.—Each person that submits, on or after October 1, 2012, a biosimilar biological product application or a supplement shall be subject to the following fees:

''(i) A fee for a biosimilar biological product application that is equal to—

''(I) the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval; minus

''(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for the product that is the subject of the application.

''(ii) A fee for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are not required, that is equal to—

''(I) half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application; minus

''(II) the cumulative amount of fees paid, if any, under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

''(iii) A fee for a supplement for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required, that is equal to half of the amount of the fee established under subsection (b)(1)(D) for a biosimilar biological product application.

''(B) REDUCTION IN FEES.—Notwithstanding section 404 of the Biosimilars User Fee Act of 2012, any person who pays a fee under subparagraph (A), (B), or (D) of paragraph (1) for a product before October 1, 2017, but submits a biosimilar biological product application for that product after such date, shall be entitled to the reduction of any biosimilar biological product application fees that may be assessed at the time when such biosimilar biological product application is submitted, by the cumulative amount of fees paid under subparagraphs (A), (B), and (D) of paragraph (1) for that product.

''(C) PAYMENT DUE DATE.—Any fee required by subparagraph (A) shall be due upon submission of the application or supplement for which such fee applies.

''(D) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a biosimilar biological product application or supplement was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver), the submission of a biosimilar biological product application or a supplement for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(E) REFUND OF APPLICATION FEE IF APPLICATION REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under this paragraph for any application or supplement which is refused for filing or withdrawn without a waiver before filing.

''(F) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A biosimilar biological product application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived under subsection (c).

''(3) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—

''(A) IN GENERAL.—Except as provided in subparagraph (E), each person that is named as the applicant in a biosimilar biological product application shall be assessed an annual fee established under subsection (b)(1)(E) for each biosimilar biological product establishment that is listed in the approved biosimilar biological product application as an establishment that manufactures the biosimilar biological product named in such application.

''(B) ASSESSMENT IN FISCAL YEARS.—The establishment fee shall be assessed in each fiscal year for which the biosimilar biological product named in the application is assessed a fee under paragraph (4) unless the biosimilar biological product establishment listed in the application does not engage in the manufacture of the biosimilar biological product during such fiscal year.

''(C) DUE DATE.—The establishment fee for a fiscal year shall be due on the later of—

''(i) the first business day on or after October 1 of such fiscal year; or

''(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section.

''(D) APPLICATION TO ESTABLISHMENT.—

''(i) Each biosimilar biological product establishment shall be assessed only one fee per biosimilar biological product establishment, notwithstanding the number of biosimilar biological products manufactured at the establishment, subject to clause (ii).

''(ii) In the event an establishment is listed in a biosimilar biological product application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose biosimilar biological products are manufactured by the establishment during the fiscal year and assessed biosimilar biological product fees under paragraph (4).

''(E) EXCEPTION FOR NEW PRODUCTS.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a biosimilar biological product at an establishment listed in its biosimilar biological product application—

''(i) that did not manufacture the biosimilar biological product in the previous fiscal year; and

''(ii) for which the full biosimilar biological product establishment fee has been assessed in the fiscal year at a time before manufacture of the biosimilar biological product was begun,

the applicant shall not be assessed a share of the biosimilar biological product establishment fee for the fiscal year in which the manufacture of the product began.

''(4) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—

''(A) IN GENERAL.—Each person who is named as the applicant in a biosimilar biological product application shall pay for each such biosimilar biological product the annual fee established under subsection (b)(1)(F).

''(B) DUE DATE.—The biosimilar biological product fee for a fiscal year shall be due on the later of—

''(i) the first business day on or after October 1 of each such year; or

''(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

''(C) ONE FEE PER PRODUCT PER YEAR.—The biosimilar biological product fee shall be paid only once for each product for each fiscal year.

''(b) FEE SETTING AND AMOUNTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, 60 days before the start of each fiscal year that begins after September 30, 2012, establish, for the next fiscal year, the fees under subsection (a). Except as provided in subsection (c), such fees shall be in the following amounts:

''(A) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The initial biosimilar biological product development fee under subsection (a)(1)(A) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

''(B) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—The annual biosimilar biological product development fee under subsection (a)(1)(B) for a fiscal year shall be equal to 10 percent of the amount established under section 736(c)(4) for a human drug application

described in section 736(a)(1)(A)(i) for that fiscal year.

''(C) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to 20 percent of the amount of the fee established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

''(D) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—The biosimilar biological product application fee under subsection (a)(2) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a human drug application described in section 736(a)(1)(A)(i) for that fiscal year.

''(E) BIOSIMILAR BIOLOGICAL PRODUCT ESTABLISHMENT FEE.—The biosimilar biological product establishment fee under subsection (a)(3) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug establishment for that fiscal year.

''(F) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—The biosimilar biological product fee under subsection (a)(4) for a fiscal year shall be equal to the amount established under section 736(c)(4) for a prescription drug product for that fiscal year.

''(2) LIMIT.—The total amount of fees charged for a fiscal year under this section may not exceed the total amount for such fiscal year of the costs of resources allocated for the process for the review of biosimilar biological product applications.

''(c) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—

''(1) WAIVER OF APPLICATION FEE.—The Secretary shall grant to a person who is named in a biosimilar biological product application a waiver from the application fee assessed to that person under subsection (a)(2)(A) for the first biosimilar biological product application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

''(A) application fees for all subsequent biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business; and

''(B) all supplement fees for all supplements to biosimilar biological product applications submitted to the Secretary for review in the same manner as an entity that is not a small business.

''(2) CONSIDERATIONS.—In determining whether to grant a waiver of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.

''(3) SMALL BUSINESS DEFINED.—In this subsection, the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates, and does not have a drug product that has been approved under a human drug application (as defined in section 735) or a biosimilar biological product application (as defined in section 744G(4)) and introduced or delivered for introduction into interstate commerce.

''(d) EFFECT OF FAILURE TO PAY FEES.—A biosimilar biological product application or supplement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

''(e) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Subject to paragraph (2), fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of biosimilar biological product applications.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year.

''(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available for a fiscal year beginning after fiscal year 2012 to defray the costs of the process for the review of biosimilar biological product applications (including such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $20,000,000, multiplied by the adjustment factor applicable to the fiscal year involved.

''(C) FEE COLLECTION DURING FIRST PROGRAM YEAR.—Until the date of enactment of an Act making appropriations through September 30, 2013, for the salaries and expenses account of the Food and Drug Administration, fees authorized by this section for fiscal year 2013 may be collected and shall be credited to such account and remain available until expended.

''(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2013), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2013 through 2017, there is authorized to be appropriated for fees under this section an amount equivalent to the total amount of fees assessed for such fiscal year under this section.

''(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(g) WRITTEN REQUESTS FOR WAIVERS AND REFUNDS.—To qualify for consideration for a waiver under subsection (c), or for a refund of any fee collected in accordance with subsection (a)(2)(A), a person shall submit to the Secretary a written request for such waiver or refund not later than 180 days after such fee is due.

''(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in the process of the review of biosimilar biological product applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.''.

SEC. 403. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 8 of subchapter C of chapter VII, as added by section 402, is further amended by inserting after section 744H the following:

''SEC. 744I. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORT.—Beginning with fiscal year 2013, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 401(b) of the Biosimilar User Fee Act of 2012 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort.

''(b) FISCAL REPORT.—Not later than 120 days after the end of fiscal year 2013 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

''(d) STUDY.—

''(1) IN GENERAL.—The Secretary shall contract with an independent accounting or consulting firm to study the workload volume and full costs associated with the process for the review of biosimilar biological product applications.

''(2) INTERIM RESULTS.—Not later than June 1, 2015, the Secretary shall publish, for public comment, interim results of the study described under paragraph (1).

''(3) FINAL RESULTS.—Not later than September 30, 2016, the Secretary shall publish, for public comment, the final results of the study described under paragraph (1).

''(e) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for the process for the review of biosimilar biological product applications for the first 5 fiscal years after fiscal year 2017, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) health care professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2017, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.''.

SEC. 404. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act, as added by section 402 of this Act, shall cease to be effective October 1, 2017.

(b) REPORTING REQUIREMENTS.—Section 744I of the Federal Food, Drug, and Cosmetic Act, as added by section 403 of this Act, shall cease to be effective January 31, 2018.

SEC. 405. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the amendments made by this title shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this title.

(b) EXCEPTION.—Fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as added by this title, shall be assessed for all biosimilar biological product applications received on or after October 1, 2012, regardless of the date of the enactment of this title.

SEC. 406. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2007, but before October 1, 2012, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2013.

SEC. 407. CONFORMING AMENDMENT.

Section 735(1)(B) (21 U.S.C. 379g(1)(B)) is amended by striking ''or (k)''.

SEC. 408. ADDITIONAL REPORTING REQUIREMENTS.

Section 715, as added by section 308 of this Act, is amended by adding at the end the following:

''(b) BIOSIMILAR BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—Beginning with fiscal year 2014, not later than 120 days after the end of each fiscal year for which fees are collected under part 8 of subchapter C, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning—

''(A) the number of applications for approval filed under section 351(k) of the Public Health Service Act; and

''(B) the percentage of applications described in subparagraph (A) that were approved by the Secretary.

''(2) ADDITIONAL INFORMATION.—As part of the performance report described in paragraph (1), the Secretary shall include an explanation of how the Food and Drug Administration is managing the biological product review program to ensure that the user fees collected under part 2 are not used to review an application under section 351(k) of the Public Health Service Act.''.

TITLE V—PEDIATRIC DRUGS AND DEVICES

SEC. 501. PERMANENCE.

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A (21 U.S.C. 355a) is amended by striking subsection (q) (relating to a sunset).

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

SEC. 502. WRITTEN REQUESTS.

(a) IN GENERAL.—

(1) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Subsection (h) of section 505A (21 U.S.C. 355a) is amended to read as follows:

''(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Exclusivity under this section shall only be granted for the completion of a study or studies that are the subject of a written request and for which reports are submitted and accepted in accordance with subsection (d)(3). Written requests under this section may consist of a study or studies required under section 505B.''.

(2) PUBLIC HEALTH SERVICE ACT.—Section 351(m)(1) of the Public Health Service Act (42 U.S.C. 262(m)(1)) is amended by striking ''(f), (i), (j), (k), (l), (p), and (q)'' and inserting ''(f), (h), (i), (j), (k), (l), (n), and (p)''.

(b) NEONATES.—Subparagraph (A) of section 505A(d)(1) is amended by adding at the end the following: ''If a request under this subparagraph does not request studies in neonates, such request shall include a statement describing the rationale for not requesting studies in neonates.''.

SEC. 503. COMMUNICATION WITH PEDIATRIC REVIEW COMMITTEE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the ''Secretary'') shall issue internal standard operating procedures that provide for the review by the internal review committee established under section 505C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355d) of any significant modifications to initial pediatric study plans, agreed initial pediatric study plans, and written requests under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c). Such internal standard operating procedures shall be made publicly available on the Internet Web site of the Food and Drug Administration.

SEC. 504. ACCESS TO DATA.

Not later than 3 years after the date of enactment of this Act, the Secretary shall make available to the public, including through posting on the Internet Web site of the Food and Drug Administration, the medical, statistical, and clinical pharmacology reviews of, and corresponding written requests issued to an applicant, sponsor, or holder for, pediatric studies submitted between January 4, 2002, and September 27, 2007, under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) for which 6 months of market exclusivity was granted and that resulted in a labeling change. The Secretary shall make public the information described in the preceding sentence in a manner consistent with how the Secretary releases information under section 505A(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(k)).

SEC. 505. ENSURING THE COMPLETION OF PEDIATRIC STUDIES.

(a) EXTENSION OF DEADLINE FOR DEFERRED STUDIES.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) DEFERRAL EXTENSION.—

''(i) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may grant an extension of a deferral approved under subparagraph (A) for submission of some or all assessments required under paragraph (1) if—

''(I) the Secretary determines that the conditions described in subclause (II) or (III) of subparagraph (A)(i) continue to be met; and

''(II) the applicant submits a new timeline under subparagraph (A)(ii)(IV) and any significant updates to the information required under subparagraph (A)(ii).

''(ii) TIMING AND INFORMATION.—If the deferral extension under this subparagraph is requested by the applicant, the applicant shall submit the deferral extension request containing the information described in this subparagraph not less than 90 days prior to the date that the deferral would expire. The Secretary shall respond to such request not later than 45 days after the receipt of such letter. If the Secretary grants such an extension, the specified date shall be the extended date. The sponsor of the required assessment under paragraph (1) shall not be issued a letter described in subsection (d) unless the specified or extended date of submission for such required studies has passed or if the request for an extension is pending. For a deferral that has expired prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act or that will expire prior to 270 days after the date of enactment of such Act, a deferral extension shall be requested by an applicant not later than 180 days after the date of enactment of such Act. The Secretary shall respond to any such request as soon as practicable, but not later than 1 year after the date of enactment of such Act. Nothing in this clause shall prevent the Secretary from updating the status of a study or studies publicly if components of such study or studies are late or delayed.''; and

(C) in subparagraph (C), as so redesignated—

(i) in clause (i), by adding at the end the following:

''(III) Projected completion date for pediatric studies.

''(IV) The reason or reasons why a deferral or deferral extension continues to be necessary.''; and

(ii) by amending clause (ii) to read as follows:

''(ii) PUBLIC AVAILABILITY.—Not later than 90 days after the submission to the Secretary of the information submitted through the annual review under clause (i), the Secretary shall make available to the public in an easily accessible manner, including through the Internet Web site of the Food and Drug Administration—

''(I) such information;

''(II) the name of the applicant for the product subject to the assessment;

''(III) the date on which the product was approved; and

''(IV) the date of each deferral or deferral extension under this paragraph for the product.''; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting ''DEFERRAL EXTENSIONS,'' after ''DEFERRALS,'';

(B) in paragraph (1), by inserting '', deferral extension,'' after ''deferral''; and

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting ''DEFERRAL EXTENSIONS,'' after ''DEFERRALS,''; and

(ii) by inserting '', deferral extensions,'' after ''deferrals''.

(b) TRACKING OF EXTENSIONS; ANNUAL INFORMATION.—Section 505B(f)(6)(D) (21 U.S.C. 355c(f)(6)(D)) is amended to read as follows:

''(D) aggregated on an annual basis—

''(i) the total number of deferrals and deferral extensions requested and granted under this section and, if granted, the reasons for each such deferral or deferral extension;

''(ii) the timeline for completion of the assessments; and

''(iii) the number of assessments completed and pending;''.

(c) ACTION ON FAILURE TO COMPLETE STUDIES.—

(1) ISSUANCE OF LETTER.—Subsection (d) of section 505B (21 U.S.C. 355c) is amended to read as follows:

''(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit a required assessment described in subsection (a)(2), fails to meet the applicable requirements in subsection (a)(3), or fails to submit a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b), the following shall apply:

''(1) Beginning 270 days after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall issue a non-compliance letter to such person informing them of such failure to submit or meet the requirements of the applicable subsection.

Such letter shall require the person to respond in writing within 45 calendar days of issuance of such letter. Such response may include the person's request for a deferral extension if applicable. Such letter and the person's written response to such letter shall be made publicly available on the Internet Web site of the Food and Drug Administration 60 calendar days after issuance, with redactions for any trade secrets and confidential commercial information. If the Secretary determines that the letter was issued in error, the requirements of this paragraph shall not apply.

''(2) The drug or biological product that is the subject of an assessment described in subsection (a)(2), applicable requirements in subsection (a)(3), or request for approval of a pediatric formulation, may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303), but such failure shall not be the basis for a proceeding—

''(A) to withdraw approval for a drug under section 505(e); or

''(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.''.

(2) TRACKING OF LETTERS ISSUED.—Subparagraph (D) of section 505B(f)(6) (21 U.S.C. 355c(f)(6)), as amended by subsection (b), is further amended—

(A) in clause (ii), by striking ''; and'' and inserting a semicolon;

(B) in clause (iii), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(iv) the number of postmarket non-compliance letters issued pursuant to subsection (d), and the recipients of such letters;''.

SEC. 506. PEDIATRIC STUDY PLANS.

(a) IN GENERAL.—Subsection (e) of section 505B (21 U.S.C. 355c) is amended to read as follows:

''(e) PEDIATRIC STUDY PLANS.—

''(1) IN GENERAL.—An applicant subject to subsection (a) shall submit to the Secretary an initial pediatric study plan prior to the submission of the assessments described under subsection (a)(2).

''(2) TIMING; CONTENT; MEETING.—

''(A) TIMING.—An applicant shall submit the initial pediatric plan under paragraph (1)—

''(i) before the date on which the applicant submits the assessments under subsection (a)(2); and

''(ii) not later than—

''(I) 60 calendar days after the date of the end-of-Phase 2 meeting (as such term is used in section 312.47 of title 21, Code of Federal Regulations, or successor regulations); or

''(II) such other time as may be agreed upon between the Secretary and the applicant.

Nothing in this section shall preclude the Secretary from accepting the submission of an initial pediatric plan earlier than the date otherwise applicable under this subparagraph.

''(B) CONTENT OF INITIAL PLAN.—The initial pediatric study plan shall include—

''(i) an outline of the pediatric study or studies that the applicant plans to conduct (including, to the extent practicable study objectives and design, age groups, relevant endpoints, and statistical approach);

''(ii) any request for a deferral, partial waiver, or waiver under this section, if applicable, along with any supporting information; and

''(iii) other information specified in the regulations promulgated under paragraph (7).

''(C) MEETING.—The Secretary—

''(i) shall meet with the applicant to discuss the initial pediatric study plan as soon as practicable, but not later than 90 calendar days after the receipt of such plan under subparagraph (A);

''(ii) may determine that a written response to the initial pediatric study plan is sufficient to communicate comments on the initial pediatric study plan, and that no meeting is necessary; and

''(iii) if the Secretary determines that no meeting is necessary, shall so notify the applicant and provide written comments of the Secretary as soon as practicable, but not later than 90 calendar days after the receipt of the initial pediatric study plan.

''(3) AGREED INITIAL PEDIATRIC STUDY PLAN.—Not later than 90 calendar days following the meeting under paragraph (2)(C)(i) or the receipt of a written response from the Secretary under paragraph (2)(C)(iii), the applicant shall document agreement on the initial pediatric study plan in a submission to the Secretary marked 'Agreed Initial Pediatric Study Plan', and the Secretary shall confirm such agreement to the applicant in writing not later than 30 calendar days of receipt of such agreed initial pediatric study plan.

''(4) DEFERRAL AND WAIVER.—If the agreed initial pediatric study plan contains a request from the applicant for a deferral, partial waiver, or waiver under this section, the written confirmation under paragraph (3) shall include a recommendation from the Secretary as to whether such request meets the standards under paragraphs (3) or (4) of subsection (a).

''(5) AMENDMENTS TO THE PLAN.—At the initiative of the Secretary or the applicant, the agreed initial pediatric study plan may be amended at any time. The requirements of paragraph (2)(C) shall apply to any such proposed amendment in the same manner and to the same extent as such requirements apply to an initial pediatric study plan under paragraph (1). The requirements of paragraphs (3) and (4) shall apply to any agreement resulting from such proposed amendment in the same manner and to the same extent as such requirements apply to an agreed initial pediatric study plan.

''(6) INTERNAL COMMITTEE.—The Secretary shall consult the internal committee under section 505C on the review of the initial pediatric study plan, agreed initial pediatric plan, and any significant amendments to such plans.

''(7) REQUIRED RULEMAKING.—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall promulgate proposed regulations and issue guidance to implement the provisions of this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 505B (21 U.S.C. 355c) is amended—

(1) by amending subclause (II) of subsection (a)(3)(A)(ii) to read as follows:

''(II) a pediatric study plan as described in subsection (e);''; and

(2) in subsection (f)—

(A) in the subsection heading, by striking ''PEDIATRIC PLANS,'' and inserting ''PEDIATRIC STUDY PLANS,'';

(B) in paragraph (1), by striking ''all pediatric plans'' and inserting ''initial pediatric study plans, agreed initial pediatric study plans,''; and

(C) in paragraph (4)—

(i) in the paragraph heading, by striking ''PEDIATRIC PLANS,'' and inserting ''PEDIATRIC STUDY PLANS,''; and

(ii) by striking ''pediatric plans'' and inserting ''initial pediatric study plans, agreed initial pediatric study plans,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 180 calendar days after the date of enactment of this Act, irrespective of whether the Secretary has promulgated final regulations to carry out such amendments.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to affect the deadline for promulgation of proposed regulations under section 505B(e)(7) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

SEC. 507. REAUTHORIZATIONS.

(a) PEDIATRIC ADVISORY COMMITTEE.—Section 14(d) of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by striking ''during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007'' and inserting ''to carry out the advisory committee's responsibilities under sections 505A, 505B, and 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c, and 360j(m))''.

(b) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.—Section 15(a)(3) of the Best Pharmaceuticals for Children Act (Public Law 107–109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85), is amended by striking ''during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007'' and inserting ''for the duration of the operation of the Oncologic Drugs Advisory Committee''.

(c) HUMANITARIAN DEVICE EXEMPTION EXTENSION.—Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking ''2012'' and inserting ''2017''.

(d) PROGRAM FOR PEDIATRIC STUDY OF DRUGS IN PHSA.—Section 409I(e)(1) of the Public Health Service Act (42 U.S.C. 284m(e)(1)) is amended by striking ''to carry out this section'' and all that follows through the end of paragraph (1) and inserting ''to carry out this section, $25,000,000 for each of fiscal years 2013 through 2017.''.

SEC. 508. REPORT.

(a) IN GENERAL.—Not later than four years after the date of enactment of this Act and every five years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, including through posting on the Internet Web site of the Food and Drug Administration, a report on the implementation of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c).

(b) CONTENTS.—Each report under subsection (a) shall include—

(1) an assessment of the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act in improving information about pediatric uses for approved drugs and biological products, including the number and type of labeling changes made since the date of enactment of this Act and the importance of such uses in the improvement of the health of children;

(2) the number of required studies under such section 505B that have not met the initial deadline provided under such section 505B, including—

(A) the number of deferrals and deferral extensions granted and the reasons such extensions were granted;

(B) the number of waivers and partial waivers granted; and

(C) the number of letters issued under subsection (d) of such section 505B;

(3) an assessment of the timeliness and effectiveness of pediatric study planning since the date of enactment of this Act, including the number of initial pediatric study plans not submitted in accordance with the requirements of subsection (e) of such section 505B and any resulting rulemaking;

(4) the number of written requests issued, accepted, and declined under such section 505A since the date of enactment of this Act, and a listing of any important gaps in pediatric information as a result of such declined requests;

(5) a description and current status of referrals made under subsection (n) of such section 505A;

(6) an assessment of the effectiveness of studying biological products in pediatric populations

under such sections 505A and 505B and section 409I of the Public Health Service Act (42 U.S.C. 284m);

(7)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonatal population (including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe); and

(B) the results of such efforts;

(8)(A) the number and importance of drugs and biological products for children with cancer that are being tested as a result of the programs under such sections 505A and 505B and under section 409I of the Public Health Service Act; and

(B) any recommendations for modifications to such programs that would lead to new and better therapies for children with cancer, including a detailed rationale for each recommendation;

(9) any recommendations for modification to such programs that would improve pediatric drug research and increase pediatric labeling of drugs and biological products;

(10) an assessment of the successes of and limitations to studying drugs for rare diseases under such sections 505A and 505B; and

(11) an assessment of the Secretary's efforts to address the suggestions and options described in any prior report issued by the Comptroller General, Institute of Medicine, or the Secretary, and any subsequent reports, including recommendations therein, regarding the topics addressed in the reports under this section, including with respect to—

(A) improving public access to information from pediatric studies conducted under such sections 505A and 505B; and

(B) improving the timeliness of pediatric studies and pediatric study planning under such sections 505A and 505B.

(c) STAKEHOLDER COMMENT.—At least 180 days prior to the submission of each report under subsection (a), the Secretary shall consult with representatives of patient groups (including pediatric patient groups), consumer groups, regulated industry, academia, and other interested parties to obtain any recommendations or information relevant to the report including suggestions for modifications that would improve pediatric drug research and pediatric labeling of drugs and biological products.

SEC. 509. TECHNICAL AMENDMENTS.

(a) PEDIATRIC STUDIES OF DRUGS IN FFDCA.—Section 505A (21 U.S.C. 355a) is amended—

(1) in subsection (k)(2), by striking ''subsection (f)(3)(F)'' and inserting ''subsection (f)(6)(F)'';

(2) in subsection (l)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking ''YEAR ONE'' and inserting ''FIRST 18-MONTH PERIOD''; and

(ii) by striking ''one-year'' and inserting ''18-month'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''YEARS'' and inserting ''PERIODS''; and

(ii) by striking ''one-year period'' and inserting ''18-month period'';

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall prohibit the Office of Pediatric Therapeutics from providing for the review of adverse event reports by the Pediatric Advisory Committee prior to the 18-month period referred to in paragraph (1), if such review is necessary to ensure safe use of a drug in a pediatric population.'';

(3) in subsection (n)—

(A) in the subsection heading, by striking ''COMPLETED'' and inserting ''SUBMITTED''; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''have not been completed'' and inserting ''have not been submitted by the date specified in the written request issued or if the applicant or holder does not agree to the request'';

(ii) in subparagraph (A)—

(I) in the first sentence, by inserting '', or for which a period of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act has not ended'' after ''expired''; and

(II) by striking ''Prior to'' and all that follows through the period at the end; and

(iii) in subparagraph (B), by striking ''no listed patents or has 1 or more listed patents that have expired,'' and inserting ''no unexpired listed patents and for which no unexpired periods of exclusivity eligible for extension under subsection (b)(1) or (c)(1) of this section or under subsection (m)(2) or (m)(3) of section 351 of the Public Health Service Act apply,''; and

(4) in subsection (o)(2), by amending subparagraph (B) to read as follows:

''(B) a statement of any appropriate pediatric contraindications, warnings, precautions, or other information that the Secretary considers necessary to assure safe use.''.

(b) RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PROJECTS IN FFDCA.—Section 505B (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter before subparagraph (A), by inserting ''for a drug'' after ''(or supplement to an application)''; and

(B) in paragraph (4)(C)—

(i) in the first sentence, by inserting ''partial'' before ''waiver is granted''; and

(ii) in the second sentence, by striking ''either a full or'' and inserting ''such a'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''After providing notice'' and all that follows through ''studies), the'' and inserting ''The'';

(3) in subsection (g)—

(A) in paragraph (1)(A), by inserting ''that receives a priority review or 330 days after the date of the submission of an application or supplement that receives a standard review'' after ''after the date of the submission of the application or supplement''; and

(B) in paragraph (2), by striking ''the label of such product'' and inserting ''the labeling of such product'';

(4) in subsection (h)(1)—

(A) by inserting ''an application (or supplement to an application) that contains'' after ''date of submission of''; and

(B) by inserting ''if the application (or supplement) receives a priority review, or not later than 330 days after the date of submission of an application (or supplement to an application) that contains a pediatric assessment under this section, if the application (or supplement) receives a standard review,'' after ''under this section,''; and

(5) in subsection (i)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking ''YEAR ONE'' and inserting ''FIRST 18-MONTH PERIOD''; and

(ii) by striking ''one-year'' and inserting ''18-month'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''YEARS'' and inserting ''PERIODS''; and

(ii) by striking ''one-year period'' and inserting ''18-month period'';

(C) by redesignating paragraph (3) as paragraph (4); and

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

''(3) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall prohibit the Office of Pediatric Therapeutics from providing for the review of adverse event reports by the Pediatric Advisory Committee prior to the 18-month period referred to in paragraph (1), if such review is necessary to ensure safe use of a drug in a pediatric population.''.

(c) INTERNAL COMMITTEE FOR REVIEW OF PEDIATRIC PLANS, ASSESSMENTS, DEFERRALS, DEFERRAL EXTENSIONS, AND WAIVERS.—Section 505C (21 U.S.C. 355d) is amended—

*(1) in the section heading, by inserting ''**DEFERRAL EXTENSIONS,**'' after ''**DEFERRALS,**''; and*

(2) by inserting ''neonatology,'' after ''pediatric ethics,''.

(d) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I(c) of the Public Health Service Act (42 U.S.C. 284m(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ''or section 351(m) of this Act,'' after ''Cosmetic Act,'';

(B) in subparagraph (A)(i), by inserting ''or section 351(k) of this Act'' after ''Cosmetic Act''; and

(C) by amending subparagraph (B) to read as follows:

''(B) there remains no patent listed pursuant to section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act, and every three-year and five-year period referred to in subsection (c)(3)(E)(ii), (c)(3)(E)(iii), (c)(3)(E)(iv), (j)(5)(F)(ii), (j)(5)(F)(iii), or (j)(5)(F)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act, or applicable twelve-year period referred to in section 351(k)(7) of this Act, and any seven-year period referred to in section 527 of the Federal Food, Drug, and Cosmetic Act has ended for at least one form of the drug; and''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''FOR DRUGS LACKING EXCLUSIVITY'';

(B) by striking ''under section 505 of the Federal Food, Drug, and Cosmetic Act''; and

(C) by striking ''505A of such Act'' and inserting ''505A of the Federal Food, Drug, and Cosmetic Act or section 351(m) of this Act''.

(e) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC ADVISORY COMMITTEE.—Section 15(a) of the Best Pharmaceuticals for Children Act (Public Law 107–109), as amended by section 502(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85), is amended in paragraph (1)(D), by striking ''section 505B(f)'' and inserting ''section 505C''.

(f) FOUNDATION OF NATIONAL INSTITUTES OF HEALTH.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking ''for which the Secretary issues a certification in the affirmative under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act''.

(g) APPLICATION; TRANSITION RULE.—

(1) APPLICATION.—Notwithstanding any provision of section 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) stating that a provision applies beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007 or the date of the enactment of the Pediatric Research Equity Act of 2007, any amendment made by this Act to such a provision applies beginning on the date of the enactment of this Act.

(2) TRANSITIONAL RULE FOR ADVERSE EVENT REPORTING.—With respect to a drug for which a labeling change described under section 505A(l)(1) or 505B(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(l)(1); 355c(i)(1)) is approved or made, respectively, during the one-year period that ends on the day before the date of enactment of this Act, the Secretary shall apply section 505A(l) and section 505B(i), as applicable, to such drug, as such sections were in effect on such day.

SEC. 510. PEDIATRIC RARE DISEASES.

(a) PUBLIC MEETING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall hold at least one public

meeting to discuss ways to encourage and accelerate the development of new therapies for pediatric rare diseases.

(b) REPORT.—Not later than 180 days after the date of the public meeting under subsection (a), the Secretary shall issue a report that includes a strategic plan for encouraging and accelerating the development of new therapies for treating pediatric rare diseases.

SEC. 511. STAFF OF OFFICE OF PEDIATRIC THERAPEUTICS.

Section 6 of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a) is amended—

(1) in subsection (c)—

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

(B) by redesignating paragraph (2) as paragraph (4); and

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

''(2) subject to subsection (d), one or more additional individuals with necessary expertise in a pediatric subpopulation that is, as determined through consideration of the reports and recommendations issued by the Institute of Medicine and the Comptroller General of the United States, less likely to be studied as a part of a written request issued under section 505A of the Federal Food, Drug, and Cosmetic Act or an assessment under section 505B of such Act;

''(3) one or more additional individuals with expertise in pediatric epidemiology; and''; and

(2) by adding at the end the following:

''(d) NEONATOLOGY EXPERTISE.—For the 5-year period beginning on the date of enactment of this subsection, at least one of the individuals described in subsection (c)(2) shall have expertise in neonatology.''.

TITLE VI—MEDICAL DEVICE REGULATORY IMPROVEMENTS

SEC. 601. INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended—

(1) in paragraph (2)(B)(ii), by inserting ''safety or effectiveness'' before ''data obtained''; and

(2) in paragraph (4), by adding at the end the following:

''(C) Consistent with paragraph (1), the Secretary shall not disapprove an application under this subsection because the Secretary determines that—

''(i) the investigation may not support a substantial equivalence or de novo classification determination or approval of the device;

''(ii) the investigation may not meet a requirement, including a data requirement, relating to the approval or clearance of a device; or

''(iii) an additional or different investigation may be necessary to support clearance or approval of the device.''.

SEC. 602. CLARIFICATION OF LEAST BURDENSOME STANDARD.

(a) PREMARKET APPROVAL.—Section 513(a)(3)(D) (21 U.S.C. 360c(a)(3)(D)) is amended—

(1) by redesignating clause (iii) as clause (v); and

(2) by inserting after clause (ii) the following:

''(iii) For purposes of clause (ii), the term 'necessary' means the minimum required information that would support a determination by the Secretary that an application provides reasonable assurance of the effectiveness of the device.

''(iv) Nothing in this subparagraph shall alter the criteria for evaluating an application for premarket approval of a device.''.

(b) PREMARKET NOTIFICATION UNDER SECTION 510(k).—Section 513(i)(1)(D) (21 U.S.C. 360c(i)(1)(D)) is amended—

(1) by striking ''(D) Whenever'' and inserting ''(D)(i) Whenever''; and

(2) by adding at the end the following:

''(ii) For purposes of clause (i), the term 'necessary' means the minimum required information that would support a determination of substantial equivalence between a new device and a predicate device.

''(iii) Nothing in this subparagraph shall alter the standard for determining substantial equivalence between a new device and a predicate device.''.

SEC. 603. AGENCY DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS.

Chapter V is amended by inserting after section 517 (21 U.S.C. 360g) the following:

''SEC. 517A. AGENCY DOCUMENTATION AND REVIEW OF SIGNIFICANT DECISIONS REGARDING DEVICES.

''(a) DOCUMENTATION OF RATIONALE FOR SIGNIFICANT DECISIONS.—

''(1) IN GENERAL.—The Secretary shall provide a substantive summary of the scientific and regulatory rationale for any significant decision of the Center for Devices and Radiological Health regarding submission or review of a report under section 510(k), an application under section 515, or an application for an exemption under section 520(g), including documentation of significant controversies or differences of opinion and the resolution of such controversies or differences of opinion.

''(2) PROVISION OF DOCUMENTATION.—Upon request, the Secretary shall furnish such substantive summary to the person who is seeking to submit, or who has submitted, such report or application.

''(b) REVIEW OF SIGNIFICANT DECISIONS.—

''(1) REQUEST FOR SUPERVISORY REVIEW OF SIGNIFICANT DECISION.—Any person may request a supervisory review of the significant decision described in subsection (a)(1). Such review may be conducted at the next supervisory level or higher above the individual who made the significant decision.

''(2) SUBMISSION OF REQUEST.—A person requesting a supervisory review under paragraph (1) shall submit such request to the Secretary not later than 30 days after such decision and shall indicate in the request whether such person seeks an in-person meeting or a teleconference review.

''(3) TIMEFRAME.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall schedule an in-person or teleconference review, if so requested, not later than 30 days after such request is made. The Secretary shall issue a decision to the person requesting a review under this subsection not later than 45 days after the request is made under paragraph (1), or, in the case of a person who requests an in-person meeting or teleconference, 30 days after such meeting or teleconference.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in cases that are referred to experts outside of the Food and Drug Administration.''.

SEC. 604. DEVICE MODIFICATIONS REQUIRING PREMARKET NOTIFICATION PRIOR TO MARKETING.

Section 510(n) (21 U.S.C. 360(n)) is amended by—

(1) striking ''(n) The Secretary'' and inserting ''(n)(1) The Secretary''; and

(2) by adding at the end the following:

''(2)(A) Not later than 18 months after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report regarding when a premarket notification under subsection (k) should be submitted for a modification or change to a legally marketed device. The report shall include the Secretary's interpretation of the following terms: 'could significantly affect the safety or effectiveness of the device', 'a significant change or modification in design, material, chemical composition, energy source, or manufacturing process', and 'major change or modification in the intended use of the device'. The report also shall discuss possible processes for industry to use to determine whether a new submission under subsection (k) is required and shall analyze how to leverage existing quality system requirements to reduce premarket burden, facilitate continual device improvement, and provide reasonable assurance of safety and effectiveness of modified devices. In developing such report, the Secretary shall consider the input of interested stakeholders.

''(B) The Secretary shall withdraw the Food and Drug Administration draft guidance entitled 'Guidance for Industry and FDA Staff—510(k) Device Modifications: Deciding When to Submit a 510(k) for a Change to an Existing Device', dated July 27, 2011, and shall not use this draft guidance as part of, or for the basis of, any premarket review or any compliance or enforcement decisions or actions. The Secretary shall not issue—

''(i) any draft guidance or proposed regulation that addresses when to submit a premarket notification submission for changes and modifications made to a manufacturer's previously cleared device before the receipt by the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate of the report required in subparagraph (A); and

''(ii) any final guidance or regulation on that topic for one year after date of receipt of such report by the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(C) The Food and Drug Administration guidance entitled 'Deciding When to Submit a 510(k) for a Change to an Existing Device', dated January 10, 1997, shall be in effect until the subsequent issuance of guidance or promulgation, if appropriate, of a regulation described in subparagraph (B), and the Secretary shall interpret such guidance in a manner that is consistent with the manner in which the Secretary has interpreted such guidance since 1997.''.

SEC. 605. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

Chapter V is amended by inserting after section 518 (21 U.S.C. 360h) the following:

''SEC. 518A. PROGRAM TO IMPROVE THE DEVICE RECALL SYSTEM.

''(a) IN GENERAL.—The Secretary shall—

''(1) establish a program to routinely and systematically assess information relating to device recalls and use such information to proactively identify strategies for mitigating health risks presented by defective or unsafe devices;

''(2) clarify procedures for conducting device recall audit checks to improve the ability of investigators to perform those checks in a consistent manner;

''(3) develop detailed criteria for assessing whether a person performing a device recall has performed an effective correction or action plan for the recall; and

''(4) document the basis for each termination by the Food and Drug Administration of a device recall.

''(b) ASSESSMENT CONTENT.—The program established under subsection (a)(1) shall, at a minimum, identify—

''(1) trends in the number and types of device recalls;

''(2) devices that are most frequently the subject of a recall; and

''(3) underlying causes of device recalls.

''(c) TERMINATION OF RECALLS.—The Secretary shall document the basis for the termination by the Food and Drug Administration of a device recall.

''(d) DEFINITION.—In this section, the term 'recall' means—

''(1) the removal from the market of a device pursuant to an order of the Secretary under subsection (b) or (e) of section 518; or

''(2) the correction or removal from the market of a device at the initiative of the manufacturer or importer of the device that is required to be reported to the Secretary under section 519(g).''.

SEC. 606. CLINICAL HOLDS ON INVESTIGATIONAL DEVICE EXEMPTIONS.

Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

''(8)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a 'clinical hold') if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

''(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is a determination that—

''(i) the device involved represents an unreasonable risk to the safety of the persons who are the subjects of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the device, the design of the clinical investigation, the condition for which the device is to be investigated, and the health status of the subjects involved; or

''(ii) the clinical hold should be issued for such other reasons as the Secretary may by regulation establish.

''(C) Any written request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold.''.

SEC. 607. MODIFICATION OF DE NOVO APPLICATION PROCESS.

(a) IN GENERAL.—Section 513(f)(2) (21 U.S.C. 360c(f)(2)) is amended—

(1) by inserting ''(i)'' after ''(2)(A)'';

(2) in subparagraph (A)(i), as so designated by paragraph (1), by striking ''under the criteria set forth'' and all that follows through the end of subparagraph (A) and inserting a period;

(3) by adding at the end of subparagraph (A) the following:

''(ii) In lieu of submitting a report under section 510(k) and submitting a request for classification under clause (i) for a device, if a person determines there is no legally marketed device upon which to base a determination of substantial equivalence (as defined in subsection (i)), a person may submit a request under this clause for the Secretary to classify the device.

''(iii) Upon receipt of a request under clause (i) or (ii), the Secretary shall classify the device subject to the request under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1) within 120 days.

''(iv) Notwithstanding clause (iii), the Secretary may decline to undertake a classification request submitted under clause (ii) if the Secretary identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence under paragraph (1), or when the Secretary determines that the device submitted is not of low-moderate risk or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

''(v) The person submitting the request for classification under this subparagraph may recommend to the Secretary a classification for the device and shall, if recommending classification in class II, include in the request an initial draft proposal for applicable special controls, as described in subsection (a)(1)(B), that are necessary, in conjunction with general controls, to provide reasonable assurance of safety and effectiveness and a description of how the special controls provide such assurance. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.''; and

(4) in subparagraph (B), by striking ''Not later than 60 days after the date of the submission of the request under subparagraph (A), the Secretary'' and inserting ''The Secretary''.

(b) CONFORMING AMENDMENTS.—Section 513(f) (21 U.S.C. 360c(f)) is amended in paragraph (1)—

(1) in subparagraph (A), by striking '', or'' at the end and inserting a semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; or''; and

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

''(C) the device is classified pursuant to a request submitted under paragraph (2).''.

SEC. 608. RECLASSIFICATION PROCEDURES.

(a) CLASSIFICATION CHANGES.—

(1) IN GENERAL.—Section 513(e)(1) (21 U.S.C. 360c(e)(1)) is amended to read as follows:

''(e)(1)(A)(i) Based on new information respecting a device, the Secretary may, upon the initiative of the Secretary or upon petition of an interested person, change the classification of such device, and revoke, on account of the change in classification, any regulation or requirement in effect under section 514 or 515 with respect to such device, by administrative order published in the Federal Register following publication of a proposed reclassification order in the Federal Register, a meeting of a device classification panel described in subsection (b), and consideration of comments to a public docket, notwithstanding subchapter II of chapter 5 of title 5, United States Code. The proposed reclassification order published in the Federal Register shall set forth the proposed reclassification, and a substantive summary of the valid scientific evidence concerning the proposed reclassification, including—

''(I) the public health benefit of the use of the device, and the nature and, if known, incidence of the risk of the device;

''(II) in the case of a reclassification from class II to class III, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are not sufficient to provide a reasonable assurance of safety and effectiveness for such device; and

''(III) in the case of reclassification from class III to class II, why general controls pursuant to subsection (a)(1)(A) and special controls pursuant to subsection (a)(1)(B) together are sufficient to provide a reasonable assurance of safety and effectiveness for such device.

''(ii) An order under this subsection changing the classification of a device from class III to class II may provide that such classification shall not take effect until the effective date of a performance standard established under section 514 for such device.

''(B) Authority to issue such administrative order shall not be delegated below the Director of the Center for Devices and Radiological Health, acting in consultation with the Commissioner.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 513(e)(2) (21 U.S.C. 360c(e)(2)) is amended by striking ''regulation promulgated'' and inserting ''an order issued''.

(B) Section 514(a)(1) (21 U.S.C. 360d(a)(1)) is amended by striking ''under a regulation under section 513(e) but such regulation'' and inserting ''under an administrative order under section 513(e) (or a regulation promulgated under such section prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act) but such order (or regulation)''.

(C) Section 517(a)(1) (21 U.S.C. 360g(a)(1)) is amended by striking ''or changing the classification of a device to class I'' and inserting '', an administrative order changing the classification of a device to class I,''.

(3) DEVICES RECLASSIFIED PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—

(A) IN GENERAL.—The amendments made by this subsection shall have no effect on a regulation promulgated with respect to the classification of a device under section 513(e) of the Federal Food, Drug, and Cosmetic Act prior to the date of enactment of this Act.

(B) APPLICABILITY OF OTHER PROVISIONS.—In the case of a device reclassified under section 513(e) of the Federal Food, Drug, and Cosmetic Act by regulation prior to the date of enactment of this Act, section 517(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g(a)(1)) shall apply to such regulation promulgated under section 513(e) of such Act with respect to such device in the same manner such section 517(a)(1) applies to an administrative order issued with respect to a device reclassified after the date of enactment of this Act.

(b) DEVICES MARKETED BEFORE MAY 28, 1976.—

(1) PREMARKET APPROVAL.—Section 515 (21 U.S.C. 360e) is amended—

(A) in subsection (a), by striking ''regulation promulgated under subsection (b)'' and inserting ''an order issued under subsection (b) (or a regulation promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the heading, by striking ''Regulation'' and inserting ''Order''; and

(II) in the matter following subparagraph (B)—

(aa) by striking ''by regulation, promulgated in accordance with this subsection'' and inserting ''by administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code''; and

(bb) by adding at the end the following: ''Authority to issue such administrative order shall not be delegated below the Director of the Center for Devices and Radiological Health, acting in consultation with the Commissioner.'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B); and

(II) in subparagraph (A)—

(aa) by striking ''(2)(A) A proceeding for the promulgation of a regulation under paragraph (1) respecting a device shall be initiated by the publication in the Federal Register of a notice of proposed rulemaking. Such notice shall contain—'' and inserting ''(2) A proposed order required under paragraph (1) shall contain—'';

(bb) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively;

(cc) in subparagraph (A), as so redesignated, by striking ''regulation'' and inserting ''order''; and

(dd) in subparagraph (C), as so redesignated, by striking ''regulation'' and inserting ''order'';

(iii) in paragraph (3)—

(I) by striking ''proposed regulation'' each place such term appears and inserting ''proposed order'';

(II) by striking ''paragraph (2) and after'' and inserting ''paragraph (2),'';

(III) by inserting ''and a meeting of a device classification panel described in section 513(b),'' after ''such proposed regulation and findings,'';

(IV) by striking ''(A) promulgate such regulation'' and inserting ''(A) issue an administrative order under paragraph (1)'';

(V) by striking ''paragraph (2)(A)(ii)'' and inserting ''paragraph (2)(B)''; and

(VI) by striking ''promulgation of the regulation'' and inserting ''issuance of the administrative order''; and

(iv) by striking paragraph (4); and

(C) in subsection (i)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking ''December 1, 1995'' and inserting ''the date that is 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act''; and

(bb) by striking ''publish a regulation in the Federal Register'' and inserting ''issue an administrative order following publication of a proposed order in the Federal Register, a meeting of a device classification panel described in

section 513(b), and consideration of comments from all affected stakeholders, including patients, payors, and providers, notwithstanding subchapter II of chapter 5 of title 5, United States Code,'';

(II) in subparagraph (B), by striking ''final regulation has been promulgated under section 515(b)'' and inserting ''administrative order has been issued under subsection (b) (or no regulation has been promulgated under such subsection prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act)'';

(III) in the matter following subparagraph (B), by striking ''regulation requires'' and inserting ''administrative order issued under this paragraph requires''; and

(IV) by striking the third and fourth sentences; and

(ii) in paragraph (3)—

(I) by striking ''regulation requiring'' each place such term appears and inserting ''order requiring''; and

(II) by striking ''promulgation of a section 515(b) regulation'' and inserting ''issuance of an administrative order under subsection (b)''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 501(f) (21 U.S.C. 351(f)) is amended—

(A) in subparagraph (1)(A)—

(i) in subclause (i), by striking ''a regulation promulgated'' and inserting ''an order issued''; and

(ii) in subclause (ii), by striking ''promulgation of such regulation'' and inserting ''issuance of such order'';

(B) in subparagraph (2)(B)—

(i) by striking ''a regulation promulgated'' and inserting ''an order issued''; and

(ii) by striking ''promulgation of such regulation'' and inserting ''issuance of such order''; and

(C) by adding at the end the following:

''(3) In the case of a device with respect to which a regulation was promulgated under section 515(b) prior to the date of enactment of the Food and Drug Administration Safety and Innovation Act, a reference in this subsection to an order issued under section 515(b) shall be deemed to include such regulation.''.

(3) APPROVAL BY REGULATION PRIOR TO THE DATE OF ENACTMENT OF THIS ACT.—The amendments made by this subsection shall have no effect on a regulation that was promulgated prior to the date of enactment of this Act requiring that a device have an approval under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) of an application for premarket approval.

(c) REPORTING.—The Secretary of Health and Human Services shall annually post on the Internet Web site of the Food and Drug Administration—

(1) the number and type of class I and class II devices reclassified as class II or class III in the previous calendar year under section 513(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)(1));

(2) the number and type of class II and class III devices reclassified as class I or class II in the previous calendar year under such section 513(e)(1); and

(3) the number and type of devices reclassified in the previous calendar year under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

SEC. 609. HARMONIZATION OF DEVICE PREMARKET REVIEW, INSPECTION, AND LABELING SYMBOLS.

Paragraph (4) of section 803(c) (21 U.S.C. 383(c)) is amended to read as follows:

''(4) With respect to devices, the Secretary may, when appropriate, enter into arrangements with nations regarding methods and approaches to harmonizing regulatory requirements for activities, including inspections and common international labeling symbols.''.

SEC. 610. PARTICIPATION IN INTERNATIONAL FORA.

Paragraph (3) of section 803(c) (21 U.S.C. 383(c)) is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

(2) by adding at the end the following:

''(B) In carrying out subparagraph (A), the Secretary may participate in appropriate fora, including the International Medical Device Regulators Forum, and may—

''(i) provide guidance to such fora on strategies, policies, directions, membership, and other activities of a forum as appropriate;

''(ii) to the extent appropriate, solicit, review, and consider comments from industry, academia, health care professionals, and patient groups regarding the activities of such fora; and

''(iii) to the extent appropriate, inform the public of the Secretary's activities within such fora, and share with the public any documentation relating to a forum's strategies, policies, and other activities of such fora.''.

SEC. 611. REAUTHORIZATION OF THIRD-PARTY REVIEW.

(a) PERIODIC REACCREDITATION.—Section 523(b)(2) (21 U.S.C. 360m(b)(2)) is amended by adding at the end of the following:

''(E) PERIODIC REACCREDITATION.—

''(i) PERIOD.—Subject to suspension or withdrawal under subparagraph (B), any accreditation under this section shall be valid for a period of 3 years after its issuance.

''(ii) RESPONSE TO REACCREDITATION REQUEST.—Upon the submission of a request by an accredited person for reaccreditation under this section, the Secretary shall approve or deny such request not later than 60 days after receipt of the request.

''(iii) CRITERIA.—Not later than 120 days after the date of the enactment of this subparagraph, the Secretary shall establish and publish in the Federal Register criteria to reaccredit or deny reaccreditation to persons under this section. The reaccreditation of persons under this section shall specify the particular activities under subsection (a), and the devices, for which such persons are reaccredited.''.

(b) DURATION OF AUTHORITY.—Section 523(c) (21 U.S.C. 360m(c)) is amended by striking ''October 1, 2012'' and inserting ''October 1, 2017''.

SEC. 612. REAUTHORIZATION OF THIRD-PARTY INSPECTION.

Section 704(g)(11) (21 U.S.C. 374(g)(11)) is amended by striking ''October 1, 2012'' and inserting ''October 1, 2017''.

SEC. 613. HUMANITARIAN DEVICE EXEMPTIONS.

(a) IN GENERAL.—Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (A)—

(i) by striking clause (i) and inserting the following:

''(i) The device with respect to which the exemption is granted—

''(I) is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs; or

''(II) is intended for the treatment or diagnosis of a disease or condition that does not occur in pediatric patients or that occurs in pediatric patients in such numbers that the development of the device for such patients is impossible, highly impracticable, or unsafe.''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) During any calendar year, the number of such devices distributed during that year under each exemption granted under this subsection does not exceed the annual distribution number for such device. In this paragraph, the term 'annual distribution number' means the number of such devices reasonably needed to treat, diagnose, or cure a population of 4,000 individuals in the United States. The Secretary shall determine the annual distribution number when the Secretary grants such exemption.''; and

(B) by amending subparagraph (C) to read as follows:

''(C) A person may petition the Secretary to modify the annual distribution number determined by the Secretary under subparagraph (A)(ii) with respect to a device if additional information arises, and the Secretary may modify such annual distribution number.'';

(2) in paragraph (7), by striking ''regarding a device'' and inserting ''regarding a device described in paragraph (6)(A)(i)(I)''; and

(3) in paragraph (8), by striking ''of all devices described in paragraph (6)'' and inserting ''of all devices described in paragraph (6)(A)(i)(I)''.

(b) APPLICABILITY TO EXISTING DEVICES.—A sponsor of a device for which an exemption was approved under paragraph (2) of section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) before the date of enactment of this Act may seek a determination under subclause (I) or (II) of section 520(m)(6)(A)(i) (as amended by subsection (a)). If the Secretary of Health and Human Services determines that such subclause (I) or (II) applies with respect to a device, clauses (ii), (iii), and (iv) of subparagraph (A) and subparagraphs (B), (C), (D), and (E) of paragraph (6) of such section 520(m) shall apply to such device, and the Secretary shall determine the annual distribution number for purposes of clause (ii) of such subparagraph (A) when making the determination under this subsection.

SEC. 614. UNIQUE DEVICE IDENTIFIER.

Section 519(f) (21 U.S.C. 360i(f)) is amended—

(1) by striking ''The Secretary shall promulgate'' and inserting ''Not later than December 31, 2012, the Secretary shall issue proposed''; and

(2) by adding at the end the following: ''The Secretary shall finalize the proposed regulations not later than 6 months after the close of the comment period and shall implement the final regulations with respect to devices that are implantable, life-saving, and life sustaining not later than 2 years after the regulations are finalized, taking into account patient access to medical devices and therapies.''.

SEC. 615. SENTINEL.

Section 519 (21 U.S.C. 360i) is amended by adding at the end the following:

''(h) INCLUSION OF DEVICES IN THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—

''(1) IN GENERAL.—

''(A) APPLICATION TO DEVICES.—The Secretary shall amend the procedures established and maintained under clauses (i), (ii), (iii), and (v) of section 505(k)(3)(C) in order to expand the postmarket risk identification and analysis system established under such section to include and apply to devices.

''(B) EXCEPTION.—Subclause (II) of clause (i) of section 505(k)(3)(C) shall not apply to devices.

''(C) CLARIFICATION.—With respect to devices, the private sector health-related electronic data provided under section 505(k)(3)(C)(i)(III)(bb) may include medical device utilization data, health insurance claims data, and procedure and device registries.

''(2) DATA.—In expanding the system as described in paragraph (1)(A), the Secretary shall use relevant data with respect to devices cleared under section 510(k) or approved under section 515, including claims data, patient survey data, and any other data deemed appropriate by the Secretary.

''(3) STAKEHOLDER INPUT.—To help ensure effective implementation of the system as described in paragraph (1) with respect to devices, the Secretary shall engage outside stakeholders in development of the system, and gather information from outside stakeholders regarding the content of an effective sentinel program,

through a public hearing, advisory committee meeting, maintenance of a public docket, or other similar public measures.

''(4) VOLUNTARY SURVEYS.—Chapter 35 of title 44, United States Code, shall not apply to the collection of voluntary information from health care providers, such as voluntary surveys or questionnaires, initiated by the Secretary for purposes of postmarket risk identification, mitigation, and analysis for devices.''.

SEC. 616. POSTMARKET SURVEILLANCE.

Section 522 (21 U.S.C. 360l) is amended—

(1) in subsection (a)(1)(A), in the matter preceding clause (i), by inserting '', at the time of approval or clearance of a device or at any time thereafter,'' after ''by order''; and

(2) in subsection (b)(1), by inserting ''The manufacturer shall commence surveillance under this section not later than 15 months after the day on which the Secretary issues an order under this section.'' after the second sentence.

SEC. 617. CUSTOM DEVICES.

Section 520(b) (21 U.S.C. 360j(b)) is amended to read as follows:

''(b) CUSTOM DEVICES.—

''(1) IN GENERAL.—The requirements of sections 514 and 515 shall not apply to a device that—

''(A) is created or modified in order to comply with the order of an individual physician or dentist (or any other specially qualified person designated under regulations promulgated by the Secretary after an opportunity for an oral hearing);

''(B) in order to comply with an order described in subparagraph (A), necessarily deviates from an otherwise applicable performance standard under section 514 or requirement under section 515;

''(C) is not generally available in the United States in finished form through labeling or advertising by the manufacturer, importer, or distributor for commercial distribution;

''(D) is designed to treat a unique pathology or physiological condition that no other device is domestically available to treat;

''(E)(i) is intended to meet the special needs of such physician or dentist (or other specially qualified person so designated) in the course of the professional practice of such physician or dentist (or other specially qualified person so designated); or

''(ii) is intended for use by an individual patient named in such order of such physician or dentist (or other specially qualified person so designated);

''(F) is assembled from components or manufactured and finished on a case-by-case basis to accommodate the unique needs of individuals described in clause (i) or (ii) of subparagraph (E); and

''(G) may have common, standardized design characteristics, chemical and material compositions, and manufacturing processes as commercially distributed devices.

''(2) LIMITATIONS.—Paragraph (1) shall apply to a device only if—

''(A) such device is for the purpose of treating a sufficiently rare condition, such that conducting clinical investigations on such device would be impractical;

''(B) production of such device under paragraph (1) is limited to no more than 5 units per year of a particular device type, provided that such replication otherwise complies with this section; and

''(C) the manufacturer of such device notifies the Secretary on an annual basis, in a manner prescribed by the Secretary, of the manufacture of such device.

''(3) GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final guidance on replication of multiple devices described in paragraph (2)(B).''.

SEC. 618. HEALTH INFORMATION TECHNOLOGY.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Commissioner of Food and Drugs, and in consultation with the National Coordinator for Health Information Technology and the Chairman of the Federal Communications Commission, shall post on the Internet Web sites of the Food and Drug Administration, the Federal Communications Commission, and the Office of the National Coordinator for Health Information Technology, a report that contains a proposed strategy and recommendations on an appropriate, risk-based regulatory framework pertaining to health information technology, including mobile medical applications, that promotes innovation, protects patient safety, and avoids regulatory duplication.

(b) WORKING GROUP.—

(1) IN GENERAL.—In carrying out subsection (a), the Secretary may convene a working group of external stakeholders and experts to provide appropriate input on the strategy and recommendations required for the report under subsection (a).

(2) REPRESENTATIVES.—If the Secretary convenes the working group under paragraph (1), the Secretary, in consultation with the Commissioner of Food and Drugs, the National Coordinator for Health Information Technology, and the Chairman of the Federal Communications Commission, shall determine the number of representatives participating in the working group, and shall, to the extent practicable, ensure that the working group is geographically diverse and includes representatives of patients, consumers, health care providers, startup companies, health plans or other third-party payers, venture capital investors, information technology vendors, health information technology vendors, small businesses, purchasers, employers, and other stakeholders with relevant expertise, as determined by the Secretary.

SEC. 619. GOOD GUIDANCE PRACTICES RELATING TO DEVICES.

Subparagraph (C) of section 701(h)(1) (21 U.S.C. 371(h)(1)) is amended—

(1) by striking ''(C) For guidance documents'' and inserting ''(C)(i) For guidance documents''; and

(2) by adding at the end the following:

''(ii) With respect to devices, if a notice to industry guidance letter, a notice to industry advisory letter, or any similar notice sets forth initial interpretations of a regulation or policy or sets forth changes in interpretation or policy, such notice shall be treated as a guidance document for purposes of this subparagraph.''.

SEC. 620. PEDIATRIC DEVICE CONSORTIA.

(a) IN GENERAL.—Section 305(e) of Pediatric Medical Device Safety and Improvement Act (Public Law 110–85; 42 U.S.C. 282 note)) is amended by striking ''$6,000,000 for each of fiscal years 2008 through 2012'' and inserting ''$5,250,000 for each of fiscal years 2013 through 2017''.

(b) FINAL RULE RELATING TO TRACKING OF PEDIATRIC USES OF DEVICES.—The Secretary of Health and Human Services shall issue—

(1) a proposed rule implementing section 515A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(a)(2)) not later than December 31, 2012; and

(2) a final rule implementing such section not later than December 31, 2013.

TITLE VII—DRUG SUPPLY CHAIN

SEC. 701. REGISTRATION OF DOMESTIC DRUG ESTABLISHMENTS.

Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''On or before'' and all that follows through the period at the end and inserting the following: ''During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs shall register with the Secretary the name of such person, places of business of such person, all such establishments, the unique facility identifier of each such establishment, and a point of contact e-mail address.; and

(B) by adding at the end the following:

''(3) The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1). The requirement to include a unique facility identifier in a registration under paragraph (1) shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.''; and

(2) in subsection (c), by striking ''with the Secretary his name, place of business, and such establishment'' and inserting ''with the Secretary—

''(1) with respect to drugs, the information described under subsection (b)(1); and

''(2) with respect to devices, the information described under subsection (b)(2).''.

SEC. 702. REGISTRATION OF FOREIGN ESTABLISHMENTS.

(a) ENFORCEMENT OF REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 502(o) (21 U.S.C. 352(o)) is amended by striking ''in any State''.

(b) REGISTRATION OF FOREIGN DRUG ESTABLISHMENTS.—Section 510(i) (U.S.C. 360(i)) is amended—

(1) in paragraph (1)—

(A) by amending the matter preceding subparagraph (A) to read as follows: ''Every person who owns or operates any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—'';

(B) by amending subparagraph (A) to read as follows:

''(A) upon first engaging in any such activity, immediately submit a registration to the Secretary that includes—

''(i) with respect to drugs, the name and place of business of such person, all such establishments, the unique facility identifier of each such establishment, a point of contact e-mail address, the name of the United States agent of each such establishment, the name of each importer of such drug in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug to the United States for purposes of importation; and

''(ii) with respect to devices, the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation; and''; and

(C) by amending subparagraph (B) to read as follows:

''(B) each establishment subject to the requirements of subparagraph (A) shall thereafter register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.''; and

(2) by adding at the end the following:

''(4) The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1) with respect to drugs. The requirement to include a unique facility identifier in a registration under paragraph (1) with respect to drugs shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.''.

SEC. 703. IDENTIFICATION OF DRUG EXCIPIENT INFORMATION WITH PRODUCT LISTING.

Section 510(j) (21 U.S.C. 360(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) in the case of a drug contained in the applicable list, the name and place of business of each manufacturer of an excipient of the listed drug with which the person listing the drug conducts business, including all establishments used in the production of such excipient, the unique facility identifier of each such establishment, and a point of contact e-mail address for each such excipient manufacturer.''; and

(2) by adding at the end the following:

''(4) The Secretary shall require persons subject to this subsection to use, for purposes of this subsection, the unique facility identifier systems specified under subsections (b)(3) and (i)(4) with respect to drugs. Such requirement shall not apply until the date that the identifier system under subsection (b)(3) or (i)(4), as applicable, is specified by the Secretary.''.

SEC. 704. ELECTRONIC SYSTEM FOR REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended—

(1) by striking ''(p) Registrations and listings'' and inserting the following:

''(p) ELECTRONIC REGISTRATION AND LISTING.—

''(1) IN GENERAL.—Registrations and listings''; and

(2) by adding at the end the following:

''(2) ELECTRONIC DATABASE.—Not later than 2 years after the Secretary specifies a unique facility identifier system under subsections (b) and (i), the Secretary shall maintain an electronic database, which shall not be subject to inspection under subsection (f), populated with the information submitted as described under paragraph (1) that—

''(A) enables personnel of the Food and Drug Administration to search the database by any field of information submitted in a registration described under paragraph (1), or combination of such fields; and

''(B) uses the unique facility identifier system to link with other relevant databases within the Food and Drug Administration, including the database for submission of information under section 801(r).

''(3) RISK-BASED INFORMATION AND COORDINATION.—The Secretary shall ensure the accuracy and coordination of relevant Food and Drug Administration databases in order to identify and inform risk-based inspections under section 510(h).''.

SEC. 705. RISK-BASED INSPECTION FREQUENCY.

Section 510(h) (21 U.S.C. 360(h)) is amended to read as follows:

''(h) INSPECTIONS.—

''(1) IN GENERAL.—Every establishment that is required to be registered with the Secretary under this section shall be subject to inspection pursuant to section 704.

''(2) BIENNIAL INSPECTIONS FOR DEVICES.—Every establishment described in paragraph (1), in any State, that is engaged in the manufacture, propagation, compounding, or processing of a device or devices classified in class II or III shall be so inspected by one or more officers or employees duly designated by the Secretary, or by persons accredited to conduct inspections under section 704(g), at least once in the 2-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive 2-year period thereafter.

''(3) RISK-BASED SCHEDULE FOR DRUGS.—The Secretary, acting through one or more officers or employees duly designated by the Secretary, shall inspect establishments described in paragraph (1) that are engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs (referred to in this subsection as 'drug establishments') in accordance with a risk-based schedule established by the Secretary.

''(4) RISK FACTORS.—In establishing the risk-based scheduled under paragraph (3), the Secretary shall inspect establishments according to the known safety risks of such establishments, which shall be based on the following factors:

''(A) The compliance history of the establishment.

''(B) The record, history, and nature of recalls linked to the establishment.

''(C) The inherent risk of the drug manufactured, prepared, propagated, compounded, or processed at the establishment.

''(D) The inspection frequency and history of the establishment, including whether the establishment has been inspected pursuant to section 704 within the last 4 years.

''(E) Whether the establishment has been inspected by a foreign government or an agency of a foreign government recognized under section 809.

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(5) EFFECT OF STATUS.—In determining the risk associated with an establishment for purposes of establishing a risk-based schedule under paragraph (3), the Secretary shall not consider whether the drugs manufactured, prepared, propagated, compounded, or processed by such establishment are drugs described in section 503(b).

''(6) ANNUAL REPORT ON INSPECTIONS OF ESTABLISHMENTS.—Beginning in 2014, not later than February 1 of each year, the Secretary shall make available on the Internet Web site of the Food and Drug Administration a report regarding—

''(A)(i) the number of domestic and foreign establishments registered pursuant to this section in the previous fiscal year; and

''(ii) the number of such domestic establishments and the number of such foreign establishments that the Secretary inspected in the previous fiscal year;

''(B) with respect to establishments that manufacture, prepare, propagate, compound, or process an active ingredient of a drug, a finished drug product, or an excipient of a drug, the number of each such type of establishment; and

''(C) the percentage of the budget of the Food and Drug Administration used to fund the inspections described under subparagraph (A).''.

SEC. 706. RECORDS FOR INSPECTION.

Section 704(a) (21 U.S.C. 374(a)) is amended by adding at the end the following:

''(4)(A) Any records or other information that the Secretary may inspect under this section from a person that owns or operates an establishment that is engaged in the manufacture, preparation, propagation, compounding, or processing of a drug shall, upon the request of the Secretary, be provided to the Secretary by such person, in advance of or in lieu of an inspection, within a reasonable timeframe, within reasonable limits, and in a reasonable manner, and in either electronic or physical form, at the expense of such person. The Secretary's request shall include a sufficient description of the records requested.

''(B) Upon receipt of the records requested under subparagraph (A), the Secretary shall provide to the person confirmation of receipt.

''(C) Nothing in this paragraph supplants the authority of the Secretary to conduct inspections otherwise permitted under this Act in order to ensure compliance with this Act.''.

SEC. 707. PROHIBITION AGAINST DELAYING, DENYING, LIMITING, OR REFUSING INSPECTION.

(a) IN GENERAL.—Section 501 (21 U.S.C. 351) is amended by adding at the end the following:

''(j) If it is a drug and it has been manufactured, processed, packed, or held in any factory, warehouse, or establishment and the owner, operator, or agent of such factory, warehouse, or establishment delays, denies, or limits an inspection, or refuses to permit entry or inspection.''.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services shall issue guidance that defines the circumstances that would constitute delaying, denying, or limiting inspection, or refusing to permit entry or inspection, for purposes of section 501(j) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

SEC. 708. DESTRUCTION OF ADULTERATED, MISBRANDED, OR COUNTERFEIT DRUGS OFFERED FOR IMPORT.

(a) IN GENERAL.—The sixth sentence of section 801(a) (21 U.S.C. 381(a)) is amended by inserting before the period at the end the following: '', except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug refused admission under this section, if such drug is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1)) and was not brought into compliance as described under subsection (b).''.

(b) NOTICE.—Subsection (a) of section 801 (21 U.S.C. 381), as amended by subsection (a), is further amended by inserting after the sixth sentence the following: ''The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug under the sixth sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c). Such process may be combined with the notice and opportunity to appear before the Secretary and introduce testimony, as described in the first sentence of this subsection, as long as appropriate notice is provided to the owner or consignee.''.

(c) APPLICABILITY.—The amendment made by subsection (a) shall apply beginning on the effective date of the regulations promulgated pursuant to the amendment made by subsection (b).

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall adopt final regulations implementing the amendments made this section.

(2) PROCEDURE.—In promulgating a regulation implementing the amendments made by this section, the Secretary of Health and Human Services shall—

(A) issue a notice of proposed rulemaking that includes a copy of the proposed regulation;

(B) provide a period of not less than 60 days for comments on the proposed regulation; and

(C) publish the final regulation not less than 30 days before the effective date of the regulation.

(3) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by this section only as described in paragraph (2).

SEC. 709. ADMINISTRATIVE DETENTION.

(a) IN GENERAL.—Section 304(g) (21 U.S.C. 335a(g)) is amended—

(1) in paragraph (1), by inserting '', drug,'' after ''device'', each place it appears;

(2) in paragraph (2)(A), by inserting '', drug,'' after ''(B), a device''; and

(3) in paragraph (2)(B), by inserting ''or drug'' after ''device'' each place it appears.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations in accordance with section 304(i) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2) of this subsection, to implement administrative detention authority with respect to drugs, as authorized by the amendments made by subsection (a). Before promulgating such regulations, the Secretary shall consult with stakeholders, including manufacturers of drugs.

(2) IN GENERAL.—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

''(i) PROCEDURES FOR PROMULGATING REGULATIONS.—

''(1) IN GENERAL.—In promulgating a regulation implementing this section, the Secretary shall—

''(A) issue a notice of proposed rulemaking that includes the proposed regulation;

''(B) provide a period of not less than 60 days for comments on the proposed regulation; and

''(C) publish the final regulation not less than 30 days before the regulation's effective date.

''(2) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall not take effect until the Secretary has issued a final regulation under subsection (b).

SEC. 710. EXCHANGE OF INFORMATION.

Section 708 (21 U.S.C. 379) is amended—

(1) by striking ''CONFIDENTIAL INFORMATION'' and all that follows through ''The Secretary may provide'' and inserting the following:

''SEC. 708. CONFIDENTIAL INFORMATION.

''(a) CONTRACTORS.—The Secretary may provide''; and

(2) by adding at the end the following:

''(b) ABILITY TO RECEIVE AND PROTECT CONFIDENTIAL INFORMATION OBTAINED FROM FOREIGN GOVERNMENTS.—

''(1) IN GENERAL.—The Secretary shall not be required to disclose under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), or any other provision of law, any information relating to drugs obtained from a foreign government agency, if—

''(A) the information concerns the inspection of a facility, is part of an investigation, alerts the United States to the potential need for an investigation, or concerns a drug that has a reasonable probability of causing serious adverse health consequences or death to humans or animals;

''(B) the information is provided or made available to the United States Government voluntarily on the condition that it not be released to the public; and

''(C) the information is covered by, and subject to, a written agreement between the Secretary and the foreign government.

''(2) TIME LIMITATIONS.—The written agreement described in paragraph (1)(C) shall specify the time period for which paragraph (1) shall apply to the voluntarily disclosed information. Paragraph (1) shall not apply with respect to such information after the date specified in such agreement, but all other applicable legal protections, including the provisions of section 552 of title 5, United States Code, and section 319L(e)(1) of the Public Health Service Act, as applicable, shall continue to apply to such information. If no date is specified in the written agreement, paragraph (1) shall not apply with respect to such information for a period of more than 36 months.

''(3) DISCLOSURES NOT AFFECTED.—Nothing in this section authorizes any official to withhold, or to authorize the withholding of, information from Congress or information required to be disclosed pursuant to an order of a court of the United States.

''(4) RELATION TO OTHER LAW.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(c) AUTHORITY TO ENTER INTO MEMORANDA OF UNDERSTANDING FOR PURPOSES OF INFORMATION EXCHANGE.—The Secretary may enter into written agreements to provide information referenced in section 301(j) to foreign governments subject to the following criteria:

''(1) CERTIFICATION.—The Secretary may enter into a written agreement to provide information under this subsection to a foreign government only if the Secretary has certified such government as having the authority and demonstrated ability to protect trade secret information from disclosure. Responsibility for this certification shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs.

''(2) WRITTEN AGREEMENT.—The written agreement to provide information to the foreign government under this subsection shall include a commitment by the foreign government to protect information exchanged under this subsection from disclosure unless and until the sponsor gives written permission for disclosure or the Secretary makes a declaration of a public health emergency pursuant to section 319 of the Public Health Service Act that is relevant to the information.

''(3) INFORMATION EXCHANGE.—The Secretary may provide to a foreign government that has been certified under paragraph (1) and that has executed a written agreement under paragraph (2) information referenced in section 301(j) in only the following circumstances:

''(A) Information concerning the inspection of a facility may be provided to a foreign government if—

''(i) the Secretary reasonably believes, or the written agreement described in paragraph (2) establishes, that the government has authority to otherwise obtain such information; and

''(ii) the written agreement executed under paragraph (2) limits the recipient's use of the information to the recipient's civil regulatory purposes.

''(B) Information not described in subparagraph (A) may be provided as part of an investigation, or to alert the foreign government to the potential need for an investigation, if the Secretary has reasonable grounds to believe that a drug has a reasonable probability of causing serious adverse health consequences or death to humans or animals.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection affects the ability of the Secretary to enter into any written agreement authorized by other provisions of law to share confidential information.''.

SEC. 711. ENHANCING THE SAFETY AND QUALITY OF THE DRUG SUPPLY.

Section 501 (21 U.S.C. 351) is amended by adding at the end the following flush text:

''For purposes of paragraph (a)(2)(B), the term 'current good manufacturing practice' includes the implementation of oversight and controls over the manufacture of drugs to ensure quality, including managing the risk of and establishing the safety of raw materials, materials used in the manufacturing of drugs, and finished drug products.''.

SEC. 712. RECOGNITION OF FOREIGN GOVERNMENT INSPECTIONS.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 809. RECOGNITION OF FOREIGN GOVERNMENT INSPECTIONS.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with a foreign government or an agency of a foreign government to recognize the inspection of foreign establishments registered under section 510(i) in order to facilitate risk-based inspections in accordance with the schedule established in section 510(h)(3);

''(2) may enter into arrangements and agreements with a foreign government or an agency of a foreign government under this section only with a foreign government or an agency of a foreign government that the Secretary has determined as having the capability of conduction inspections that meet the applicable requirements of this Act; and

''(3) shall perform such reviews and audits of drug safety programs, systems, and standards of a foreign government or agency for the foreign government as the Secretary deems necessary to determine that the foreign government or agency of the foreign government is capable of conducting inspections that meet the applicable requirements of this Act.

''(b) RESULTS OF INSPECTION.—The results of inspections performed by a foreign government or an agency of a foreign government under this section may be used as—

''(1) evidence of compliance with section 501(a)(2)(B) or section 801(r); and

''(2) for any other purposes as determined appropriate by the Secretary.''.

SEC. 713. STANDARDS FOR ADMISSION OF IMPORTED DRUGS.

Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (o), by striking ''drug or''; and

(2) by adding at the end the following:

''(r)(1) The Secretary may require, pursuant to the regulations promulgated under paragraph (4)(A), as a condition of granting admission to a drug imported or offered for import into the United States, that the importer electronically submit information demonstrating that the drug complies with applicable requirements of this Act.

''(2) The information described under paragraph (1) may include—

''(A) information demonstrating the regulatory status of the drug, such as the new drug application, abbreviated new drug application, or investigational new drug or drug master file number;

''(B) facility information, such as proof of registration and the unique facility identifier;

''(C) indication of compliance with current good manufacturing practice, testing results, certifications relating to satisfactory inspections, and compliance with the country of export regulations; and

''(D) any other information deemed necessary and appropriate by the Secretary to assess compliance of the article being offered for import.

''(3) Information requirements referred to in paragraph (2)(C) may, at the discretion of the Secretary, be satisfied—

''(A) through representation by a foreign government, if an inspection is conducted by a foreign government using standards and practices as determined appropriate by the Secretary;

''(B) through representation by a foreign government or an agency of a foreign government recognized under section 809; or

''(C) other appropriate documentation or evidence as described by the Secretary.

''(4)(A) Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this subsection. Such requirements shall be appropriate for the type of import, such as whether the drug is for import into the United States for use in preclinical research or in a clinical investigation under an investigational new drug exemption under 505(i).

''(B) In promulgating the regulations under subparagraph (A), the Secretary—

''(i) may, as appropriate, take into account differences among importers and types of imports, and, based on the level of risk posed by the imported drug, provide for expedited clearance for those importers that volunteer to participate in partnership programs for highly compliant companies and pass a review of internal controls, including sourcing of foreign manufacturing inputs, and plant inspections; and

''(ii) shall—

''(I) issue a notice of proposed rulemaking that includes the proposed regulation;

''(II) provide a period of not less than 60 days for comments on the proposed regulation; and

''(III) publish the final regulation not less than 30 days before the effective date of the regulation.

''(C) Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this subsection only as described in subparagraph (B).''.

SEC. 714. REGISTRATION OF COMMERCIAL IMPORTERS.

(a) PROHIBITIONS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(aaa) The failure to register in accordance with section 801(s).''.

(b) REGISTRATION.—Section 801 (21 U.S.C. 381), as amended by section 713 of this Act, is further amended by adding at the end the following:

''(s) REGISTRATION OF COMMERCIAL IMPORTERS.—

''(1) REGISTRATION.—The Secretary shall require a commercial importer of drugs—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) subject to paragraph (4), to submit, at the time of registration, a unique identifier for the principal place of business for which the importer is required to register under this subsection.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported drugs are in compliance with the requirements of this Act and the Public Health Service Act.

''(B) PROCEDURE.—In promulgating a regulation under subparagraph (A), the Secretary shall—

''(i) issue a notice of proposed rulemaking that includes the proposed regulation;

''(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

''(iii) publish the final regulation not less than 30 days before the regulation's effective date.

''(C) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this subsection, the Secretary shall only promulgate regulations as described in subparagraph (B).

''(3) DISCONTINUANCE OF REGISTRATION.—The Secretary shall discontinue the registration of any commercial importer of drugs that fails to comply with the regulations promulgated under this subsection.

''(4) UNIQUE FACILITY IDENTIFIER.—The Secretary shall specify the unique facility identifier system that shall be used by registrants under paragraph (1). The requirement to include a unique facility identifier in a registration under paragraph (1) shall not apply until the date that the identifier system is specified by the Secretary under the preceding sentence.

''(5) EXEMPTIONS.—The Secretary, by notice in the Federal Register, may establish exemptions from the requirements of this subsection.''.

(c) MISBRANDING.—Section 502(o) (21 U.S.C. 352) is amended by inserting ''if it is a drug and was imported or offered for import by a commercial importer of drugs not duly registered under section 801(s),'' after ''not duly registered under section 510,''.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) PROCEDURES FOR PROMULGATING REGULATIONS.—

(A) IN GENERAL.—In promulgating a regulation under paragraph (1), the Secretary shall—

(i) issue a notice of proposed rulemaking that includes the proposed regulation;

(ii) provide a period of not less than 60 days for comments on the proposed regulation; and

(iii) publish the final regulation not less than 30 days before the regulation's effective date.

(B) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), the Secretary shall promulgate regulations only as described in subparagraph (A).

(3) EFFECTIVE DATE.—In establishing the effective date of the regulations under paragraph (1), the Secretary of Health and Human Services shall, in consultation with the Secretary of Homeland Security acting through U.S. Customs and Border Protection, as determined appropriate by the Secretary of Health and Human Services, provide a reasonable period of time for an importer of a drug to comply with good importer practices, taking into account differences among importers and types of imports, including based on the level of risk posed by the imported product.

SEC. 715. NOTIFICATION.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 714 of this Act, is further amended by adding at the end the following:

''(bbb) The failure to notify the Secretary in violation of section 568.''.

(b) NOTIFICATION.—Subchapter E of chapter V (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 568. NOTIFICATION.

''(a) NOTIFICATION TO SECRETARY.—With respect to a drug, the Secretary may require notification to the Secretary by a regulated person if the regulated person knows—

''(1) that the use of such drug in the United States may result in serious injury or death;

''(2) of a significant loss or known theft of such drug intended for use in the United States; or

''(3) that—

''(A) such drug has been or is being counterfeited; and

''(B)(i) the counterfeit product is in commerce in the United States or could be reasonably expected to be introduced into commerce in the United States; or

''(ii) such drug has been or is being imported into the United States or may reasonably be expected to be offered for import into the United States.

''(b) MANNER OF NOTIFICATION.—Notification under this section shall be made in such manner and by such means as the Secretary may specify by regulation or guidance.

''(c) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting any other authority of the Secretary to require notifications related to a drug under any other provision of this Act or the Public Health Service Act.

''(d) DEFINITION.—In this section, the term 'regulated person' means—

''(1) a person who is required to register under section 510 or 801(s);

''(2) a wholesale distributor of a drug product; or

''(3) any other person that distributes drugs except a person that distributes drugs exclusively for retail sale.''.

SEC. 716. PROTECTION AGAINST INTENTIONAL ADULTERATION.

Section 303(b) (21 U.S.C. 333(b)) is amended by adding at the end the following:

''(7) Notwithstanding subsection (a)(2), any person that knowingly and intentionally adulterates a drug such that the drug is adulterated under subsection (a)(1), (b), (c), or (d) of section 501 and has a reasonable probability of causing serious adverse health consequences or death to humans or animals shall be imprisoned for not more than 20 years or fined not more than $1,000,000, or both.''.

SEC. 717. PENALTIES FOR COUNTERFEITING DRUGS.

(a) COUNTERFEIT DRUG PENALTY ENHANCEMENT.—

(1) OFFENSE.—Section 2320(a) of title 18, United States Code, is amended—

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

(B) by inserting ''or'' at the end of paragraph (3);

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

''(4) traffics in a counterfeit drug,''; and

(D) by striking ''through (3)'' and inserting ''through (4)''.

(2) PENALTIES.—Section 2320(b)(3) of title 18, United States Code, is amended—

(A) in the heading, by inserting ''AND COUNTERFEIT DRUGS'' after ''SERVICES''; and

(B) by inserting ''or counterfeit drug'' after ''service''.

(3) DEFINITION.—Section 2320(f) of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'counterfeit drug' means a drug, as defined by section 201 of the Federal Food, Drug, and Cosmetic Act, that uses a counterfeit mark on or in connection with the drug.''.

(4) PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

(b) SENTENCING COMMISSION DIRECTIVE.—

(1) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by subsection (a), in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(B) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(C) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

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

(E) make any necessary conforming changes to the sentencing guidelines; and

(F) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 718. EXTRATERRITORIAL JURISDICTION.

Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

''SEC. 311. EXTRATERRITORIAL JURISDICTION.

''There is extraterritorial jurisdiction over any violation of this Act relating to any article regulated under this Act if such article was intended for import into the United States or if any act

in furtherance of the violation was committed in the United States.''.

TITLE VIII—GENERATING ANTIBIOTIC INCENTIVES NOW

SEC. 801. EXTENSION OF EXCLUSIVITY PERIOD FOR DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505D the following:

''SEC. 505E. EXTENSION OF EXCLUSIVITY PERIOD FOR NEW QUALIFIED INFECTIOUS DISEASE PRODUCTS.

''(a) EXTENSION.—If the Secretary approves an application pursuant to section 505 for a drug that has been designated as a qualified infectious disease product under subsection (d), the 4- and 5-year periods described in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of section 505, the 3-year periods described in clauses (iii) and (iv) of subsection (c)(3)(E) and clauses (iii) and (iv) of subsection (j)(5)(F) of section 505, or the 7-year period described in section 527, as applicable, shall be extended by 5 years.

''(b) RELATION TO PEDIATRIC EXCLUSIVITY.—Any extension under subsection (a) of a period shall be in addition to any extension of the period under section 505A with respect to the drug.

''(c) LIMITATIONS.—Subsection (a) does not apply to the approval of—

''(1) a supplement to an application under section 505(b) for any qualified infectious disease product for which an extension described in subsection (a) is in effect or has expired;

''(2) a subsequent application filed with respect to a product approved under section 505 for a change that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

''(3) a product that does not meet the definition of a qualified infectious disease product under subsection (g) based upon its approved uses.

''(d) DESIGNATION.—

''(1) IN GENERAL.—The manufacturer or sponsor of a drug may request the Secretary to designate a drug as a qualified infectious disease product at any time before the submission of an application under section 505(b) for such drug. The Secretary shall, not later than 60 days after the submission of such a request, determine whether the drug is a qualified infectious disease product.

''(2) LIMITATION.—Except as provided in paragraph (3), a designation under this subsection shall not be withdrawn for any reason, including modifications to the list of qualifying pathogens under subsection (f)(2)(C).

''(3) REVOCATION OF DESIGNATION.—The Secretary may revoke a designation of a drug as a qualified infectious disease product if the Secretary finds that the request for such designation contained an untrue statement of material fact.

''(e) REGULATIONS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt final regulations implementing this section, including developing the list of qualifying pathogens described in subsection (f).

''(2) PROCEDURE.—In promulgating a regulation implementing this section, the Secretary shall—

''(A) issue a notice of proposed rulemaking that includes the proposed regulation;

''(B) provide a period of not less than 60 days for comments on the proposed regulation; and

''(C) publish the final regulation not less than 30 days before the effective date of the regulation.

''(3) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing this section only as described in paragraph (2), except that the Secretary may issue interim guidance for sponsors seeking designation under subsection (d) prior to the promulgation of such regulations.

''(4) DESIGNATION PRIOR TO REGULATIONS.—The Secretary shall designate drugs as qualified infectious disease products under subsection (d) prior to the promulgation of regulations under this subsection, if such drugs meet the definition of a qualified infectious disease product described in subsection (g).

''(f) QUALIFYING PATHOGEN.—

''(1) DEFINITION.—In this section, the term 'qualifying pathogen' means a pathogen identified and listed by the Secretary under paragraph (2) that has the potential to pose a serious threat to public health, such as—

''(A) resistant gram positive pathogens, including methicillin-resistant Staphylococcus aureus, vancomycin-resistant Staphylococcus aureus, and vancomycin-resistant enterococcus;

''(B) multi-drug resistant gram negative bacteria, including Acinetobacter, Klebsiella, Pseudomonas, and E. coli species;

''(C) multi-drug resistant tuberculosis; and

''(D) Clostridium difficile.

''(2) LIST OF QUALIFYING PATHOGENS.—

''(A) IN GENERAL.—The Secretary shall establish and maintain a list of qualifying pathogens, and shall make public the methodology for developing such list.

''(B) CONSIDERATIONS.—In establishing and maintaining the list of pathogens described under this section, the Secretary shall—

''(i) consider—

''(I) the impact on the public health due to drug-resistant organisms in humans;

''(II) the rate of growth of drug-resistant organisms in humans;

''(III) the increase in resistance rates in humans; and

''(IV) the morbidity and mortality in humans; and

''(ii) consult with experts in infectious diseases and antibiotic resistance, including the Centers for Disease Control and Prevention, the Food and Drug Administration, medical professionals, and the clinical research community.

''(C) REVIEW.—Every 5 years, or more often as needed, the Secretary shall review, provide modifications to, and publish the list of qualifying pathogens under subparagraph (A) and shall by regulation revise the list as necessary, in accordance with subsection (e).

''(g) QUALIFIED INFECTIOUS DISEASE PRODUCT.—The term 'qualified infectious disease product' means an antibacterial or antifungal drug for human use intended to treat serious or life-threatening infections, including those caused by—

''(1) an antibacterial or antifungal resistant pathogen, including novel or emerging infectious pathogens; or

''(2) qualifying pathogens listed by the Secretary under subsection (f).''.

(b) APPLICATION.—Section 505E of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to a drug that is first approved under section 505(c) of such Act (21 U.S.C. 355(c)) on or after the date of the enactment of this Act.

SEC. 802. PRIORITY REVIEW.

(a) AMENDMENT.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 524 the following:

''SEC. 524A. PRIORITY REVIEW FOR QUALIFIED INFECTIOUS DISEASE PRODUCTS.

''If the Secretary designates a drug under section 505E(d) as a qualified infectious disease product, then the Secretary shall give priority review to any application submitted for approval for such drug under section 505(b).''.

(b) APPLICATION.—Section 524A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), applies only with respect to an application that is submitted under section 505(b) of such Act (21 U.S.C. 355(b)) on or after the date of the enactment of this Act.

SEC. 803. FAST TRACK PRODUCT.

Section 506(a)(1) (21 U.S.C. 356(a)(1)), as amended by section 901(b) of this Act, is amended by inserting '', or if the Secretary designates the drug as a qualified infectious disease product under section 505E(d)'' before the period at the end of the first sentence.

SEC. 804. CLINICAL TRIALS.

(a) REVIEW AND REVISION OF GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall review and, as appropriate, revise not fewer than 3 guidance documents per year, which shall include—

(A) reviewing the guidance documents of the Food and Drug Administration for the conduct of clinical trials with respect to antibacterial and antifungal drugs; and

(B) as appropriate, revising such guidance documents to reflect developments in scientific and medical information and technology and to ensure clarity regarding the procedures and requirements for approval of antibacterial and antifungal drugs under chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.).

(2) ISSUES FOR REVIEW.—At a minimum, the review under paragraph (1) shall address the appropriate animal models of infection, in vitro techniques, valid microbiological surrogate markers, the use of noninferiority versus superiority trials, trial enrollment, data requirements, and appropriate delta values for noninferiority trials.

(3) RULE OF CONSTRUCTION.—Except to the extent to which the Secretary makes revisions under paragraph (1)(B), nothing in this section shall be construed to repeal or otherwise effect the guidance documents of the Food and Drug Administration.

(b) RECOMMENDATIONS FOR INVESTIGATIONS.—

(1) REQUEST.—The sponsor of a drug intended to be designated as a qualified infectious disease product may request that the Secretary provide written recommendations for nonclinical and clinical investigations which the Secretary believes may be necessary to be conducted with the drug before such drug may be approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in treating, detecting, preventing, or identifying a qualifying pathogen, as defined in section 505E of such Act.

(2) RECOMMENDATIONS.—If the Secretary has reason to believe that a drug for which a request is made under this subsection is a qualified infectious disease product, the Secretary shall provide the person making the request written recommendations for the nonclinical and clinical investigations which the Secretary believes, on the basis of information available to the Secretary at the time of the request, would be necessary for approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) of such drug for the use described in paragraph (1).

(c) QUALIFIED INFECTIOUS DISEASE PRODUCT.—For purposes of this section, the term ''qualified infectious disease product'' has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act.

SEC. 805. REASSESSMENT OF QUALIFIED INFECTIOUS DISEASE PRODUCT INCENTIVES IN 5 YEARS.

(a) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary of Health and Human Services shall, in consultation with the Food and Drug Administration, the Centers for Disease Control and Prevention, and other appropriate agencies, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the following:

(1)(A) The number of initial designations of drugs as qualified infectious disease products

under section 505E of the Federal Food, Drug, and Cosmetic Act.

(B) The number of qualified infectious disease products approved under such section 505E.

(C) Whether such products address the need for antibacterial and antifungal drugs to treat serious and life-threatening infections.

(D) A list of qualified infectious disease products with information on the types of exclusivity granted for each product, consistent with the information published under section 505(j)(7)(A)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)(A)(iii)).

(E) The progress made regarding the review and revision of the clinical trial guidance documents required under section 804 and the impact such review and revision has had on the review and approval of qualified infectious disease products.

(F) The Federal contribution, if any, to funding of the clinical trials for each qualified infectious disease product for each phase.

(2) Recommendations—

(A) based on the information under paragraph (1) and any other relevant data, on any changes that should be made to the list of pathogens that are defined as qualifying pathogens under section 505E(f)(2) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act; and

(B) on whether any additional program (such as the development of public-private collaborations to advance antibacterial drug innovation) or changes to the incentives under this subtitle may be needed to promote the development of antibacterial drugs.

(3) An examination of—

(A) the adoption of programs to measure the use of antibacterial drugs in health care settings; and

(B) the implementation and effectiveness of antimicrobial stewardship protocols across all health care settings.

(4) Any recommendations for ways to encourage further development and establishment of stewardship programs.

(5) A description of the regulatory challenges and impediments to clinical development, approval, and licensure of qualified infectious disease products, and the steps the Secretary has taken and will take to address such challenges and ensure regulatory certainty and predictability with respect to qualified infectious disease products.

(b) DEFINITION.—For purposes of this section, the term ''qualified infectious disease product'' has the meaning given such term in section 505E(g) of the Federal Food, Drug, and Cosmetic Act, as added by section 801 of this Act.

SEC. 806. GUIDANCE ON PATHOGEN-FOCUSED ANTIBACTERIAL DRUG DEVELOPMENT.

(a) DRAFT GUIDANCE.—Not later than June 30, 2013, in order to facilitate the development of antibacterial drugs for serious or life-threatening bacterial infections, particularly in areas of unmet need, the Secretary of Health and Human Services shall publish draft guidance that—

(1) specifies how preclinical and clinical data can be utilized to inform an efficient and streamlined pathogen-focused antibacterial drug development program that meets the approval standards of the Food and Drug Administration; and

(2) provides advice on approaches for the development of antibacterial drugs that target a more limited spectrum of pathogens.

(b) FINAL GUIDANCE.—Not later than December 31, 2014, after notice and opportunity for public comment on the draft guidance under subsection (a), the Secretary of Health and Human Services shall publish final guidance consistent with this section.

TITLE IX—DRUG APPROVAL AND PATIENT ACCESS

SEC. 901. ENHANCEMENT OF ACCELERATED PATIENT ACCESS TO NEW MEDICAL TREATMENTS.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds as follows:

(A) The Food and Drug Administration (referred to in this section as the ''FDA'') serves a critical role in helping to assure that new medicines are safe and effective. Regulatory innovation is 1 element of the Nation's strategy to address serious and life-threatening diseases or conditions by promoting investment in and development of innovative treatments for unmet medical needs.

(B) During the 2 decades following the establishment of the accelerated approval mechanism, advances in medical sciences, including genomics, molecular biology, and bioinformatics, have provided an unprecedented understanding of the underlying biological mechanism and pathogenesis of disease. A new generation of modern, targeted medicines is under development to treat serious and life-threatening diseases, some applying drug development strategies based on biomarkers or pharmacogenomics, predictive toxicology, clinical trial enrichment techniques, and novel clinical trial designs, such as adaptive clinical trials.

(C) As a result of these remarkable scientific and medical advances, the FDA should be encouraged to implement more broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases or conditions, including those for rare diseases or conditions, using a broad range of surrogate or clinical endpoints and modern scientific tools earlier in the drug development cycle when appropriate. This may result in fewer, smaller, or shorter clinical trials for the intended patient population or targeted subpopulation without compromising or altering the high standards of the FDA for the approval of drugs.

(D) Patients benefit from expedited access to safe and effective innovative therapies to treat unmet medical needs for serious or life-threatening diseases or conditions.

(E) For these reasons, the statutory authority in effect on the day before the date of enactment of this Act governing expedited approval of drugs for serious or life-threatening diseases or conditions should be amended in order to enhance the authority of the FDA to consider appropriate scientific data, methods, and tools, and to expedite development and access to novel treatments for patients with a broad range of serious or life-threatening diseases or conditions.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Food and Drug Administration should apply the accelerated approval and fast track provisions set forth in section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356), as amended by this section, to help expedite the development and availability to patients of treatments for serious or life-threatening diseases or conditions while maintaining safety and effectiveness standards for such treatments.

(b) EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.—Section 506 (21 U.S.C. 356) is amended to read as follows:

''SEC. 506. EXPEDITED APPROVAL OF DRUGS FOR SERIOUS OR LIFE-THREATENING DISEASES OR CONDITIONS.

''(a) DESIGNATION OF DRUG AS FAST TRACK PRODUCT.—

''(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended, whether alone or in combination with one or more other drugs, for the treatment of a serious or life-threatening disease or condition, and it demonstrates the potential to address unmet medical needs for such a disease or condition. (In this section, such a drug is referred to as a 'fast track product'.)

''(2) REQUEST FOR DESIGNATION.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

''(3) DESIGNATION.—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

''(b) ACCELERATED APPROVAL OF A DRUG FOR A SERIOUS OR LIFE-THREATENING DISEASE OR CONDITION, INCLUDING A FAST TRACK PRODUCT.—

''(1) IN GENERAL.—

''(A) ACCELERATED APPROVAL.—The Secretary may approve an application for approval of a product for a serious or life-threatening disease or condition, including a fast track product, under section 505(c) or section 351(a) of the Public Health Service Act upon a determination that the product has an effect on a surrogate endpoint that is reasonably likely to predict clinical benefit, or on a clinical endpoint that can be measured earlier than irreversible morbidity or mortality, that is reasonably likely to predict an effect on irreversible morbidity or mortality or other clinical benefit, taking into account the severity, rarity, or prevalence of the condition and the availability or lack of alternative treatments. The approval described in the preceding sentence is referred to in this section as 'accelerated approval'.

''(B) EVIDENCE.—The evidence to support that an endpoint is reasonably likely to predict clinical benefit under subparagraph (A) may include epidemiological, pathophysiological, therapeutic, pharmacologic, or other evidence developed using biomarkers, for example, or other scientific methods or tools.

''(2) LIMITATION.—Approval of a product under this subsection may be subject to 1 or both of the following requirements:

''(A) That the sponsor conduct appropriate postapproval studies to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit.

''(B) That the sponsor submit copies of all promotional materials related to the product during the preapproval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

''(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a product approved under accelerated approval using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing) if—

''(A) the sponsor fails to conduct any required postapproval study of the drug with due diligence;

''(B) a study required to verify and describe the predicted effect on irreversible morbidity or mortality or other clinical benefit of the product fails to verify and describe such effect or benefit;

''(C) other evidence demonstrates that the product is not safe or effective under the conditions of use; or

''(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

''(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

''(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data

submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant—

''(A) provides a schedule for submission of information necessary to make the application complete; and

''(B) pays any fee that may be required under section 736.

''(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

''(d) AWARENESS EFFORTS.—The Secretary shall—

''(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to accelerated approval and fast track products; and

''(2) establish a program to encourage the development of surrogate and clinical endpoints, including biomarkers, and other scientific methods and tools that can assist the Secretary in determining whether the evidence submitted in an application is reasonably likely to predict clinical benefit for serious or life-threatening conditions for which significant unmet medical needs exist.

''(e) CONSTRUCTION.—

''(1) PURPOSE.—The amendments made by the Food and Drug Administration Safety and Innovation Act to this section are intended to encourage the Secretary to utilize innovative and flexible approaches to the assessment of products under accelerated approval for treatments for patients with serious or life-threatening diseases or conditions and unmet medical needs.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to alter the standards of evidence under subsection (c) or (d) of section 505 (including the substantial evidence standard in section 505(d)) of this Act or under section 351(a) of the Public Health Service Act. Such sections and standards of evidence apply to the review and approval of products under this section, including whether a product is safe and effective. Nothing in this section alters the ability of the Secretary to rely on evidence that does not come from adequate and well-controlled investigations for the purpose of determining whether an endpoint is reasonably likely to predict clinical benefit as described in subsection (b)(1)(B).''.

(c) GUIDANCE; AMENDED REGULATIONS.—

(1) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall issue draft guidance to implement the amendments made by this section. In developing such guidance, the Secretary shall specifically consider issues arising under the accelerated approval and fast track processes under section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), for drugs designated for a rare disease or condition under section 526 of such Act (21 U.S.C. 360bb) and shall also consider any unique issues associated with very rare diseases.

(2) FINAL GUIDANCE.—Not later than 1 year after the issuance of draft guidance under paragraph (1), and after an opportunity for public comment, the Secretary shall—

(A) issue final guidance; and

(B) amend the regulations governing accelerated approval in parts 314 and 601 of title 21, Code of Federal Regulations, as necessary to conform such regulations with the amendment made by subsection (b).

(3) CONSIDERATION.—In developing the guidance under paragraphs (1) and (2)(A) and the amendments under paragraph (2)(B), the Secretary shall consider how to incorporate novel approaches to the review of surrogate endpoints based on pathophysiologic and pharmacologic evidence in such guidance, especially in instances where the low prevalence of a disease renders the existence or collection of other types of data unlikely or impractical.

(4) CONFORMING CHANGES.—The Secretary shall issue, as necessary, conforming amendments to the applicable regulations under title 21, Code of Federal Regulations, governing accelerated approval.

(5) NO EFFECT OF INACTION ON REQUESTS.—The issuance (or nonissuance) of guidance or conforming regulations implementing the amendment made by subsection (b) shall not preclude the review of, or action on, a request for designation or an application for approval submitted pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b).

(d) INDEPENDENT REVIEW.—The Secretary may, in conjunction with other planned reviews, contract with an independent entity with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs to evaluate the Food and Drug Administration's application of the processes described in section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (b), and the impact of such processes on the development and timely availability of innovative treatments for patients suffering from serious or life-threatening conditions. Any such evaluation shall include consultation with regulated industries, patient advocacy and disease research foundations, and relevant academic medical centers.

SEC. 902. BREAKTHROUGH THERAPIES.

(a) IN GENERAL.—Section 506 (21 U.S.C. 356), as amended by section 901 of this Act, is further amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by redesignating subsection (d) as subsection (f);

(3) by inserting before subsection (b), as so redesignated, the following:

''(a) DESIGNATION OF A DRUG AS A BREAKTHROUGH THERAPY.—

''(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a drug, expedite the development and review of such drug if the drug is intended, alone or in combination with 1 or more other drugs, to treat a serious or life-threatening disease or condition and preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on 1 or more clinically significant endpoints, such as substantial treatment effects observed early in clinical development. (In this section, such a drug is referred to as a 'breakthrough therapy'.)

''(2) REQUEST FOR DESIGNATION.—The sponsor of a drug may request the Secretary to designate the drug as a breakthrough therapy. A request for the designation may be made concurrently with, or at any time after, the submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

''(3) DESIGNATION.—

''(A) IN GENERAL.—Not later than 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a breakthrough therapy and shall take such actions as are appropriate to expedite the development and review of the application for approval of such drug.

''(B) ACTIONS.—The actions to expedite the development and review of an application under subparagraph (A) may include, as appropriate—

''(i) holding meetings with the sponsor and the review team throughout the development of the drug;

''(ii) providing timely advice to, and interactive communication with, the sponsor regarding the development of the drug to ensure that the development program to gather the nonclinical and clinical data necessary for approval is as efficient as practicable;

''(iii) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

''(iv) assigning a cross-disciplinary project lead for the Food and Drug Administration review team to facilitate an efficient review of the development program and to serve as a scientific liaison between the review team and the sponsor; and

''(v) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment.''; and

(4) in subsection (f)(1), as so redesignated, by striking ''applicable to accelerated approval'' and inserting ''applicable to breakthrough therapies, accelerated approval, and''.

(b) GUIDANCE; AMENDED REGULATIONS.—

(1) IN GENERAL.—

(A) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall issue draft guidance on implementing the requirements with respect to breakthrough therapies, as set forth in section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), as amended by this section. The Secretary shall issue final guidance not later than 1 year after the close of the comment period for the draft guidance.

(B) AMENDED REGULATIONS.—

(i) IN GENERAL.—If the Secretary determines that it is necessary to amend the regulations under title 21, Code of Federal Regulations in order to implement the amendments made by this section to section 506(a) of the Federal Food, Drug, and Cosmetic Act, the Secretary shall amend such regulations not later than 2 years after the date of enactment of this Act.

(ii) PROCEDURE.—In amending regulations under clause (i), the Secretary shall—

(I) issue a notice of proposed rulemaking that includes the proposed regulation;

(II) provide a period of not less than 60 days for comments on the proposed regulation; and

(III) publish the final regulation not less than 30 days before the effective date of the regulation.

(iii) RESTRICTIONS.—Notwithstanding any other provision of law, the Secretary shall promulgate regulations implementing the amendments made by this section only as described in clause (ii).

(2) REQUIREMENTS.—Guidance issued under this section shall—

(A) specify the process and criteria by which the Secretary makes a designation under section 506(a)(3) of the Federal Food, Drug, and Cosmetic Act; and

(B) specify the actions the Secretary shall take to expedite the development and review of a breakthrough therapy pursuant to such designation under such section 506(a)(3), including updating good review management practices to reflect breakthrough therapies.

(c) CONFORMING AMENDMENTS.—Section 506B(e) (21 U.S.C. 356b) is amended by striking ''section 506(b)(2)(A)'' each place such term appears and inserting ''section 506(c)(2)(A)''.

SEC. 903. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 715 of this Act,

is further amended by adding at the end the following:

"SEC. 569. CONSULTATION WITH EXTERNAL EXPERTS ON RARE DISEASES, TARGETED THERAPIES, AND GENETIC TARGETING OF TREATMENTS.

''(a) IN GENERAL.—For the purpose of promoting the efficiency of and informing the review by the Food and Drug Administration of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, the following shall apply:

''(1) CONSULTATION WITH STAKEHOLDERS.—Consistent with sections X.C and IX.E.4 of the PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017, as referenced in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012, the Secretary shall ensure that opportunities exist, at a time the Secretary determines appropriate, for consultations with stakeholders on the topics described in subsection (b).

''(2) CONSULTATION WITH EXTERNAL EXPERTS.—

''(A) IN GENERAL.—The Secretary shall develop and maintain a list of external experts who, because of their special expertise, are qualified to provide advice on rare disease issues, including topics described in subsection (c). The Secretary may, when appropriate to address a specific regulatory question, consult such external experts on issues related to the review of new drugs and biological products for rare diseases and drugs and biological products that are genetically targeted, including the topics described in subsection (b), when such consultation is necessary because the Secretary lacks the specific scientific, medical, or technical expertise necessary for the performance of the Secretary's regulatory responsibilities and the necessary expertise can be provided by the external experts.

''(B) EXTERNAL EXPERTS.—For purposes of subparagraph (A), external experts are individuals who possess scientific or medical training that the Secretary lacks with respect to one or more rare diseases.

''(b) TOPICS FOR CONSULTATION.—Topics for consultation pursuant to this section may include—

''(1) rare diseases;

''(2) the severity of rare diseases;

''(3) the unmet medical need associated with rare diseases;

''(4) the willingness and ability of individuals with a rare disease to participate in clinical trials;

''(5) an assessment of the benefits and risks of therapies to treat rare diseases;

''(6) the general design of clinical trials for rare disease populations and subpopulations; and

''(7) the demographics and the clinical description of patient populations.

''(c) CLASSIFICATION AS SPECIAL GOVERNMENT EMPLOYEES.—The external experts who are consulted under this section may be considered special government employees, as defined under section 202 of title 18, United States Code.

''(d) PROTECTION OF CONFIDENTIAL INFORMATION AND TRADE SECRETS.—

''(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the protections offered by laws, regulations, and policies governing disclosure of confidential commercial or trade secret information, and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such provisions would be applied to consultation with individuals and organizations prior to the date of enactment of this section.

''(2) CONSENT REQUIRED FOR DISCLOSURE.—The Secretary shall not disclose confidential commercial or trade secret information to an expert consulted under this section without the written consent of the sponsor unless the expert is a special government employee (as defined under section 202 of title 18, United States Code) or the disclosure is otherwise authorized by law.

''(e) OTHER CONSULTATION.—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

''(f) NO RIGHT OR OBLIGATION.—

''(1) NO RIGHT TO CONSULTATION.—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder.

''(2) NO ALTERING OF GOALS.—Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

''(3) NO CHANGE TO NUMBER OF REVIEW CYCLES.—Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.

''(g) NO DELAY IN PRODUCT REVIEW.—

''(1) IN GENERAL.—Prior to a consultation with an external expert, as described in this section, relating to an investigational new drug application under section 505(i), a new drug application under section 505(b), or a biologics license application under section 351 of the Public Health Service Act, the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research (or appropriate Division Director), as appropriate, shall determine that—

''(A) such consultation will—

''(i) facilitate the Secretary's ability to complete the Secretary's review; and

''(ii) address outstanding deficiencies in the application; or

''(B) the sponsor authorized such consultation.

''(2) LIMITATION.—The requirements of this subsection shall apply only in instances where the consultation is undertaken solely under the authority of this section. The requirements of this subsection shall not apply to any consultation initiated under any other authority.''.

SEC. 904. ACCESSIBILITY OF INFORMATION ON PRESCRIPTION DRUG CONTAINER LABELS BY VISUALLY IMPAIRED AND BLIND CONSUMERS.

(a) ESTABLISHMENT OF WORKING GROUP.—

(1) IN GENERAL.—The Architectural and Transportation Barriers Compliance Board (referred to in this section as the ''Access Board'') shall convene a stakeholder working group (referred to in this section as the ''working group'') to develop best practices on access to information on prescription drug container labels for individuals who are blind or visually impaired.

(2) MEMBERS.—The working group shall be comprised of representatives of national organizations representing blind and visually impaired individuals, national organizations representing the elderly, and industry groups representing stakeholders, including retail, mail-order, and independent community pharmacies, who would be impacted by such best practices. Representation within the working group shall be divided equally between consumer and industry advocates.

(3) BEST PRACTICES.—

(A) IN GENERAL.—The working group shall develop, not later than 1 year after the date of the enactment of this Act, best practices for pharmacies to ensure that blind and visually impaired individuals have safe, consistent, reliable, and independent access to the information on prescription drug container labels.

(B) PUBLIC AVAILABILITY.—The best practices developed under subparagraph (A) may be made publicly available, including through the Internet Web sites of the working group participant organizations, and through other means, in a manner that provides access to interested individuals, including individuals with disabilities.

(C) LIMITATIONS.—The best practices developed under subparagraph (A) shall not be construed as accessibility guidelines or standards of the Access Board, and shall not confer any rights or impose any obligations on working group participants or other persons. Nothing in this section shall be construed to limit or condition any right, obligation, or remedy available under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or any other Federal or State law requiring effective communication, barrier removal, or nondiscrimination on the basis of disability.

(4) CONSIDERATIONS.—In developing and issuing the best practices under paragraph (3)(A), the working group shall consider—

(A) the use of—

(i) Braille;

(ii) auditory means, such as—

(I) ''talking bottles'' that provide audible container label information;

(II) digital voice recorders attached to the prescription drug container; and

(III) radio frequency identification tags;

(iii) enhanced visual means, such as—

(I) large font labels or large font ''duplicate'' labels that are affixed or matched to a prescription drug container;

(II) high-contrast printing; and

(III) sans-serf font; and

(iv) other relevant alternatives as determined by the working group;

(B) whether there are technical, financial, manpower, or other factors unique to pharmacies with 20 or fewer retail locations which may pose significant challenges to the adoption of the best practices; and

(C) such other factors as the working group determines to be appropriate.

(5) INFORMATION CAMPAIGN.—Upon completion of development of the best practices under subsection (a)(3), the National Council on Disability, in consultation with the working group, shall conduct an informational and educational campaign designed to inform individuals with disabilities, pharmacists, and the public about such best practices.

(6) FACA WAIVER.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group.

(b) GAO STUDY.—

(1) IN GENERAL.—Beginning 18 months after the completion of the development of best practices under subsection (a)(3)(A), the Comptroller General of the United States shall conduct a review of the extent to which pharmacies are utilizing such best practices, and the extent to which barriers to accessible information on prescription drug container labels for blind and visually impaired individuals continue.

(2) REPORT.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to Congress a report on the review conducted under paragraph (1). Such report shall include recommendations about how best to reduce the barriers experienced by blind and visually impaired individuals to independently accessing information on prescription drug container labels.

(c) DEFINITIONS.—In this section—

(1) the term ''pharmacy'' includes a pharmacy that receives prescriptions and dispenses prescription drugs through an Internet Web site or by mail;

(2) the term ''prescription drug'' means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)); and

(3) the term ''prescription drug container label'' means the label with the directions for use that is affixed to the prescription drug container by the pharmacist and dispensed to the consumer.

SEC. 905. RISK-BENEFIT FRAMEWORK.

Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: ''The Secretary shall implement a structured risk-benefit assessment framework in the new drug approval process to facilitate the balanced consideration of

benefits and risks, a consistent and systematic approach to the discussion and regulatory decisionmaking, and the communication of the benefits and risks of new drugs. Nothing in the preceding sentence shall alter the criteria for evaluating an application for premarket approval of a drug.''.

SEC. 906. GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.

(a) QUALIFIED TESTING DEFINITION.—Section 5(b)(1)(A)(ii) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A)(ii)) is amended by striking ''after the date such drug is designated under section 526 of such Act and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts under subsection (a), there is authorized to be appropriated $30,000,000 for each of fiscal years 2013 through 2017.''.

SEC. 907. REPORTING OF INCLUSION OF DEMOGRAPHIC SUBGROUPS IN CLINICAL TRIALS AND DATA ANALYSIS IN APPLICATIONS FOR DRUGS, BIOLOGICS, AND DEVICES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner, shall publish on the Internet Web site of the Food and Drug Administration a report, consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors' confidential commercial information as of the date of enactment of this Act, addressing the extent to which clinical trial participation and the inclusion of safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity, is included in applications submitted to the Food and Drug Administration, and shall provide such publication to Congress.

(2) CONTENTS OF REPORT.—The report described in paragraph (1) shall contain the following:

(A) A description of existing tools to ensure that data to support demographic analyses are submitted in applications for drugs, biological products, and devices, and that these analyses are conducted by applicants consistent with applicable Food and Drug Administration requirements and Guidance for Industry. The report shall address how the Food and Drug Administration makes available information about differences in safety and effectiveness of medical products according to demographic subgroups, such as sex, age, racial, and ethnic subgroups, to health care providers, researchers, and patients.

(B) An analysis of the extent to which demographic data subset analyses on sex, age, race, and ethnicity is presented in applications for new drug applications for new molecular entities under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), in biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262), and in premarket approval applications under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) for products approved or licensed by the Food and Drug Administration, consistent with applicable requirements and Guidance for Industry, and consistent with the regulations of the Food and Drug Administration pertaining to the protection of sponsors' confidential commercial information as of the date of enactment of this Act.

(C) An analysis of the extent to which demographic subgroups, including sex, age, racial, and ethnic subgroups, are represented in clinical studies to support applications for approved or licensed new molecular entities, biological products, and devices.

(D) An analysis of the extent to which a summary of product safety and effectiveness data by demographic subgroups including sex, age, race, and ethnicity is readily available to the public in a timely manner by means of the product labeling or the Food and Drug Administration's Internet Web site.

(b) ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the publication of the report described in subsection (a), the Secretary, acting through the Commissioner, shall publish an action plan on the Internet Web site of the Food and Drug Administration, and provide such publication to Congress.

(2) CONTENT OF ACTION PLAN.—The plan described in paragraph (1) shall include—

(A) recommendations, as appropriate, to improve the completeness and quality of analyses of data on demographic subgroups in summaries of product safety and effectiveness data and in labeling;

(B) recommendations, as appropriate, on the inclusion of such data, or the lack of availability of such data in labeling;

(C) recommendations, as appropriate, to otherwise improve the public availability of such data to patients, health care providers, and researchers; and

(D) a determination with respect to each recommendation identified in subparagraphs (A) through (C) that distinguishes between product types referenced in subsection (a)(2)(B) insofar as the applicability of each such recommendation to each type of product.

(c) DEFINITIONS.—In this section:

(1) The term ''Commissioner'' means the Commissioner of Food and Drugs.

(2) The term ''device'' has the meaning given such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) The term ''drug'' has the meaning given such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

(4) The term ''biological product'' has the meaning given such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(5) The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 908. RARE PEDIATRIC DISEASE PRIORITY REVIEW VOUCHER INCENTIVE PROGRAM.

Subchapter B of chapter V (21 U.S.C. 360aa et seq.) is amended by adding at the end the following:

''SEC. 529. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

''(a) DEFINITIONS.—In this section:

''(1) PRIORITY REVIEW.—The term 'priority review', with respect to a human drug application as defined in section 735(1), means review and action by the Secretary on such application not later than 6 months after receipt by the Secretary of such application, as described in the Manual of Policies and Procedures of the Food and Drug Administration and goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012.

''(2) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a rare pediatric disease product application that entitles the holder of such voucher to priority review of a single human drug application submitted under section 505(b)(1) or section 351(a) of the Public Health Service Act after the date of approval of the rare pediatric disease product application.

''(3) RARE PEDIATRIC DISEASE.—The term 'rare pediatric disease' means a disease that meets each of the following criteria:

''(A) The disease primarily affects individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.

''(B) The disease is a rare disease or condition, within the meaning of section 526.

''(4) RARE PEDIATRIC DISEASE PRODUCT APPLICATION.—The term 'rare pediatric disease product application' means a human drug application, as defined in section 735(1), that—

''(A) is for a drug or biological product—

''(i) that is for the prevention or treatment of a rare pediatric disease; and

''(ii) that contains no active ingredient (including any ester or salt of the active ingredient) that has been previously approved in any other application under section 505(b)(1), 505(b)(2), or 505(j) of this Act or section 351(a) or 351(k) of the Public Health Service Act;

''(B) is submitted under section 505(b)(1) of this Act or section 351(a) of the Public Health Service Act;

''(C) the Secretary deems eligible for priority review;

''(D) that relies on clinical data derived from studies examining a pediatric population and dosages of the drug intended for that population;

''(E) that does not seek approval for an adult indication in the original rare pediatric disease product application; and

''(F) is approved after the date of the enactment of the Prescription Drug User Fee Amendments of 2012.

''(b) PRIORITY REVIEW VOUCHER.—

''(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a rare pediatric disease product application upon approval by the Secretary of such rare pediatric disease product application.

''(2) TRANSFERABILITY.—

''(A) IN GENERAL.—The sponsor of a rare pediatric disease product application that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher. There is no limit on the number of times a priority review voucher may be transferred before such voucher is used.

''(B) NOTIFICATION OF TRANSFER.—Each person to whom a voucher is transferred shall notify the Secretary of such change in ownership of the voucher not later than 30 days after such transfer.

''(3) LIMITATION.—A sponsor of a rare pediatric disease product application may not receive a priority review voucher under this section if the rare pediatric disease product application was submitted to the Secretary prior to the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012.

''(4) NOTIFICATION.—

''(A) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay for the user fee to be assessed in accordance with this section.

''(B) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

''(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section.

''(c) PRIORITY REVIEW USER FEE.—

''(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

''(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary, based on the difference between—

''(A) the average cost incurred by the Food and Drug Administration in the review of a human drug application subject to priority review in the previous fiscal year; and

''(B) the average cost incurred by the Food and Drug Administration in the review of a human drug application that is not subject to priority review in the previous fiscal year.

''(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2012, the amount of the priority review user fee for that fiscal year.

''(4) PAYMENT.—

''(A) IN GENERAL.—The priority review user fee required by this subsection shall be due upon the notification by a sponsor of the intent of such sponsor to use the voucher, as specified in subsection (b)(4)(A). All other user fees associated with the human drug application shall be due as required by the Secretary or under applicable law.

''(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable user fees are not paid in accordance with the Secretary's procedures for paying such fees.

''(C) NO WAIVERS, EXEMPTIONS, REDUCTIONS, OR REFUNDS.—The Secretary may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section.

''(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

''(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

''(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

''(d) DESIGNATION PROCESS.—

''(1) IN GENERAL.—Upon the request of the manufacturer or the sponsor of a new drug, the Secretary may designate—

''(A) the new drug as a drug for a rare pediatric disease; and

''(B) the application for the new drug as a rare pediatric disease product application.

''(2) REQUEST FOR DESIGNATION.—The request for a designation under paragraph (1) shall be made at the same time a request for designation of orphan disease status under section 526 or fast-track designation under section 506 is made. Requesting designation under this subsection is not a prerequisite to receiving a priority review voucher under this section.

''(3) DETERMINATION BY SECRETARY.—Not later than 60 days after a request is submitted under paragraph (1), the Secretary shall determine whether—

''(A) the disease or condition that is the subject of such request is a rare pediatric disease; and

''(B) the application for the new drug is a rare pediatric disease product application.

''(e) MARKETING OF RARE PEDIATRIC DISEASE PRODUCTS.—

''(1) REVOCATION.—The Secretary may revoke any priority review voucher awarded under subsection (b) if the rare pediatric disease product for which such voucher was awarded is not marketed in the United States within the 365-day period beginning on the date of the approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act.

''(2) POSTAPPROVAL PRODUCTION REPORT.—The sponsor of an approved rare pediatric disease product shall submit a report to the Secretary not later than 5 years after the approval of the applicable rare pediatric disease product application. Such report shall provide the following information, with respect to each of the first 4 years after approval of such product:

''(A) The estimated population in the United States suffering from the rare pediatric disease.

''(B) The estimated demand in the United States for such rare pediatric disease product.

''(C) The actual amount of such rare pediatric disease product distributed in the United States.

''(f) NOTICE AND REPORT.—

''(1) NOTICE OF ISSUANCE OF VOUCHER AND APPROVAL OF PRODUCTS UNDER VOUCHER.—The Secretary shall publish a notice in the Federal Register and on the Internet Web site of the Food and Drug Administration not later than 30 days after the occurrence of each of the following:

''(A) The Secretary issues a priority review voucher under this section.

''(B) The Secretary approves a drug pursuant to an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for which the sponsor of the application used a priority review voucher under this section.

''(2) NOTIFICATION.—If, after the last day of the 1-year period that begins on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, a sponsor of an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service Act for a drug uses a priority review voucher under this section for such application, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a document—

''(A) notifying such Committees of the use of such voucher; and

''(B) identifying the drug for which such priority review voucher is used.

''(g) ELIGIBILITY FOR OTHER PROGRAMS.—Nothing in this section precludes a sponsor who seeks a priority review voucher under this section from participating in any other incentive program, including under this Act.

''(h) RELATION TO OTHER PROVISIONS.—The provisions of this section shall supplement, not supplant, any other provisions of this Act or the Public Health Service Act that encourage the development of drugs for tropical diseases and rare pediatric diseases.

''(i) GAO STUDY AND REPORT.—

''(1) STUDY.—

''(A) IN GENERAL.—Beginning on the date that the Secretary awards the third rare pediatric disease priority voucher under this section, the Comptroller General of the United States shall conduct a study of the effectiveness of awarding rare pediatric disease priority vouchers under this section in the development of human drug products that treat or prevent such diseases.

''(B) CONTENTS OF STUDY.—In conducting the study under subparagraph (A), the Comptroller General shall examine the following:

''(i) The indications for which each rare disease product for which a priority review voucher was awarded was approved under section 505 or section 351 of the Public Health Service Act.

''(ii) Whether, and to what extent, an unmet need related to the treatment or prevention of a rare pediatric disease was met through the approval of such a rare disease product.

''(iii) The value of the priority review voucher if transferred.

''(iv) Identification of each drug for which a priority review voucher was used.

''(v) The length of the period of time between the date on which a priority review voucher was awarded and the date on which it was used.

''(2) REPORT.—Not later than 1 year after the date under paragraph (1)(A), the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report containing the results of the study under paragraph (1).''.

TITLE X—DRUG SHORTAGES

SEC. 1001. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

(a) IN GENERAL.—Section 506C (21 U.S.C. 356c) is amended to read as follows:

''SEC. 506C. DISCONTINUANCE OR INTERRUPTION IN THE PRODUCTION OF LIFE-SAVING DRUGS.

''(a) IN GENERAL.—A manufacturer of a drug—

''(1) that is—

''(A) life-supporting;

''(B) life-sustaining; or

''(C) intended for use in the prevention or treatment of a debilitating disease or condition, including any such drug used in emergency medical care or during surgery; and

''(2) that is not a radio pharmaceutical drug product or any other product as designated by the Secretary,

shall notify the Secretary, in accordance with subsection (b), of a permanent discontinuance in the manufacture of the drug or an interruption of the manufacture of the drug that is likely to lead to a meaningful disruption in the supply of that drug in the United States, and the reasons for such discontinuance or interruption.

''(b) TIMING.—A notice required under subsection (a) shall be submitted to the Secretary—

''(1) at least 6 months prior to the date of the discontinuance or interruption; or

''(2) if compliance with paragraph (1) is not possible, as soon as practicable.

''(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute, through such means as the Secretary deems appropriate, information on the discontinuation or interruption of the manufacture of the drugs described in subsection (a) to appropriate organizations, including physician, health provider, and patient organizations, as described in section 506E.

''(d) CONFIDENTIALITY.—Nothing in this section shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

''(e) COORDINATION WITH ATTORNEY GENERAL.—Not later than 30 days after the receipt of a notification described in subsection (a), the Secretary shall—

''(1) determine whether the notification pertains to a controlled substance subject to a production quota under section 306 of the Controlled Substances Act; and

''(2) if necessary, as determined by the Secretary—

''(A) notify the Attorney General that the Secretary has received such a notification;

''(B) request that the Attorney General increase the aggregate and individual production quotas under section 306 of the Controlled Substances Act applicable to such controlled substance and any ingredient therein to a level the Secretary deems necessary to address a shortage of a controlled substance based on the best available market data; and

''(C) if the Attorney General determines that the level requested is not necessary to address a shortage of a controlled substance, the Attorney General shall provide to the Secretary a written response detailing the basis for the Attorney General's determination.

The Secretary shall make the written response provided under subparagraph (C) available to the public on the Internet Web site of the Food and Drug Administration.

''(f) FAILURE TO MEET REQUIREMENTS.—If a person fails to submit information required under subsection (a) in accordance with subsection (b)—

''(1) the Secretary shall issue a letter to such person informing such person of such failure;

''(2) not later than 30 calendar days after the issuance of a letter under paragraph (1), the person who receives such letter shall submit to the Secretary a written response to such letter setting forth the basis for noncompliance and providing information required under subsection (a); and

''(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the

Secretary shall make such letter and any response to such letter under paragraph (2) available to the public on the Internet Web site of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (d), except that, if the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the person had a reasonable basis for not notifying as required under subsection (a), the requirements of this paragraph shall not apply.

''(g) EXPEDITED INSPECTIONS AND REVIEWS.—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a drug shortage of a drug described in subsection (a), the Secretary may—

''(1) expedite the review of a supplement to a new drug application submitted under section 505(b), an abbreviated new drug application submitted under section 505(j), or a supplement to such an application submitted under section 505(j) that could help mitigate or prevent such shortage; or

''(2) expedite an inspection or reinspection of an establishment that could help mitigate or prevent such drug shortage.

''(h) DEFINITIONS.—For purposes of this section—

''(1) the term 'drug'—

''(A) means a drug (as defined in section 201(g)) that is intended for human use and that is subject to section 503(b)(1); and

''(B) does not include biological products (as defined in section 351 of the Public Health Service Act), unless otherwise provided by the Secretary in the regulations promulgated under subsection (i);

''(2) the term 'drug shortage' or 'shortage', with respect to a drug, means a period of time when the demand or projected demand for the drug within the United States exceeds the supply of the drug; and

''(3) the term 'meaningful disruption'—

''(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a drug by a manufacturer that is more than negligible and affects the ability of the manufacturer to fill orders or meet expected demand for its product; and

''(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing so long as the manufacturer expects to resume operations in a short period of time.

''(i) REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall adopt a final regulation implementing this section.

''(2) CONTENTS.—Such regulation shall define, for purposes of this section, the terms 'life-supporting', 'life-sustaining', and 'intended for use in the prevention or treatment of a debilitating disease or condition'.

''(3) INCLUSION OF BIOLOGICAL PRODUCTS.—

''(A) IN GENERAL.—The Secretary may by regulation apply this section to biological products (as defined in section 351 of the Public Health Service Act), including plasma products derived from human plasma protein and their recombinant analogs, if the Secretary determines such inclusion would benefit the public health. Such regulation shall take into account any supply reporting programs and shall aim to reduce duplicative notification.

''(B) RULE FOR VACCINES.—If the Secretary applies this section to vaccines pursuant to subparagraph (A), the Secretary shall—

''(i) consider whether the notification requirement under subsection (a) may be satisfied by submitting a notification to the Centers for Disease Control and Prevention under the vaccine shortage notification program of such Centers; and

''(ii) explain the determination made by the Secretary under clause (i) in the regulation.

''(4) PROCEDURE.—In promulgating a regulation implementing this section, the Secretary shall—

''(A) issue a notice of proposed rulemaking that includes the proposed regulation;

''(B) provide a period of not less than 60 days for comments on the proposed regulation; and

''(C) publish the final regulation not less than 30 days before the regulation's effective date.

''(5) RESTRICTIONS.—Notwithstanding any other provision of Federal law, in implementing this section, the Secretary shall only promulgate regulations as described in paragraph (4).''.

(b) EFFECT OF NOTIFICATION.—The submission of a notification to the Secretary of Health and Human Services (referred to in this title as the ''Secretary'') for purposes of complying with the requirement in section 506C(a) of the Federal Food, Drug, and Cosmetic Act (as amended by subsection (a)) shall not be construed—

(1) as an admission that any product that is the subject of such notification violates any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(2) as evidence of an intention to promote or market the product for an indication or use for which the product has not been approved by the Secretary.

SEC. 1002. ANNUAL REPORTING ON DRUG SHORTAGES.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506C, as amended by section 1001 of this Act, the following:

''SEC. 506C–1. ANNUAL REPORTING ON DRUG SHORTAGES.

''(a) ANNUAL REPORTS TO CONGRESS.—Not later than the end of calendar year 2013, and not later than the end of each calendar year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on drug shortages that—

''(1) specifies the number of manufacturers that submitted a notification to the Secretary under section 506C(a) during such calendar year;

''(2) describes the communication between the field investigators of the Food and Drug Administration and the staff of the Center for Drug Evaluation and Research's Office of Compliance and Drug Shortage Program, including the Food and Drug Administration's procedures for enabling and ensuring such communication;

''(3)(A) lists the major actions taken by the Secretary to prevent or mitigate the drug shortages described in paragraph (7);

''(B) in the list under subparagraph (A), includes—

''(i) the number of applications and supplements for which the Secretary expedited review under section 506C(g)(1) during such calendar year; and

''(ii) the number of establishment inspections or reinspections that the Secretary expedited under section 506C(g)(2) during such calendar year;

''(4) describes the coordination between the Food and Drug Administration and the Drug Enforcement Administration on efforts to prevent or alleviate drug shortages;

''(5) identifies the number of and describes the instances in which the Food and Drug Administration exercised regulatory flexibility and discretion to prevent or alleviate a drug shortage;

''(6) lists the names of manufacturers that were issued letters under section 506C(f); and

''(7) specifies the number of drug shortages occurring during such calendar year, as identified by the Secretary.

''(b) TREND ANALYSIS.—The Secretary is authorized to retain a third party to conduct a study, if the Secretary believes such a study would help clarify the causes, trends, or solutions related to drug shortages.

''(c) DEFINITION.—In this section, the term 'drug shortage' or 'shortage' has the meaning given such term in section 506C.''.

SEC. 1003. COORDINATION; TASK FORCE AND STRATEGIC PLAN.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506C–1, as added by section 1002 of this Act, the following:

''SEC. 506D. COORDINATION; TASK FORCE AND STRATEGIC PLAN.

''(a) TASK FORCE AND STRATEGIC PLAN.—

''(1) IN GENERAL.—

''(A) TASK FORCE.—As soon as practicable after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the Secretary shall establish a task force to develop and implement a strategic plan for enhancing the Secretary's response to preventing and mitigating drug shortages.

''(B) STRATEGIC PLAN.—The strategic plan described in subparagraph (A) shall include—

''(i) plans for enhanced interagency and intra-agency coordination, communication, and decisionmaking;

''(ii) plans for ensuring that drug shortages are considered when the Secretary initiates a regulatory action that could precipitate a drug shortage or exacerbate an existing drug shortage;

''(iii) plans for effective communication with outside stakeholders, including who the Secretary should alert about potential or actual drug shortages, how the communication should occur, and what types of information should be shared;

''(iv) plans for considering the impact of drug shortages on research and clinical trials; and

''(v) an examination of whether to establish a 'qualified manufacturing partner program', as described in subparagraph (C).

''(C) DESCRIPTION OF PROGRAM.—In conducting the examination of a 'qualified manufacturing partner program' under subparagraph (B)(v), the Secretary—

''(i) shall take into account that—

''(I) a 'qualified manufacturer', for purposes of such program, would need to have the capability and capacity to supply products determined or anticipated to be in shortage; and

''(II) in examining the capability and capacity to supply products in shortage, the 'qualified manufacturer' could have a site that manufactures a drug listed under section 506E or have the capacity to produce drugs in response to a shortage within a rapid timeframe; and

''(ii) shall examine whether incentives are necessary to encourage the participation of 'qualified manufacturers' in such a program.

''(D) CONSULTATION.—In carrying out this paragraph, the task force shall ensure consultation with the appropriate offices within the Food and Drug Administration, including the Office of the Commissioner, the Center for Drug Evaluation and Research, the Office of Regulatory Affairs, and employees within the Department of Health and Human Services with expertise regarding drug shortages. The Secretary shall engage external stakeholders and experts as appropriate.

''(2) TIMING.—Not later than 1 year after the date of enactment of the Food and Drug Administration Safety and Innovation Act, the task force shall—

''(A) publish the strategic plan described in paragraph (1); and

''(B) submit such plan to Congress.

''(b) COMMUNICATION.—The Secretary shall ensure that, prior to any enforcement action or issuance of a warning letter that the Secretary determines could reasonably be anticipated to lead to a meaningful disruption in the supply in the United States of a drug described under section 506C(a), there is communication with the appropriate office of the Food and Drug Administration with expertise regarding drug shortages regarding whether the action or letter could cause, or exacerbate, a shortage of the drug.

''(c) ACTION.—If the Secretary determines, after the communication described in subsection (b), that an enforcement action or a warning

letter could reasonably cause or exacerbate a shortage of a drug described under section 506C(a), then the Secretary shall evaluate the risks associated with the impact of such shortage upon patients and those risks associated with the violation involved before taking such action or issuing such letter, unless there is imminent risk of serious adverse health consequences or death to humans.

''(d) REPORTING BY OTHER ENTITIES.—The Secretary shall identify or establish a mechanism by which health care providers and other third-party organizations may report to the Secretary evidence of a drug shortage.

''(e) REVIEW AND CONSTRUCTION.—No determination, finding, action, or omission of the Secretary under this section shall—

''(1) be subject to judicial review; or

''(2) be construed to establish a defense to an enforcement action by the Secretary.

''(f) SUNSET.—Subsections (a), (b), (c), and (e) shall cease to be effective on the date that is 5 years after the date of enactment of the Food and Drug Administration Safety and Innovation Act.''.

SEC. 1004. DRUG SHORTAGE LIST.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506D, as added by section 1003 of this Act, the following:

''SEC. 506E. DRUG SHORTAGE LIST.

''(a) ESTABLISHMENT.—The Secretary shall maintain an up-to-date list of drugs that are determined by the Secretary to be in shortage in the United States.

''(b) CONTENTS.—For each drug on such list, the Secretary shall include the following information:

''(1) The name of the drug in shortage, including the National Drug Code number for such drug.

''(2) The name of each manufacturer of such drug.

''(3) The reason for the shortage, as determined by the Secretary, selecting from the following categories:

''(A) Requirements related to complying with good manufacturing practices.

''(B) Regulatory delay.

''(C) Shortage of an active ingredient.

''(D) Shortage of an inactive ingredient component.

''(E) Discontinuation of the manufacture of the drug.

''(F) Delay in shipping of the drug.

''(G) Demand increase for the drug.

''(4) The estimated duration of the shortage as determined by the Secretary.

''(c) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall make the information in such list publicly available.

''(2) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

''(3) PUBLIC HEALTH EXCEPTION.—The Secretary may choose not to make information collected under this section publicly available under paragraph (1) or section 506C(c) if the Secretary determines that disclosure of such information would adversely affect the public health (such as by increasing the possibility of hoarding or other disruption of the availability of drug products to patients).''.

SEC. 1005. QUOTAS APPLICABLE TO DRUGS IN SHORTAGE.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended by adding at the end the following:

''(h)(1) Not later than 30 days after the receipt of a request described in paragraph (2), the Attorney General shall—

''(A) complete review of such request; and

''(B)(i) as necessary to address a shortage of a controlled substance, increase the aggregate and individual production quotas under this section applicable to such controlled substance and any ingredient therein to the level requested; or

''(ii) if the Attorney General determines that the level requested is not necessary to address a shortage of a controlled substance, the Attorney General shall provide a written response detailing the basis for the Attorney General's determination.

The Secretary shall make the written response provided under subparagraph (B)(ii) available to the public on the Internet Web site of the Food and Drug Administration.

''(2) A request is described in this paragraph if—

''(A) the request pertains to a controlled substance on the list of drugs in shortage maintained under section 506E of the Federal Food, Drug, and Cosmetic Act;

''(B) the request is submitted by the manufacturer of the controlled substance; and

''(C) the controlled substance is in schedule II.''.

SEC. 1006. ATTORNEY GENERAL REPORT ON DRUG SHORTAGES.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on the Judiciary of the Senate a report on drug shortages that—

(1) identifies the number of requests received under section 306(h) of the Controlled Substances Act (as added by section 1005 of this Act), the average review time for such requests, the number of requests granted and denied under such section, and, for each of the requests denied under such section, the basis for such denial;

(2) describes the coordination between the Drug Enforcement Administration and Food and Drug Administration on efforts to prevent or alleviate drug shortages; and

(3) identifies drugs containing a controlled substance subject to section 306 of the Controlled Substances Act when such a drug is determined by the Secretary to be in shortage.

SEC. 1007. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 506E, as added by section 1004 of this Act, the following:

''SEC. 506F. HOSPITAL REPACKAGING OF DRUGS IN SHORTAGE.

''(a) DEFINITIONS.—In this section:

''(1) DRUG.—The term 'drug' excludes any controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

''(2) HEALTH SYSTEM.—The term 'health system' means a collection of hospitals that are owned and operated by the same entity and that share access to databases with drug order information for their patients.

''(3) REPACKAGE.—For the purposes of this section only, the term 'repackage', with respect to a drug, means to divide the volume of a drug into smaller amounts in order to—

''(A) extend the supply of a drug in response to the placement of the drug on a drug shortage list under section 506E; and

''(B) facilitate access to the drug by hospitals within the same health system.

''(b) EXCLUSION FROM REGISTRATION.—Notwithstanding any other provision of this Act, a hospital shall not be considered an establishment for which registration is required under section 510 solely because it repackages a drug and transfers it to another hospital within the same health system in accordance with the conditions in subsection (c)—

''(1) during any period in which the drug is listed on the drug shortage list under section 506E; or

''(2) during the 60-day period following any period described in paragraph (1).

''(c) CONDITIONS.—Subsection (b) shall only apply to a hospital, with respect to the repackaging of a drug for transfer to another hospital within the same health system, if the following conditions are met:

''(1) DRUG FOR INTRASYSTEM USE ONLY.—In no case may a drug that has been repackaged in accordance with this section be sold or otherwise distributed by the health system or a hospital within the system to an entity or individual that is not a hospital within such health system.

''(2) COMPLIANCE WITH STATE RULES.—Repackaging of a drug under this section shall be done in compliance with applicable State requirements of each State in which the drug is repackaged and received.

''(d) TERMINATION.—This section shall not apply on or after the date on which the Secretary issues final guidance that clarifies the policy of the Food and Drug Administration regarding hospital pharmacies repackaging and safely transferring repackaged drugs to other hospitals within the same health system during a drug shortage.''.

SEC. 1008. STUDY ON DRUG SHORTAGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine the cause of drug shortages and formulate recommendations on how to prevent or alleviate such shortages.

(b) CONSIDERATION.—In conducting the study under this section, the Comptroller General shall consider the following questions:

(1) What are the dominant characteristics of drugs that have gone into a drug shortage over the preceding 3 years?

(2) Are there systemic high-risk factors (such as drug pricing structure, including Federal reimbursements, or the number of manufacturers producing a drug product) that have led to the concentration of drug shortages in certain drug products that have made such products vulnerable to drug shortages?

(3) Is there a reason why drug shortages have occurred primarily in the sterile injectable market and in certain therapeutic areas?

(4)(A) How have regulations, guidance documents, regulatory practices, policies, and other actions of Federal departments and agencies (including the effectiveness of interagency and intra-agency coordination, communication, strategic planning, and decisionmaking), including those used to enforce statutory requirements, affected drug shortages?

(B) Do any such regulations, guidances, policies, or practices cause, exacerbate, prevent, or mitigate drug shortages?

(C) How can regulations, guidances, policies, or practices be modified, streamlined, expanded, or discontinued in order to reduce or prevent such drug shortages?

(D) What effect would the changes described in subparagraph (C) have on the public health?

(5) How does hoarding affect drug shortages?

(6) How would incentives alleviate or prevent drug shortages?

(7) To what extent are health care providers, including hospitals and physicians responding to drug shortages, able to adjust care effectively to compensate for such shortages, and what impediments exist that hinder provider ability to adjust to such shortages?

(8)(A) Have drug shortages led market participants to stockpile affected drugs or sell such drugs at inflated prices?

(B) What has been the impact of any such activities described in subparagraph (A) on Federal revenue, and are there any economic factors that have exacerbated or created a market for such activities?

(C) Is there a need for any additional reporting or enforcement actions to address such activities?

(9)(A) How have the activities under section 506D of the Federal Food, Drug, and Cosmetic Act (as added by section 1003 of this Act) improved the efforts of the Food and Drug Administration to mitigate and prevent drug shortages?

(B) Is there a need to continue the task force and strategic plan under such section 506D, or are there any other recommendations to increase communication and coordination inside the Food and Drug Administration, between the Food and Drug Administration and other agencies, and between the Food and Drug Administration and stakeholders?

(c) CONSULTATION WITH STAKEHOLDERS.—In conducting the study under this section, the Comptroller General shall consult with relevant stakeholders, including physicians, pharmacists, hospitals, patients, drug manufacturers, and other health providers.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the results of the study under this section.

TITLE XI—OTHER PROVISIONS

Subtitle A—Reauthorizations

SEC. 1101. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

(a) IN GENERAL.—Section 505(u)(4) (21 U.S.C. 355(u)(4)) is amended by striking ''2012'' and inserting ''2017''.

(b) AMENDMENT.—Section 505(u)(1)(A)(ii)(II) (21 U.S.C. 355(u)(1)(A)(ii)(II)) is amended by inserting ''clinical'' after ''any''.

SEC. 1102. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Subsection (f) of section 566 (21 U.S.C. 360bbb–5) is amended to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $6,000,000 for each of fiscal years 2013 through 2017.''.

Subtitle B—Medical Gas Product Regulation

SEC. 1111. REGULATION OF MEDICAL GASES.

Chapter V (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"Subchapter G—Medical Gases

"SEC. 575. DEFINITIONS.

''In this subchapter:

''(1) The term 'designated medical gas' means any of the following:

''(A) Oxygen that meets the standards set forth in an official compendium.

''(B) Nitrogen that meets the standards set forth in an official compendium.

''(C) Nitrous oxide that meets the standards set forth in an official compendium.

''(D) Carbon dioxide that meets the standards set forth in an official compendium.

''(E) Helium that meets the standards set forth in an official compendium.

''(F) Carbon monoxide that meets the standards set forth in an official compendium.

''(G) Medical air that meets the standards set forth in an official compendium.

''(H) Any other medical gas deemed appropriate by the Secretary, after taking into account any investigational new drug application or investigational new animal drug application for the same medical gas submitted in accordance with regulations applicable to such applications in title 21 of the Code of Federal Regulations, unless any period of exclusivity under section 505(c)(3)(E)(ii) or section 505(j)(5)(F)(ii), or the extension of any such period under section 505A, applicable to such medical gas has not expired.

''(2) The term 'medical gas' means a drug that—

''(A) is manufactured or stored in a liquefied, nonliquefied, or cryogenic state; and

''(B) is administered as a gas.

"SEC. 576. REGULATION OF MEDICAL GASES.

''(a) CERTIFICATION OF DESIGNATED MEDICAL GASES.—

''(1) SUBMISSION.—Beginning 180 days after the date of enactment of this section, any person may file with the Secretary a request for certification of a medical gas as a designated medical gas. Any such request shall contain the following information:

''(A) A description of the medical gas.

''(B) The name and address of the sponsor.

''(C) The name and address of the facility or facilities where the medical gas is or will be manufactured.

''(D) Any other information deemed appropriate by the Secretary to determine whether the medical gas is a designated medical gas.

''(2) GRANT OF CERTIFICATION.—The certification requested under paragraph (1) is deemed to be granted unless, within 60 days of the filing of such request, the Secretary finds that—

''(A) the medical gas subject to the certification is not a designated medical gas;

''(B) the request does not contain the information required under paragraph (1) or otherwise lacks sufficient information to permit the Secretary to determine that the medical gas is a designated medical gas; or

''(C) denying the request is necessary to protect the public health.

''(3) EFFECT OF CERTIFICATION.—

''(A) IN GENERAL.—

''(i) APPROVED USES.—A designated medical gas for which a certification is granted under paragraph (2) is deemed, alone or in combination, as medically appropriate, with another designated medical gas or gases for which a certification or certifications have been granted, to have in effect an approved application under section 505 or 512, subject to all applicable post-approval requirements, for the following indications for use:

''(I) In the case of oxygen, the treatment or prevention of hypoxemia or hypoxia.

''(II) In the case of nitrogen, use in hypoxic challenge testing.

''(III) In the case of nitrous oxide, analgesia.

''(IV) In the case of carbon dioxide, use in extracorporeal membrane oxygenation therapy or respiratory stimulation.

''(V) In the case of helium, the treatment of upper airway obstruction or increased airway resistance.

''(VI) In the case of medical air, to reduce the risk of hyperoxia.

''(VII) In the case of carbon monoxide, use in lung diffusion testing.

''(VIII) Any other indication for use for a designated medical gas or combination of designated medical gases deemed appropriate by the Secretary, unless any period of exclusivity under clause (iii) or (iv) of section 505(c)(3)(E), clause (iii) or (iv) of section 505(j)(5)(F), or section 527, or the extension of any such period under section 505A, applicable to such indication for use for such gas or combination of gases has not expired.

''(ii) LABELING.—The requirements of sections 503(b)(4) and 502(f) are deemed to have been met for a designated medical gas if the labeling on final use container for such medical gas bears—

''(I) the information required by section 503(b)(4);

''(II) a warning statement concerning the use of the medical gas as determined by the Secretary by regulation; and

''(III) appropriate directions and warnings concerning storage and handling.

''(B) INAPPLICABILITY OF EXCLUSIVITY PROVISIONS.—

''(i) NO EXCLUSIVITY FOR A CERTIFIED MEDICAL GAS.—No designated medical gas deemed under subparagraph (A)(i) to have in effect an approved application is eligible for any period of exclusivity under section 505(c), 505(j), or 527, or the extension of any such period under section 505A, on the basis of such deemed approval.

''(ii) EFFECT ON CERTIFICATION.—No period of exclusivity under section 505(c), 505(j), or section 527, or the extension of any such period under section 505A, with respect to an application for a drug product shall prohibit, limit, or otherwise affect the submission, grant, or effect of a certification under this section, except as provided in subsection (a)(3)(A)(i)(VIII) and section 575(1)(H).

''(4) WITHDRAWAL, SUSPENSION, OR REVOCATION OF APPROVAL.—

''(A) WITHDRAWAL, SUSPENSION OF APPROVAL.—Nothing in this subchapter limits the Secretary's authority to withdraw or suspend approval of a drug product, including a designated medical gas deemed under this section to have in effect an approved application under section 505 or section 512 of this Act.

''(B) REVOCATION OF CERTIFICATION.—The Secretary may revoke the grant of a certification under paragraph (2) if the Secretary determines that the request for certification contains any material omission or falsification.

''(b) PRESCRIPTION REQUIREMENT.—

''(1) IN GENERAL.—A designated medical gas shall be subject to the requirements of section 503(b)(1) unless the Secretary exercises the authority provided in section 503(b)(3) to remove such medical gas from the requirements of section 503(b)(1), the gas is approved for use without a prescription pursuant to an application under section 505 or 512, or the use in question is authorized pursuant to another provision of this Act relating to use of medical products in emergencies.

''(2) OXYGEN.—

''(A) NO PRESCRIPTION REQUIRED FOR CERTAIN USES.—Notwithstanding paragraph (1), oxygen may be provided without a prescription for the following uses:

''(i) For use in the event of depressurization or other environmental oxygen deficiency.

''(ii) For oxygen deficiency or for use in emergency resuscitation, when administered by properly trained personnel.

''(B) LABELING.—For oxygen provided pursuant to subparagraph (A), the requirements of section 503(b)(4) shall be deemed to have been met if its labeling bears a warning that the oxygen can be used for emergency use only and for all other medical applications a prescription is required.

"SEC. 577. INAPPLICABILITY OF DRUG FEES TO DESIGNATED MEDICAL GASES.

''A designated medical gas, alone or in combination with another designated gas or gases (as medically appropriate) deemed under section 576 to have in effect an approved application shall not be assessed fees under section 736(a) on the basis of such deemed approval.''.

SEC. 1112. CHANGES TO REGULATIONS.

(a) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, after obtaining input from medical gas manufacturers and any other interested members of the public, shall—

(1) determine whether any changes to the Federal drug regulations are necessary for medical gases; and

(2) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding any such changes.

(b) REGULATIONS.—If the Secretary determines under subsection (a) that changes to the Federal drug regulations are necessary for medical gases, the Secretary shall issue final regulations revising the Federal drug regulations with respect to medical gases not later than 48 months after the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) The term ''Federal drug regulations'' means regulations in title 21 of the Code of Federal Regulations pertaining to drugs.

(2) The term ''medical gas'' has the meaning given to such term in section 575 of the Federal Food, Drug, and Cosmetic Act, as added by section 1111 of this Act.

(3) The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs.

SEC. 1113. RULES OF CONSTRUCTION.

Nothing in this subtitle and the amendments made by this subtitle applies with respect to—

(1) a drug that is approved prior to May 1, 2012, pursuant to an application submitted under section 505 or 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355, 360b);

(2) any gas listed in subparagraphs (A) through (G) of section 575(1) of the Federal Food, Drug, and Cosmetic Act, as added by section 1111 of this Act, or any combination of any such gases, for an indication that—

(A) is not included in, or is different from, those specified in subclauses (I) through (VII) of section 576(a)(3)(A)(i) of such Act; and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512; or

(3) any designated medical gas added pursuant to subparagraph (H) of section 575(1) of such Act for an indication that—

(A) is not included in, or is different from, those originally added pursuant to subparagraph (H) of section 575(1) and section 576(a)(3)(A)(i)(VIII); and

(B) is approved on or after May 1, 2012, pursuant to an application submitted under section 505 or 512 of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. GUIDANCE DOCUMENT REGARDING PRODUCT PROMOTION USING THE INTERNET.

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that describes Food and Drug Administration policy regarding the promotion, using the Internet (including social media), of medical products that are regulated by such Administration.

SEC. 1122. COMBATING PRESCRIPTION DRUG ABUSE.

(a) IN GENERAL.—To combat the significant rise in prescription drug abuse and the consequences of such abuse, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in coordination with other Federal agencies, as appropriate, shall review current Federal initiatives and identify gaps and opportunities with respect to—

(1) ensuring the safe use of prescription drugs with the potential for abuse; and

(2) the treatment of prescription drug dependance.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall post on the Department of Health and Human Service's Internet Web site a report on the findings of the review under subsection (a). Such report shall include findings and recommendations on—

(1) how best to leverage and build upon existing Federal and federally funded data sources, such as prescription drug monitoring program data and the sentinel initiative of the Food and Drug Administration under section 505(k)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(k)(3)), as it relates to collection of information relevant to adverse events, patient safety, and patient outcomes, to create a centralized data clearinghouse and early warning tool;

(2) how best to develop and disseminate widely best practices models and suggested standard requirements to States for achieving greater interoperability and effectiveness of prescription drug monitoring programs, especially with respect to provider participation, producing standardized data on adverse events, patient safety, and patient outcomes; and

(3) how best to develop provider, pharmacist, and patient education tools and a strategy to widely disseminate such tools and assess the efficacy of such tools.

(c) GUIDANCE ON ABUSE-DETERRENT PRODUCTS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall promulgate guidance on the development of abuse-deterrent drug products.

SEC. 1123. OPTIMIZING GLOBAL CLINICAL TRIALS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 903 of this Act, is further amended by adding at the end the following:

''SEC. 569A. OPTIMIZING GLOBAL CLINICAL TRIALS.

''(a) IN GENERAL.—The Secretary shall—

''(1) work with other regulatory authorities of similar standing, medical research companies, and international organizations to foster and encourage uniform, scientifically driven clinical trial standards with respect to medical products around the world; and

''(2) enhance the commitment to provide consistent parallel scientific advice to manufacturers seeking simultaneous global development of new medical products in order to—

''(A) enhance medical product development;

''(B) facilitate the use of foreign data; and

''(C) minimize the need to conduct duplicative clinical studies, preclinical studies, or nonclinical studies.

''(b) MEDICAL PRODUCT.—In this section, the term 'medical product' means a drug, as defined in subsection (g) of section 201, a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

''(c) SAVINGS CLAUSE.—Nothing in this section shall alter the criteria for evaluating the safety or effectiveness of a medical product under this Act.

''SEC. 569B. USE OF CLINICAL INVESTIGATION DATA FROM OUTSIDE THE UNITED STATES.

''(a) IN GENERAL.—In determining whether to approve, license, or clear a drug or device pursuant to an application submitted under this chapter, the Secretary shall accept data from clinical investigations conducted outside of the United States, including the European Union, if the applicant demonstrates that such data are adequate under applicable standards to support approval, licensure, or clearance of the drug or device in the United States.

''(b) NOTICE TO SPONSOR.—If the Secretary finds under subsection (a) that the data from clinical investigations conducted outside the United States, including in the European Union, are inadequate for the purpose of making a determination on approval, clearance, or licensure of a drug or device pursuant to an application submitted under this chapter, the Secretary shall provide written notice to the sponsor of the application of such finding and include the rationale for such finding.''.

SEC. 1124. ADVANCING REGULATORY SCIENCE TO PROMOTE PUBLIC HEALTH INNOVATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall develop a strategy and implementation plan for advancing regulatory science for medical products in order to promote the public health and advance innovation in regulatory decisionmaking.

(b) REQUIREMENTS.—The strategy and implementation plan developed under subsection (a) shall be consistent with the user fee performance goals in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement commitment letter transmitted by the Secretary to Congress on April 20, 2012, and shall—

(1) identify a clear vision of the fundamental role of efficient, consistent, and predictable, science-based decisions throughout regulatory decisionmaking of the Food and Drug Administration with respect to medical products;

(2) identify the regulatory science priorities of the Food and Drug Administration directly related to fulfilling the mission of the agency with respect to decisionmaking concerning medical products and allocation of resources toward such regulatory science priorities;

(3) identify regulatory and scientific gaps that impede the timely development and review of, and regulatory certainty with respect to, the approval, licensure, or clearance of medical products, including with respect to companion products and new technologies, and facilitating the timely introduction and adoption of new technologies and methodologies in a safe and effective manner;

(4) identify clear, measurable metrics by which progress on the priorities identified under paragraph (2) and gaps identified under paragraph (3) will be measured by the Food and Drug Administration, including metrics specific to the integration and adoption of advances in regulatory science described in paragraph (5) and improving medical product decisionmaking, in a predictable and science-based manner; and

(5) set forth how the Food and Drug Administration will ensure that advances in regulatory science for medical products are adopted, as appropriate, on an ongoing basis and in an manner integrated across centers, divisions, and branches of the Food and Drug Administration, including by senior managers and reviewers, including through the—

(A) development, updating, and consistent application of guidance documents that support medical product decisionmaking; and

(B) adoption of the tools, methods, and processes under section 566 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5).

(c) PERFORMANCE REPORTS.—The annual performance reports submitted to Congress under sections 736B(a) (as amended by section 104 of this Act), 738A(a) (as amended by section 204 of this Act), 744C(a) (as added by section 303 of this Act), and 744I(a) (as added by section 403 of this Act) of the Federal Food, Drug, and Cosmetic Act for each of fiscal years 2014 and 2016, shall include a report from the Secretary on the progress made with respect to—

(1) advancing the regulatory science priorities identified under paragraph (2) of subsection (b) and resolving the gaps identified under paragraph (3) of such subsection, including reporting on specific metrics identified under paragraph (4) of such subsection;

(2) the integration and adoption of advances in regulatory science as set forth in paragraph (5) of such subsection; and

(3) the progress made in advancing the regulatory science goals outlined in the Prescription Drug User Fee Agreement commitment letter, the Generic Drug User Fee Agreement commitment letter, and the Biosimilar User Fee Agreement commitment letter transmitted by the Secretary to Congress on January 13, 2012, and the Medical Device User Fee Agreement transmitted by the Secretary to Congress on April 20, 2012.

(d) MEDICAL PRODUCT.—In this section, the term ''medical product'' means a drug, as defined in subsection (g) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), a device, as defined in subsection (h) of such section, or a biological product, as defined in section 351(i) of the Public Health Service Act.

SEC. 1125. INFORMATION TECHNOLOGY.

(a) HHS REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) report to Congress on—

(A) the milestones and a completion date for developing and implementing a comprehensive information technology strategic plan to align the information technology systems modernization projects with the strategic goals of the Food and Drug Administration, including results-oriented goals, strategies, milestones, performance measures;

(B) efforts to finalize and approve a comprehensive inventory of the information technology systems of the Food and Drug Administration that includes information describing each system, such as costs, system function or

purpose, and status information, and incorporate use of the system portfolio into the information investment management process of the Food and Drug Administration;

(C) the ways in which the Food and Drug Administration uses the plan described in subparagraph (A) to guide and coordinate the modernization projects and activities of the Food and Drug Administration, including the interdependencies among projects and activities; and

(D) the extent to which the Food and Drug Administration has fulfilled or is implementing recommendations of the Government Accountability Office with respect to the Food and Drug Administration and information technology; and

(2) develop—

(A) a documented enterprise architecture program management plan that includes the tasks, activities, and timeframes associated with developing and using the architecture and addresses how the enterprise architecture program management will be performed in coordination with other management disciplines, such as organizational strategic planning, capital planning and investment control, and performance management; and

(B) a skills inventory, needs assessment, gap analysis, and initiatives to address skills gaps as part of a strategic approach to information technology human capital planning.

(b) GAO REPORT.—Not later than January 1, 2016, the Comptroller General of the United States shall issue a report regarding the strategic plan described in subsection (a)(1)(A) and related actions carried out by the Food and Drug Administration. Such report shall assess the progress the Food and Drug Administration has made on—

(1) the development and implementation of a comprehensive information technology strategic plan, including the results-oriented goals, strategies, milestones, and performance measures identified in subsection (a)(1)(A);

(2) the effectiveness of the comprehensive information technology strategic plan described in subsection (a)(1)(A), including the results-oriented goals and performance measures; and

(3) the extent to which the Food and Drug Administration has fulfilled recommendations of the Government Accountability Office with respect to such agency and information technology.

SEC. 1126. NANOTECHNOLOGY.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall intensify and expand activities related to enhancing scientific knowledge regarding nanomaterials included or intended for inclusion in products regulated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or other statutes administered by the Food and Drug Administration, to address issues relevant to the regulation of those products, including the potential toxicology of such nanomaterials, the potential benefit of new therapies derived from nanotechnology, the effects of such nanomaterials on biological systems, and the interaction of such nanomaterials with biological systems.

(b) ACTIVITIES.—In conducting activities related to nanotechnology, the Secretary may—

(1) assess scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to the Food and Drug Administration;

(2) in cooperation with other Federal agencies, develop and organize information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

(3) promote Food and Drug Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties of nanomaterials that might contribute to toxicity;

(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanomaterials with biological systems;

(6) build scientific expertise on nanomaterials within the Food and Drug Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

(7) ensure ongoing training, as well as dissemination of new information within the centers of the Food and Drug Administration, and more broadly across the Food and Drug Administration, to ensure timely, informed consideration of the most current science pertaining to nanomaterials;

(8) encourage the Food and Drug Administration to participate in international and national consensus standards activities pertaining to nanomaterials; and

(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

SEC. 1127. ONLINE PHARMACY REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes any problems posed by pharmacy Internet Web sites that violate Federal or State law, including—

(1) the methods by which Internet Web sites are used to sell prescription drugs in violation of Federal or State law or established industry standards;

(2) the harmful health effects that patients experience when they consume prescription drugs purchased through such pharmacy Internet Web sites;

(3) efforts by the Federal Government and State and local governments to investigate and prosecute the owners or operators of pharmacy Internet Web sites, to address the threats such Web sites pose, and to protect patients;

(4) the level of success that Federal, State, and local governments have experienced in investigating and prosecuting such cases;

(5) whether the law, as in effect on the date of the report, provides sufficient authorities to Federal, State, and local governments to investigate and prosecute the owners and operators of pharmacy Internet Web sites that violate Federal or State law or established industry standards;

(6) additional authorities that could assist Federal, State, and local governments in investigating and prosecuting the owners and operators of pharmacy Internet Web sites that violate Federal or State law or established industry standards;

(7) laws, policies, and activities that would educate consumers about how to distinguish pharmacy Internet Web sites that comply with Federal and State laws and established industry standards from those pharmacy Internet Web sites that do not comply with such laws and standards; and

(8) activities that private sector actors are taking to address the prevalence of illegitimate pharmacy Internet Web sites, and any policies to encourage further activities.

SEC. 1128. REPORT ON SMALL BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs shall submit a report to Congress that includes—

(1) a listing of and staffing levels of all small business offices at the Food and Drug Administration, including the small business liaison program;

(2) the status of partnership efforts between the Food and Drug Administration and the Small Business Administration;

(3) a summary of outreach efforts to small businesses and small business associations, including availability of toll-free telephone help lines;

(4) with respect to the program under the Orphan Drug Act (Public Law 97–414), the number of applications made by small businesses and number of applications approved for research grants and the number of companies receiving protocol assistance for the development of drugs for rare diseases and disorders;

(5) the number of small businesses submitting applications and receiving approval for unsolicited grant applications from the Food and Drug Administration;

(6) the number of small businesses submitting applications and receiving approval for solicited grant applications from the Food and Drug Administration; and

(7) barriers small businesses encounter in the drug and medical device approval process.

SEC. 1129. PROTECTIONS FOR THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

''(18) Section 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions.''.

(b) CONFORMING AMENDMENT.—Section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) is amended by adding at the end the following: ''For purposes of paragraph (18) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Health and Human Services.''.

SEC. 1130. COMPLIANCE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

In accordance with the final rule issued by the Commissioner of Food and Drug entitled ''Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the- Counter Human Use; Delay of Compliance Dates'' (77 Fed. Reg. 27591 (May 11, 2012)), a product subject to the final rule issued by the Commissioner entitled ''Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use'' (76 Fed. Reg. 35620 (June 17, 2011)), shall comply with such rule not later than—

(1) December 17, 2013, for products subject to such rule with annual sales of less than $25,000 and

(2) December 17, 2012, for all other products subject to such rule.

SEC. 1131. STRATEGIC INTEGRATED MANAGEMENT PLAN.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a strategic integrated management plan for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health. Such strategic management plan shall—

(1) identify strategic institutional goals, priorities, and mechanisms to improve efficiency, for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health;

(2) describe the actions the Secretary will take to recruit, retain, train, and continue to develop the workforce at the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health to fulfill the public health mission of the Food and Drug Administration; and

(3) identify results-oriented, outcome-based measures that the Secretary will use to measure the progress of achieving the strategic goals, priorities, and mechanisms identified under paragraph (1) and the effectiveness of the actions

identified under paragraph (2), including metrics to ensure that managers and reviewers of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health are familiar with and appropriately and consistently apply the requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including new requirements under parts 2, 3, 7, and 8 of subchapter C of title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

SEC. 1132. ASSESSMENT AND MODIFICATION OF REMS.

(a) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—Section 505–1(g) (21 U.S.C. 355–1(g)) is amended—

(1) in paragraph (1), by striking '', and propose a modification to,'';

(2) in paragraph (2)—

(A) in the matter before subparagraph (A)—

(i) by striking '', subject to paragraph (5),''; and

(ii) by striking '', and may propose a modification to,'';

(B) in subparagraph (C), by striking ''new safety or effectiveness information indicates that'' and all that follows and inserting the following: ''an assessment is needed to evaluate whether the approved strategy should be modified to—

''(i) ensure the benefits of the drug outweigh the risks of the drug; or

''(ii) minimize the burden on the health care delivery system of complying with the strategy.''; and

(C) by striking subparagraph (D);

(3) in paragraph (3), by striking ''for a drug shall include—'' and all that follows and inserting the following ''for a drug shall include, with respect to each goal included in the strategy, an assessment of the extent to which the approved strategy, including each element of the strategy, is meeting the goal or whether 1 or more such goals or such elements should be modified.''; and

(4) by amending paragraph (4) to read as follows:

''(4) MODIFICATION.—

''(A) ON INITIATIVE OF RESPONSIBLE PERSON.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the responsible person may, at any time, submit to the Secretary a proposal to modify the approved strategy. Such proposal may propose the addition, modification, or removal of any goal or element of the approved strategy and shall include an adequate rationale to support such proposed addition, modification, or removal of any goal or element of the strategy.

''(B) ON INITIATIVE OF SECRETARY.—After the approval of a risk evaluation and mitigation strategy by the Secretary, the Secretary may, at any time, require a responsible person to submit a proposed modification to the strategy within 120 days or within such reasonable time as the Secretary specifies, if the Secretary, in consultation with the offices described in subsection (c)(2), determines that 1 or more goals or elements should be added, modified, or removed from the approved strategy to—

''(i) ensure the benefits of the drug outweigh the risks of the drug; or

''(ii) minimize the burden on the health care delivery system of complying with the strategy.''.

(b) REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS AND MODIFICATIONS OF APPROVED STRATEGIES.—Section 505–1(h) (21 U.S.C. 355–1(h)) is amended—

(1) in the subsection heading by inserting ''AND MODIFICATIONS'' after ''REVIEW OF ASSESSMENTS'';

(2) in paragraph (1)—

(A) by inserting ''and proposed modification to'' after ''under subsection (a) and each assessment of''; and

(B) by inserting '', and, if necessary, promptly initiate discussions with the responsible person about such proposed strategy, assessment, or modification'' after ''subsection (g)'';

(3) by striking paragraph (2);

(4) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(5) in paragraph (2), as redesignated by paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—

''(i) TIMEFRAME.—Unless the dispute resolution process described under paragraph (3) or (4) applies, and, except as provided in clause (ii) or clause (iii) below, the Secretary, in consultation with the offices described in subsection (c)(2), shall review and act on the proposed risk evaluation and mitigation strategy for a drug or any proposed modification to any required strategy within 180 days of receipt of the proposed strategy or modification.

''(ii) MINOR MODIFICATIONS.—The Secretary shall review and act on a proposed minor modification, as defined by the Secretary in guidance, within 60 days of receipt of such modification.

''(iii) REMS MODIFICATION DUE TO SAFETY LABEL CHANGES.—Not later than 60 days after the Secretary receives a proposed modification to an approved risk evaluation and mitigation strategy to conform the strategy to approved safety label changes, including safety labeling changes initiated by the sponsor in accordance with FDA regulatory requirements, or to a safety label change that the Secretary has directed the holder of the application to make pursuant to section 505(o)(4), the Secretary shall review and act on such proposed modification to the approved strategy.

''(iv) GUIDANCE.—The Secretary shall establish, through guidance, that responsible persons may implement certain modifications to an approved risk evaluation and mitigation strategy following notification to the Secretary.''; and

(B) by amending subparagraph (C) to read as follows:

''(C) PUBLIC AVAILABILITY.—Upon acting on a proposed risk evaluation and mitigation strategy or proposed modification to a risk evaluation and mitigation strategy under subparagraph (A), the Secretary shall make publicly available an action letter describing the actions taken by the Secretary under such subparagraph (A).'';

(6) in paragraph (4), as redesignated by paragraph (4)—

(A) in subparagraph (A)(i)—

(i) by striking ''Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (2) have begun, the'' and inserting ''The''; and

(ii) by inserting '', after the sponsor is required to make a submission under subsection (a)(2) or (g),'' before ''request in writing''; and

(B) in subparagraph (I)—

(i) by striking clauses (i) and (ii); and

(ii) by striking ''if the Secretary—'' and inserting ''if the Secretary has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.'';

(7) in paragraph (5), as redesignated by paragraph (4)—

(A) in subparagraph (A), by striking ''any of subparagraphs (B) through (D)'' and inserting ''subparagraph (B) or (C)''; and

(B) in subparagraph (C), by striking ''paragraph (4) or (5)'' and inserting ''paragraph (3) or (4)''; and

(8) in paragraph (8), as redesignated by paragraph (4), by striking ''paragraphs (7) and (8)'' and inserting ''paragraphs (6) and (7).''.

(c) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance that, for purposes of section 505–1(h)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(h)(2)(A)), describes the types of modifications to approved risk evaluation and mitigation strategies that shall be considered to be minor modifications of such strategies.

SEC. 1133. EXTENSION OF PERIOD FOR FIRST APPLICANT TO OBTAIN TENTATIVE APPROVAL WITHOUT FORFEITING 180-DAY-EXCLUSIVITY PERIOD.

(a) EXTENSION.—

(1) IN GENERAL.—If a first applicant files an application during the 30-month period ending on the date of enactment of this Act and such application initially contains a certification described in paragraph (2)(A)(vii)(IV) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), or if a first applicant files an application and the application is amended during such period to first contain such a certification, the phrase ''30 months'' in paragraph (5)(D)(i)(IV) of such section shall, with respect to such application, be read as meaning—

(A) during the period beginning on the date of enactment of this Act, and ending on September 30, 2015, ''40 months''; and

(B) during the period beginning on October 1, 2015, and ending on September 30, 2016, ''36 months''.

(2) CONFORMING AMENDMENT.—In the case of an application to which an extended period under paragraph (1) applies, the reference to the 30-month period under section 505(q)(1)(G) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(q)(1)(G)) shall be read to be the applicable period under paragraph (1).

(b) PERIOD FOR OBTAINING TENTATIVE APPROVAL OF CERTAIN APPLICATIONS.—If an application is filed on or before the date of enactment of this Act and such application is amended during the period beginning on the day after the date of enactment of this Act and ending on September 30, 2017, to first contain a certification described in paragraph (2)(A)(vii)(IV) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), the date of the filing of such amendment (rather than the date of the filing of such application) shall be treated as the beginning of the 30-month period described in paragraph (5)(D)(i)(IV) of such section 505(j).

(c) DEFINITIONS.—For the purposes of this section, the terms ''application'' and ''first applicant'' mean application and first applicant, as such terms are used in section 505(j)(5)(D)(i)(IV) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(IV)).

SEC. 1134. DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.

(a) IN GENERAL.—Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

''(w) DEADLINE FOR DETERMINATION ON CERTAIN PETITIONS.—The Secretary shall issue a final, substantive determination on a petition submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations (or any successor regulations), no later than 270 days after the date the petition is submitted.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any petition that is submitted pursuant to subsection (b) of section 314.161 of title 21, Code of Federal Regulations (or any successor regulations), on or after the date of enactment of this Act.

SEC. 1135. FINAL AGENCY ACTION RELATING TO PETITIONS AND CIVIL ACTIONS.

Section 505(q) (21 U.S.C. 355(q)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''subsection (b)(2) or (j)'' and inserting ''subsection (b)(2) or (j) of this section or section 351(k) of the Public Health Service Act''; and

(B) in subparagraph (F), by striking ''180 days'' and inserting ''150 days'';

(2) in paragraph (2)(A)—

(A) in the subparagraph heading, by striking ''180'' and inserting ''150''; and

(B) in clause (i), by striking ''180-day'' and inserting ''150-day'';

(3) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking ''This subsection does not apply to—'' and inserting the following:

''(A) This subsection does not apply to—''; and

(C) by adding at the end the following:

''(B) Paragraph (2) does not apply to a petition addressing issues concerning an application submitted pursuant to section 351(k) of the Public Health Service Act.''; and

(4) in paragraph (5), by striking ''subsection (b)(2) or (j)'' inserting ''subsection (b)(2) or (j) of the Act or 351(k) of the Public Health Service Act''.

SEC. 1136. ELECTRONIC SUBMISSION OF APPLICATIONS.

Subchapter D of chapter VII (21 U.S.C. 379k et seq.) is amended by inserting after section 745 the following:

''SEC. 745A. ELECTRONIC FORMAT FOR SUBMISSIONS.

''(a) DRUGS AND BIOLOGICS.—

''(1) IN GENERAL.—Beginning no earlier than 24 months after the issuance of a final guidance issued after public notice and opportunity for comment, submissions under subsection (b), (i), or (j) of section 505 of this Act or subsection (a) or (k) of section 351 of the Public Health Service Act shall be submitted in such electronic format as specified by the Secretary in such guidance.

''(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

''(A) provide a timetable for establishment by the Secretary of further standards for electronic submission as required by such paragraph; and

''(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.

''(3) EXCEPTION.—This subsection shall not apply to submissions described in section 561.

''(b) DEVICES.—

''(1) IN GENERAL.—Beginning after the issuance of final guidance implementing this paragraph, presubmissions and submissions for devices under section 510(k), 513(f)(2)(A), 515(c), 515(d), 515(f), 520(g), 520(m), or 564 of this Act or section 351 of the Public Health Service Act, and any supplements to such presubmissions or submissions, shall include an electronic copy of such presubmissions or submissions.

''(2) GUIDANCE CONTENTS.—In the guidance under paragraph (1), the Secretary may—

''(A) provide standards for the electronic copy required under such paragraph; and

''(B) set forth criteria for waivers of and exemptions from the requirements of this subsection.''.

SEC. 1137. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSIONS.

Subchapter E of chapter V (21 U.S.C. 360bbb et seq.), as amended by section 1123 of this Act, is further amended by adding at the end the following:

''SEC. 569C. PATIENT PARTICIPATION IN MEDICAL PRODUCT DISCUSSION.

''(a) IN GENERAL.—The Secretary shall develop and implement strategies to solicit the views of patients during the medical product development process and consider the perspectives of patients during regulatory discussions, including by—

''(1) fostering participation of a patient representative who may serve as a special government employee in appropriate agency meetings with medical product sponsors and investigators; and

''(2) exploring means to provide for identification of patient representatives who do not have any, or have minimal, financial interests in the medical products industry.

''(b) PROTECTION OF PROPRIETARY INFORMATION.—Nothing in this section shall be construed to alter the protections offered by laws, regulations, or policies governing disclosure of confidential commercial or trade secret information and any other information exempt from disclosure pursuant to section 552(b) of title 5, United States Code, as such laws, regulations, or policies would apply to consultation with individuals and organizations prior to the date of enactment of this section.

''(c) OTHER CONSULTATION.—Nothing in this section shall be construed to limit the ability of the Secretary to consult with individuals and organizations as authorized prior to the date of enactment of this section.

''(d) NO RIGHT OR OBLIGATION.—Nothing in this section shall be construed to create a legal right for a consultation on any matter or require the Secretary to meet with any particular expert or stakeholder. Nothing in this section shall be construed to alter agreed upon goals and procedures identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2012. Nothing in this section is intended to increase the number of review cycles as in effect before the date of enactment of this section.

''(e) FINANCIAL INTEREST.—In this section, the term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.''.

SEC. 1138. ENSURING ADEQUATE INFORMATION REGARDING PHARMACEUTICALS FOR ALL POPULATIONS, PARTICULARLY UNDERREPRESENTED SUBPOPULATIONS, INCLUDING RACIAL SUBGROUPS.

(a) COMMUNICATION PLAN.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Commissioner of Food and Drugs, shall review and modify, as necessary, the Food and Drug Administration's communication plan to inform and educate health care providers and patients on the benefits and risks of medical products, with particular focus on underrepresented subpopulations, including racial subgroups.

(b) CONTENT.—The communication plan described under subsection (a)—

(1) shall take into account—

(A) the goals and principles set forth in the Strategic Action Plan to Reduce Racial and Ethnic Health Disparities issued by the Department of Health and Human Services;

(B) the nature of the medical product; and

(C) health and disease information available from other agencies within such Department, as well as any new means of communicating health and safety benefits and risks related to medical products;

(2) taking into account the nature of the medical product, shall address the best strategy for communicating safety alerts, labeled indications for the medical products, changes to the label or labeling of medical products (including black-box warnings, health advisories, health and safety benefits and risks), particular actions to be taken by health care professionals and patients, any information identifying particular subpopulations, and any other relevant information as determined appropriate to enhance communication, including varied means of electronic communication; and

(3) shall include a process for implementation of any improvements or other modifications determined to be necessary.

(c) ISSUANCE AND POSTING OF COMMUNICATION PLAN.—

(1) COMMUNICATION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue the communication plan described under this section.

(2) POSTING OF COMMUNICATION PLAN ON THE OFFICE OF MINORITY HEALTH WEB SITE.—The Secretary, acting through the Commissioner of Food and Drugs, shall publicly post the communication plan on the Internet Web site of the Office of Minority Health of the Food and Drug Administration, and provide links to any other appropriate Internet Web site, and seek public comment on the communication plan.

SEC. 1139. SCHEDULING OF HYDROCODONE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, if practicable, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall hold a public meeting to solicit advice and recommendations to assist in conducting a scientific and medical evaluation in connection with a scheduling recommendation to the Drug Enforcement Administration regarding drug products containing hydrocodone, combined with other analgesics or as an antitussive.

(b) STAKEHOLDER INPUT.—In conducting the evaluation under subsection (a), the Secretary shall solicit input from a variety of stakeholders including patients, health care providers, harm prevention experts, the National Institute on Drug Abuse, the Centers for Disease Control and Prevention, and the Drug Enforcement Administration regarding the health benefits and risks, including the potential for abuse and the impact of up-scheduling of these products.

(c) TRANSCRIPT.—The transcript of any public meeting conducted pursuant to this section shall be published on the Internet Web site of the Food and Drug Administration.

SEC. 1140. STUDY ON DRUG LABELING BY ELECTRONIC MEANS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the benefits and efficiencies of electronic patient labeling of prescription drugs, as a complete or partial substitute for patient labeling in paper form. The study shall address the implementation costs to the different levels of the distribution system, logistical barriers to utilizing a system of electronic patient labeling, and any anticipated public health impact of movement to electronic labeling.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a).

SEC. 1141. RECOMMENDATIONS ON INTEROPERABILITY STANDARDS.

(a) IN GENERAL.—The Secretary of Health and Human Services may facilitate, and, as appropriate, may consult with the Attorney General to facilitate, the development of recommendations on interoperability standards to inform and facilitate the exchange of prescription drug information across State lines by States receiving grant funds under—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 748); and

(2) the Controlled Substance Monitoring Program established under section 399O of the Public Health Service Act (42 U.S.C. 280g–3).

(b) REQUIREMENTS.—The Secretary of Health and Human Services shall consider the following in facilitating the development of recommendations on interoperability of prescription drug monitoring programs under subsection (a)—

(1) open standards that are freely available, without cost and without restriction, in order to promote broad implementation;

(2) the use of exchange intermediaries, or hubs, as necessary to facilitate interstate interoperability by accommodating State-to-hub, hub-to-hub, and direct State-to-State communication;

(3) the support of transmissions that are fully secured as required, using industry standard methods of encryption, to ensure that protected health information and personally identifiable information are not compromised at any point during such transmission;

(4) access control methodologies to share protected information solely in accordance with State laws and regulations; and

(5) consider model interoperability standards developed by the Alliance of States with Prescription Monitoring Programs.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on enhancing the interoperability of State prescription drug monitoring programs with other technologies and databases used for detecting and reducing fraud, diversion, and abuse of prescription drugs.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an assessment of legal, technical, fiscal, privacy, or security challenges that have an impact on interoperability;

(B) a discussion of how State prescription drug monitoring programs could increase the production and distribution of unsolicited reports to prescribers and dispensers of prescription drugs, law enforcement officials, and health professional licensing agencies, including the enhancement of such reporting through interoperability with other States and relevant technology and databases;

(C) any recommendations for addressing challenges that impact interoperability of State prescription drug monitoring programs in order to reduce fraud, diversion, and abuse of prescription drugs; and

(D) an assessment of the extent to which providers use prescription drug management programs in delivering care and preventing prescription drug abuse.

SEC. 1142. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Section 712 (21 U.S.C. 379d–1) is amended—

(1) by striking subsections (b) and (c) and inserting the following subsections:

''(b) RECRUITMENT FOR ADVISORY COMMITTEES.—

''(1) IN GENERAL.—The Secretary shall—

''(A) develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups;

''(B) seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities;

''(C) at least every 180 days, request referrals for potential members of advisory committees from a variety of stakeholders, including—

''(i) product developers, patient groups, and disease advocacy organizations; and

''(ii) relevant—

''(I) professional societies;

''(II) medical societies;

''(III) academic organizations; and

''(IV) governmental organizations; and

''(D) in carrying out subparagraphs (A) and (B), take into account the levels of activity (including the numbers of annual meetings) and the numbers of vacancies of the advisory committees.

''(2) RECRUITMENT ACTIVITIES.—The recruitment activities under paragraph (1) may include—

''(A) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

''(B) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

''(C) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person whom the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

''(3) EXPERTISE.—In carrying out this subsection, the Secretary shall seek to ensure that the Secretary has access to the most current expert advice.

''(c) DISCLOSURE OF DETERMINATIONS AND CERTIFICATIONS.—Notwithstanding section 107(a)(2) of the Ethics in Government Act of 1978, the following shall apply:

''(1) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but (except as provided in paragraph (2)) not later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title, applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 or section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet Web site of the Food and Drug Administration—

''(A) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination or certification applies; and

''(B) the reasons of the Secretary for such determination or certification, including, as appropriate, the public health interest in having the expertise of the member with respect to the particular matter before the advisory committee.

''(2) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, or a written certification as referred to in section 208(b)(3) of such title applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 or 552a of title 5, United States Code) on the Internet Web site of the Food and Drug Administration, the information described in subparagraphs (A) and (B) of paragraph (1) as soon as practicable after the Secretary makes such determination or certification, but in no case later than the date of such meeting.'';

(2) in subsection (d), by striking ''subsection (c)(3)'' and inserting ''subsection (c)'';

(3) by amending subsection (e) to read as follows:

''(e) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, a report that describes—

''(A) with respect to the fiscal year that ended on September 30 of the previous year, the number of persons nominated for participation at meetings for each advisory committee, the number of persons so nominated, and willing to serve, the number of vacancies on each advisory committee, and the number of persons contacted for service as members on each advisory committee meeting for each advisory committee who did not participate because of the potential for such participation to constitute a disqualifying financial interest under section 208 of title 18, United States Code;

''(B) with respect to such year, the number of persons contacted for services as members for each advisory committee meeting for each advisory committee who did not participate because of reasons other than the potential for such participation to constitute a disqualifying financial interest under section 208 of title 18, United States Code;

''(C) with respect to such year, the number of members attending meetings for each advisory committee; and

''(D) with respect to such year, the aggregate number of disclosures required under subsection (d) and the percentage of individuals to whom such disclosures did not apply who served on such committee.

''(2) PUBLIC AVAILABILITY.—Not later than 30 days after submitting any report under paragraph (1) to the committees specified in such paragraph, the Secretary shall make each such report available to the public.'';

(4) in subsection (f), by striking ''shall review guidance'' and all that follows through the end of the subsection and inserting the following: ''shall—

''(1) review guidance of the Food and Drug Administration with respect to advisory committees regarding disclosure of conflicts of interest and the application of section 208 of title 18, United States Code; and

''(2) update such guidance as necessary to ensure that the Food and Drug Administration receives appropriate access to needed scientific expertise, with due consideration of the requirements of such section 208.''; and

(5) by adding at the end the following:

''(g) GUIDANCE ON REPORTED DISCLOSED FINANCIAL INTEREST OR INVOLVEMENT.—The Secretary shall issue guidance that describes how the Secretary reviews the financial interests and involvement of advisory committee members that are disclosed under subsection (c) but that the Secretary determines not to meet the definition of a disqualifying interest under section 208 of title 18, United States Code for the purposes of participating in a particular matter.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply beginning on October 1, 2012.

SEC. 1143. NOTIFICATION OF FDA INTENT TO REGULATE LABORATORY-DEVELOPED TESTS.

(a) IN GENERAL.—The Food and Drug Administration may not issue any draft or final guidance on the regulation of laboratory-developed tests under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) without, at least 60 days prior to such issuance—

(1) notifying the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate of the Administration's intent to take such action; and

(2) including in such notification the anticipated details of such action.

(b) SUNSET.—Subsection (a) shall cease to have force or effect on the date that is 5 years after the date of enactment of this Act.

Subtitle D—Synthetic Drugs

SEC. 1151. SHORT TITLE.

This subtitle may be cited as the ''Synthetic Drug Abuse Prevention Act of 2012''.

SEC. 1152. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

''(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

''(2) In paragraph (1):

''(A) The term 'cannabimimetic agents' means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

''(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

''(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

''(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

''(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

''(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

''(B) Such term includes—

''(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP–47,497);

''(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP–47,497 C8-homolog);

''(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH–018 and AM678);

''(iv) 1-butyl-3-(1-naphthoyl)indole (JWH–073);

''(v) 1-hexyl-3-(1-naphthoyl)indole (JWH–019);

''(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH–200);

''(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH–250);

''(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH–081);

''(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH–122);

''(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH–398);

''(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

''(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

''(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR–19 and RCS–4);

''(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR–18 and RCS–8); and

''(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH–203).''.

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

''(18) 4-methylmethcathinone (Mephedrone).

''(19) 3,4-methylenedioxypyrovalerone (MDPV).

''(20) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C–E).

''(21) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C–D).

''(22) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C–C).

''(23) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C–I).

''(24) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C–T–2).

''(25) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C–T–4).

''(26) 2-(2,5-Dimethoxyphenyl)ethanamine (2C–H).

''(27) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C–N).

''(28) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C–P).''.

SEC. 1153. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking ''one year'' and inserting ''2 years''; and

(2) by striking ''six months'' and inserting ''1 year''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. UPTON. 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 material in the RECORD.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to thank Mr. WAXMAN, Chairman HARKIN, Senator ENZI, and Members on both sides of the aisle in both the House and the Senate who played a role in this process. S. 3187 is a reflection of the hard work put in by both Members and staff, and of everyone's willingness to put partisanship aside to look at the issues together. Because of that outstanding dedication, we have a bill today that will make a real difference in the lives of so many patients and provide much-needed support for innovators across our great country.

At the outset of this Congress, I set a goal of enacting this bill by the end of June—and here we are, well before the clock expires for this month—in order to provide certainty for American patients and innovators. I never lost confidence that we could deliver the bipartisan reforms we needed, and I am so proud that we will accomplish that goal.

Mr. Speaker, this is a jobs bill, and it's a medical innovation bill. And as we put this package together, our goal was to improve the predictability, consistency, transparency, and efficiency of FDA regulation. These reforms will help get new treatments to patients more quickly. They will help us not only keep jobs in Michigan and all across the country, but also to create new ones. In order to get it right, we turned to patients, innovators, and job creators who provided firsthand experience of how the current system is broken. And we included many of their suggestions in the bill.

This bill includes significant accountability and reform measures designed to hold the FDA responsible for its performance. The measure includes independent assessments of FDA's drug and device review process. It also includes requiring quarterly reporting from the device center so we don't have to wait a year to find out FDA's progress. The bill is about patients, and that's why so many patient advocates have spoken out in support of these reforms. Whether it is steps that we took to support treatments for rare diseases or mitigate drug shortages or speed up the approval of devices that will improve a patient's quality of life, these are steps that will make a real and significant difference.

□ 1430

They're going to keep the U.S. at the forefront of medical innovation where we belong.

This bill is just the first step. This bill provides the resources and the game plans so that FDA can improve its performance.

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

Mr. UPTON. I yield myself an additional minute.

It is now up to the FDA to execute that game plan. And I give my commitment today that our committee will continue to monitor and hold the FDA accountable for its performance. So, together, the Members of the House and the Senate have produced a bill that is a win for American patients, innovation, and job creation.

Before I conclude, I would like to recognize Warren Burke and Megan Renfrew from the Legislative Counsel's Office for their tireless work. The role of Legislative Counsel often goes unnoticed. I also want to appreciate our staff, starting with our staff director, Gary Andres, for pushing this legislation over the finish line; Clay Alspach, on the majority staff; Rachel Sher, on the minority staff; and in particular, Ryan Long, the chief counsel for the Health Subcommittee.

This bill, when it becomes law, patients will benefit from faster, newer, and better treatments, and American workers will keep us on the cutting edge of medical innovation.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

Today, the House considers a bill that represents a significant bipartisan and bicameral achievement.

On May 30 of this year, the House passed its user fee legislation by a dramatic vote of 387–5. That bill was a strong one, but through our collaborative process with the Senate, we have made it even better.

It has been a pleasure to work not only with Mr. UPTON, Mr. PITTS, Mr. PALLONE, and Mr. DINGELL, among many involved House colleagues, but also with our Senate colleagues, Senators HARKIN and ENZI.

When we began this process, there were divergent views on the various issues contained in this bill. But we worked together and found ways to bridge our differences in a fashion that protects patients and fosters innovation.

This legislation contains many provisions that are critical to the functioning of major parts of the FDA. We reauthorize the FDA's drug and medical device user fee programs which will provide resources to enable the efficient review of applications and give patients rapid access to new therapies. We're also reauthorizing two pediatric programs which foster the development and safe use of prescription drugs in children.

This year, we're establishing two new programs to help the FDA speed up their review of new generics and biosimilars. These provisions illustrate our bipartisan commitment to ensuring a vibrant generic marketplace. All

of us will see the benefits when more low-cost generics are on the market.

One of the most important improvements to the House-passed bill is in the area of antibiotics. We accepted the Senate language that directs incentives for the development of antibiotics toward serious and life-threatening infections.

This bill also includes provisions to modernize FDA's authorities with respect to the drug supply chain. Today, 80 percent of active ingredients and bulk chemicals used in U.S. drugs come from abroad and 40 percent of finished drugs are manufactured abroad. FDA has been trying to keep pace with this increasingly globalized drug supply change using an outdated statute. This legislation will give the FDA critical new tools to police this dramatically different marketplace.

We have also worked to address the area of drug shortages, which is a complex and multifaceted problem, but this legislation takes some sensible first steps.

I want to thank my colleagues on both sides of the aisle and their staffs for the hard work they've put into making this a strong bipartisan bill. I particularly want to thank Mr. PALLONE and Mr. DINGELL's staff members, Tiffany Guarascio and Kim Trzeciak, as well as Mr. UPTON and Mr. PITT'S staff, Ryan Long and Clay Alspach.

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

Mr. WAXMAN. I yield myself an additional 30 seconds.

Warren Burke and Megan Renfrew have done tremendous work on this bill. I'd like to express my appreciation for their efforts. I want to thank my own staff: Karen Nelson, Rachel Sher, Eric Flamm, and Arun Patel.

The American public will benefit from the provisions of this bill. The FDA will have the resources to remain the gold standard for the future. This is an important bill, a good one. I urge its support.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I rise in strong support of this bill. When the American public asks, ''Why can't Congress just work together?'' we should hold this bill up as Exhibit A that it is possible.

As the ranking member just pointed out, this is a bipartisan, bicameral preconference agreement for a very complicated bill. We reauthorize the Food and Drug Administration user fee program for 5 years. We also reauthorize the medical device user fee program for 5 years, and, I believe for the first time, do one for generic and biosimilars. This is a complicated, complex piece of legislation, but it has been worked out in a bipartisan agreement.

I have had some concerns about the extent and the cost of the user fees. I will continue to monitor that, Mr. Speaker. But this is a good piece of legislation. The chairman and ranking member and the subcommittee chairman and ranking member and all the others who have worked on this should be commended. This is an excellent bill, and I hope that the Congress will unanimously support it and the Senate will agree when we send it to the other body.

Mr. WAXMAN. Mr. Speaker, at this time, I'd like to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the ranking member of the Health Subcommittee, the subcommittee that was responsible for this legislation in its first instance.

I ask unanimous consent that Mr. PALLONE be permitted to manage the rest of the time on our side of the aisle.

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

There was no objection.

Mr. PALLONE. Thank you, Chairman WAXMAN.

I want to say I'm very proud to support the bill before us, which would reauthorize and revitalize a number of different programs at the FDA.

This bill really represents a great compromise between the House and the Senate and strikes the right balance by including strong provisions that will be good for both innovation and patient safety.

When we passed the House version of this bill, I spoke highly of a great cordial process, and I'm happy to be able to echo those sentiments again here today. This process should be a model for congressional bipartisan cooperation in the future. Not only did we all work so well together, staffs were able to rectify the differences among the two Chambers' versions of the bill in a matter of 2 weeks. That's commendable. It's a clear indication that Congress is certainly capable of greatness if we just allow ourselves to set politics aside and simply legislate.

I want to thank Chairman UPTON and Ranking Member WAXMAN for your leadership. And to all the staff who worked around the clock—and of course particularly Tiffany Guarascio, who is my staff person—they were all dedicated to achieving a comprehensive and consensus product, and they've done just that.

The bill before us today provides the FDA with more than $6 billion over 5 years to pay for the timely and efficient reviews of medical products. Together, these agreements will ensure that Americans have access to safe and effective new medicines and medical devices. It will reduce the drug costs for consumers by speeding the approval of lower cost generic drugs with the establishment of a new user fee program for generic drugs and for lower cost versions of biotech drugs as well.

It also includes promising provisions that address the safety of the supply chain, help to foster the development and safe use of prescription drugs for children, increase efforts to address drug shortages, change conflict of interest rules so that the FDA has access to the best expertise on their advisory panels, and other provisions which are important to the pubic health of our Nation.

This bill is good for the FDA; it's good for industry; it's good for patients alike. I'm confident we will pass this critical bill overwhelmingly today and that the Senate will act early next week so we can send it to the President for his signature as soon as possible.

I urge all Members to support this bill, and I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I stand to strongly support this legislation.

This bipartisan agreement represents over 18 months of work from the Energy and Commerce Health Subcommittee, and I'm especially proud and appreciative of the hard work of Ryan Long and Clay Alspach for their diligent and tireless efforts in helping to make this bill possible.

The FDA Safety and Innovation Act is critical to saving lives, improving regulatory operations, and sustaining a vital and dynamic American industry.

□ 1440

American companies are the leading developers of new medical devices and drugs to save and sustain life. To ensure that products are both safe and effective, we've tasked the Food and Drug Administration with reviewing products before they make their way into the market, and this is a critical responsibility.

The device and drug industries are dynamic and innovative. Companies spend hundreds of millions of dollars and years of research and work to develop products. The review stage is a critical time for any company. Inconsistent reviews mean that the true cost of developing new products is hidden, making it difficult to properly prepare.

When our Health Subcommittee began considering this legislation last year, we heard from a number of individuals about the increasing difficulty of working through the review process. American patients were waiting almost 4 years longer for new devices that had already been approved in Europe. And despite the slower U.S. review process, the safety outcomes were comparable.

The FDA Safety and Innovation Act contains important reforms to the Medical Device User Fee Act and will hold the FDA accountable and keep reviews on schedule. There are many reforms in this bill.

Finally, we include language to help patients and doctors and hospitals deal with drug shortages. Mr. Speaker, I'm

proud of the work we've done. I'm proud that we have such a bipartisan effort.

I'd like to especially thank Ranking Member FRANK PALLONE and his staff for patiently working with us, for Mr. DINGELL, Mr. WAXMAN. We've accomplished much with this legislation, and it will help save lives, create jobs—two goals that we can all agree on. Thanks to our chairman, Mr. UPTON.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to our chairman emeritus, the gentleman from Michigan (Mr. DINGELL), who worked so hard on this bill, particularly with regard to the safety provisions.

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

Mr. DINGELL. Mr. Speaker, this is a good bill. I urge my colleagues to support it. I rise in strong support of it, and I urge my colleagues to join.

This legislation enjoys broad bipartisan support on both sides of the Capitol and from industry and patient groups. We should also be proud of the work we have done to get it here today.

I would observe that it has been done because the Members worked together in the finest traditions of this body. And I'm also proud of the work that my colleagues on the committee and the staff have done on this matter. I was pleased to work with them to include strong upstream drug supply chain provisions, something that's been a long priority of mine.

I'm also pleased that, for the first time, commercial importers will be required to register, so we'll know who's bringing what in and whether it's safe or not. There will also be parity between inspections of domestic and foreign drug facilities, something which is a major problem because foreign facilities and foreign manufacturers now import much into this country, much of which is unsafe and improperly inspected.

FDA will be able to maintain a practice in which they will detain and destruct counterfeit drugs and those which are unsafe or intentionally or otherwise adulterated, and they will be able to impose increased penalties on those who adulterate these drugs and pharmaceuticals.

These provisions, which mirror safety provisions in my drug safety bill, will equip FDA with the authorities it needs to better oversee our increasingly globalized drug supply chain and will give American families comfort that the pharmaceuticals that they are taking are safe, and help to deter and to respond to any future heparin-like incidents which killed some 80 Americans and hurt thousands more.

While I am disappointed we were unable to come forward with a consensus on a national track-and-trace standard, it's my hope that we will continue to work on this in coming days. And I want to commend my colleagues, Mr. MATHESON and Mr. BILBRAY, for the fine work they have done on this matter.

I've also been working on this issue for many years, and we've come closer than ever before to finding a consensus. Given additional time, I think we could have resolved this issue; but because of time pressures, we were not able to.

I also want to thank my friends, Mr. UPTON, Mr. HARKIN, Ranking Members WAXMAN and ENZI, and their staff for the hard work they did to send this critical bill to the President before July 4. I also want to thank Kimberly Trzeciak of my staff for her diligence on the supply chain provisions and other matters.

I urge my colleagues to support this bill. It will be something of which we will be proud. It will confer much safety on the American people in areas of very substantial danger; and it will see to it that, to a modest degree at least, the industry-supported provisions, including those which involved the collection of fees, will begin to work for the benefit of the American people.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), the distinguished vice chair of the Health Subcommittee.

Mr. BURGESS. I thank the chairman for yielding and the Speaker for the recognition.

Today, we are considering the Food and Drug Administration's Safety Innovation Act, and I urge my colleagues to support it. This bill reauthorizes Food and Drug Administration's user fee programs. The bill will allow industry to continue to partner in providing our physicians the tools they need to prevent and alleviate human suffering.

The legislation retains significant reforms that were made in our House bill and enhances other provisions, such as those on drug shortages. The bill will ensure that the Food and Drug Administration has the scientific and medical expertise they need when reviewing products utilizing emerging science, or for those populations with very rare diseases.

This bill will spur innovation for antibiotics, will help those with rare diseases, and be particularly helpful to the community of physicians that takes care of our pediatric cancer patients.

The Food and Drug Administration is now required to notify Congress before issuing guidance regarding the regulation of laboratory-developed tests. I still believe we should strengthen and improve CLIA's oversight of laboratory-developed tests, instead of even contemplating any type of duplicative regulation.

The bill avoids provisions added by the other Chamber that I thought crossed the line into the practice of medicine by Congress and actually threatened patient treatment. It will address numerous other issues to enhance the work of the FDA, while correcting missteps of the Agency in such areas as public input, good guidance practices, and the manufacture of custom devices.

The process to this vote from the very beginning was respectful and resulted from hundreds of hours of negotiations. Chairman UPTON, thank you, and Chairman PITTS, Ranking Members WAXMAN and PALLONE. I specifically want to thank Ryan Long and Clay Alspach on the staff of the majority who sacrificed much to get this product to the floor today.

This vote is really about patients who will be served by the passage of this bill, and I urge its expeditious passage.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE), who worked very hard on the drug shortage provisions of the legislation.

Ms. DEGETTE. Mr. Speaker, I'm delighted to support this bipartisan legislation which addresses critical problems affecting the safety of drugs and medical devices in this country. There are several highlights I'd like to talk about, like Dr. GINGREY's incentives for antibiotic development, or the supply chain legislation that Mr. DINGELL has worked on tirelessly for years.

But there's one issue that I've been working on on a bipartisan basis throughout this Congress that I want to discuss briefly. Drug shortages have rattled our hospitals, our doctors, and our families. Figures recently released by the University of Utah show there were 56 more newly reported drug shortages in the U.S. last year than in 2010 when there were 211.

So, again, let me say 211 drugs in shortage. How can this be happening, and what can we do about it?

Representative TOM ROONEY from Florida and I introduced the bipartisan Preserving Access to Life-Saving Medications Act, which eventually had 85 cosponsors. The bill creates an early warning system between the FDA, drug companies, and providers so a community can respond to a drug shortage quickly and efficiently. It won't solve the root problems of the drug shortage crisis, but it will help providers and doctors and hospitals identify those crises and help with the patient.

This February, for example, under a voluntary program, the FDA stepped in to allow for temporary emergency importation of the cancer drug, Doxil, which was in shortage. And at the same time, the FDA prioritized the review of a new manufacturer of the same drug when the cancer drug went into shortage.

So what our bill will do is make this program mandatory. What we think it will do is it will help patients across the spectrum get the drugs they need. It will help the hospitals and the providers identify potential shortages, and it will help the manufacturers better make sure that they get the drugs to the patients that need them.

I'm thrilled that this is contained, and I want to thank the chairman.

□ 1450

Mr. UPTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. My colleagues, this reauthorization of the FDA's user fees will provide stability for the FDA's new product review as companies submit new and innovative drugs, medical devices, and biologics for approval.

I am especially proud that my bill, the Faster Access to Specialized Treatments, H.R. 4132, FAST, was included in the FDA Reform Act. FAST modernizes the FDA's accelerated approval pathway to reflect scientific developments that have occurred over the past 20 years. This will allow for new drugs for people suffering from rare diseases. There are 30 million Americans suffering from one of over 7,000 rare diseases, but only 250 currently have any treatment. FAST will save lives.

I am pleased also that the bill includes the EXPERRT Act, H.R. 4156. This will help the FDA consult with medical experts when evaluating drugs designed for rare diseases, such as cystic fibrosis. As the cofounder of the Cystic Fibrosis Caucus, I am glad we are finally providing this tool to the FDA.

I obviously support the passage of this bill.

Mr. Speaker, the Food and Drug Administration Safety and Innovation Act (S. 3187) is based on user fee negotiations between FDA and the prescription drug, generic drug, biologic, and medical device industry. This reauthorization of the FDA user fees will provide stability with FDA's new product review as companies submit new and innovative devices and drugs for approval.

This bill is the result of hard work and negotiations between industry and FDA, and the hard work between Republicans and Democrats, and between the House and the Senate. This bill is a true bipartisan, bicameral bill that will serve the American people well.

In codifying the User Fee Agreement, this committee has included additional provisions designed to address some of the defects of the regulatory structure and overreach by the FDA. Under my Chairmanship of the Oversight and Investigation Subcommittee, we held a hearing into FDA's regulatory efforts in the medical device space. During our hearing, many of the witnesses talked about the reluctance of FDA to approve devices and how FDA continually moved the goalposts for approval. I am glad that Title VI of this bill includes a significant number of reform provisions designed to bring certainty to the medical device field.

In addition to reforming approaches to medical devices through Title VI, the FDA's approach to rare diseases must also be modernized.

I want to take this opportunity to thank Dr. Emil Kakkis, Julia Jenkins, Harry Sporidis, Tim Perrin, Steve Stranne, everyone at the EveryLife Foundation for Rare Diseases, Pat Furlong, Nick Manetto, everyone at the Parent Project Muscular Dystrophy, and the other 150 rare disease groups that supported FAST and ULTRA. In 2011, I met with Dr. Kakkis who introduced me to two parents who had children with rare diseases and limited options as most rare diseases do not have treatments. One parent talked about his frustration at not having any treatments, except for a drug trial happening in Europe, not the United States. We talked about how we need FDA to properly address the issue of drug approval for the rare disease community, which led to examining the Accelerated Approval pathway and trying to modernize it. We developed the Unlocking Lifesaving Treatments for Rare-Diseases Act (ULTRA, H.R. 3737), which I introduced with my friend and colleague, Rep. ED TOWNS, to nudge the FDA into using Accelerated Approval for rare diseases.

However, after further review of the law, FDA's history of usage of Accelerated Approval and the feedback we received from stakeholders, we realized that amending the law was not sufficient. Instead, we worked with all the stakeholders to rewrite the entirety of the Accelerated Approval statute. In March, Representative TOWNS and I introduced the Faster Access to Specialized Treatments Act (FAST, H.R. 4132). FAST updates and modernizes Section 506 of the Food, Drug & Cosmetic Act, and updates the Accelerated Approval statute to reflect two decades worth of medical sciences that has occurred since Accelerated Approval was first created. FAST will help FDA implement broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases by using modern scientific tools.

The use of surrogate endpoints may result in fewer, smaller or shorter clinical trials without compromising FDA's existing high standards for safety or efficacy. Surrogate and clinical endpoints only need to be reasonable predictors of clinical benefit to support accelerated approval. They do not need to be validated or proven first. The changes made to current law permitting the Secretary to require validation of surrogates following accelerated approval is not intended to change FDA's long history of granting accelerated approval based on unvalidated, but predictive, surrogate endpoints.

Additionally, FAST includes explicit language for FDA to think about the challenges of rare diseases when developing their guidance and gives the rare disease community an opportunity to publically comment on FDA's draft guidance. FAST ensures that the voices of the 30 million Americans with a rare disease will be heard by FDA. There are about 7,000 rare diseases and only about 250 have any treatment. FAST will save lives, and give a voice to the voiceless; and I am glad it is in the final bill.

Lastly, the committee included the Expanding and Promoting Expertise in Review of Rare Treatments, (EXPERRT Act, H.R. 4156), a bill my fellow Co-Chairs of the Cystic Fibrosis Caucus and I introduced. EXPERRT will have the FDA consult with experts in rare diseases. This will ensure that FDA has access to the knowledge needed when dealing with drug approvals for diseases where FDA may lack subject matter expertise. As one of the Co-Founders of the Cystic Fibrosis Caucus, I am glad that we are giving this tool to the FDA. I also want to thank Stephanie Krenrich and the Cystic Fibrosis Foundation for all their hard work in developing EXPERRT.

I would like to submit these letters from the EveryLife Foundation for Rare Diseases and the Parent Project Muscular Dystrophy into the RECORD.

S. 3187 is a good bill that will help new drugs and new medicines get into the market and be available to patients. I support passage of the FDA Safety and Innovation Act.

PARENT PROJECT
MUSCULAR DYSTROPHY,
Hackensack, NJ, June 20, 2012.

Hon. CLIFF STEARNS,
U.S. Congress, Washington, DC.
Rayburn House Office Building,

DEAR REPRESENTATIVE STEARNS: On behalf of all patients and families living with Duchenne muscular dystrophy—the most common form of muscular dystrophy and the most common lethal genetic condition diagnosed in childhood—Parent Project Muscular Dystrophy (PPMD) would like to express its deep gratitude for your efforts to include provisions of deep interest to the rare disease community in S. 3187, the Food and Drug Administration Safety and Innovation Act. The final user fee reconciliation package between the House of Representatives and Senate includes a number of measures that will accelerate the Food and Drug Administration (FDA) process of reviewing potential therapies for serious life-threatening conditions like Duchenne, will ensure that the patient voice has a seat at the table when key decisions are made, and will incent industry to develop treatments for pediatric rare diseases.

As you know, Duchenne muscular dystrophy exemplifies the challenges faced by many patients and families afflicted by rare diseases. It is a fatal condition with most patients not living past their late 20s, and the only approved therapies are steroids, which cause significant complications long-term. With nearly 20 potential therapies in various stages of clinical trials, our community is hopeful that better times are ahead, and we recognize that a more efficient FDA attuned to the needs of the rare disease patient population is critical to our success. Again, we are most appreciative of your efforts to ensure that the above mentioned provisions were included in the final legislation. On behalf of Duchenne and the broader rare disease community, thank you for your leadership and support.

Sincerely,

PAT FURLONG,
Founding President and CEO.

EVERYLIFE FOUNDATION
FOR RARE DISEASES,
Novato, CA, June 19, 2012.

Hon. CLIFF STEARNS,
House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. EDOLPHUS TOWNS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES STEARNS AND TOWNS: On behalf of the EveryLife Foundation for Rare Diseases and our 180 patient organization partners, thank you for championing the FAST Act which is included in The Food and Drug Administration Safety and Innovation Act, S. 3187. This essential legislation will improve access to the Accelerated Approval pathway for rare diseases and spur the development of lifesaving treatments.

Currently, there are fewer than 400 approved treatments for 7,000 rare diseases affecting more than 30 million Americans. Without a treatment, diagnosis of a rare disease can be a death sentence for these patients, many of whom are young children. The science exists for many of these diseases to be treated, and the inclusion of this legislation will provide a more predictable development and regulatory pathway to unlock the investment potential for rare disease treatments.

The language from the FAST Act will fix a ''catch–22'' that prevents very rare diseases

from accessing the Accelerated Approval pathway. We applaud you both for your tremendous leadership in ensuring that this essential provision be included in the FDA user fee legislation. This provision provides FDA the ability to utilize all the tools available to them to help bring new drugs to market to treat rare and ultra-rare diseases while maintaining the FDA's strong safety and efficacy standards. Access to the Accelerated Approval pathway will significantly decrease the time and cost to develop a treatment and has been extremely successful in getting treatments approved for cancer and AIDS patients. Additionally, this provision has an added benefit of promoting private investment in new biotechnology companies and job growth in the United States.

We thank you for your strong commitment to accelerating the delivery of safe and effective therapies to patients in need. We also would like to thank the more than 200 patient organizations including Parent Project Muscular Dystrophy, and the thousands of patient advocates who worked to support this legislation. Passage of this legislation is testament of perseverance of the rare disease community and the commitment of the Congress to promote the development of life-saving treatments.

Sincerely,

EMIL KAKKIS,
President.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise today in strong support of the FDA Safety and Innovation Act. This bipartisan effort will improve the health and safety of the American people; and at the same time, it will support good jobs and innovation in the health care industry. I am especially pleased that this bill includes two provisions which I authored:

The first is modeled on my SAFE Devices Act, which will improve the post-market surveillance of medical devices and the implementation of the unique device identifier program. This essential provision will allow us to identify potential device problems early, thereby protecting patients and identifying issues when they are easier and less costly to address;

The second provision I authored comes from my bipartisan HEART for Women Act, which the House has passed two times. It requires the FDA to report on the availability of new drug and device safety and efficacy data by sex, age, and racial and ethnic subgroups. Drugs and devices can have dissimilar effects among various populations, and this provision will help reduce substantial disparities in health care, especially for women and minorities.

So I thank the chairmen and ranking members for their leadership on the FDA Safety and Innovation Act and for their support of these two provisions. I urge my colleagues to support this bipartisan bill.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from North Carolina, the vice chair of the Energy and Commerce Committee, Mrs. MYRICK.

Mrs. MYRICK. Thank you, Mr. Chairman.

The bill before us contains critical improvements to the current law. Among them is the creation of a priority review voucher program for companies that develop treatments for rare pediatric diseases. I am pleased with this and other advances.

Yet the long-term success or failure of crucial drug and device approvals doesn't just depend on approving new funds and guidelines for the FDA. It also depends on instilling a culture at the FDA that seeks out practical solutions to the diseases that our constituents face. The FDA must recognize that patients, especially those with fatal illnesses, deserve to have potential treatments made available.

Whenever possible, the FDA should use all the tools it has available to appropriately warn doctors and patients of risks associated with a treatment without removing patient access. Patients facing fatal diagnoses, whether it's metastatic cancer, ALS or others, should be given the benefit of the doubt unless treatments are very risky. This should be a guiding principle of the FDA and not simply a consideration.

I urge the support of the bill.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me.

I rise in strong support of S. 3187, the Food and Drug Administration Safety and Innovation Act of 2012.

This is one of these rare occasions these days when Congress is working in a bipartisan manner to get good things done. This bipartisan, bicameral agreement is something of which we can all be proud; and it is a prime example, again, of the good legislative work that can be done by this body when compromises are accepted.

In particular, I would like to thank the chairmen and ranking members of the full Energy and Commerce Committee and of the Health Subcommittee for their hard work to finalize this bill in such a timely manner. I would also like to thank them for including the reauthorization of the Critical Path Public-Private Partnerships in this legislation, something for which I pushed for a long time so that needed improvements in regulatory science can continue.

I believe this bill will help meet the needs of the FDA industry and, most importantly, of the patients. I look forward to its passage.

Mr. UPTON. I yield 1 minute to the distinguished gentleman from Pennsylvania, Dr. MURPHY.

Mr. MURPHY of Pennsylvania. Mr. Speaker, what good are life-saving drugs if you can't afford them?

That's why real reform of the Nation's health care system begins with promoting quality and affordability. I am excited this legislation is moving forward because the FDA will finally have a system for bringing more life-saving generic drugs to market.

Today's bill authorizes the first generic drug user-fee program in order to expedite the approval of generics, which are only a fraction of the cost of brand-name drugs. Generic medications can save a patient $1,000 a year on medication alone, but it may well yield billions in savings across our Nation when affordable generic drugs are used to treat acute and chronic illness. Right now, consumers are spending millions, if not billions, more in out-of-pocket costs because the FDA doesn't have the resources to tackle 2,800 generic applications awaiting review.

There will be fewer strokes, heart attacks, and cases of cardiovascular disease when this bill moves forward into law, and we will be assured the medicines our families take are of the highest quality. Under this bill, regulators will no longer be able to look past China's history of tainted drugs, like the 2007 heparin scare that killed 200 people.

I would like to thank Congressmen DINGELL and WAXMAN and Chairman UPTON for moving forward with this bipartisan bill. I urge its adoption.

Mr. PALLONE. Mr. Speaker, I inquire of how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from New Jersey has 6½ minutes remaining, and the gentleman from Michigan has 9 minutes remaining.

Mr. PALLONE. I now yield 1½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me thank you, Mr. PALLONE, for yielding the time, and I thank you so very much for your leadership on the Health Subcommittee. You do extraordinary work on our committee.

Mr. Speaker, I rise today in support of S. 3187, the amended version of the Food and Drug Administration Safety and Innovation Act. I strongly support this bill, and I am particularly pleased that the intent of H.R. 3059, the Creating Hope Act, sponsored by my good friend from Texas (Mr. MCCAUL) and myself, was included in the final bill.

I am thrilled to highlight section 908, the Rare Pediatric Disease Priority Review Voucher Incentive program. The program will incentivize pharmaceutical companies to develop new drugs for children with rare pediatric diseases, such as childhood cancers and sickle cell disease, by expanding the cost-neutral priority review voucher program. Expanding the voucher program will allow pharmaceutical companies to expedite the FDA review of more profitable drugs in return for developing treatments for rare pediatric diseases. I think that is a good trade-off.

I would like to thank Mr. MCCAUL, Mr. WAXMAN, Mrs. MYRICK, and all of those who have worked on this bill with us. I want to thank our Senate colleagues, Messrs. CASEY and BROWN, for working diligently with me and our

colleagues to see to its inclusion. Finally, I want to recognize Nancy Goodman, with Kids Versus Cancer, who continues to be a tireless advocate for this issue.

Mr. UPTON. Mr. Speaker, I yield 1 minute to a member of the committee, the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I stand in support of this bill.

I want to thank Chairman UPTON and the leadership on both sides of the aisle for getting together and doing what's right for the American people.

In this time that we talk about economic strife, we've got to remember that the FDA can be a friend or an enemy of not only our health but also of our jobs and our economic opportunities. In California alone, Mr. Speaker, we have over 267 people working in the pharmaceutical industry.

□ 1500

We have over 42,000 just working in San Diego County.

This bill will not only help to protect jobs, but this bill is a bipartisan bill to save lives. What better message can we send to the American people than Washington is listening to the fact that they want bipartisan support and bipartisan efforts and bipartisan successes on things that matter?

This bill is something that matters. We're talking about preserving the economic opportunities of our fellow citizens, and we're talking about saving the lives of our family members and our neighbors.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I would like to thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE and their staffs for their work in bringing the FDA Safety and Innovation Act to the floor today.

Passing this bill will allow the FDA to continue its critical mission of bringing safe and effective drugs and medical devices to the patients who need them. Reviewing drug and device applications has become increasingly challenging. Medical breakthroughs of today often target rare diseases or genetic subsets of those diseases. FDA reviewers must now assess a growing pipeline of very specialized treatments.

I'm pleased that this bill includes language I helped author to improve collaboration between FDA and external experts in rare diseases like cystic fibrosis and sickle cell disease.

The bill before us today also includes an important provision I helped author to ensure that the millions of Americans who are blind or visually impaired have safe and independent access to the information on prescription drug labels. No one should have to sacrifice their privacy or independence to access the vital information on these bottles, and I'm glad we're taking steps to address that here today.

Finally, this bill helps increase the availability of pediatric medical devices and ensures that medications are tested and labeled appropriately for children. I was proud to work on these provisions with my colleagues, Congresswoman ESHOO and Congressman ROGERS.

I would have liked to have seen additional measures included in this bill to ensure the safety of medical devices based on defective models that have already been approved by the FDA, that unfortunately continue to be sold and jeopardize patients' health all across this country. I am going to continue to work on this critical issue. I believe it's a problem that we must solve. Once the FDA approves a device and then it turns out that there's a defect, there should be no excuse for allowing new companies to build their devices based upon the old approved defective model that the FDA had approved. Tens of thousands of Americans are put in jeopardy, and I would like to work to solve that problem.

Nonetheless, this is an excellent piece of legislation, and I hope that the House gives it its overwhelming approval.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY, a member of the committee.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

The FDA Safety and Innovation Act of 2012 may not be a great bill, but it is a darn good bill. And as a physician and a member of the Energy and Commerce Committee, I strongly support it.

As my colleagues have said on both sides, this is a bicameral, bipartisan piece of legislation, and yes, we can get our work done. I want to particularly thank Chairman UPTON, Ranking Member WAXMAN, Health Subcommittee Chairman PITTS, Ranking Member PALLONE, and all of the Members that have worked so hard on this really vast, huge bill that covers a lot of things, not the least of which, of course, is to provide 65 percent of the funding for the FDA so they can, indeed, hire the best and brightest scientists so they get their work done in a timely manner, get new drugs to the market, medical devices, and bottom line, keep the health care system in this country the best in the world for our constituents and our patients.

Mr. Speaker, I want to mention one particular aspect of the bill that I was very much involved in, and that's this issue of antibiotic shortage. The bill as it stood alone was called the GAIN Act, and I had a tremendous amount of help on both sides of the aisle. On the Democratic side, there was Congresswoman ESHOO, Congresswoman DEGETTE, and Congressman GENE GREEN. On my side of the aisle, there was MIKE ROGERS of Michigan, Mr. SHIMKUS, and Mr. WHITFIELD. What we do with that portion of the bill is to provide an opportunity for the manufacturers of antibiotics to have an additional 5 years of exclusivity so they can bring these innovative fifth- and sixth-generation antibiotics to the market and still have an opportunity to recoup the investment and the expense of doing so.

I want to just say to my colleagues on both sides of the aisle, it's a proud day, I think, for all of us, for Chairman Emeritus DINGELL, the former chairman on our side of the aisle, Mr. BARTON, and everybody involved in this bill. I thank all of you. Let's all unanimously support this bill.

Mr. PALLONE. Mr. Speaker, I have no additional speakers, so I will reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE), a member of the committee.

Mr. LANCE. Thank you, Mr. Chairman.

Mr. Speaker, such legislation will ensure that patients get improved access to innovative, lifesaving therapies and medical devices while protecting and creating U.S. jobs. The bill is critically important to New Jersey, where we have a high concentration of medical device, pharmaceutical, and life science employees.

I'm pleased that the conference report contains provisions important to streamline and modernize FDA regulations while promoting patient safety. Just as important, today's measure is fiscally responsible, reducing the deficit by $311 billion over the next 10 years according to the CBO.

I thank Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, Ranking Member PALLONE, and members of the Energy and Commerce Committee for working together in a bipartisan capacity on a final bill that protects patients and brings much needed certainty to the medical and biopharmaceutical industries. This is the way Congress should work.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, I appreciate the gentleman for yielding.

I rise today in support of the legislation to reauthorize the Prescription Drug and Medical Device User Fee Act and authorize new user fee programs for generic drugs and biosimilars. The legislation also includes important reforms to grant patients improved access to new therapies and promotes innovation and job creation.

Jobs and the economy are top issues for most Americans, and this bill focuses on that. As a manufacturer, I've heard many stories from many device manufacturers across the country about problems they face with the FDA and how those struggles are making it harder for them to manufacture in America.

This bill includes important changes, including one that I championed, to reform the FDA's guidance process that will inject certainty into the process and create more American jobs.

This bill is an example of working in a bipartisan way to achieve a quality product that creates jobs. I thank the chairman and the ranking member for their work. And, Mr. Speaker, I urge my colleagues to support this bill.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). The gentleman from New Jersey has 3 minutes remaining, and the gentleman from Michigan has 4 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I don't oppose the bill, but I do have concerns about one element of this bill, and that is the provision that affects whistleblowers in the Public Health Service.

The law that would apply to these employees is that of the military, the Defense Department, which, frankly, is weaker than that which applies to protecting whistleblowers who are in the civil service, civilian whistleblowers.

I do think protection of whistleblowers needs to be a priority. In this case, I would hope that we could work in subsequent legislation to protect the rights of whistleblowers who are essential to our being able to do our job, as well as those people in the executive branch. I just wanted to make note of that point.

□ 1510

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), a member of the committee.

Mr. BASS of New Hampshire. I thank the distinguished chairman of the committee for recognizing me for 1 minute.

Mr. Speaker, I rise in strong support of the Food and Drug Administration Safety and Innovation Act.

The user fee process at the FDA is a vital element in maintaining operations at the FDA to bring valuable drugs and devices through the approval pathway and to market. I am optimistic that, with the enhanced financial incentives and resources available to the FDA included in the user fee agreements, we will see shorter approval times and more products available to patients.

Throughout this process, there has been a commitment to addressing the unique issues associated with the rare disease community and bringing it to the forefront of this debate. And I am proud to have had my bill, the Humanitarian Device Reform Act, included as a provision in this device regulatory section. This language will make it easier for medical device manufacturers to create devices specifically for the treatment of individuals, both children and adults, who are afflicted with very rare diseases.

With this increased focus on providing incentives to manufacturers to invest in the development of these devices and drugs, it can be an attainable goal for an individual and family affected by rare diseases to not only improve the quality of life but possibly even find a cure.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I want to applaud, first of all, the chairman, the subcommittee chairman, and the ranking members for their leadership in bringing this bipartisan package to the floor.

Mr. Speaker, nearly every week, I get a chance to tour a medical device company in my district. And almost every week, I hear a similar story from these companies that talk about how the FDA has become so burdensome and bureaucratic and inefficient that they move the goalpost in the process of the device approval process. As a result, some of these companies are closing their doors. Some of these companies are investing overseas and moving jobs, as opposed to keeping them in their home State of Minnesota or here in the United States.

Unfortunately, it seems that Washington tends to thrive on these types of bureaucracies and inefficiencies. And I think the package that is before us today is designed to help correct that. The FDA review process needs to be rigorous, but it also needs to be relevant. You have heard that message time and time again: We have to find ways to streamline and modernize the FDA so that the United States can remain the leader in global medical innovation.

This package absolutely moves us closer to meeting all of those goals. These reforms will make the device approval process much more transparent, much more consistent, and much more predictable. And specifically, I'm happy that my provisions to streamline the third-party review process were included as well.

I want to thank the chairman and Members for their bipartisan support, and I urge the support of my colleagues.

Mr. UPTON. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining, and the gentleman from New Jersey has 2½ minutes remaining.

Mr. UPTON. Mr. Speaker, I have no further requests for time. So if the gentleman wants to close, then I will close.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2½ minutes.

Mr. PALLONE. Thank you, Mr. Speaker. I won't use all the time.

I just want to stress, again, that the process of getting this bill passed and moved both here and in the Senate has been just a great model, if you will, for what we can do when we want to get together and work together on a bipartisan, bicameral basis. So I can't say enough about everyone who was involved on both sides of the aisle and staff for making this happen today.

I also want to reiterate some of the things that some of my colleagues have said about how important this is. Because it's on a suspension, some people may say, Well, how important is it? It is extremely important. And some of those sentiments have been echoed by those who talk about the drug and medical device industry, which is really so important to this country.

We pride ourselves on innovation. As some of you know, many of these companies are in my district. And we pride ourselves on the fact that Thomas Edison had his lab at Menlo Park, in my district, and that we are an innovative area in New Jersey, and New Jersey as a whole. But innovation can't continue to happen in this industry unless we continue to have an FDA process that runs smoothly and effectively.

The fact of the matter is that this legislation is designed to make sure that that continues to happen, that the money is available so we can have an efficient process that continues to make the United States the innovator in the area of pharmaceuticals and medical devices.

I'm very proud to have been part of this today. I urge everyone to support the bill. I thank my colleagues.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2 minutes.

Mr. UPTON. Thank you, Mr. Speaker.

Mr. Speaker, I just want to say that with all of the positive comments here, this bill was not a piece of cake. There was a lot of hard work on both sides of the aisle, particularly by the staff on both sides of the aisle. Again, I want to cite Clay and Ryan on our staff.

But let's face it: All of us particularly involved on the health side of the issues, as we meet with different folks afflicted with different diseases, we want to find a cure. And it would be great to find that cure here in America because we have outstanding pharmaceutical industries that have the talent and the staff to work with the different departments, whether it be the NIH, the CDC, certainly the FDA.

So we really did set out last summer to embark on a good listening session to find out what it is that we needed to do not only to find the cures and the prescriptions but the right process for them to be approved so that those companies that are willing to make that investment would stay here in America and not go overseas. Because we really do want it made in America. We have the best folks here. And that's what this bill does.

The hard work in so many of the hearings that JOE PITTS led with Mr. PALLONE, the work, the amendments, the subcommittee, the full committee, that whole process to get it done before it really expired later on this year is so important not only to the workers but, more importantly, to the patients.

So dealing with the drug shortages and working with Mr. MCCAUL and the different rare diseases, all of those different elements, we were able to weave

into what I think is a mighty fine, strong bill. And to then, of course, work with our counterparts in the Senate, whom we often bash here, but they actually stayed with us, and we were able to work in a very strong bipartisan way to get our two bills refined and done in order to bring up on the House floor this afternoon.

I want to compliment everyone—and certainly Mr. WAXMAN, who is back on the floor—our leadership, the team that we had on both sides of the aisle and, again, our hardworking staff that really worked so hard to get this done, which impacts millions of lives.

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

Mr. RAHALL. Mr. Speaker, I support the passage of the Food and Drug Administration Reform Act, which reauthorizes vital programs that will ensure the FDA continues to study and approve life-saving drugs and medical devices and work to prevent drug shortages of much needed medications.

I am concerned, however, that the Congress is not doing more to fight prescription drug abuse. Members of the House were not permitted to offer amendments to address prescription drug addiction when this measure came before us last month, even though the FDA has a vital role in regulating the addictive qualities of drugs that are manufactured and ensuring sufficient education and awareness for health care providers and the general public.

This conference report is a bittersweet pill to swallow. While it includes a provision that will ban the sale of dangerous synthetic drugs, which I support and the House of Representatives passed late last year, the FDA's programs could have been strengthened significantly to address substance abuse and its impact on our Nation's economic and security needs.

If one reads any newspaper in southern West Virginia, you will undoubtedly find downright scary stories of families, children and seniors devastated by prescription drug abuse, and the crime that it engenders. As many of my colleagues know, fighting back against this unending wave of abuse will take the action of all—local, state and federal governments. I have introduced legislation, as have a number of my colleagues who serve in the Prescription Drug Abuse Caucus, which would arm our law enforcement, physicians, and local communities in this fight—making it harder for pills to get into the wrong hands and be misused, and ensuring that all prescriptions are properly monitored.

Though this bill mentions the need to combat abuse of prescription drugs, it is not nearly strong enough, nor should we consider it sufficient, in addressing what has become a crisis in too many Appalachian communities. Our families and communities need more than recommendations—they need action, and they simply cannot wait any longer for help.

I urge House leadership to work with members of this body who are committed to fighting back against this plague and saving our communities to consider legislation that will stop this scourge.

Mr. DENT. Mr. Speaker, I rise in support of the Food and Drug Administration Safety and Innovation Act and particularly the provisions related to synthetic drugs.

I introduced H.R. 1254, the Synthetic Drug Control Act, after the issue of synthetic or designer drugs was first brought to my attention by a constituent whose son had been abusing legal substitutes for marijuana.

H.R. 1254 passed the House by a strong, bipartisan vote of 317 to 98 this past December.

After months of hard work, I am glad to see that similar language has been included in the House Amendment to the Senate-passed FDA reform bill. I would like to thank Chairmen UPTON and SMITH for their diligent efforts in advancing this legislation.

This legislation will finally add a long list of dangerous drugs to Schedule I of the Controlled Substances Act.

It covers synthetic cannabinoids, which affect the brain in a manner similar to marijuana but can actually be even more harmful, as well as many of the chemicals used in so-called "bath salts," which have properties similar to cocaine, methamphetamine, LSD, and other hard street drugs.

It will also double the amount of time that DEA may temporarily ban a new substance while working to prove that the drug in question should be banned permanently.

As we speak, the proliferators of these deadly chemicals are working on new formulas to circumvent Federal law.

This additional time will enhance DEA's ability to combat new and emerging substances.

This legislation is especially timely given the recent reports of inhuman and psychotic acts committed by individuals high on bath salts.

Last month, we all heard the horrifying story of a Miami man who stripped naked, assaulted another individual, and chewed his face off before being shot dead by the police.

Last year, a man in my district was arrested after injecting himself with bath salts and firing a gun out of his window in a university neighborhood. He later attributed his actions to a drug-induced state of paranoia.

Poison control centers nationwide have reported exponential increases in calls related to synthetic drugs, and far too many deaths have resulted both from overdoses and the Psychotic behavior that the drugs induce.

For the inclusion of this important public safety language and for the many ways this legislation will spur economic growth and medical innovation, I urge all of my colleagues to vote in favor of the underlying bill.

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

□ 1520

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. MCKINLEY. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. MCKINLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on the provisions contained in title V of the House bill (relating to coal combustion residuals).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from West Virginia (Mr. MCKINLEY) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Speaker, I yield myself 7 minutes.

Concrete is a fundamental element of roads, bridges, and infrastructure projects, and an important element of concrete is coal ash. This is now the fourth time the House has affirmed and reaffirmed its support for the beneficial use of recycling coal ash.

Currently, the conference committee on H.R. 4348 is deep in productive negotiations, and strong bipartisan compromises have occurred relative to the coal ash provision. My intent today is to urge the conferees to continue these bipartisan negotiations and retain this important, cost-saving provision in the final bill.

We're not here to rehash the same ideologically motivated arguments that we have heard from the extremists. Simply put, we are here to help put people back to work, to give American businesses certainty, and to protect the health and environment of our families and friends.

For those who say coal ash is irrelevant to roads and bridges, they couldn't be further from the truth. Concrete suppliers have been incorporating coal ash into concrete mixtures since the construction of the Hoover Dam over 80 years ago. Without coal ash, the cost of construction projects would increase by $100 billion, according to the American Road and Transportation Builders Association, thereby reducing the amount of moneys available for roads and bridges and infrastructure in America.

Keep in mind, less construction results in fewer jobs. By retaining this bipartisan section of the highway bill, Congress will be also protecting the 316,000 jobs that are at stake in the recycling of fly ash—jobs involving concrete block, brick, drywall, ceramic tile, bowling balls, and even in the cosmetics industry. For those who have been asking where the jobs bills are, this is a jobs bill.

Among the supporters of this language are the Chamber of Commerce, the National Association of Manufacturers, the International Brotherhood of Electrical Workers, the United Mine Workers, the United Transportation Union, the American Road and Transportation Builders Association, the International Brotherhood of Boilermakers, and the AFL–CIO's building and construction trades.

Consider these quotes, Mr. Speaker:

''Removing coal ash from the supply chain could increase the price of concrete by an average of 10 percent,'' according to the National Association of Homebuilders.

According to the National Association of Manufacturers:

''Coal ash contributes $6-$11 billion annually to the U.S. economy through revenues from sales for beneficial use, avoided cost of disposal, and savings from use as sustainable building materials.''

Mr. Speaker, currently 60 million tons of coal ash is recycled annually. According to EPA's own data, coal ash replaces between 15 and 30 percent of the Portland cement used in concrete. The EPA has noted that the use of coal ash in concrete has resulted in saving as much as 25 million tons of greenhouse gas emissions annually and as much as 54 million barrels of oil. The EPA has indicated the annual financial benefits of using coal ash as a substitute for Portland cement contributes nearly $5 billion in energy savings, $41 billion in water savings, $240 million in emission reductions, and nearly $18 billion in nongreenhouse gas-related air pollution. The EPA itself states that coal ash leads to ''better road performance.''

Two studies, one in 1993 and another in 2000, both under the Clinton administration's EPA, found that coal ash did not warrant the regulations being pushed by the Obama administration. In 2005, the EPA, the Federal Highway Administration, and the Department of Energy collaborated with the private sector to craft guidance on the appropriate uses and benefits of coal ash in highway construction.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 5 minutes.

Reauthorizing the surface transportation programs is important for communities across the country. It will help revitalize our transportation infrastructure and will create jobs. The Transportation Conference Committee must work together to finalize a conference report as soon as possible to get people back to work.

The Senate worked in a bipartisan manner to develop a strong bill that will create jobs and help the economy. They focused on the core issues, ignoring the temptation to attach side issues to this important legislation. Unfortunately, the transportation bill is now being jeopardized by extraneous and antienvironmental provisions being pushed by Republicans in the House.

Instead of working to come to agreement on important transportation policy provisions, House Republicans are holding the bill hostage for a legislative earmark for the Keystone XL tar sands pipeline, provisions that steamroll environmental review of projects, and the McKinley coal ash bill that eliminates existing authority to protect human health and the environment from the risks posed by unsafe disposal of coal ash.

This motion to instruct is the latest effort to push these positions. It would instruct the transportation conferees to insist on the McKinley coal ash bill in the transportation bill.

But the McKinley coal ash proposal is extraneous. If we do nothing on the transportation bill to address coal ash disposal, then coal ash will continue to be available for use in concrete for transportation projects just as it is today. Current Federal regulations do not restrict the use of coal ash in concrete. And counter to what you may hear today, EPA has not proposed to regulate such beneficial reuses.

Although some may suggest that recycling of coal ash will decrease because of stigma, experience has shown that when waste materials are regulated, as EPA has proposed to do for coal ash, the rates of recycling and reuse increase. This has happened with other regulated wastes, and it has happened with coal ash in Wisconsin, which has a robust regulatory scheme. There's a very simple reason for this: Disposal in unsafe pits is inexpensive but environmentally dangerous. When reasonable environmental safeguards are put in place, the cost of disposal will increase. That makes alternatives like using coal ash in concrete more attractive.

The coal ash legislation that this motion seeks to include will not ensure the safe disposal of coal ash. It will not prevent coal ash impoundments from catastrophically failing. It will not protect against significant environmental and economic damage. And it will not prevent contamination of public drinking water systems.

The McKinley coal ash bill will not stop another spill like we saw in Kingston, air pollution like we have seen in Gambrills, Maryland, or water pollution like we have seen nationwide.

□ 1530

What this coal ash proposal will do is stop the transportation conference from succeeding. This motion to instruct attempts to lock the House conferees into a position that the Senate will only reject, and it will doom the transportation conference committee to failure.

We can retreat to intractable positions on extraneous issues, making a transportation bill difficult, if not impossible, to pass, particularly in the time frame that we have set out for us; or, we can work together in the time we have to produce a transportation bill that will be signed by the President and will keep our economy on the mend.

A vote for this motion is a vote against completing the transportation conference. I urge all Members to say ''yes'' to transportation and vote ''no'' on this position motion.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes to my colleague from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, it is great to be down here.

This is why this provision of this bill is really pertinent to the highway bill. Here it is: Flex concrete, fly ash, lighter, more durable.

I have two documents I brought to the floor. The second one reads in the acknowledgments:

This document was prepared by the U.S. EPA in cooperation with the following agencies and associations: Department of Energy, Federal Highway Administration, American Coal Ash Association, and the Utility Solid Waste Activities Group.

What is interesting about these two books, one published in June 2003, the other one published in 2005, is they go through all of the great uses of fly ash in construction, and I would like to read just a few of those.

Here's one: ''Fly ash improves workability for pavement of concrete.''

Remember, a DOT book, EPA approved, DOE approved.

The next one has: ''Fly ash concrete is used in severe exposure applications such as the decks and piers of Tampa Bay's Sunshine Skyway Bridge.''

Nice photo here, beautiful bridge. So this is not new. This is reaffirming what the construction industry has been doing for decades. And actually in this other pamphlet, I'll talk about even greater use.

Here's another one: ''Fly ash concrete finishing.''

Again, this is a Federal Highway Administration book, Department of Energy book, sponsored by the U.S. EPA, all saying good things about fly ash in road construction.

''Full-depth reclamation of a bituminous road.''

Another one: ''Flowable fill used in a utility trench application,'' all dealing with fly ash.

''Fly Ash in Structural Fills and Embankments''; a nice photo of them using that in the construction sector.

Also, ''Soil Stabilization to Improve Soil Strength,'' all using fly ash applications.

We have a highway bill, and that's why this provision is very, very important; because if the EPA has its way and they label fly ash as toxic, guess what, no more flex concrete, no more building of buildings that have fly ash applications.

This is one of my favorite ones: ''Use of Ash in Construction Through the Ages. In ancient times, the Romans added volcanic ash to concrete to strengthen structures such as the Roman Pantheon and the Coliseum—both of which still stand today.

''The first major use of coal fly ash in concrete in the United States occurred in 1942 to repair a tunnel spillway at the Hoover Dam.

''One of the most impressive concrete structures in the country, the Hungry Horse Dam near Glacier National Park in Montana, was constructed from 1948

to 1952, with concrete containing''—you guessed it—''fly ash.''

We're in Washington, D.C.

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

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

Mr. SHIMKUS. One of the great things we see here, ''In Washington, D.C., both the metropolitan area subway system (Metro) and the new Ronald Reagan Building and International Trade Center were built with''—you guessed it—fly ash and concrete.

''Other significant structures utilizing coal fly ash in concrete include the 'Big Dig' in Boston and the decks and piers of Tampa Bay's Sunshine Skyway Bridge.''

That's why this is applicable to the highway bill. I commend my colleague.

Mr. WAXMAN. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Illinois (Mr. RUSH), the ranking member of the Energy Subcommittee.

Mr. RUSH. Mr. Speaker, I want to thank the ranking member on the Energy and Commerce Committee and let him know how much I appreciate not only his leadership on other issues, but particularly his leadership on this issue here.

Mr. Speaker, I stand here astounded, amazed, and bemused at the remarks of the past speaker. You know, he wants the American people to be convinced that fly ash is as healthy to them as it can be and that they should, in fact, maybe go out and go to their local drugstore and ask for a bottle of fly ash so they can sprinkle it over their dinner meal as they would maybe a salad dressing. I don't think that the American people would be pleased with that.

Mr. Speaker, I stand in strong opposition to this motion to instruct. At a time when we are facing historic levels of joblessness in communities around the country, in the African American communities and other minority communities, Republicans are playing chicken with the transportation bill, which is intended to provide American jobs and repair our aging infrastructure. It is not to further the contamination of the water supplies, the air supplies in our most vulnerable communities, so why don't we stop the charade. Why don't we stop the asthmatic assault on the most vulnerable segments, the most vulnerable communities in our Nation.

This motion to instruct contains a deadly and dangerous provision that would only allow more poison, more disease, and more death from one of our Nation's biggest waste products—the deadly, cancerous coal ash that's under discussion today.

Coal ash, I want to remind you, is a waste leftover after thousands of tons of coal are burned at coal-fired power plants, and it is laden from top to bottom with toxins such as mercury, arsenic, cadmium, chromium, and lead. These are pollutants that cause cancer, that cause organ disease, breathing problems, neurological damage, developmental problems, and even the final problem, which is death.

Mr. Speaker, title V of H.R. 4348 gives companies an unprecedented ability to pollute under the Resource Conservation and Recovery Act, even though the EPA, the Environmental Protection Agency, found some coal ash ponds pose a 1-in-50 risk of cancer related to residents drinking arsenic-contaminated water, a risk that is 2,000 times the EPA's regulatory goal.

Dangerous coal ash disposal affects thousands of U.S. communities, but research informs us that income and race remain strong predictors of the amount of pollution that Americans face. The majority of coal ash is disposed in grossly inadequate dumpsites, which are primarily located in low-income communities, disproportionately impacting those who are least equipped to respond to water contamination and the onslaught of toxic dust in the air.

□ 1540

Mr. Speaker, low-income citizens are more likely to rely on groundwater supplies and less likely to have access to medical insurance and health care.

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

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

Mr. RUSH. Mr. Speaker, title V of H.R. 4348 fails to protect communities and their drinking water from toxic coal ash or from another messy spill like the disaster that occurred in Kingston, Tennessee, in 2008.

Mr. Speaker, let me conclude by saying that my State alone produces 4.4 million tons of coal ash annually, and at least 19 coal ash dumpsites have contaminated local water supplies. Additionally, each and every day a steam-fired steamship, the SS *Badger*, dumps 4 tons of coal ash into Lake Michigan, my beloved city of Chicago's primary water supply system.

I urge all of my colleagues to vote against the motion to instruct.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the gentleman from West Virginia's motion to instruct conferees to resolve the coal ash provision in the highway bill.

There are more co-generation plants in my congressional district than any congressional district in the country. For more than 100 years, coal refuse piles created eyesores throughout northeastern Pennsylvania. These culm banks are now baseball fields and shopping centers.

Coal ash is not hazardous. EPA determined that fact in regulatory determinations in 1993 and in 2000. The fact that EPA continues to leave a hazardous waste designation for coal ash on the table—even though these three decades of science and facts point the other way—is directly contributing to the loss of current and future recycling.

This designation would harm companies in the still emerging coal combustion byproduct markets that make everyday products like concrete, shingles, and wall board. It will also hinder State departments of transportation that use CCB in job-creating highway and infrastructure projects and overwhelm State budgets and employee resources by more than doubling the volume of waste subject to hazardous waste controls, and translate into increased energy rates for millions of American consumers.

As a member of the Transportation and Infrastructure Committee, I see no better way to create jobs than to pass the highway bill. During the last highway bill, Pennsylvania received over $10 billion, which created over 400,000 jobs. The coal ash provision in the highway bill only strengthens job creation. Simply put, highway spending strengthens the fabric of our Nation's infrastructure while creating jobs for millions of Americans.

I urge passage of the gentleman's motion to instruct.

Mr. WAXMAN. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the very distinguished gentleman, the ranking member on Energy and Commerce.

Mr. Speaker, I rise in opposition to this motion to instruct conferees to include the Coal Residuals and Reuse Management Act into any final conference agreement on the surface transportation authorization bill.

The bill my colleague seeks to include in the surface transportation bill is bad policy. It has nothing to do with transportation, and it would place communities living downstream from coal ash ponds in real danger.

When properly recycled, coal ash and other residuals from burning coal do have economic value—that's not the issue here, but managed improperly, they can be extremely hazardous. Coal ash shouldn't be dumped in unregulated ponds to contaminate water and spill into nearby streams and rivers.

In 2008, as Mr. RUSH pointed to, the Kingston fossil plant in Tennessee failed to properly maintain its coal ash impoundment pond. The pond collapsed, and it dumped 1.1 billion gallons of coal ash slurry into the Clinch River and inundated several houses with up to six feet of ash and mud. And then when they independently tested the Clinch River after the Tennessee Valley Authority impoundment collapse, it showed high levels of arsenic, copper, barium, cadmium, chromium, lead, mercury, nickel, and thallium all related to that spill. The spill contaminated the water, it killed the fish, and it destroyed property. The cleanup pricetag is still being assessed, but it's estimated to cost between $700 million and $1 billion. The motion my colleague from West Virginia is proposing

would prevent EPA from setting standards for this type of coal ash dump, allowing these problems to continue unchecked.

We need to preserve the Environmental Protection Agency's authority to advance regulations that discourage improper disposal of coal ash and to encourage recycling. Every year, coal-fired power plants and industrial boilers in the United States generate about 67 million tons of coal ash and slag and about 19 million tons of coal sludge.

While fly ash, bottom ash, flue gas desulfurization mineral, and boiler slag all have a number of beneficial reuses in concrete, road, wallboard, and roofing, they also contain heavy metals—including lead, arsenic, cadmium, and mercury, as well as radioactive elements. These hazardous components dictate that we must be careful in the handling use, reuse, and disposal of the material.

Contrary to much of the publicity surrounding the coal ash issue, EPA is not trying to ban the beneficial reuse of coal ash. In fact, EPA proposed two separate possible regulatory regimes to encourage recycling and reduce improper coal ash disposal. EPA wants to ensure that coal ash reuse is preserved while guaranteeing that any disposal is done safely and effectively.

EPA's proposed rules received extensive public involvement, including thousands of public comments and eight public hearings around the country. The Coal Residuals and Reuse Management Act is designed to deprive EPA of the ability to use the best available science in its decisions, and it would negate those thousands of public comments that were received after the rule's proposal. It would also give a free pass to power companies to pollute at taxpayer expense.

Coal ash is a national, interstate issue and should be subject to Federal regulation.

As Congress stated when passing the Resource Conservation and Recovery Act:

> The problems of waste disposal have become a matter national in scope and in concern and necessitate Federal action. Disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment.

That was true in 1976, and 30 years later it's still true. In the years since, we have found that proper regulation of waste disposal encourages rather than discourages recycling. Implementing environmental and safety controls makes recycling far more attractive and far more likely to occur. Thirty years of data on solid and hazardous waste disposal and recycling have borne this out. Let's not revisit the Wild West past of hazardous waste disposal.

We need to stand up for the same principles Congress stated in the Resource Conservation and Recovery Act over 30 years ago. That's why I strongly urge my colleagues to oppose the McKinley motion. Prevent more Kingston ash impoundment disasters; they will be replicated, and it will be our fault. We need to allow EPA to regulate responsibly and to allow the beneficial use of coal ash.

Mr. MCKINLEY. Mr. Speaker, I might suggest, with all due respect, I think that those who are opposing this amendment, Mr. Speaker, I would encourage them to read the bill.

Mr. Speaker, I yield 2 minutes to my friend and colleague from wild, wonderful West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I want to thank my colleague from West Virginia (Mr. MCKINLEY) for his solid work on this issue.

I want to say to my colleague from California, who said that this issue is going to hold the transportation conference bill hostage, it's absolutely not a fair statement. I'm on the transportation conference committee. We're working day and night, in a bicameral, bipartisan way, to reach a compromise on a jobs bill, and this coal ash provision is very important.

□ 1550

Many Americans are unfamiliar with this, but 40 percent is used as raw material to build our highways and our bridges.

I was just visiting the Sutton Dam in Braxton County in West Virginia. My colleague talks about the Hoover Dam. We celebrated its 50-year birthday of its construction. It's built with coal ash, and it's just as effective today as it was 50 years ago. It is an essential and safe material to be used in our infrastructure.

According to the American Road and Transportation Builders Association, if we don't use coal ash in bridge and road construction, the cost would increase over $100 billion over 20 years. We simply can't afford this.

Let's be smart about this. We can find the way, and we've known the way, as the Sutton Dam and the Hoover Dam have shown us. I think we can find a way to safely reduce the costs of construction in our roads and bridges by using coal ash.

We have unemployment of over 8 percent for 30 consecutive months. We need a transportation bill. We need a smart transportation bill that's going to put America back to work and rebuild our infrastructure.

Mr. MCKINLEY's legislation, and this motion, takes the right approach by giving the States the authority to deal with this. I hope my fellow conferees will work to ensure that this important provision remains in the bill, that we pass the gentleman's motion to instruct. This will not be an obstruction to us passing the transportation bill, and I look forward to passing that bill on the floor in a bipartisan way.

Mr. WAXMAN. Mr. Speaker, I'm pleased at this time to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Today marks the summer solstice, the longest day of the year. Instead of spending the daylight hours passing a clean transportation bill that will help shore up real jobs for Americans, the Congress will be spending the day repealing public health protections and giving away nearly all of our public lands to oil and gas companies in the culmination of the Republican majority's Oil Above All agenda. It is really a ''Midsummer's Nightmare'' for the American people.

But before we get to voting on the Republican oil package, we get to debate whether another Republican bill, whose sole premise is to prevent EPA from following the scientific evidence, should be included in the Transportation bill.

This bill says that no matter what EPA learns about the sludge that comes out of coal-fired power plants, no matter how high the concentrations of poisonous arsenic, mercury or chromium, no matter what EPA learns about how these materials find their way into our drinking water, EPA is forbidden to classify or regulate it as hazardous waste. EPA is forbidden to require that this toxic material be disposed of carefully.

This bill turns a blind eye to evidence of known hazards and takes us back to the Dark Ages, to a time before science was valued and before advanced knowledge transformed society. It takes us back to an era when mercury and arsenic, major components of coal ash, were used to cure toothaches and clear up your complexion. It takes us back to an era where children were sent deep into the bowels of the Earth to rip coal from the mines and die early deaths.

Apparently, House Republicans not only wish to embrace the principal energy source of the 19th century; they also wish to return us to the 19th-century principles about public health and the environment regarding arsenic and mercury and their danger to the citizens of our country.

Now, there are good uses for coal ash, beneficial uses. It can be used to construct highways and shingles. That's good. It can be mixed into concrete and grout. That's good.

But what we don't want is for the industry to be able to use it to construct a golf course, like what they did in Battlefield, Virginia, because it can directly contaminate the groundwater. It can pollute and cause injury and cancers in the neighbors of that golf course.

We also don't want it to be disposed of in pits that aren't sealed to handle this special waste, like what happened in Tennessee when a TVA disposal pit collapsed, engulfing an entire small town in toxic sludge. We should have regulations to protect against that ever happening in our country again.

This is exactly what this bill, the Republican bill, will do. It will blast us back into the past and allow coal ash to be disposed of without proper construction or monitoring.

At the end of this month, transit and highway funding will expire, hundreds of thousands of jobs are at stake, and our transportation infrastructure will be in peril. Even Senate Republicans have recognized the dangers inherent in allowing this to occur and have joined with Senate Democrats to craft a bipartisan bill so we can put people back to work using coal ash in the highways of our country.

But in spite of this, the House Republicans are insisting that unrelated and unnecessary toxic provisions dangerous to the health and well-being of Americans be attached to this bill in order to protect Big Oil and Big Coal.

Instead of allowing the coal industry and Republicans to transport our country's environmental and public health standards back to the era of Charles Dickens, we should be holding them to higher expectations for the 21st century, for the public health and well-being of our people.

I urge a ''no'' vote on this preposterous Republican initiative.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes to my colleague from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I rise today in strong support of this motion to instruct the Surface Transportation bill conferees. The EPA's proposed rule to classify coal ash as a hazardous material is yet another example of this administration's continual attack on coal and the affordable domestic energy it generates.

The production and use of coal ash has grown into a multi-billion dollar industry supporting thousands of jobs in my home State of Ohio. Coal ash is used in more than 75 percent of the concrete primarily because of its cost effectiveness. Eliminating it would force concrete producers to use expensive alternatives, driving up the cost of building roads and bridges in America by more than $5 billion a year. That means construction costs won't go as far at a time when our infrastructure is in dire need of repair.

In addition, classifying coal ash as a hazardous material will prove extremely costly for coal-fired power plants. Some energy companies may analyze the costs and find it simply too expensive to continue operating. Others may attempt to pass the new costs on to consumers in the form of higher utility costs. Either way, the outcome would be devastating for a State like Ohio that derives 80 percent of its electric power from coal. With our economy still struggling, that is the last thing Ohio businesses, construction companies, and families need right now.

Despite decades of research and studies concluding there is no reason to consider coal ash hazardous, many of which the EPA itself carried out, the Agency now appears willing to jeopardize thousands of jobs with this inaccurate ruling. It is critical that efforts are taken to prevent the implementation of this regulation. Instead, allow each State to set up their own coal ash recycling programs following existing EPA health and environmental regulations. This approach will protect jobs and our economy in my home State and across America.

I applaud Representative MCKINLEY for his continued leadership on this issue, and I urge the conferees to keep the bipartisan House language in the final version of the Surface Transportation bill.

□ 1600

Mr. WAXMAN. Mr. Speaker, I now have the pleasure to yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, today the House will vote on yet another environmental ruinous bill. This motion would instruct surface transportation conferees to retain the language of H.R. 2273, which prohibits the EPA from regulating coal ash.

Coal ash is the toxic combination of mercury, boron, aluminum, thallium, sodium, and arsenic that is produced by burning coal. Shockingly, people living near unlined coal ash ponds have a risk of cancer that is 2,000 times greater than EPA's acceptable level.

This motion would disallow the EPA from doing its job. Allowing the EPA to enforce safeguards against coal ash pollution would help to avoid disasters like the 2008 spill in Tennessee, where a dam holding more than 1 billion gallons of toxic coal ash failed. That spill destroyed 300 acres and dozens of homes, devastated wildlife, poisoned two rivers—and apparently taught us nothing.

I urge my colleagues to oppose this latest attempt to bar the EPA from saving lives and preserving the environment.

Mr. MCKINLEY. Mr. Speaker, I yield 3 minutes of my remaining time to the gentleman from Pennsylvania, Congressman DOYLE.

Mr. DOYLE. Mr. Speaker, I rise in support of the gentleman's motion to instruct.

Coal ash is a serious issue for this country and especially for Pennsylvania. Nearly all of my constituents get their power from coal, and with that power generation comes its byproduct—coal ash. It's an unavoidable part of our power generation in southwestern Pennsylvania.

Though the Commonwealth of Pennsylvania has some of the toughest coal ash disposal standards in the country, I've been convinced that coal ash needs to be federally regulated under the Resource Conservation and Recovery Act. However, this motion to instruct does not fully encompass my position on the issue.

Although this motion to instruct calls on conferees to insist upon the House language on coal ash, that is not the whole story. In fact, I support the coal ash language that the bipartisan group of Senators is working on. I've seen much of the work they've been doing, and I can tell you that I believe it to be an improvement on what we're doing here in the House. The question is: Will the conferees agree to a bill at all and will it include coal ash?

My vote in favor of this motion is meant to urge my colleagues to finish the process so that we can resolve the coal ash issue in a way that's good for the environment, our constituents, and the purposes of recycling these materials.

I want to make it clear that I do not believe that any coal ash or Keystone provisions should be used to hold up the transportation bill conference. Above all else, it is essential that this Congress does its job and completes the highway bill conference before the current program expires on June 30. I continue to support the Federal regulation of coal ash as a nonhazardous waste, and I encourage my colleagues to work quickly towards a bipartisan, bicameral resolution on this issue.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, another summer building season is well under way without a long-term transportation bill; and we are, quite frankly, down to the wire on the current funding authorization, which expires next Sunday. Yet here we are debating the addition of even more non-transportation-related measures.

Congressman MCKINLEY's motion to instruct on coal ash is another example of delay. The transportation conferees ought to be urgently completing their work on a long-term authorization, not being saddled with extraneous requirements which pose a threat to public health. With thousands of jobs on hold until Congress acts, this delay is unconscionable.

Our State Departments of Transportation gave us early warning that if Congress did not act on a long-term transportation bill by March 31 the summer building season would be compromised. The Senate recognized this concern, and it sent to the House bipartisan legislation known as MAP–21, which is a bill that passed the Senate with the strong bipartisan support of 74 Senators. Then, as we saw the March 31 deadline come and go, House leadership refused to take up the bipartisan Senate bill, knowing full well that carrying an extension through the summer building season would cost jobs. And it has.

Nowhere is our Nation's fragile recovery more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent. According to RIDOT, millions of dollars in projects have already been delayed, including a $6.4 million project to carry I-95 over Ten Rod Road in Exeter; a $1.5 million project to provide traffic improvements on I-295

ramps along the borders of Cranston and Johnston; a $3.5 million project to resurface State Street to Broad Street and Main Street to route 1A in Westerly, Rhode Island. These projects not only improve the infrastructure upon which our businesses and residents rely, but they mean real jobs, desperately needed jobs, for Rhode Islanders.

MAP–21 will help rebuild America's economy so it is on a stronger, more sustainable foundation. It will provide the financing for critical highway and transit projects and support almost 2 million jobs, 9,000 of them in my home State of Rhode Island.

The 90-day extension, Mr. Speaker, is almost up. It was reluctantly passed back in March with the promise of a long-term measure to follow, a bill which has yet to materialize. We must let the conferees finish their work, and we must let the EPA continue to do its job of protecting the public from the risks of coal ash, which include cancer, neurological disorders, birth defects, and asthma.

I urge my colleagues to vote against this industry-driven motion and to vote for moving forward on the path to rebuilding our roads, our communities, and our economy by bringing the American people a long-term transportation bill.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. OLSON).

Mr. OLSON. I rise in support of my good friend Mr. MCKINLEY in his efforts to include the Coal Residuals Reuse and Management Act in the final transportation authorization bill.

EPA's goal of issuing new Federal rules to regulate coal combustion residuals would have far-reaching and negative impacts on our economy. These EPA rules would severely hamper American energy production, thereby risking our Nation's ability to meet the electricity generation we need to grow our economy and to get our country back on track working again.

President Obama wants to eliminate coal as a source of energy for America. This should come as no surprise to those who listened to President Obama's comments when he was a candidate for office. He spoke from his heart in San Francisco in 2008.

Here is a summary of what he said:

> Let me sort of describe my overall policy. What I've said is that we would put a cap-and-trade system in place that is as aggressive, if not more aggressive, than anybody else's out there.

He later said:

> So, if somebody wants to build a coal-powered plant, they can. It's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted.

We need common sense at the EPA, and we need a President who understands that an all-of-the-above strategy includes American coal. That is why I am supporting Mr. MCKINLEY's Coal Residuals Reuse and Management Act in the final transportation authorization bill, and I urge my colleagues to vote for Mr. MCKINLEY's motion to instruct conferees.

Mr. MARKEY. I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield the next 2 minutes of my time to my colleague from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman from West Virginia for yielding, my good friend, and I commend him for his dogged determination on this issue and for his patience and persistence. I certainly rise in support of this motion to instruct.

This gentleman from West Virginia was, after all, the Democratic floor manager of the House bill which got us into conference with the Senate. It accepted the amendment offered by Mr. MCKINLEY, which passed by a voice vote on April 18.

□ 1610

This amendment, known as the ''coal ash provision,'' is an important provision; and I, like many others, do not want to see it derail the entire transportation bill in its entirety. But I think if this body were to follow the instructions of the House, both in this motion and in the previous motion adopted by Mr. WALZ of Minnesota, which instructed conferees to report back by June 22, then I believe we would have a transportation bill that this Nation would benefit from and our American workers would benefit.

Since 1980, the EPA has struggled to figure out whether coal ash should be regulated under the Resource Conservation and Recovery Act and, if so, in what fashion. As of this date, 32 years later, no EPA regulation is in place.

The Agency had its shot, and now it's time to move on. The provision by the House is aimed at the States bolstering their programs governing the regulation of coal ash and includes enforcement actions if they fail to do so.

Given the nexus between the use of coal ash and the manufacturing of cement and that product's use in our transportation system, it is an appropriate matter to be considered within the scope of the conference of the transportation bill.

Contrary to some remarks we've heard on the floor today, these motions to instruct do not delay the work of conferees. Being a conferee myself, I know that the conference continues to meet with proposals going back and forth.

We're currently playing ping-pong on a lot of these proposals, but that's good. It means that we're talking, and it means the process is going forward. I'm very optimistic and hopeful that we can reach agreement sooner rather than later so that America's economy can continue to recover and American workers can go back to work with certainty.

Mr. MARKEY. Mr. Speaker, I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Massachusetts has 5½ minutes remaining, and the gentleman from West Virginia has 9 minutes remaining.

Mr. MARKEY. Mr. Speaker, I then continue to reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support Mr. MCKINLEY's motion to instruct conferees to the highway transportation bill to stop the EPA from regulating coal ash as a hazardous material.

Since the formation of the EPA, the EPA has looked periodically at coal ash. Most recently, they did it in 1993 and 2000 under the Clinton administration and came to the conclusion that coal ash does not warrant being regulated as a hazardous waste.

The only difference between today and then is that this administration is determined to put the coal business out of business, yet America gets about 48 percent of its electricity from coal. We cannot expect to meet the demands of this Nation's electricity needs over the next 20 years without coal.

If the EPA is successful in treating coal ash as a hazardous waste, which is quite radical, we know that independent analyses have shown that the costs associated with road and bridge building in America will increase by more than $100 billion over a 20-year period. And in America today, to stimulate our economy, to get our goods to market, we need to improve the infrastructure of this country.

At this time in our Nation's history, with the economic problems that we have, to try to increase the cost for construction to meet the vital needs of this country is really unconscionable, particularly when there's been no causal relationship found between coal ash and health problems.

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

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of the remaining time to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from West Virginia for yielding.

Mr. Speaker, I rise today in support of the McKinley motion to instruct conferees, asking that the bipartisan-supported coal combustion residuals program language from H.R. 4348 be retained in the final transportation reauthorization bill.

Coal ash is of critical importance, as it is contained in the composition of the concrete used in our roads, bridges, and other infrastructure. The use of coal ash in transportation has allowed our country to maintain lower costs for infrastructure building.

Studies have shown that coal ash costs 20 to 50 percent less than other products on the market today. During a time when our roads are deficient and we need solutions that are cost efficient, coal ash serves as a reliable resource. We need to invest in materials

that will allow us the highest return on investment and stretch our highway dollars for needed improvements.

In addition to the cost savings that this will provide, including this language is also critical to support our environment and nearly 300,000 jobs that rely on coal ash use across the Nation.

In western Pennsylvania, I've witnessed the importance of coal ash to many communities in my district and surrounding areas. We have seen a transformation from orange skies and orange streams to an area whose beauty has been restored thanks to the safe use of coal ash for landfill, transportation use, and other purposes.

For these reasons, I strongly urge my colleagues to include in the final conference report the McKinley language so critical to our Nation's economic and infrastructure needs.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

The way I understand the argument on the other side is that, if the EPA regulates coal ash and calls it hazardous, that stigma will lead construction companies to avoid it as a building material.

If I could address the gentleman from West Virginia, Mr. MCKINLEY. Is that an accurate statement, that you're fearful of the designation and the stigma of that designation as hazardous?

I yield to the gentleman from West Virginia.

Mr. MCKINLEY. You say is there going to be a stigma?

Mr. WAXMAN. Is your fear that, if the EPA regulates coal ash and it's called hazardous, that that designation will be a stigma and will lead to the nonuse of coal ash by construction companies as a building material?

Mr. MCKINLEY. Mr. WAXMAN, I believe there is a stigma associated with that pending decision, yes.

Mr. WAXMAN. That is your fear?

Mr. MCKINLEY. There is a stigma associated with the misinformation that's been disseminated. That's correct.

Mr. WAXMAN. My colleagues, the thing that is so confusing to me is that coal ash is often used as a substitute for Portland cement in concrete to lower the costs; it reduces the waste, reduces the greenhouse gas emissions, and we don't need to pass legislation to have that happen.

But I want to point out that Portland cement is designated as hazardous. It's a hazardous chemical under the OSHA Hazard Communications rule. It's a hazardous substance under the Superfund amendments. It's a hazardous substance under Federal Hazardous Substances Act, and it's a hazardous material under the Canadian Hazardous Products Act. But Portland cement continues to be used extensively in concrete and transportation projects.

The EPA is not seeking to call coal ash ''hazardous.'' They want to call it a ''special waste.'' But even if they called it hazardous, why would it not be used the way Portland cement is now used, even though that substance is designated as hazardous in all these other statutes?

Mr. MCKINLEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from West Virginia.

Mr. MCKINLEY. What we're trying to do is allow more time for the conference committee to work rather than to debate the pros and cons of the environmental aspects of it. We want the committee to continue to work, to reach a compromise. And I've been told there's been great progress being made on that, but don't stop at this 11th hour. They're close to making it happen. We want to stand beside them and make sure they finish their work on these negotiations.

□ 1620

Mr. WAXMAN. Reclaiming my time, I yield myself 1 additional minute.

The reason I ask for more time is, as I understand the McKinley bill, which was adopted by the House, it would prohibit EPA from regulating coal ash because it would be designated possibly as hazardous. And the argument has been that that would be a problem when it is to be used as a substance for concrete and building materials. But I don't believe that to be the case.

Now I think that the committee, with the Senate and the House, ought to complete its business. But I don't think your amendment is needed under any circumstances. That is why I urge Members to vote against this instruction because it is trying to interject in that highway bill something that's really not part of the highway bill and something that, on its own, should not be adopted in the form of the McKinley bill.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 5½ minutes remaining. The gentleman from California has 1½ minutes.

Mr. MCKINLEY. Mr. Speaker, I yield 2 minutes of my time to my fellow engineering colleague from the State of Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the gentleman for yielding.

I wasn't planning on speaking on this bill. But I was listening in my office to the debate between the proponents and opponents of the bill and felt moved to come over and try to answer some of the questions that the opponents have asked of the bill.

EPA is supposed to be a fair referee. They're supposed to say: If it's a strike, it's a strike; if it's a ball, it's a ball; if he's out, he's out; if he's safe, he's safe. But the Obama EPA is not a fair referee. It's not a fair umpire. The Obama EPA has a preconceived—what I consider to be a radical environmental agenda, and they appear heck-bent to impose it on the American people, whether there is a scientific rationale or not.

As Mr. OLSON of Texas just pointed out, the President, as a candidate, said that he basically wanted to try to make it impossible to build any more coal-fired power plants in America. When he became President, he appointed a regional administrator down in Texas, Dr. Armendariz, who said that he wanted to try to put hydraulic fracturing out of business and brought a case against Range Resources in Texas that was thrown out on its face because of the lack of evidence that there was any environmental damage caused by hydraulic fracturing, in this specific case in Parker County.

You had the civil servant at the EPA early in the Obama administration, when they were considering their endangerment finding, which they had to impose in order to say they could regulate greenhouse gases, they had a career civil servant who sent a detailed, I think 50- or 60-page analysis of the proposed endangerment finding and basically said it was hogwash. And he got back emails from within the White House and the higher rankings at political subdivisions of the EPA that said, Don't tell us the facts. We've already made up our minds.

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

Mr. MCKINLEY. I yield the gentleman an additional 1 minute.

Mr. BARTON of Texas. This same Dr. Armendariz made a comment not too many years ago that he wanted to crucify industry. He has since resigned because of those comments.

Those of us who support the McKinley motion to instruct do so because we don't think the current EPA is fair. Sometimes we have to tell the EPA what to do because they seem to be incapable of applying basic scientific methods, scientific principles. They want to impose a radical environmental agenda, apparently. And some of us don't think that's right, and we don't think it's good for the American people and the American economy.

So I strongly support what my good friend from West Virginia is doing because it at least makes it possible for a source that, for years and years and decades, has been used without any problem at all to continue to be used. And I think that's a good thing. So I rise in support. I thank the gentleman for the time, and I hope the House will adopt his motion to instruct conferees.

Mr. WAXMAN. Mr. Speaker, my colleagues, the gentleman from Texas told us that he was so moved to come here to correct the record. But he told us three things that are absolutely inaccurate:

The President has never said he doesn't want to build new power plants in this country. It is not true. The gentleman from Texas who worked for the EPA never said that this administration, or that he personally, was against hydraulic fracturing. It's just not true.

And the analysis of the endangerment finding by the Bush administration was signed off on not by just a career civil servant, but by the head of the EPA, appointed by President Bush.

So when you get these wrong statements in your head, you can dream up a reason to be paranoid about EPA. EPA wants to protect the public health and safety in regulating coal ash, but in doing so, they will not prevent coal ash from being used for other building purposes.

I urge that we defeat this motion to instruct, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Speaker, it's fairly obvious that a lot of the folks that have been speaking on the other side of this issue have not read the bill and don't understand what's included in the provision. But perhaps reading the bill, reading the amendment would have given them greater insight as to the role of the EPA. Because by virtue of this amendment, we are giving them great insight, great involvement in the proper disposal of the amount of fly ash that's not recycled.

So, Mr. Speaker, it really just comes down to an issue being very clear. Our opponents are just opposed to the coal industry. They're opposed to the men and women working in our coal industry. They're opposed to the 700-plus coal-fired electric utilities. They're opposed to keeping utility costs low. There is a war on coal, Mr. Speaker. And it's time that we stand up for the coal workers, the men and women working in the coalfields all across the United States, and for the men and women and the consumers that use electricity at low cost.

Now let's go to what the Departments of Interior and Transportation have said: The Department of Interior said that they concur that if fly ash is designated as hazardous waste, as is being considered, fully or in a hybrid classification, it would no longer be used in concrete. It also said, ''Fly ash costs approximately 20 to 50 percent less than the cost of cement.'' The Department of Transportation: ''Fly ash is a valuable byproduct used in highway construction. It is a vital component of concrete and a number of other infrastructure uses.''

Mr. Speaker, I ask all of my colleagues to join me today in supporting this motion to instruct conferees to continue discussing this bipartisan negotiation on this part of the highway bill and to ask their Senators to do the same. Let's maximize the use of all the money that we have available to build more roads, rebuild more bridges, do more infrastructure, but most importantly, put America back to work.

So I encourage my colleagues to vote for this motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

Mr. MCKINLEY. 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.

GENERAL LEAVE

Mr. MCKINLEY. 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 my motion to instruct conferees on H.R. 4348.

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

There was no objection.

□ 1630

DOMESTIC ENERGY AND JOBS ACT

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 4480.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 691 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4480.

The Chair appoints the gentleman from Arkansas (Mr. WOMACK) to preside over the Committee of the Whole.

□ 1631

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from Washington (Mr. HASTINGS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

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

Mr. Chairman, the price of gas and the unemployment rate both remain way too high, and American families are struggling as a result. That's why I support H.R. 4480, the Domestic Energy and Jobs Act, and I urge my colleagues to do the same. This bill is truly a win-win for steps that it takes to expand supplies of domestic affordable energy that will create many jobs in the process.

It's no secret that I don't see eye-to-eye with President Obama on energy policy, but perhaps the most inexplicable energy policy move the administration has made was the June 2011 decision to withdraw 30 million barrels of oil from the Strategic Petroleum Reserve with no plan to replace it. It is hard to understand why the President would take oil from the Nation's emergency stockpile while at the same time keeping off limits the far greater amounts beneath federally controlled lands and offshore areas. It's like a couple pawning their wedding rings for cash while ignoring a major gold discovery in their own backyard.

The amount of untapped oil in areas kept out of reach by this administration is estimated to exceed the entire Strategic Petroleum Reserve dozens of times over. And these estimates are not mere speculation. Indeed, the recent increases in oil production on State and privately owned lands demonstrate the tremendous energy development on Federal lands. But that potential will only be realized if the administration's roadblocks are removed.

Title I of this bill does that. It requires that the next time the President withdraws oil from the Strategic Petroleum Reserve, he must also commit to more oil leasing on Federal lands in offshore areas. The result will be greater supplies of domestic oil and lower prices, not to mention thousands of new energy industry jobs.

Gaining access to untapped oil reserves is part of the equation; but before that oil can reach consumers at the pump, it has to be refined into gasoline and diesel fuel. Title II of this bill will help American refiners so they can keep fueling our economy and fueling the country, because what refiners really need is a little common sense, a little regulatory certainty. It would be an understatement to say that this administration's regulators have not been friendly to domestic oil production, and the truth is they have been no better to the refiners who produce the fuels that we use. In fact, EPA is moving ahead with a number of new regs affecting refineries and other facilities—regs that are likely to drive up the price at the pump and jeopardize refining sector jobs.

Title II requires that we learn about the consequences before imposing additional red tape. It sets up an interagency committee that will analyze the cumulative effects of several upcoming EPA regs on fuel prices as well as jobs. It also defers the finalization of three measures until after the analysis is completed.

The good news is that a future of chronically high gas prices is not inevitable. These policies that I have discussed and numerous other provisions in the legislation will in fact move us toward more secure, more affordable American energy and the jobs that go with it. The Nation can increase domestic energy supplies, lower future prices at the pump, and create many more jobs. This legislation takes the steps to usher in this brighter future. I urge my colleagues to join with me in supporting it, and I reserve the balance of my time.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 8, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 4480, the Strategic Energy Production Act of 2012, as ordered reported by the Committee on Energy and Commerce for provisions of the bill that fall within the jurisdiction of this Committee.

Knowing of your interest in expending this legislation and in maintaining the continued consultation between our Committees on these matters, I agree to discharge H.R. 4480 from further consideration by the Committee on Agriculture. I do so 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 bill or similar legislation in the future.

I would appreciate your response to this letter, confirming our mutual understanding with respect to H.R. 4480, and would ask that a copy of our exchange of letters on this matter be inserted into the Congressional Record during consideration on the House floor.

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

Sincerely,

FRANK D. LUCAS,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
WASHINGTON, DC JUNE 8, 2012.

Hon. FRANK D. LUCAS,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LUCAS: Thank you for your letter regarding H.R. 4480, the ''Strategic Energy Production Act of 2012.'' As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Agriculture.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Agriculture with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 2012.
COMMITTEE ON ARMED SERVICES,

Hon. Fred Upton,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, 2125 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing to you concerning the bill H.R. 4480, the Strategic Energy Production Act of 2012, as amended. This legislation includes a provision that deals with military readiness and training activities, which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4480, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 4480. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this provision.

Please place this letter and your committee's response into the Congressional Record during consideration of the Measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 20, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: Thank you for your letter regarding H.R. 4480, the ''Strategic Energy Production Act of 2012.'' As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Armed Services.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Armed Services with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

Mr. WAXMAN. Mr. Speaker, I yield myself 4 minutes.

Throughout this Congress, House Republicans have made an all-out assault on our Nation's most basic public health and environmental protections. And they have blocked any effort to address climate change, move towards clean energy, or promote energy efficiency.

On Monday, Congressman MARKEY and I released a report that documents this all-out assault. It confirms that this is the most anti-environment House in the history of Congress. Over the last 18 months, the House has voted 247 times to undermine protection of the environment. That's almost one out of every five votes taken in the House.

The oil and gas industry has benefited more than any other sector from these anti-environment votes. Since the beginning of 2011, the House has voted 109 times for policies that would advance the interests of the oil and gas industry at the expense of the environment, public health, and the taxpayer. The result is a grave and growing peril to our environment, to public health, and to our economy. The massive wildfires, floods, droughts, and heat waves that have been afflicting our country are a harbinger of what is to come.

Americans know this. As the Washington Post reported this morning, the vast majority of Americans believe our environment is deteriorating, and they know that unchecked pollution from oil refineries and other industrial sources is making the problem worse. Yet what are we doing today? Today's bill is one more massive giveaway, and it is one more assault on the environment.

This bill contains two proposals reported by the Energy and Commerce Committee. One would block standards for oil companies to clean up their pollution. The other seeks to bypass existing leasing programs in order to pry open every possible acre of Federal land for oil drilling.

This legislation has been promoted as a solution to high gasoline prices. But this bill is a Trojan horse. This bill would not lower prices by one penny. This bill doesn't protect consumers. It hurts them. The bill will keep dirty gasoline on the market, allow oil refineries to spew toxic emissions, and forestall action to address climate change.

Tucked inside this legislation is the Latta amendment. The language of this amendment cuts the heart out of the Clean Air Act, radically changing the way air quality standards are set. Rather than basing smog standards on what is healthy for our children to breathe, this bill would require standards to be based on what industry says it will cost to reduce pollution. This radical proposal will undermine decades of progress on cleaning up the air. The bill will also cost jobs. The regulations blocked by this bill would create tens of thousands of jobs installing pollution controls and modernizing oil refineries.

□ 1640

In addition, this bill would make it harder for the President to tap the Strategic Petroleum Reserve during emergencies by layering on new bureaucratic requirements to force drilling across a vast expanse of public land.

This bill may be good for the oil companies, it may be good for the special

interests, but it is a disaster for the American people. The Republican energy policy isn't an all-of-the-above policy; it's oil above all.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support the Domestic Energy and Jobs Act for a number of reasons. First of all, it would encourage more production of energy in the United States. Two, it would lower energy costs. Three, it would create additional jobs for the American people. And, four, just as important, it would keep America more competitive in the global marketplace.

We live in a global economy, and our ability to have cheap, affordable, and abundant energy is absolutely necessary if we are going to compete with countries around the world. So that's what this legislation is designed to do.

All of us have a responsibility to the environment, but we genuinely believe after hearing after hearing after hearing after hearing, people who create jobs come in and talk about the additional costs they're incurring because of this overly aggressive EPA, headed up by Administrator Lisa Jackson.

I would also say that one portion of this bill is a very commonsense approach. While it would not immediately lower gasoline prices, it does ask the President to establish an interagency task force to examine the impact on jobs, prices, and competitiveness of three regulations that the EPA has initiated. They haven't finalized it, they haven't decided they are going to finalize it, but they have started the first steps. And so we ask this Agency to look at what is the impact on fuel prices with these regulations if they are adopted and to report back to Congress and to not finalize any of these rules until at least 6 months after they report back to Congress. It seems to me a commonsense approach. We have a responsibility to the American people to have some idea about the impact of these regulations on the economy.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH), and I would like to ask unanimous consent that he be permitted to control the rest of the time for our side of the aisle on the general debate.

The CHAIR. The gentleman from Illinois will control the time.

Mr. RUSH. Mr. Chairman, since the beginning of the 112th Congress, we have held over 30 Energy and Power Subcommittee and joint subcommittee hearings. We have held over a dozen subcommittee and full committee markups, and including H.R. 4480, which we will vote on today, we have had 10 bills that originated from the Energy and Power Subcommittee that have been voted on by the full House.

Yet, Mr. Chairman, from all of that time and all that effort, the Energy and Power Subcommittee has produced exactly one substantive bill. Let me repeat: only one substantive, significant bill, the Pipeline Safety Reauthorization Act, the only one that has actually become law.

Mr. Chairman, instead of focusing our efforts on trying to create the clean energy jobs of the 21st century, the majority party has spent the past 18 months lobbing partisan attacks against the EPA and the Clean Air Act in order to appease Big Oil and some of the more extreme constituencies that the Republican Party represents.

Mr. Chairman, most Americans would like to see us utilizing our time working in a bipartisan manner to address critical issues, such as access to jobs, clean air, and clean water, less dependence on foreign oil, enhanced energy-efficiency measures, and an increased reliance on the cleaner and renewable energy sources of the future.

Instead, here we are again debating yet another bill that would continue the concerted effort by the majority party to weaken the authority of the EPA and to delegitimize the Agency's regulations as job killers.

Mr. Chairman, with just a little over 20 days remaining before the August recess, we should be focusing our limited time on legislation that will create jobs and move America forward toward a smarter energy future that is less vulnerable to the whims of the world oil market. However, nothing in this bill accomplishes that.

The most offensive provision of this bill, the Gasoline Regulations Act, would fundamentally change a cornerstone of public health law, the Clean Air Act, and I ask my colleagues: Why, to what end?

This bill will not create any jobs but, rather, would block EPA rules to make the fuel we put into our cars cleaner. This bill would also block rules that would cut toxic air pollution from refineries.

This bill blocks the EPA from requiring new refineries from cutting carbon pollution that causes climate change, and it even blocks the agency from revising the national air quality standard for ozone to reflect the best-available science and medical evidence about how much ozone is safe to breathe without serious health effects.

Mr. Chairman, one truth remains, and that truth is that H.R. 4480 isn't really about jobs, isn't really about lowering gasoline prices. It is about an excuse to push a profoundly anti-environmental agenda and provide oil companies with more items from their election year wish list.

Oppose this bill because it would strike at the heart of the Clean Air Act and would not provide any tangible benefits to the American people. I urge all of my colleagues to oppose it as well.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), and I would ask that at the conclusion of his 2 minutes that the balance of my time be controlled by the gentleman from Colorado (Mr. GARDNER).

The CHAIR. The gentleman from Colorado will control the time.

The Chair recognizes the gentleman from Kansas.

Mr. POMPEO. Mr. Chairman, H.R. 4480, the Domestic Energy and Jobs Act, the legislation we'll vote on before too long, has three very simple missions. The first is to lower and create affordable energy for folks all across America. The second is to create the jobs that go with it. And, finally, it's to begin to put American energy policy back on a commonsense, simple standard that allows affordable energy to be produced here in America by Americans for Americans.

You know, we've seen in these discussions, these debates, that there are two opposing views on how to do this. The first is the view of the folks on the other side who think if we just had one more rule, one more set of regulations, another subsidy, another handout from the taxpayers, we here in Washington, D.C. could find that next great affordable energy source. We've seen how that's worked. We've got gasoline at $3.50 a gallon. We've got utilities all across the country asking for rate increases.

There's another view. There's another way to go about it. It's to let the market respond to price signals. It's to get the Federal Government out of the way, to reduce regulations across the board while making sure that we've still got safe drinking water and clean air. Both of these objectives can be accomplished.

This legislation simply streamlines and simplifies the leasing and permitting processes on Federal lands to make sure that consumers have access to affordable American energy. We have tremendous opportunities right here in America. Right in Kansas' Fourth Congressional District, in Harper and Kingman and Stafford and Edwards and Barber and Pratt, all over south central Kansas, an enormous new opportunity, creating real, affordable energy produced by Americans with American jobs.

□ 1650

We also, through this legislation, say if we're going to tap this important American resource, the SPR, the Strategic Petroleum Reserve, we're going to make sure and replenish it—again, with American affordable energy.

This is one of the most consumer-friendly, ratepayer-friendly, taxpayer pieces of energy legislation to reach the House floor in a long time, and I would urge all my colleagues to support this legislation.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to my friend, the gentlewoman from my home State of Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding, and I appreciate his leadership on the Energy Subcommittee.

As a member of the full Energy and Commerce Committee, frankly, I'm ashamed that this House is actually considering legislation that puts public health decisions in the hands of the oil industry.

Title II of H.R. 4480 eliminates a core principle of the Clean Air Act with respect to smog. For over 40 years, the Environmental Protection Agency has set health-based air quality standards using scientific and medical evidence to identify the maximum safe levels of air pollution for human beings to breathe. Title II would do away with that precedent by requiring that the cost to industry be the primary consideration in determining healthy emission standards. Yes, if this legislation passes, health-based decisions will play second fiddle to dollar considerations for the first time.

Over the years, our air has become cleaner and safer because industry has had to comply with more stringent standards. Lead is no longer poisoning our children from the pump. There are fewer kids with asthma due to gas pollutants. And oil companies, rather than suffering, are now making record profits. We don't have to pass the hat for the oil companies. The five largest made $137 billion in profit last year and $33.5 billion in the first quarter of 2012. Our health decisions should be made by health experts, not our worst polluters.

H.R. 4480 continues the policy of the 112th Congress: if the oil industry asks, the oil industry gets, no matter the impact on American families.

Title II sets up a new interagency bureaucracy to conduct an impossible study of the alleged economic impact of several EPA rules to reduce pollution from refineries and fuels—which haven't even been proposed—using data that doesn't exist. In the meantime, this title blocks the EPA from finalizing several air quality protections that the oil industry would prefer go away.

Title II does nothing to protect the consumer from price spikes at the pump or to reduce our country's dependence on oil. Instead, it is a giveaway to the oil industry under the false pretense of lowering gasoline prices.

The oil industry doesn't want to reduce the amount of toxic air pollution spewing from its refineries. The oil industry doesn't want to produce cleaner burning gasoline. The oil industry would rather not construct new refineries that are more efficient and less damaging to the world's climate. Oil industry executives would prefer to pocket all their billions in annual profits rather than invest any of it in modern, less polluting technology.

I offered an amendment yesterday that would have simply said that the unnecessary and impossible study required under title II would be paid for by the one industry that most stands to gain from its implementation, Big Oil. My amendment was not made in order.

The American people deserve better than this. They deserve clean air and clean water. They deserve more than a few months of a transportation bill. They deserve a jobs package that will put millions to work, including teachers and construction workers and firefighters and police officers. They deserve affordable student loan rates. Instead, the Republicans of this House have elected to carve out additional privileges for Big Oil.

Mr. GARDNER. I yield 1 minute to the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Speaker, as a member of the House Energy Action Committee and a Representative from an energy State, I come to the floor today to support an all-of-the-above energy bill and an all-of-the-above jobs bill.

I know firsthand the tremendous economic growth and job creation that comes from unlocking American-made energy. My State of Kansas is undergoing an energy boom. Farmers are making money, tractor dealerships are selling new tractors, and families are paying off loans. Even church contributions have benefited.

Sadly, this American success story has been attacked by the current administration's repeated rejection of policies that would increase domestic energy production and create thousands of high-paying American jobs.

This important legislation strengthens our energy security, it removes the bureaucratic red tape hindering American energy production, and it creates American jobs.

Simply, we cannot afford to delay action that would create thousands of jobs. I urge passage of this legislation.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a fine member of the subcommittee and a distinguished member of the full committee.

Mr. DOYLE. Mr. Speaker, I rise in opposition to this bill before us.

Today we're debating a bill that Republicans tell us will embrace an all-of-the-above energy strategy. The way this bill purports to do this is by opening large swaths of land to oil and gas drilling, halting regulations, and gutting the Clean Air Act. It's clear that this is not a true effort to develop an all-of-the-above strategy, but instead is a narrow-minded approach to oil and gas development at any cost.

Republicans continue to criticize President Obama and congressional Democrats for opposing efforts to increase U.S. domestic oil production, but the facts disprove this notion. The President hasn't agreed with every proposal to expand oil and gas drilling in the United States and its territorial waters, but he has taken action to open up substantial new public lands and coastal waters to oil and gas development.

Today, roughly 75 percent of U.S. oil reserves on public lands and under our coastal waters have been leased out to oil drillers. In fact, domestic oil production is at an 8-year high, and the production of natural gas plant liquids—liquefied petroleum gases that are used for fuel—is currently at an all-time high of more than 2 million barrels per day. All told, the U.S. Energy Information Agency estimates that U.S. petroleum production in 2012 will average more than 8 million barrels per day.

The number of oil rigs in the United States has quadrupled under President Obama. At the same time, petroleum consumption in the United States has dropped by more than 2 million barrels per day since its all-time peak in 2006. Now, since domestic oil production is up and petroleum consumption is down, U.S. oil imports are at a 17-year low. In fact, the United States is importing 10 percent less oil than it was 8 years ago.

Now, one might reasonably conclude that since the United States is producing more oil and consuming less, oil and gas prices would be going down, but that's not happening. Oil and gas prices are going up. Well, how can that be? Oil prices—and consequently gas prices—are rising because, while oil consumption may be lower in the United States, global demand for oil is, in fact, rising.

Rest assured, this bill does nothing to address the real problem of high gas prices, and it does nothing to develop a real all-of-the-above energy strategy for the United States. This bill is going nowhere in the Senate, and it's a true disappointment as this Congress' effort to address high gas prices and an expanded energy portfolio.

I urge my colleagues to reject this bill.

Mr. GARDNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Colorado for his leadership and for bringing this legislation to put a good energy policy in place in this country, which we do not have today under President Obama.

If you look at components of the bill, it talks about the Strategic Petroleum Reserve. The President has used the Strategic Petroleum Reserve as his bailout fund, basically, for his failed policies.

□ 1700

He's raided it. Last year he raided 30 million barrels from SPR and still, to this day, hasn't replaced that oil. But on top of that, the President took those dollars, billions of dollars, and spent them on unrelated government spending. So that's what the President's been doing with SPR—using it as his personal piggy bank and bailout fund for his failed policies.

The President and others like to talk about an all-of-the-above strategy. They love to talk about energy production never being higher. One thing they fail to mention is that energy production on Federal lands, where the Federal Government actually has control,

is down. In fact, President Obama's own administration, the Energy Information Agency, confirmed again recently that production this year on Federal lands is down 30 percent just in the Gulf of Mexico from last year. So they talk about production being higher. It's higher on private lands where they have no control.

And by the way, through EPA and Department of the Interior and other Federal agencies they're trying to regulate and shut that down right now, too. So while they're bragging about it, they're trying to shut it down.

Just today, in New Orleans they had a lease sale; first lease sale we've had in more than 2 years. And in fact, it shows that there's tremendous interest in exploring for American energy. The only problem is there is no more plan in place.

Normally, you always have a 5-year plan in this country. By law, the President's supposed to have a 5-year plan. After today, there's nothing on the books for any more future lease sales. And, in fact, the proposal that the President has been sitting on shuts off 85 percent of the areas that were getting ready to be opened up for exploration. And what does that lead to? It leads to a greater dependency on Middle Eastern oil, on these foreign countries that don't like us.

The President has shipped tens of thousands of energy jobs out of this country. We've tracked rigs that have left the states and gone to places like Egypt and Ghana and Brazil. Those jobs ought to be here. We ought to be creating those jobs here and seeking energy independence, and this bill is a great start. I urge its support.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

This bill, sadly, is a missed opportunity. It would have been an opportunity to deal with an all-of-the-above and a jobs bill, but it simply is not.

We're in a situation where domestic oil production is strong. And what we are looking at, currently they're talking about giving out, encouraging more land to be locked up for the future, rather than using the 25 million acres currently authorized for drilling that are not being used by oil companies today. They would allow people to sit on land, paying only $1.50, $2 an acre for up to 10 years.

Now, I think it's wise for us to be able to move forward to encourage energy production. There would be an opportunity here to deal more aggressively with incenting sustainable energy, clean energy, energy that will be with us for decades to come, rather than depleting existing resources and tying up leases in the future.

This is an excuse to undermine existing environmental protections. Why, in heaven's name, would we seek to undermine tailpipe emission regulations that are already supported by the auto industry? It makes no sense at all.

It is not wise to have language that orders the EPA to consider the cost of a clean energy rule, rather than the impact on public health, turning on its head longstanding priorities.

I suppose you could diagnose lung cancer, but say, well, it's pretty expensive, so let's not say that it's lung cancer. Let's call it a cough.

Mr. Chairman, it's important for EPA to make the decisions to protect public health rather than company profits, which are exploding in time.

This is a missed opportunity. I suggest its rejection.

Mr. GARDNER. Mr. Chairman, I would like to inquire as to how much time my side has remaining.

The CHAIR. The gentleman from Colorado has 19½ minutes remaining. The gentleman from Illinois has 12 minutes remaining.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Chairman, I thank the gentleman from Colorado for yielding time.

High energy prices are having a negative impact on our economy and on our family budgets. But don't take my word for it. This is what my constituents have told me firsthand.

There's David from Castroville, Texas, who wrote:

> As a self-employed carpenter, gas prices for a large truck cut into my profits. It is madness that the USA is not oil and gas independent. Energy independence is essential for our economy to grow and protect our freedom.

Another constituent, Ray, stated:

> I'm a retired engineer and planned to travel with my wife this summer but had to curtail these plans because of the high cost of gasoline. This has cut deeply into my retirement pay and I'm spending more time at home because of gasoline prices.

Mr. Chairman, this isn't rhetoric from Washington insiders, but input from working-class Americans who are struggling to make ends meet. I urge my colleagues to support the Domestic Energy and Jobs Act in order to increase energy production, eliminate red tape, and create jobs.

Mr. RUSH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentleman for his courtesy.

Facts are really kind of difficult if you have to deal with them. The gentleman just spoke about a sad case of an individual that wasn't able to go on a trip because of the high price of gasoline. He may want to tell that individual that the oil industry, on average, over the last several months, has exported over 24 million gallons of gasoline a day, 24 million gallons of gasoline a day, exported from the United States. Maybe that has something to do with the high prices.

But a few other facts. As of March of 2011, onshore, the Department of the Interior offered, between 2009 and 2011, 6 million acres of land for leasing. The oil industry only took 4 million acres. As of that time, March 2011, 38 million acres of land were under lease. 25 million acres of land were inactive. A full 65 percent of the available leased land already in the hands of the oil industry was inactive, not explored, not being produced. 65 percent unused, inactive.

Offshore, 37 million acres were under lease. 2.4 million acres were active. 70 percent not being used.

So why are we here opening more land? There's a reason for it. There is a reason why the oil industry wants to do this. If they are able to acquire a lease, they put it on their books as an asset, thereby giving the appearance that they have a lot of assets available to them, when, in fact, they have no intention to, in the near term, probably the next decade or so, actually explore and produce. It is a financial game. It is not a game of producing oil.

Now, if we really wanted to do something, we would immediately put in place a production tax credit for the wind turbine industry, which is languishing now because we are refusing, Republicans, in this case, refusing to put forth a renewal of the production tax so that the wind industry can actually continue to produce energy for our Nation.

So what does it mean?

There are some 70,000 jobs in the wind industry today. Some 17,000 more would immediately go into place if the production tax credit were in this bill and became law.

What does it mean?

If we were to enact my bill, H.R. 487, those wind turbines would be manufactured in the United States, and thousands more jobs.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield another 30 seconds to the gentleman.

Mr. GARAMENDI. The bottom line of this: this is simply a play by the oil industry to gather more assets on their balance sheet, at the expense of the environment and, just as important, at the expense of a real, all of the above energy policy.

It's a sad day that we're here debating an energy bill that really doesn't do anything at all to help us meet the energy needs of this Nation. There's nothing in this about renewables. It's unfortunate.

□ 1710

Mr. GARDNER. I yield 1½ minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 4480, the Domestic Energy and Jobs Act.

This bill comes at a critical time as consumers, farmers, and small businesses are facing high fuel prices and as the President is restricting Federal leases from oil production while at the same time considering releasing oil from the United States' Strategic Petroleum Reserve.

I represent an area of the State of Ohio that has the largest number of agriculture producers, manufacturing jobs, and small businesses. When you look at these numbers, we'd have a very high, disproportionate hit for my constituents because of high oil prices.

As this bill requires, all regulations should be subject to a thorough analysis of cost, benefits, and potential hurdles to implementation. The Gasoline Regulations Act of 2012, which is part of this bill, will delay regulations that could significantly increase fuel prices on consumers, farmers, and small businesses while these regulations are under review. It will also provide some much-needed regulatory relief to refiners, who are struggling to stay in business due to the high cost of fuel.

Reducing the costs of refining fuel is a great first step, but the key to reducing fuel prices is to bring more supply into the market. The only time that oil should be released from the Strategic Petroleum Reserve is to counter a severe supply interruption. I support legislation that will allow the increased access to responsible domestic oil production, and for these reasons, I support the bill.

Mr. RUSH. Mr. Chairman, I reserve the balance of my time.

Mr. GARDNER. I would like to yield 2 minutes to the majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. I want to thank freshman CORY GARDNER for bringing this legislation to the floor.

Mr. Chairman, I want to for one moment imagine. I want to imagine a country, an America that doesn't have 40 months of 8 percent unemployment. I want to imagine an America with 3 percent unemployment. Could you imagine a country that had a trade deficit that was shrunk? Could you imagine a government that, instead of saying it wants to raise taxes, actually cut them? Imagine that, in a housing crisis, you're not sitting with foreclosures, but you actually need more houses to be built and that people are flying into the country because the jobs are there and it is the place to be. I want to imagine, when you go down to even work at McDonald's, you're making $15 an hour.

A lot of people in this country turn on the news and think that's far-fetched. They think that's impossible to dream or to even imagine. But do you know what? That's taking place in parts of this country. That's exactly what's happening in North Dakota. And why is it happening in North Dakota? It's because they created a State energy policy that is unshackled.

There is a team here, Mr. Chairman, that is called the HEAT Team, the House Energy Action Team. We went across the country and saw all walks of life—from California, to driving an electric car in Colorado, to going into the fields of North Dakota, which is where I went. Do you know what? I drove past the windmills. I looked at new technology which is able to extract in a much more pinpointed method and environmentally friendly way so that we can get those resources. What has it done? It has transformed the State with regard to job creation. More importantly, it has transformed our Nation because, yes, we are importing less today than in 1994, but that's only on private lands, not on public lands.

The CHAIR. The time of the gentleman has expired.

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

Mr. MCCARTHY of California. So today, on this floor, we are debating something that can change America. No longer will you sit back at home and think, one day, I could only imagine unemployment low, revenues high, and everybody who wants a job can have one.

This bill today is about jobs. It's about jobs that not only create a new America but that change our foreign policy. It creates a new America in which we invest today, and it makes us energy independent.

Mr. Chairman, I ask all to vote ''aye,'' and I thank the gentleman for bringing it to the floor.

Mr. RUSH. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GARDNER. I would like to yield 1 minute to the majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

I rise in support of this legislation before us, which will boost domestic energy production, spur job creation, and grow the economy.

The Domestic Energy and Jobs Act opens up more of our domestic energy resources, brings greater certainty to leasing on public lands, and does take steps to cut red tape that is increasing the cost of fuel and blocking energy development. Increasing energy production on our Nation's public lands and in its waters can create millions of jobs, boost the economy, lower energy costs, and make America more secure.

It wasn't too long ago that an energy-secure America seemed like an unreachable goal. Today, energy security is on the horizon because of innovations that have helped increase our domestic energy supply and that have created thousands of good-paying jobs along the way. I saw these innovative technologies firsthand a few weeks ago when I was out on a deep-sea rig off the coast of Louisiana. With this legislation, we give our Nation's energy producers the certainty they need to invest in the innovations that are essential to American-made energy and American-made jobs.

The oil and gas industry is the lifeblood of so many communities across our Nation, but this President's policies have stifled the development of many of our Nation's energy resources. Red tape and restrictions coming from the Obama administration are keeping America's abundant energy resources under lock and key, away from our job-creating private sector.

As a result of some of these policies, small businesses are feeling the squeeze of high energy costs; families planning their summer vacations are facing historically high gas prices; and new jobs are being sidelined. People are wondering, when will things get better? They're looking for leadership out of Washington. Frankly, this administration has not delivered.

Since the President took office, production on public lands has decreased. While I welcome the administration's announcement that it is moving forward with a long delayed lease sale in the central Gulf of Mexico, it is simply unacceptable that this is the first lease sale the administration has held in the central gulf since 2010. Our Nation's energy producers have been ready and waiting to put their capital on the line to develop our Nation's resources.

Delaying decisions critical to energy development creates uncertainty and slows job creation. In fact, the Obama administration has canceled more lease sales than it has actually held, so I think the big question is, why aren't we doing more? Why aren't we developing more of our Nation's Outer Continental Shelf, such as that off the coast of Virginia, where there is broad bipartisan consensus in my State supporting such development?

After years of watching the President fail to embrace a pro-growth energy policy, the American people do deserve more. The future of our country depends on a true, all-of-the-above energy strategy that promotes domestic energy production, job creation, and economic growth.

By adding certainty to the regulatory process, we can promote domestic energy development in an environmentally sensitive way. We can promote economic growth and get Americans back to work. These seven bills, as part of the HEAT Team package, will help bring down high energy costs, which are hurting families and crippling small businesses, so that we can then spur the creation of thousands of jobs.

I want to salute and thank the House Energy Action Team: the bill's chief sponsor, Congressman CORY GARDNER; Congressman ED WHITFIELD; Congressmen SCOTT TIPTON and MIKE COFFMAN; and Congressmen DOUG LAMBORN and BILL JOHNSON for putting forward these measures that will harness our domestic energy resources.

Finally, I would like to thank our whip, KEVIN MCCARTHY, for his leadership and for bringing all of us together, as well as thank Chairman FRED UPTON and Chairman DOC HASTINGS for their leadership on these measures that are essential to our Nation's competitiveness and job creation.

□ 1720

Mr. RUSH. Mr. Chairman, I yield 4 minutes to one of the most remarkable leaders that this Congress has ever

seen, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend, and I would have come up here just for that introduction. I thank him so much.

I am pleased to follow my friend, the distinguished majority leader, Mr. CANTOR. I'm going to have some remarks. But before I get to those remarks, I want to give you some statistics that I know you'll find very interesting. I want you to take them to heart.

The Energy Information Administration reports that oil production from Federal lands and waters was higher the first 3 years of the Obama administration than the last 3 years of President Bush's administration.

In addition, oil imports are at the lowest they have been since 1997. In 2011, U.S. crude oil production reached its highest level in 8 years, increasing by an estimated 110,000 barrels per day over 2010 levels to 5.59 million barrels per day. We now produce more than 50 percent of the crude oil we use domestically.

The U.S., by the way, has 1,971 rigs in operation. The rest of the world has 1,471.

The U.S. natural gas production is record breaking. In 2011, 28.5 million cubic feet. In 1973, which was the previous record, it was 24 million cubic feet. But hear this: In 2005, during the Bush administration, it was 5 million less.

Net imports as a share of total consumption has declined from 2005, where it was 60 percent in the Bush administration, to 2011, where it is 47 percent.

The administration has announced that the 2012–2017 5-year leasing plan will open up more than 75 percent of our potential offshore oil and gas resources. The U.S. production for Federal lands on shore is similar to and has surpassed the Bush administration. In 2005, it was 649 million barrels; in 2010, it was 739 million barrels, otherwise known as almost 100 million more barrels.

Ladies and gentlemen, we understand that we need to produce and use energy in America. Mr. Chairman, we should be working, however, together to find real solutions to meet our pressing challenges. We ought to pass a long-term highway bill to create thousands of construction jobs. We ought to address the looming deadline when student loan interest rates are set to go up on July 1. We ought to get to work on taxes so we can keep low rates in place for middle class families. And we ought to get serious about comprehensive deficit reduction before we find ourselves on the edge of a fiscal cliff this year.

Instead, Mr. Chairman, once again, we have a solution looking for a problem. Our Republican friends have called up two bills on the floor this week that make this very clear.

While gas prices have thankfully retreated, the first bill would enact an extreme drill-only energy strategy that won't lower gasoline prices. That bill is notable for what it doesn't do: invest in diverse energy sources that create jobs, reduce our oil dependence, and enhance energy security; nor does it make our Nation a global leader in energy technology.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield the gentleman an additional 1 minute.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

The second bill, which we considered yesterday, would impose a radical policy on our border areas that would undermine security coordination and bring polluting industries to some of our most pristine parks and historic sites, even though our border enforcement officials have said such legislation is unnecessary. That's what we worked on yesterday. Not jobs, not student loans, not transportation, but a piece of legislation that they said wasn't necessary.

These are not what Congress ought to be focusing on this week or next week. Let's turn our attention to our most pressing issues—student loans, construction jobs, keeping middle class taxes low, and reducing deficits—instead of wasting the American people's time on partisan bills that won't solve any of our real problems.

Mr. Chairman, I'm hopeful that either in the next 24 hours or in the next 9 days we will, in fact, pass a jobs bill that will create jobs, and everybody knows that that's the highway bill.

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

Mr. RUSH. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland.

Mr. HOYER. The Senate has passed a highway bill in a bipartisan fashion with half of the Republicans in the United States Senate voting for it, and with a very conservative Republican ranking member, JIM INHOFE, and a very liberal chairwoman, BARBARA BOXER, who came together and had the ability to compromise and come to agreement.

I tell my friends on the Republican side, that's what the American people want us to do. If we do that, it will raise the confidence of our people, of our business community, of our country. That will be the best thing we can do for our country, to come together in a bipartisan fashion, as the United States Senate did, and act.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentleman from Colorado.

Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act.

Oil accounts for 37 percent of U.S. energy demand, with 71 percent directed to fuels that are used in transportation. Our energy policy is vitally important to our national and economic security. It's especially as important to the mother who drives her children to school as it is the business owner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans hurt.

Last year, the price of gasoline increased 81 cents per gallon. That is why I do support an all-of-the-above approach to energy. This includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear.

The President in his last State of the Union stated the same belief, but this administration has done nothing to back up that statement. The executive branch is using the Strategic Petroleum Reserve for political purposes by imposing overburdensome regulations on refineries and placing obstacles to increasing permitting and leasing on Federal lands for gas and oil production.

During this administration, we have seen a drastic decrease of oil production on federally owned lands at a time with high gas prices. From 2010 to 2011, there has been a 14 percent decrease. The Domestic Energy and Jobs Act will enable job creators in the energy industry and increase domestic energy production here at home.

The legislation that is before us today will turn the tide on this administration's actions, or lack thereof, and allow our Nation to move forward on our Nation's energy production, thereby increasing jobs and bringing us closer to energy independence.

I urge all of my colleagues to vote in favor of this bill.

Mr. RUSH. Mr. Chairman, may I inquire as to how much time is remaining on this side?

The CHAIR. The gentleman from Illinois has 3 minutes remaining, and the gentleman from Colorado has 11½ minutes remaining.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. RUSH. I appreciate the time.

Mr. Chairman, I rise in opposition to H.R. 4480. This is a bill that is totally a giveaway to Big Oil.

The fact is, if we want to be energy independent, we can't drill our way to energy independence. We can get there by having alternative green energies that will create jobs and make us independent. We can have wind and solar, and we can have higher fuel standards for automobiles. That's the best thing we can do is reduce the demand for oil by having higher fuel standards, which we don't have in this bill. Regarding the price of oil and making ourselves energy independent, it's not going to happen.

My colleagues on the other side—at least some of them—have for quite a while, about 2 or 3 months ago, blamed the rising prices of gasoline on President Obama. Gasoline has come down considerably since that time. Has one person had the veracity, the bipartisanship to say, Mr. President, thank you for bringing the price of oil down?

No, they haven't, because the President didn't bring the price of oil down, just like he didn't take the price of oil up. It's political rhetoric to say he caused the prices to go up, and it would be wrong to say he brought them down.

□ 1730

There are world markets, demand in China, demand in India, demand even in Bangkok; and those demands have put the price of oil up. The situation in Iran with Israel has created concerns about the future of oil shipments through the Strait of Hormuz. Because of that, prices went up. That situation has been rectified.

This bill is only a giveaway to Big Oil. It threatens people's First Amendment rights because it says they have to put up a $5,000 bond simply to protest. It threatens jobs. In many industries—the outdoors industry—it threatens public health and people's opportunity to be free from air pollution. It threatens hunting, fishing, and recreation and grazing because it violates the multiple-use doctrines established in the Federal Land Policy and Management Act.

This is not a good bill for America. And to be energy independent, we need to find green energy and green jobs.

Mr. GARDNER. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

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

Mr. CONAWAY. Mr. Chair, I rise today in strong support for the Domestic Energy and Jobs Act of 2012 because I personally know the importance of the oil and gas industry to the future of America.

I am fortunate to call West Texas home. Growing up in the Permian Basin has given me a better perspective on what it means to produce the raw resources that our Nation needs to power its industry. It is a perspective that has come from working on a drilling rig in Fort Stockton, Texas, drilling miles and miles below the surface of the Earth.

It's this pursuit of oil and gas miles below our feet that is reinvigorating pockets of the American economy from Texas to Pennsylvania to North Dakota. The work is hard, but the rewards can be great. Not just for the producers, but also for the roughnecks, the thousands of small and large firms that support the drilling activity, and the communities that host them.

Our Nation relies and prospers, Mr. Chairman, on affordable, abundant energy like oil and gas. This bill will ensure that not only do we have affordable energy, but that Americans are put back to work producing it.

The oil and gas industry on private lands is thriving in spite of this administration's attempt to slowly suffocate it. Today's legislation would reverse the glacial pace of permitting and the pointless regulations designed solely to slow down production on Federal lands.

Mr. Chairman, this bill will do the things that the President's stimulus act has failed to do. It will drive investment into American businesses and will put Americans back to work, just like the oil and gas industry has been doing in District 11 for over 80 years.

Mr. RUSH. Mr. Chairman, I intend to close, so I will reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, at this time, I would like to yield 1½ minutes to another gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act of 2012.

Every developed economy in the world looks to their own resources as assets to fuel their economic growth. Yet many folks in Washington view our domestic energy resources as a liability. Unelected and unaccountable Federal bureaucrats continue to dream up ways to lock up, restrict, tax, or otherwise regulate these assets away from benefiting the American people.

This is an issue of critical importance for our economic security, our national security, our energy security, and most importantly for the opportunities that we hope to leave for future generations.

We desperately need the stability that comes from unlocking access and tapping into our American energy resources. The Domestic Energy and Jobs Act does just that by allowing us to pursue an all-of-the-above energy plan that removes unwarranted government roadblocks to domestic energy production and supply.

This bill will also help reduce our Federal deficits and our trade deficits. In the case of the former, it helps to reduce our Federal deficit in multiple ways: one, by growing the American economy and American jobs; two, by increasing royalties and lease payments to the Federal Treasury; and, three, by reducing the cost of our energy for the American economy. In the case of the latter, increased production of American energy will result in lower oil imports from foreign sources and reduced payments for those imports, thereby keeping more American money at home to rebuild our economy.

I urge my colleagues to support the Domestic Energy and Jobs Act, which would create jobs, grow our economy, reduce our dependence on unstable Middle Eastern oil, improve our national security, and restore the American Dream for future generations.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to the gentleman from Louisiana (Mr. LANDRY), my freshman colleague.

Mr. LANDRY. Mr. Chairman, here are some facts: an estimated 13 million Americans are out of work. The State of Colorado's unemployment rate is 8.1 percent, which correlates with the national unemployment rate. Today, the State of Colorado's estimated reserves are 1 billion barrels of oil.

In 1995, the State of North Dakota's estimated reserves were 151 million barrels. Today, those reserves have been increased to 4.2 billion barrels of oil; yet today, the State of North Dakota's unemployment rate is 3 percent. What do those facts tell us? Those facts tell us that drilling equals jobs, Mr. Chairman. And it's very simple. In North Dakota, they are drilling on private lands. They are driving unemployment rates down.

Please, if the President wants a jobs plan, it is here. And I urge all Members to vote for this bill.

Mr. GARDNER. Mr. Chairman, at this time I would like to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support for H.R. 4480, a bill that promises to open up more public land to energy development and to streamline burdensome rules and heavy-handed regulations that now thwart new domestic energy development in the United States.

The President and the Democratic-led Senate continue to obstruct the utilization of America's enormous natural resources. What are they? These resources are a God-given asset that has elevated the well-being and prosperity of our people ever since the time of our Nation's founding. Now, when we need the wealth of those resources more than ever, we suffer the obstructionism of our own government.

The President has prevented the construction of the Keystone XL pipeline. The President has shut down oil and gas production offshore. And most recently, this administration—and perhaps most heinously—this administration has moved forward with plans to add onerous rules and regulations on a new and emerging technology. The efforts of this administration are mind-boggling because there is no evidence that this technology has done any harm to our people, and there is ample evidence that this technology would produce significant economic growth, thus jobs. And I am referring to, of course, fracking, which has clearly been targeted by the President and by his environmental gestapo friends.

While we are talking today and while we are trying to determine whether or not we are going to be using more resources, gasoline prices are changing the lifestyle of the American people. We're talking about people who are paying $3.50 a gallon and, in my State, $4 a gallon. Why are we allowing our people—13 million people who are currently out of work and suffering under these conditions—why are we adding such costs for them to bear?

The CHAIR. The time of the gentleman has expired.

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

Mr. ROHRABACHER. What we need, Mr. Chair, is we need to make sure that we move forward, as this bill will do, to ensure that we are fulfilling our commitment to the American people to do

everything we can to make sure that they will live in prosperity and freedom and hope for a better life for their children.

This has always been tied to the utilization of natural resources, and this bill will ensure that our people will benefit from those gifts that God gave us underneath our ground and public lands.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to another freshman, Mr. GOSAR from Arizona.

Mr. GOSAR. Mr. Chair, outside these walls people across our country are suffering. Electric bills and gasoline prices are increasing as we enter the heat of the summer.

□ 1740

Over 13 million Americans are still without work. Our constituents are counting on us to take action.

The Republican-led House has been leading the way with solutions to our country's energy problems. The bill before us today, the Domestic Energy and Jobs Act, is just another part of that agenda. It will remove government roadblocks and bureaucratic red tape that hinder onshore oil, natural gas, and renewable energy production and facilitate job creation. This act truly embraces an all-of-the-above approach that our country so desperately needs.

A country is only as strong as its people. Henry Ford II once said:

> What's right about America is although we have a mess of problems, we have great capacity—intellect and resources—to do something about them.

Let's use that capacity to address our country's energy crisis and put people back to work. I urge my colleagues to vote in favor of the Domestic Energy and Jobs Act.

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

Mr. GARDNER. I am prepared to close. I have no further requests for time.

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

There is widespread opposition to the Republican oil-above-all bill. The Obama administration opposes the Republican bill. Its Statement of Administration Policy says:

> The administration strongly opposes H.R. 4480, which would undermine the Nation's energy security, roll back policies that support the continued growth of safe and responsible energy production in the United States, discourage environmental analysis and civic engagement in Federal decision-making, and impede progress on important Clean Air Act rules to protect the health of American families.

If the President were presented with H.R. 4480, his senior advisers would recommend that he veto the bill. Numerous public health organizations oppose this bill, including the American Academy of Pediatrics and various others.

Mr. Chair, this bill is nonsensical and is another bill in a long list of Big Oil giveaways pushed by the most anti-environmental House in the history of our Nation.

I yield back the balance of my time.

Mr. GARDNER. I would just inquire how much time I have remaining.

The CHAIR. The gentleman from California has 4 minutes remaining.

Mr. GARDNER. I thank the Chair and I yield myself the balance of my time.

Sixty four thousand eight hundred five jobs, $4.3 billion in wages, $14.9 billion in annual economic impact. That is the number of jobs, the amount of wages, and the economic impact that we would have seen today if not for the backlog of BLM projects over the past 3 years.

Sixty-five thousand jobs. There are 22 proposed projects in the Western United States that would create nearly 121,000 jobs.

Over the past few years, we have seen gas prices increase dramatically: $3.50, $3.60, $3.70. Since we've heard debate on the House floor tonight, they're going down. Even a flood can be lowered by a foot the next day, but it's still a flood. Our constituents who are paying $60, $70 to fill up with a tank of gas to drive their families to school, trying to put food on the table, to get to work, cannot afford high energy prices year after year.

This bill presents us with an opportunity to create jobs to build on American energy independence, to make sure that we are doing the one thing that we set out to do, and that is improve the economic chances of this country, our competitiveness, and the lives of our constituents. But they can't do it with gas prices exceeding $3, $4. What's next? Because here we are again.

The policies presented in this bill will allow us to cut through red tape and to increase exploration on our great lands in the Western United States across this country in an environmentally responsible fashion. It will allow us to make sure that when we access the Strategic Petroleum Reserve because of a supply problem that we're also addressing a long-term supply fix instead of just quick-fix politics.

We have an opportunity to make sure that when it comes to the regulations that are driving up the price of gasoline—and they have a real impact; we have both heard before our committee testimony from EPA administrators who say, yes, it will increase the price of gasoline—we stop and take a look before we leap to make sure that we are analyzing to understand the impact they will have on our constituents, who continue to suffer.

The best way to improve our economy is to make sure that we are unleashing every sector of our economy. And yes, that means renewable energy. This bill includes renewable energy. It takes a 4-year look at renewable energy on public lands, to take advantage of our opportunity with solar on Federal lands, with wind on Federal lands. But we will not sit idly by while our constituents pay thousands of dollars a more each year to put fuel in the tank, competing with the food on their table.

And so, Mr. Chair, this bill presents us all with a great chance to increase our energy supply, create American jobs, and make sure that we understand the full ramifications of regulations and drawdowns of the Strategic Petroleum Reserve before we act. And I think it's important that we send one strong message to our constituents that we've heard you. We've heard you loud and clear. And we are going to do everything we can to improve our economy, bring down the cost of energy, create jobs. That's when this Congress will do our job. This Congress will do our job when we pass this legislation, and I urge passage of H.R. 4480.

I yield back the balance of my time.

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

Mr. Chairman, the legislation that we are debating and considering today is a clear all-of-the-above plan to increase American energy production, to lower gasoline prices, and to reduce our dependence on unstable foreign energy. But more than anything else, Mr. Chairman, this is a bill about creating jobs. The Domestic Energy and Jobs Act creates good-paying permanent jobs that will put people back to work and help grow our economy.

The only thing that the Obama administration has been more hostile to than American job creation, Mr. Chairman, is American energy production. Frankly, that shouldn't surprise anyone because the two do go hand-in-hand.

President Obama likes to talk about an all-of-the-above energy plan. But in reality, it's a nothing-from-America energy plan. This administration has consistently said ''no'' to new American energy production while happily forcing hardworking American taxpayers to spend over $1 million a minute on foreign energy.

President Obama doesn't want to drill for oil in Utah; perhaps he'd rather get it from Venezuela. President Obama doesn't want to drill for natural gas in New Mexico; perhaps he'd rather get it from Yemen.

□ 1750

President Obama doesn't want to develop our oil shale in Colorado; perhaps he'd rather get oil from OPEC.

President Obama doesn't want to import oil from our friends in Canada by approving the Keystone pipeline; perhaps he'd rather import oil from countries that aren't our friends in the Middle East.

Finally, President Obama doesn't want to drill off America's coasts, but he doesn't seem to mind Fidel Castro drilling 60 miles from America. And he doesn't seem to mind giving Brazil billions of dollars to help them drill off their coasts and then promise to be their ''best customer.''

The American people need to understand that this administration has

taken this country in exactly the wrong direction when it comes to developing our vast energy resources. While President Obama has been digging the United States into massive fiscal deficits, he has also gotten America into an energy deficit on Federal lands from which it could take years to recover.

Energy production on Federal lands is one of our best opportunities for job creation and energy security. But time and again, that production has been blocked or delayed by this administration. Under this administration, from 2010–2011, oil production on Federal lands fell by 14 percent. And natural gas production on these same lands fell by 11 percent. Mr. Chairman, this is in stark contrast to the oil and natural gas production on State and private lands because that production has boomed.

American energy equals American jobs. It's a simple formula for job creation and economic growth, but clearly it's one that this administration doesn't seem to understand. Maybe that's because they just don't know how desperate Americans are for jobs. Just a few weeks ago, with unemployment above 8 percent and 23 million Americans looking for work, our President told the American people that the private sector is doing ''just fine.'' Well, if you don't know what the problem is, how can you possibly know how to fix it?

Mr. Chairman, in summary, this is the same President that has issued the lowest number of onshore energy leases since 1984. This is the same President who talks about an all-of-the-above energy plan, but actively blocks ability to produce more oil and natural gas and coal, and specifically doing so on public lands. For President Obama, ''all of the above'' is just a politically convenient slogan. But for House Republicans, it's a real job-creating energy policy.

So I urge my colleagues to vote for the Domestic Energy and Jobs Act to put Americans back to work and make us less dependent on foreign sources.

I reserve the balance of my time.

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

My colleagues, the short title of this bill, the Domestic Energy and Jobs Act, spells out the word D-E-J-A. But what we're seeing here is not just deja vu, the feeling that we've seen all these Big Oil giveaways before. No, this bill is a deja preview, a look ahead into what the Romney administration would do if elected and had a GOP House and Senate to fully implement the oil companies' legislative agenda and block all efforts to help clean energy.

There's been a lot of discussion of the DREAM Act recently, but the bill we have before us today is really the Big Oil dream act. This package represents everything Big Oil could ever possibly dream up to drill on our public lands and roll back public health protections.

As the world gathers in Rio de Janeiro right now to try to head off catastrophic global warming from the burning of fossil fuels, here we are in the House of Representatives looking for ways to give more benefits to fossil fuel industries.

And as America's wind and solar companies look to hire more American workers, here we are in the GOP-controlled House, where the Republican leadership refused to make my amendment in order to establish national goals for wind and solar, clean energy and energy efficiency. They won't even allow that debate to take place on the floor of the House of Representatives during what they say is the big energy debate for America. Can you imagine, it's 2012, we are having a big energy debate, big, big debate on the energy future of our country, and the words ''wind'' and ''solar'' are not going to be permitted by the Republicans to be out here on the House floor and being debated. And by the way, did I throw in biomass? Did I throw in geothermal? Did I throw in energy efficiency? They won't allow the words to be spoken. There's a gag order here, a big gag order by the Republicans. No debating that.

And then they have the temerity to call it an all-of-the-above bill. Oh, a comprehensive energy plan without wind, without solar, without geothermal, without biomass, without plug-in hybrids or energy efficiency debated out here because they have a gag order. They prohibit any debating of those issues on the House floor. And yet here they are, saying it's an all-of-the-above energy bill.

Great. Great. So fair. Fair and square. A real debate. Let all the Members decide what our energy future looks like.

But before the end of this year, the Republicans are allowing all of the tax breaks for the wind industry to expire. And what are they doing? They are actually going to continue the $4 billion a year that ExxonMobil and Chevron get. That's fair, huh? A gag order on even mentioning wind and solar out here as part of an amendment, a debate, $4 billion for the oil industry. And by the way, let's take a look at what's going on in oil production in the United States.

Oh, by the way, did you hear the news? It's now at an 18-year high. Obama, drill, baby, drill. Obama, what a great job. An 18-year high under Barack Obama, way better than George Bush. Way better. You have to go back to almost a time when a kid who's graduating from high school has no memory of. It's 18 years ago the last time there was this much oil drilling in the United States—Federal, State, private lands.

But if you listen to the Republicans, they're saying there's not enough breaks for ExxonMobil. No, no, no, we have to give them more. This poor, beleaguered company, and all of the other oil companies of the same size, they have been beleaguered as they are now at an 18-year peak in oil production in the United States. And you know who's beating them up—wind and solar, geothermal, biomass, plug-in hybrids. Very scary things to the Republican. So scary that because they control the Speakership, because they control the Rules Committee, we're not allowed to debate wind and solar. They're prohibiting it today. An absolute, all-out prohibition this week on the discussion of wind and solar. Huh?

When I asked to have an amendment be put in place that we could debate whether or not we had a national renewable electricity standard for the whole country, setting goals for what our country should have for wind and solar by the year 2020, you know what they said: No, we're gagging you. You can't have that debate out on the House floor. You can't even raise the words ''wind'' and ''solar.''

Yet they're going to keep coming out here saying we're for all of the above. All of the above that Exxon and Shell and BP want. Right on their list. And do you know where wind and solar are on the BP and ExxonMobil list? Oh, they just forgot to put it on their list. And that's what we get to debate out here, and it's going to be called an all-of-the-above energy future.

Well, let me tell you something—the American people deserve a lot better. They really do have a real sense that America has to be the leader in these new energy technologies. And President Obama has done his best or else we would not be at an 18-year high.

By the way, there are more oil rigs drilling in the United States for oil today—are you ready for this—than all of the other countries in the world combined. Barack Obama, drill, baby, drill. You are really doing the job. More oil rigs right here in the United States right now drilling than all the rest of the world combined.

But you're going to listen to these Republicans talk as though somehow or other, although ExxonMobil and BP and Shell are reporting the largest profits of any corporation in the history of the world, that they are being discriminated against.

□ 1800

What do ExxonMobil and BP expect? They expect there to be a gag applied out here on the floor so we cannot debate wind and solar, we cannot debate biomass and geothermal, we cannot debate energy efficiency. And yet we're supposed to sit over here in silence and listen to them say that they have an all-of-the-above energy strategy when we all know their entire strategy is oil above all—as a matter in fact, to exclude all else, exclude it, can't even debate it. They actually passed a rule here last night prohibiting us from debating wind and solar, from debating the future, from unleashing this technological revolution.

And why is that the case? I'll tell you why it's the case. Because in the last 5

years there have been 45,000 new megawatts of wind installed here in the United States. In this year, there will be 4,000 new megawatts of solar installed in the United States. Do you know who hates that? ExxonMobil hates that. Shell, BP, they hate it. Peabody Coal, Arch Coal, they hate it. They see this new clean energy future unfolding.

Out here on the floor of the House, as we debate the big energy bill here of 2012, I'm prohibited, as the senior Democrat, from bringing out an amendment that talks about wind and solar, that talks about geothermal and biomass, that talks about energy efficiency. I'm not allowed to bring it out here. So this is not an auspicious day for the United States Congress.

If there were any kernel of truth about Obama and his incredible work here, lifting us to an 18-year high in total oil production in the United States—by the way, since Bush left, since he left, we have dropped from being 57 percent dependent upon imported oil down to 45 percent dependent upon imported oil. Did Bush do that? No. Did Bush's father do that? No. Barack Obama did that, ladies and gentlemen. And what Barack Obama is saying, in addition to the dramatic decline in the amount of oil that we import from the Middle East, I would also like to add wind and solar and geothermal and biomass and energy efficiency. And they're saying, oh, no, it's already going too fast. This dependence thing is already happening much too fast for us.

And, by the way, this revolution in wind and solar and geothermal, people might start driving cars that are all electric and dependent upon wind and solar to give them the electricity so they don't even have to go into a gas station.

Do you know what they're really afraid of? They're afraid that what is going to happen to them is what happened to the typewriter, that in 20 years we went from everyone using a typewriter to everyone using a computer. People have to look into a history book to now find what a typewriter looks like. It only took 20 years. They can see this wind and solar revolution happening so fast that they're afraid that in 2030 a kid won't even know how to fill up a car with gasoline because they'll be plugging in the car at home with solar and wind-generated electricity. That's what they're most afraid of.

That's what this debate is really all about and that's why there's a gag on the Democrats, why we're not allowed to talk about wind and solar and geothermal and biomass and energy efficiency. Oh, I'm sorry, we're allowed to talk about it, we're just not allowed to have an amendment out here on the floor. We're just not allowed to put everyone on record as to where they stand on those issues. We're just not allowed to do that. You cannot have an amendment out here on the floor.

So this is the full extent of our ability to help those industries, those competitive industries, those Microsofts and Googles and eBays and Hulus and YouTubes of the energy industry get out there and reinvent the way in which we generate electricity here in our country. That's what this debate is really all about.

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

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN), author of one of the provisions in this.

Mr. LAMBORN. Mr. Chairman, I rise in support of the Domestic Energy and Jobs Act. This energy package will unlock some of the vast resources this country has been blessed with, create stable jobs to put Americans back to work, and ensure America's energy security for the future.

While President Obama believes that the private sector is doing fine with an unemployment rate of over 8 percent and 23 million Americans looking for work, more Americans on food stamps than ever before, the U.S. Bureau of Labor Statistics tells us far too many Americans are not doing fine. And while private sector oil and gas are booming, our Federal lands are left behind.

Rather than encouraging and implementing policies that will create jobs for Americans, the Democrats and the Obama administration unfortunately support antienergy, job-destroying policies and have refused to act on or have reversed policies that would have created jobs for Americans and allowed for the development of American-made energy.

The Strategic Energy Production Act of 2012 takes the steps necessary to increase production of American-made energy and creates stable jobs for Americans. The plan, lease, permit provisions from the Natural Resources Committee in this legislation requires the administration to create a definitive, all-of-the-above, 4-year production plan to ensure American production of conventional—and, yes, renewable—energy to meet our energy needs.

While the administration has been unwilling to make land available for energy production, this legislation requires that they annually lease land for onshore development to ensure that the energy production process moves forward. It also streamlines the permitting process to ensure the expeditious and timely permitting of approvals. The legislation also ensures that understaffed and underfunded BLM field offices receive the funding they need to keep up with their workloads.

In addition to these reforms, this legislation opens one of our most promising areas for energy production: the National Petroleum Reserve-Alaska, which would expand American energy production and support current energy jobs for Alaska.

Finally, this legislation brings oil and natural gas leasing into the 21st century by allowing the BLM the authority to conduct Internet lease sales.

This legislation will take huge strides in securing our Nation's energy future. It will lessen our dependence on foreign sources of oil and create good-paying jobs for Americans across the country.

Mr. Chairman, I urge my colleagues to support the Domestic Energy and Jobs Act.

Mr. MARKEY. I yield 4 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I rise in opposition to H.R. 4480, which I heard my good friend and colleague from Massachusetts, Representative MARKEY, refer to as the ''Déjà Preview Act'' or the ''Big Oil Drain Act.''

Any student of history will tell you that the Congress was not designed to be efficient—while there were some good reasons for that—but deliberately celebrating that particular design of Congress with yet another partisan, short-sighted piece of legislation that moves United States energy policy backward is truly disappointing.

H.R. 4480 leaves our energy policy stuck somewhere in the 1950s. While other nations are making serious investments to diversify their energy supplies, support new clean energy businesses, and become less dependent on traditional fossil fuels, we are marching in place.

H.R. 4480, with its gag order on renewables and energy efficiency, is another missed opportunity and a waste of time. H.R. 4480 is nothing more than a wish list for Big Oil companies at a time when these companies are making record profits on the backs of America's taxpayers and her middle class.

Our energy crisis isn't that we need to drill for more oil. In fact, we're actually quite good at it as we saw in Representative MARKEY's presentation. This bill will only make us more dependent on a limited resource that is priced on the global market and enjoys a century-old taxpayer giveaway while making record profits on the backs of our middle class.

The answer to our energy crisis is to diversify our supply, support new clean energy businesses, become less dependent on fossil fuels—to focus on the demand side of the energy equation as much as we do our supply side.

While we consider this bill, policies that would provide modest assistance to companies that are working on solar, wind, fuel cells, combined heat and power, geothermal and energy efficiency, to name a few, are languishing in committee.

□ 1810

These are the technologies that will take us into the future, a bold future. True, they are not yet ready to provide all the energy we need, but that is all the more reason for us to help them move forward aggressively.

Jobs in the industries I've mentioned, good-paying jobs, are at risk

due to our failure to renew the production tax credit, the 1603 program, and the research and development tax credit. We are stifling job growth and innovation with this act.

Eventually, traditional fossil fuels will run out. Already, the human health and environmental costs of extracting and using these fuels have risen tremendously. We choose to ignore this at our peril, or at least at the peril of the next generation and generations to come.

Over the past 40 years, the Clean Air Act has shown we can have both clean air and a vibrant economy. Since 1960, air pollution has decreased by more than 70 percent, while the economy has grown by more than 200 percent.

But this bill is likely to eliminate jobs, while making the air we breathe more toxic. But that doesn't seem to matter to the majority in the House. It does so by eliminating standards for cleaner vehicles and cleaner fuels, likely costing nearly 25,000 jobs a year for 3 years. Yet more backward motion.

The public lands policy put forward today and in yesterday's legislation is an insult to the previous generations whose foresight and concern for future generations granted us a rich inheritance of natural resources in our wildlife refuges, wilderness areas, and national parks.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Colorado (Mr. TIPTON), an author of one of the provisions of the bill.

Mr. TIPTON. Thank you, Chairman HASTINGS, for yielding me time.

America has always had a competitive advantage as a Nation. It's been the entrepreneurship, the hard work, the innovation of the American people. But we've also always had a different advantage as well—affordable energy in this country. We see that now imperiled.

In 1979, Jimmy Carter challenged this Nation to move to energy self-sufficiency. Decade after decade it has not been addressed. This piece of legislation is to move America fully into the 21st century, to be able to secure for us and for our children this land of liberty, opportunity, and growth. It comes with American energy.

The ranking member from Massachusetts, I have good news for you. When you read the actual legislation that is put forward, it states in my portion of the bill, the Planning for American Energy Act of 2012, page 16, line 16, calling on the Secretary of the Interior to develop a plan for American energy.

What does it say?

> Creating the best estimate, based upon commercial and scientific data of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands.

The very thing you asked for is in the bill. We have an opportunity to be able to create an American energy future in this Nation, to be able to secure for our children that birthright that many of us grew up believing was an American birthright—the right to be able to live that American Dream—to be able to put Americans back to work.

The Planning for American Energy Act of 2012, my portion of this bill, speaks to that commonsense, all-of-the-above proposal that we all seek: wind, solar, geothermal, hydroelectric, using the minerals, the resources, the natural gas, the oil that we find on American soil.

When we see what is happening right now in the Middle East, when we see at the gas pump our prices doubled from just 3 short years ago, when we talk to senior citizens on fixed incomes who are finding out when they turn on that light switch that their bill has increased, is it time, is it appropriate for us to seek an American energy solution? The time has come. The day has arrived.

The Acting CHAIR (Mr. STUTZMAN). The time of the gentleman has expired.

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

Mr. TIPTON. Rather than encouraging energy development off of our shores, as the President has done with his $2 billion loan guarantee to Brazil to develop their energy sources, if we're going to make those kind of investments, if we're going to look to that type of future, would it not be better for us to develop American energy on American soil to put Americans back to work and create American energy certainty? That day has come. The time is now.

This is a good piece of legislation for American security and American jobs.

Mr. MARKEY. I yield myself 1 minute.

I thank the gentleman from Colorado.

Yes, what the Republicans are saying is, in their bill, that they want a study for 4 years of wind and solar. A study?

Well, maybe they should study the fact that it's very sunny in Florida. It's very windy out in the Midwest and, as a matter of fact, so sunny and so windy that there have been 45,000 megawatts of wind installed over the last 6 years in the United States, that there's going to be 4,000 new megawatts of solar installed in the United States just this year.

So maybe the Republicans should study the studies that are already out there, and maybe they could actually look over and ask the coal industry what they're thinking as they've dropped from 51 percent of all electrical generation down to 36 percent of all electrical generation in the last 5 years.

Maybe they're looking at the wind industry. Maybe they're looking at the solar industry. Maybe you could call them. But you don't have to wait 4 years, because all you want to do is study it. What we want to do is give the incentive for the wind and solar industry to continue their revolution.

I yield 5 minutes, if I may, Mr. Chairman, to the gentleman from New Jersey (Mr. HOLT), the ranking member of the subcommittee.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts, and I thank him for laying out so clearly all the shortcomings of this legislation, this oil-above-all legislation. It really is nothing but a big giveaway to Big Oil.

The only jobs it will create will be in the boardrooms and the executive offices of the Big Oil companies because, since 2005, even as ExxonMobil, Chevron, BP, and Shell have made more than $650 billion in profits—need I repeat that? $650 billion in profits—they eliminated more than 11,000 jobs, U.S. jobs, American jobs. And this is even while wind and solar were creating 50,000 jobs.

Yes, there's a mismatch here. The bill before us presented by the Republicans says we'll study to see how much solar and wind energy might come from these lands in the future instead of saying let's get these energy sources of the 21st century rolling in these lands. It's not a plan of what we might get. The Markey amendment would have set standards for what we would get.

Now, the Republicans have a long record of protecting tax breaks for Big Oil while cutting clean energy initiatives. That's what we see here.

But what I wanted to talk about is the damage that would be done under this legislation. Health officials today here in Washington are warning people to avoid the heat and stay indoors. I don't think they had in mind that we stay indoors to pass legislation that chokes off public health protections, that modifies the Clean Air Act to make it ineffective, and yet that's what this bill does.

□ 1820

By rejecting clean energy and pushing only for more fossil fuels to blanket the world with heat-trapping pollution, the Republican majority is essentially turning off the world's air conditioner and turning on the heater.

There is a reason that the term ''fossil fuels'' applies—actually, two reasons. One is that these are derived from ancient plants that have decayed deep in the Earth and have produced petroleum. But there is another reason. ''Fossil'' means ''archaic.'' ''Fossil'' means ''out of date.'' ''Fossil'' does not mean ''21st century.''

Yet that's where this legislation is taking us—in the wrong direction and in the wrong direction with regard to environmental protection.

In the wake of the Deepwater Horizon disaster, we shouldn't be playing games with safety and the environment. The spill exposed a woefully inadequate environmental review process that was done prior to the oil and gas leasing. The environmental review done prior to the BP spill was so sloppy that response plans talked about protecting walruses. Obviously, they were

just, in an unthinking way, using old Alaska pages.

Tourism is the lifeblood of so many of our coastal communities. As the economy is struggling to recover, we can't risk the kind of environmental damage that derails economic progress in these areas. We should understand the risks of drilling, and we should strengthen the protections, not weaken them. Furthermore, there will be damage done to the whole leasing process.

For my colleagues on the other side of the aisle who are so worried that putting some real standards—some expecting of good performance from oil companies—would somehow interfere with their production, let me point out some good news. Today, the Interior Department announced the results of an oil and gas lease sale in the Gulf of Mexico.

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

Mr. MARKEY. Would the Chair tell me how much time is remaining.

The Acting CHAIR. The gentleman from Massachusetts has 8½ minutes.

Mr. MARKEY. I yield an additional minute to the gentleman from New Jersey.

Mr. HOLT. I thank my friend.

According to the Interior Department, today's leases that were bid on today, which have some lease standards apply that require increasing rental rates and shorter lease terms—the very things that the folks on the other side of the aisle here say would be killers, would stop the drilling—were record-setting lease sales, bringing in $11.7 billion even with these new conditions for offshore drilling; and they're saying what works here offshore won't work on the lands that we are talking about in this legislation.

Now, I'll tell you what's a killer in this. A killer is the relaxing of the public health and environmental standards in the legislation. That's literally a killer.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), whose State has tremendous resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I support this legislation. It's long overdue. Title VI of this legislation is a good step forward in Pet 4 in Alaska, so it is with great amazement that I listened to the two previous speakers.

Wind power, you can take and cover every acre of the United States, including the parks and refuges, and put solar panels on them, but you'll only produce 20 percent of the consumption of energy we use today. Now, think about that—no parks, no refuges—all solar panels, and we're going to take care of the problem. By the way, it has to be transported to a battery, taken and made by rare earths from China.

That's what this is all about. It's nonsense.

The idea that wind is going to solve the problem and that solar is going to solve the problem, that's nonsense because, in reality, fossil fuel, to this day, is the only fuel that can move an object, ladies and gentlemen. It moves your car; it moves your truck; it moves your plane; it moves your train; and it moves your ship that brings all the product to and from the United States.

You're not going to do it with a beanie on your hat. You're not going to do it with solar panels that have to cover every acre of the United States of America. It's because we're collecting the power of the Sun down here at the bottom of the pyramid. We're not collecting from the source. If you want to go far, if you want to be really reaching into the future, collect it up there and beam it down to a point where we can create electricity.

This is a good bill because, ladies and gentlemen, Mr. TIPTON said it right. In his bill, we do have action on wind and solar, although it will not work, and we know it won't work. We need fossil fuels now until we have the time to produce another source of energy that does not need electrical batteries to run a car. We're going to plug a car in? Nonsense. It won't happen, because you need to produce energy from some other source to create the electricity. You're against nuclear power. You're against hydropower. By the way, you'd like to take and grow our way into new power by using corn—a food—for energy. That's absolutely nonsense.

Shame on you to say this is not a good bill. This is a good bill. It's not a nonsense bill.

Today, the NPRA remains in various stages of exploration, and experiences no shortage of interest from producers. However, there have been a series of bureaucratic delays that have impeded production from this vast area. This bill seeks to remedy that situation and give the American people the energy resources they need.

The Trans Alaska Pipeline System is running at one-third capacity. Soon, without the addition of increased oil supplies, that pipeline will no longer be economical to operate. Carrying 11% of our Nation's supply, TAPS is critical infrastructure for this nation that must be protected. This winter TAPS was shut down for a period of days and fuel prices on the West coast shot up immediately in a drastic manner. Luckily, NPRA is only tens of miles from existing pipeline infrastructure that leads into TAPS.

A few weeks ago, clearly acknowledging that increased supplies will bring down energy prices, President Obama released 30 million barrels of oil form the Strategic Petroleum reserve. The National Petroleum Reserve—Alaska has 2.7 billion barrels and already has infrastructure in place to bring the oil to market!

Title VI of H.R. 4480 is a good first step towards harnessing the potential that these federal lands in Alaska have to provide domestic energy supplies.

Mr. MARKEY. Again, I ask how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Washington has 17½ minutes. The gentleman from Massachusetts has 7½ minutes.

Mr. MARKEY. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from South Carolina, a member of the Natural Resources Committee, Mr. DUNCAN.

Mr. DUNCAN of South Carolina. I thank the chairman.

There can be no national security without energy security. Let that sink in. There can be no national security without energy security.

House Republicans support a truly all-of-the-above energy policy, not one put forth by the Obama administration and House Democrats, which basically is an all-of-the-above, except for X, Y, and Z, policy, which blows through Americans' hard-earned tax dollars by chasing phantom solutions to our energy needs with companies like Solyndra. ''All of the above'' means opening up Federal lands for energy production and exploration, and it puts Americans to work.

Americans simply need to look to one western State to see a microcosm of what America could be with an energy-driven economy. That State is North Dakota. When you get off the plane in North Dakota, they give you a job whether you need one or not. They're approaching a zero percent unemployment rate—zero. It is an energy-driven economy. It is the microcosm of what this Nation could be if we would pursue an energy-driven economy.

Energy from Federal lands could be a reality. Energy from the Outer Continental Shelf could be a reality if we would embrace opening up American resources for production, which is like the folks in North Dakota have done on State and private lands. This is good policy for America. Energy policy works.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to another member of the Natural Resources Committee, the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act. This important legislation begins to put in place a true all-of-the-above energy plan, a type of plan that has been missing since this President came into office in 2009.

This legislation will expand oil, gas, and renewable energy development on Federal lands to help increase the supply of energy and lower energy prices for consumers. It will also give relief to drivers who are paying high prices at the pump every month due to very costly EPA regulations that are scheduled to go into place.

□ 1830

This legislation also contains a bill that I introduced, the BLM Live Internet Auctions Act. This section of the bill is supported by my friends on the

opposite side of the aisle here and even the administration. The BLM Live Internet Auctions Act will bring the BLM Lease Auction program into the 21st century by allowing BLM to conduct online leases just like the private sector has been doing for over 10 years.

We hear a lot about an all-of-the-above energy policy. The President even talked about an all-of-the-above energy policy in the State of the Union. I'm convinced that what the President means by an all-of-the-above energy policy is anything all and above the ground, because it seems like he doesn't want us going after our own natural resources.

If we had an energy policy that said, Look, we're going to draw a line in the sand, and over the next 10 years we're going to become energy independent and secure in America, we're going to go after the trillions of barrels of oil that we already own, we're going to harvest the vast volumes of natural gas and oil that we own, we're going to continue to mine and harvest coal and use it environmentally soundly, we're even going to expand our nuclear footprint because it's the safest and most reliable form of energy on the planet, and, yeah, we'll even look at wind and solar and find out where those renewable energy sources fit into an overall scheme, but we're not going to sit on the sidelines any longer and be beholden to foreign countries for our energy, if we had that kind of vision backed with regulatory reform that said to the regulatory agencies like the EPA and the Department of the Interior, Starting today, you become partners in progress with America's industries and businesses—if you've a got a national security or public health or public safety reason for saying ''no,'' then say ''no.'' But don't let ''no'' be the final answer.

I think the American people have an expectation that their elected officials and the bureaucracies that are sent here to manage the American system are partners in progress, not barriers to progress.

I urge my colleagues to support H.R. 4480, the Domestic Energy and Jobs Act. I certainly do, and I urge them to, as well.

Mr. MARKEY. I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I would like to thank you, Mr. MARKEY, and Mr. HASTINGS, as well, for the time.

Mr. Chairman, my friends on the other side of the aisle keep on using this mantra, ''all of the above, all of the above.'' I think they should really name it ''oil above all.'' Oil above all would be a better name because it's very clear that this bill is really just a wish list and a checkoff for the big oil industry. It weakens public health protections, it forces arbitrary giveaways on public land, and it puts energy drilling ahead of all uses of Federal land. This is not a long-term strategy solution. It is an oil-above-all strategy.

The oil, gas, and coal industry are already getting billions in corporate welfare while they're making record profits. How much of the American taxpayers' money do they need? They will receive at least $110 billion in subsidies over the next 10 years. These subsidies have been won by decades of lobbying. In 2011, the oil, gas, and coal industry spent $167 million lobbying. But in comparison to the return on their investment, $167 million is small because they got subsidies of $110 billion. It is lucrative for them to do so.

They don't even need our help, Mr. Chairman. In 2011, just last year, the Big Five oil companies made $137 billion in profits. That's good by any measure. Why in the world would an industry that makes $137 billion in profits need the help of the American people with these tax breaks that the Republican majority won't even agree to get rid of?

This bill is simply checking off from Big Oil's wish list.

It weakens public health protections.

It forces arbitrary giveaways of public land.

It puts energy drilling ahead of all other uses of federal land.

This is not a long-term energy solution.

The oil, gas, and coal industries are already getting billions in corporate welfare.

They will receive at least $110 billion in subsidies over the next 10 years.

These subsidies have been won by decades of lobbying.

In 2011, the oil, gas, and coal industries spent $167 million lobbying the federal government.

They don't need our help.

In 2011, the Big Five oil companies made $137 billion in profits.

But the renewable energy industry does need investment.

Renewable energy is an emerging industry that can create thousands of new jobs.

Yet we are subsidizing the fossil fuel industry at 6 times the rate we are supporting renewable energy.

I offered a simple amendment to this bill.

It was a sense of Congress that fossil fuel subsidies should be reduced to help control the budget deficit.

Unfortunately, it seems the Republicans are too beholden to Big Oil to even allow a vote on my amendment.

I hope my colleagues on the other side—especially fiscal conservatives—agree that $110 billion in fossil fuel subsidies to profitable companies makes no sense.

We need a true "All of the above bill" that invests in clean, renewable energy—not this "Oil above all" bill.

I urge my colleagues to oppose this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Georgia, Dr. GINGREY, a member of the Energy and Commerce Committee.

Mr. GINGREY. Mr. Chairman, I thank the chairman for yielding.

The previous speaker, the gentleman from Minnesota, it sounds like his policy on his side of the aisle is: No oil, no matter what.

This is a very good bill. If it becomes law, H.R. 4480, the Domestic Energy and Jobs Act, will put people back to work. It will be a great giant step toward creating energy independence for this country. And, yes, indeed, my colleagues, it will bring down the price of gasoline at the pump, which has actually doubled in 3½ years under President Obama's watch.

As a member of the Energy and Commerce Committee, let me focus on one specific title of this legislation: The Strategic Energy Production Act. The Strategic Petroleum Reserve that we have in this country is about 700 million barrels of oil. Mr. Chairman, that reserve is there for a situation of a domestic crisis, not a political crisis. We use 20 million barrels of oil a day in this country. If you assume that 60 percent of it was domestically produced and we had to import 8 million barrels of oil a day, then think about how many days it would last if we truly had a crisis and OPEC cut us off completely from what we import. That reserve would last about 90 days. That is a 3-month period of time. Yet, President Obama wants to take that reserve and use it for political purposes.

This title of the bill, Mr. Chairman, just simply says that every ounce of oil that he takes out of the strategic reserve, we would increase that same amount on Federal lands.

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

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

Mr. GINGREY. I thank the gentleman.

Here is an important point, my colleagues. What this President has done has simply cut the production on Federal lands by 11 percent on his watch.

Let's pass this bill so that we do create jobs, we put people back to work, we become independent in this country, and not dependent on nations that hate us.

Mr. MARKEY. Mr. Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, I rise today in support of H.R. 4480.

The average American family buys 1,100 gallons of gasoline per year. If the price of gas fell just $1 from the current national average of $3.49, families would save $1,100 a year.

For far too long, this administration has prioritized politics over the needs of the American people, and today in this body we have an opportunity to work together and do what's right for the future of this country. The Domestic Energy and Jobs Act will help ease the pain at the pump, create jobs, and push this country towards energy independence.

This commonsense legislation would put several costly and potential burdensome EPA regulations on hold while an analysis of the potential costs and consequences of these rules is

done. To me, it is unthinkable that we wouldn't ask agencies to consider the impact of a regulation on jobs and the economy, particularly at a time of such economic uncertainty.

To boost our energy production, the Domestic Energy and Jobs Act will require the Secretary of the Interior to act on oil and natural gas lease applications and will cut red tape on opening up new reserves in Alaska. This legislation would also restrict the Strategic Petroleum Reserve from being tapped unless the administration develops a plan to explore for additional sources of oil.

Let me put this in perspective. As a young Army officer in Korea in 1973 and 1974, there was an oil embargo. OPEC cut off oil production and sending it to the U.S. We only got heat 3 hours a day. We had to keep the heat for our tanks and our aircraft to protect this Nation. So it is one of strategic importance, and energy is a very important source of that.

□ 1840

To obtain energy independence is not only a key component to our domestic recovery, but it's also an issue of national security, as I just mentioned. Becoming energy independent is far too important for the future of this country to continue to put politics above people.

I encourage my colleagues to join in supporting the Domestic Energy and Jobs Act.

Mr. MARKEY. May I ask again, Mr. Chairman, that we review where the majority and minority are in terms of time remaining in debate?

The Acting CHAIR. The gentleman from Massachusetts has 5½ minutes. The gentleman from Washington has 8½ minutes.

Mr. MARKEY. I will yield myself 1 minute at this time.

I would just like to review, once again, the Republican ''all-of-the-above'' plan: One, light, sweet crude oil. Two, sour, high sulfur oil. Three, heavy oil. Four, tar sands oil. Five, oil shale. And oh, just to mix it up, a little natural gas. What they forgot was, of course, wind, solar, geothermal, and biomass. And they won't even allow us to have an amendment out here on the floor in order to have a debate over it.

But that ''oil above all'' agenda you have, it is very comprehensive, and I give you credit for figuring out every single way that we can help all the oil companies in the United States at the expense of all the renewable energy industries.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I would like to thank the chairman for yielding.

I rise in support of the Domestic Energy and Jobs Act. You know, America's been blessed with an abundance of natural resources under our feet and off our shores. We have the largest coal reserves in the world. New technologies are making it possible to unlock vast new reserves of oil and natural gas. We need to do everything possible to safely and responsibly develop those natural resources because doing so will create good, high-paying jobs, and it will improve national security by reducing our dependence on energy from unstable regions of the world.

Higher gas prices are a cruel tax. They're a cruel tax on hardworking men and women who are trying to find a way to get back and forth to work. Higher gas prices are a cruel tax on seniors living on a fixed income.

And unfortunately, this administration is full of people that are pushing a radical environmental agenda that's hostile to energy development. They believe the solution is to force the price of traditional energy supplies to skyrocket so that alternative green energy becomes artificially competitive.

Alternative energy should be a part of the mix. But the reality is that fossil fuels will be the main source of our energy for at least the next two generations, and it's fantasy to suggest otherwise.

Now we do support an all-of-the-above strategy, but that all-of-the-above strategy also includes an all-of-the-below strategy. We support developing those resources that are below our feet and off our shores. That's why I am proud to support the Domestic Energy and Jobs Act.

Mr. MARKEY. At this time I yield myself 2 minutes.

You know, I hate giving all the bad news to the Republicans. But I'll give you some more bad news. You hate to hear it, but I will give it to you anyway.

In 2011, in terms of new electrical generation in the United States, 33 percent came from natural gas, 29 percent from wind, 20 percent from coal, and 8 percent from solar. Got that again? Wind and solar were about 37 percent of all new electrical generating capacity in the United States in the year 2011. But you guys want to study it. You want to have more information about this technology.

And by the way, in that study, you should also throw a few other things—a single device from which you can talk to your family, send emails, and watch videos. That's a concept some people have. You might want to study that as well. Oh, no, we already have that.

Sending a man to the Moon and returning him safely to the Earth. Oh, I guess that's something else we already did. How about studying the possibility of mapping the entire human genome so we can have an idea of what material humanity is made out of, to kind of break a breakthrough. Oh, I think we've already done that. And there may be many other things that we can throw into that solar and wind study that we also don't need to have studied that you can also throw in there as part of your technological and scientific phobia that refuses to have you admit that things are already happening.

And by the way, something else you are refusing to admit that happened—during Bush's term as President, the production of oil went down, down, down, down from 2001–2008. Do you know what happened once Obama took over? Up, up, up, up. So much oil drilling, in fact, that all the rigs in the world combined are not matching what Obama has done in terms of total oil rigs out there. And we are now at an 18-year high in oil.

Maybe you should study this. Maybe this is hard for you to understand. I've heard all the Members out here saying that there is a jihad against oil being waged by the Obama administration. It just doesn't match any of the evidence.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I will advise my very good friend from Massachusetts that I am prepared to close if he is prepared to close.

Mr. MARKEY. I will yield myself the balance of my time.

Let me just say that I know it's not anything that has been observed by the Republicans. But the price of gasoline has dropped for the last 11 weeks in a row, ever since the President threatened to use the Strategic Petroleum Reserve, because it was never about supply and demand. It was always about fear and greed. It was what Wall Street was doing and manipulating the price of oil and the commodities futures of the marketplace. It was about the fear that people had about a war in Iran breaking out.

But what's the response from the Republicans? Well, they have a brilliant amendment inside of their bill. What they say here is that if, God forbid, the Ayatollah ever attacked the United States, a Middle Eastern war ever broke out, and the President deployed the Strategic Petroleum Reserve, 10 million barrels worth of the Strategic Petroleum Reserve, you know what their bill says? That we, the Federal Government—if the Republican bill passes today—would then have to sell to ExxonMobil and the other Big Oil companies 200 million acres of Federal lands for ExxonMobil and the other Big Oil companies to drill on.

Understand that? That the Ayatollah attacks us, there's a war in the Middle East, and who do we have to pay the ransom to? To the Big Oil companies of the United States, if we deploy the Strategic Petroleum Reserve.

Now how nonsensical is that? That is an absolutely crazy idea, that the oil companies become the beneficiaries of a Middle Eastern conflict. They get the public lands of the United States, 200 million acres that we have to sell them simultaneously. It's almost a trigger that occurs inside of their legislation. That's how meshuggah this all is.

This is an absolutely crazy set of concepts, where we can't have an

amendment on wind and solar, geothermal, biomass, plug-in hybrids, all new technologies and efficiency that back out the need for all this oil to ever come in in the first place. And as a penalty, the country will use this Strategic Petroleum Reserve as a weapon of our national security against OPEC, that if the President uses it, we have to sell 200 million acres of American land to the oil companies so that they can even drill for bargain basement prices here in the country.

This bill is absolutely the wrong recipe for our country as we head into the 21st century. I urge a ''no'' vote.

I yield back the balance of my time.

□ 1850

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

The Acting CHAIR. The gentleman is recognized for 7 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, it is hard to know where to start as I close the debate on this portion of the bill because there's been so much information out there and so much information that, frankly, I won't say it's untrue, but it's not exactly accurate.

Let me start with the idea that the price of gasoline has dropped with this administration. In January of 2009, the average price of gasoline in this country was $1.82 a gallon. Now what is magic about January 2009? Well, that was the month that the President was inaugurated and the price of gasoline was $1.82 a gallon. Today, the average price of gasoline is $3.48. Now if your math is such that the price of gasoline drops when it starts at $1.82 and ends at $3.48, you've got fuzzy math. But that's what we keep hearing.

Furthermore, we have heard I don't know how many Members on the other side speak, but I dare say every one of them said that this is a giveaway to oil and gas. If they didn't say it, they implied it, trying to get that message across.

Now, I wondered when I heard the debate here about there's no reference to renewables if they read the bill. I am now convinced they did not read the bill, Mr. Chairman. And let me tell you why. Because when we talk about renewables, we're talking about Federal lands and we say that the Secretary—and I'm reading from page 15, title III, section 44, paragraph 3. It says:

> The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands.

Now that's the directive.

So on page 16 we make reference to renewable energy. And they said, Oh, it's just a study. What do you mean it's just a study? Well, if you read, Mr. Chairman, we are asking for a study for the estimates of what? On subsection A, it's oil and natural gas. What? We're asking for a study of oil and natural gas on Federal lands. Then, you go to C. It talks about the critical minerals. Then it goes on to renewables.

In other words, the point I'm making, Mr. Chairman—and this is very important—if this is a giveaway to oil and gas companies and not helping renewables, then why is it the precise same language for the type of production of energy on Federal lands? You can't have it both ways.

So I think, Mr. Chairman, that this is a very good bill because we're focusing on where the greatest resources we have in this country are on Federal lands. That's where the greatest potential resources are. This bill is aimed at those resources. That's why this bill is so important.

Let's set production goals on all energy development. And that means all-of-the-above. That means above ground. That means underground, as my friend from Mississippi said. That's what we are attempting to do. But to suggest that this is a giveaway when precisely the same language applies to all energy production, frankly, is inaccurate.

So with that, Mr. Chairman, I urge my colleagues to support this piece of legislation.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. I rise today in opposition to H.R. 4480, the Domestic Energy and Jobs Act.

While I support pieces of H.R. 4480, unfortunately I am not able to vote for the bill because I believe it will actually create more regulatory confusion and impediments for our domestic producers. Title I, for example, requires the Secretary of Energy to develop a plan to increase domestic oil and gas leasing from onshore and offshore federal lands that are under the jurisdiction of the Departments of Agriculture, Energy, Interior, and Defense within 180 days of a release of petroleum from the Strategic Petroleum Reserve. A new government bureaucracy at the Department of Energy would develop this plan, which duplicates the oil and gas leasing programs at the Departments of Interior and Agriculture. During a House Energy and Commerce Hearing on the bill, the Secretary of Energy expressed many concerns about their ability to effectively do this.

I am also concerned with Title III of the bill, which would overturn the multiple-use principle established in the Federal Land Policy and Management Act of 1976. This would undermine the basic principal which has guided the management of public lands for 35 years.

I also have concerns with Section 206 of the bill, which would require the Environmental Protection Agency to consider industry costs when determining what level of air pollution is "safe." By doing this we would be rolling back one of the core aspects of the Clean Air Act—a requirement that was passed on a bipartisan basis over 40 years ago, signed into law by a Republican President and unanimously upheld by the Supreme Court in 2001. I plan to offer an amendment that would strike section 206 and I hope that my colleagues will support it.

As a strong supporter of policies that encourage and support domestic energy production, my hope is that in the future, the House takes up legislation that deals with this important issue without including controversial policy riders that prevent bipartisan support in the House and movement in the Senate.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–24. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 4480

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 ''Domestic Energy and Jobs Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS

Sec. 101. Short title.
Sec. 102. Plan for increasing domestic oil and gas exploration, development, and production from Federal lands in response to Strategic Petroleum Reserve drawdown.

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

Sec. 201. Short title.
Sec. 202. Transportation Fuels Regulatory Committee.
Sec. 203. Analyses.
Sec. 204. Reports; public comment.
Sec. 205. No final action on certain rules.
Sec. 206. Consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

Sec. 301. Short title.
Sec. 302. Onshore domestic energy production strategic plan.
Sec. 303. Definitions.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

Sec. 401. Short title.
Sec. 402. Minimum acreage requirement for onshore lease sales.
Sec. 403. Leasing certainty.
Sec. 404. Leasing consistency.
Sec. 405. Reduce redundant policies.

TITLE V—STREAMLINED ENERGY PERMITTING

Sec. 501. Short title.

Subtitle A—Application for Permits to Drill Process Reform

Sec. 511. Permit to drill application timeline.
Sec. 512. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Protest Documentation Reform

Sec. 521. Administrative protest documentation reform.

Subtitle C—Permit Streamlining

Sec. 531. Improve Federal energy permit coordination.

Sec. 532. Administration of current law.
Sec. 533. Policies regarding buying, building, and working for America.

Subtitle D—Judicial Review

Sec. 541. Definitions.
Sec. 542. Exclusive venue for certain civil actions relating to covered energy projects.
Sec. 543. Timely filing.
Sec. 544. Expedition in hearing and determining the action.
Sec. 545. Standard of review.
Sec. 546. Limitation on injunction and prospective relief.
Sec. 547. Limitation on attorneys' fees.
Sec. 548. Legal standing.

TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

Sec. 601. Short title.
Sec. 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
Sec. 603. National Petroleum Reserve in Alaska: lease sales.
Sec. 604. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
Sec. 605. Departmental Accountability for Development.
Sec. 606. Updated resource assessment.

TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

Sec. 701. Short title.
Sec. 702. Internet-based onshore oil and gas lease sales.

TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Strategic Energy Production Act of 2012''.

SEC. 102. PLAN FOR INCREASING DOMESTIC OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION FROM FEDERAL LANDS IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWN.

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

''(k) PLAN.—

''(1) CONTENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary executes, in accordance with the provisions of this section, the first sale after the date of enactment of this subsection of petroleum products in the Reserve the Secretary shall develop a plan to increase the percentage of Federal lands (including submerged lands of the Outer Continental Shelf) under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense leased for oil and gas exploration, development, and production. The percentage of the total amount of the Federal lands described in the preceding sentence by which the plan developed under this paragraph will increase leasing for oil and gas exploration, development, and production shall be the same as the percentage of petroleum in the Strategic Petroleum Reserve that was drawn down.

''(B) REQUIREMENTS.—The plan developed under this paragraph shall—

''(i) be consistent with a national energy policy to meet the present and future energy needs of the Nation consistent with economic goals; and

''(ii) promote the interests of consumers through the provision of an adequate and reliable supply of domestic transportation fuels at the lowest reasonable cost.

''(C) ENERGY INFORMATION.—The Secretary shall base the determination of the present and future energy needs of the Nation, for purposes of subparagraph (B)(i), on information from the Energy Information Administration.

''(2) LIMITATION.—The plan developed under paragraph (1) shall not provide for oil and gas exploration, development, and production leasing of a total of more than 10 percent of the Federal lands described in paragraph (1)(A).

''(3) CONSULTATION.—The Secretary shall develop the plan required by paragraph (1) in consultation with the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense. Additionally, in developing the plan, the Secretary shall consult with the American Association of Petroleum Geologists and other State, environmentalist, and oil and gas industry stakeholders to determine the most geologically promising lands for production of oil and natural gas liquids.

''(4) COMPLIANCE WITH REQUIREMENTS.—Each Federal agency described in paragraph (1)(A) shall comply with any requirements established by the Secretary pursuant to the plan, except that no action shall be taken pursuant to the plan if in the view of the Secretary of Defense such action will adversely affect national security or military activities, including preparedness and training.

''(5) EXCLUSIONS.—The lands referred to in paragraph (1)(A) shall not include lands managed under the National Park System or the National Wilderness Preservation System.

''(6) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to limit or affect the application of existing restrictions on offshore drilling or requirements for land management under Federal, State, or local law.''.

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2012''.

SEC. 202. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Transportation Fuels Regulatory Committee (in this title referred to as the ''Committee'') to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 203 and 204.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) TERMINATION.—The Committee shall terminate 60 days after submitting its final report pursuant to section 204(c).

SEC. 203. ANALYSES.

(a) SCOPE.—The Committee shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules, in combination with covered actions.

(b) CONTENTS.—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with regard to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health; and

(G) local and industry-specific labor markets, as well as key uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting analyses under this section, the Committee is not required to create data or to use data that is not readily accessible.

(e) COVERED RULES.—In this section, the term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule proposed after March 15, 2012, for implementation of the Renewable Fuel Program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(4) ''National Ambient Air Quality Standards for Ozone'', published at 73 Federal Register 16436 (March 27, 2008); ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98; and any subsequent rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(f) COVERED ACTIONS.—In this section, the term ''covered action'' means any action, to the extent such action affects facilities involved in the production, transportation, or distribution

of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' published at 74 Federal Register 66496 (December 15, 2009).

SEC. 204. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 203.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after such submission.

(c) FINAL REPORT.—Not later than 60 days after the close of the public comment period under subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 203, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 205. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 204(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in such subsection.

SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Planning for American Energy Act of 2012''.

SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

''SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

''(a) IN GENERAL.—

''(1) The Secretary of the Interior (hereafter in this section referred to as 'Secretary'), in consultation with the Secretary of Agriculture with regard to lands administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy. This Strategy shall direct Federal land energy development and department resource allocation in order to promote the energy security of the United States.

''(2) In developing this Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on the projected energy demands of the United States for the next 30-year period, and how energy derived from Federal onshore lands can put the United States on a trajectory to meet that demand during the next 4-year period. The Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.

''(3) The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands. Such objective shall be—

''(A) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on lands held by the Bureau of Land Management and the Forest Service;

''(B) the best estimate, based upon commercial and scientific data, of the expected increase in domestic coal production from Federal lands;

''(C) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

''(D) the best estimate, based upon commercial and scientific data, of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands administered by the Bureau of Land Management and the Forest Service;

''(E) the best estimate, based upon commercial and scientific data, of the expected increase in unconventional energy production, such as oil shale; and

''(F) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil, natural gas, coal, and other renewable sources from tribal lands for any federally recognized Indian tribe that elects to participate in facilitating energy production on its lands.

''(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.

''(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.

''(b) TRIBAL OBJECTIVES.—It is the sense of Congress that federally recognized Indian tribes may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving its own strategic energy objectives designated under this subsection.

''(c) EXECUTION OF THE STRATEGY.—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.

''(d) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing each strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

''(e) REPORTING.—The Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of meeting the production goals set forth in the strategy. The Secretary shall identify in the report projections for production and capacity installations and any problems with leasing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.

''(f) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 12 months after the date of enactment of this section, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement. This programmatic environmental impact statement will be deemed sufficient to comply with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.

''(g) CONGRESSIONAL REVIEW.—At least 60 days prior to publishing a proposed strategy under this section, the Secretary shall submit it to the President and the Congress, together with any comments received from States, federally recognized Indian tribes, and local governments. Such submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.''.

(b) FIRST QUADRENNIAL STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the first Quadrennial Federal Onshore Energy Production Strategy under the amendment made by subsection (a).

SEC. 303. DEFINITIONS.

For purposes of this title, the term ''strategic and critical energy minerals'' means those that are necessary for the Nation's energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production and those that are necessary to support domestic manufacturing, including but not limited to, materials used in energy generation, production, and transportation.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Providing Leasing Certainty for American Energy Act of 2012''.

SEC. 402. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

In conducting lease sales as required by section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)), each year the Secretary of the Interior shall perform the following:

(1) The Secretary shall offer for sale no less than 25 percent of the annual nominated acreage not previously made available for lease. Acreage offered for lease pursuant to this paragraph shall not be subject to protest and shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15492), except that it shall not be subject to the test of extraordinary circumstances.

(2) In administering this section, the Secretary shall only consider leasing of Federal lands that

are available for leasing at the time the lease sale occurs.

SEC. 403. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended by inserting ''(1)'' before ''All lands'', and by adding at the end the following:

''(2)(A) The Secretary shall not withdraw any covered energy project issued under this Act without finding a violation of the terms of the lease by the lessee.

''(B) The Secretary shall not infringe upon lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.

''(C) No later than 18 months after an area is designated as open under the current land use plan the Secretary shall make available nominated areas for lease under the criteria in section 2.

''(D) Notwithstanding any other law, the Secretary shall issue all leases sold no later than 60 days after the last payment is made.

''(E) The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

''(F) Not later than 60 days after a lease sale held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.

''(G) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary deems such stipulations as emergency actions to conserve the resources of the United States.''.

SEC. 404. LEASING CONSISTENCY.

Federal land managers must follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.

SEC. 405. REDUCE REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

TITLE V—STREAMLINED ENERGY PERMITTING

SEC. 501. SHORT TITLE.

This title may be cited as the ''Streamlining Permitting of American Energy Act of 2012''.

Subtitle A—Application for Permits to Drill Process Reform

SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days after receiving an application for the permit. The Secretary may extend such period for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

''(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(C) APPLICATION DEEMED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application is deemed approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 or Endangered Species Act of 1973 are incomplete.

''(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(E) FEE.—

''(i) IN GENERAL.—Notwithstanding any other law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A). This fee shall not apply to any resubmitted application.

''(ii) TREATMENT OF PERMIT PROCESSING FEE.—Of all fees collected under this paragraph, 50 percent shall be transferred to the field office where they are collected and used to process protests, leases, and permits under this Act subject to appropriation.''.

SEC. 512. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation, by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development, and, at the discretion of the Secretary, by the U.S. Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management lands.

Subtitle B—Administrative Protest Documentation Reform

SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is further amended by adding at the end the following:

''(4) PROTEST FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each protest for a lease, right of way, or application for permit to drill.

''(B) TREATMENT OF FEES.—Of all fees collected under this paragraph, 50 percent shall remain in the field office where they are collected and used to process protests subject to appropriation.''.

Subtitle C—Permit Streamlining

SEC. 531. IMPROVE FEDERAL ENERGY PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish a Federal Permit Streamlining Project (referred to in this section as the ''Project'') in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of the Army Corps of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State with energy projects on Federal lands to be a signatory to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the employee's home agency; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal lands.

(d) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (a) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) FUNDING.—Funding for the additional personnel shall come from the Department of the Interior reforms identified in sections 511, 512, and 521.

(f) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(g) DEFINITION.—For purposes of this section the term ''energy projects'' includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

SEC. 532. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005.

SEC. 533. POLICIES REGARDING BUYING, BUILDING, AND WORKING FOR AMERICA.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) this title will support a healthy and growing United States domestic energy sector that, in turn, helps to reinvigorate American manufacturing, transportation, and service sectors by employing the vast talents of United States workers to assist in the development of energy from domestic sources; and

(2) Congress will monitor the deployment of personnel and material onshore under this title to encourage the development of American technology and manufacturing to enable United

States workers to benefit from this title through good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American energy resources.

(b) REQUIREMENT.—The Secretary of the Interior shall, when possible and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.

Subtitle D—Judicial Review

SEC. 541. DEFINITIONS.

In this title—

(1) the term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal lands of the United States; and

(2) the term ''covered energy project'' means the leasing of Federal lands of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease, except that the term does not include any disputes between the parties to a lease regarding the obligations under such lease, including regarding any alleged breach of the lease.

SEC. 542. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

SEC. 543. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action must be filed no later than the end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 545. STANDARD OF REVIEW.

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation. In addition, courts shall limit the duration of preliminary injunctions to halt covered energy projects to no more than 60 days, unless the court finds clear reasons to extend the injunction. In such cases of extensions, such extensions shall only be in 30-day increments and shall require action by the court to renew the injunction.

SEC. 547. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code, (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

SEC. 548. LEGAL STANDING.

Challengers filing appeals with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as challengers before a United States district court.

TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

SEC. 601. SHORT TITLE.

This title may be cited as the ''National Petroleum Reserve Alaska Access Act''.

SEC. 602. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in Alaska remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

SEC. 603. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.

Section 107(a) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(a)) is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the reserve in accordance with this Act. Such program shall include at least one lease sale annually in those areas of the reserve most likely to produce commercial quantities of oil and natural gas each year in the period 2011 through 2021.''.

SEC. 604. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary to—

(1) develop and bring into production any areas within the National Petroleum Reserve in Alaska that are subject to oil and gas leases; and

(2) transport oil and gas from and through the National Petroleum Reserve in Alaska to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINE.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

(1) Permits for such construction for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved within 60 days after the date of enactment of this Act.

(2) Permits for such construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved within 6 months after the submission to the Secretary of a request for a permit to drill.

(c) PLAN.—To ensure timely future development of the Reserve, within 270 days after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leasable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Interior shall issue regulations within 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve in Alaska.

(b) DEADLINES.—At a minimum, the regulations shall—

(1) require the Department to respond within 5 business days acknowledging receipt of any permit application for such development; and

(2) establish a timeline for the processing of each such application, that—

(A) specifies deadlines for decisions and actions on permit applications; and

(B) provide that the period for issuing each permit after submission of such an application shall not exceed 60 days without the concurrence of the applicant.

(c) ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.—If the Department fails to comply with any deadline under subsection (b) with respect to a permit application, the Secretary shall notify the applicant every 5 days with specific information regarding the reasons for the permit delay, the name of the specific Department office or offices responsible for issuing the permit and for monitoring the permit delay, and an estimate of the time that the permit will be issued.

SEC. 606. UPDATED RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The resource assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment required by subsection (a) shall be completed within 24 months after the date of the enactment of this Act.

(d) FUNDING.—The United States Geological Survey may, in carrying out the duties under this section, cooperatively use resources and funds provided by the State of Alaska.

TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

SEC. 701. SHORT TITLE.

This title may be cited as the ''BLM Live Internet Auctions Act''.

SEC. 702. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting '', except as provided in subparagraph (C)'' after ''by oral bidding''; and

(2) by adding at the end the following:

''(C) In order to diversify and expand the Nation's onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted under the amendment made by subsection (a), the Secretary of the Interior shall analyze the first 10 such lease sales and report to Congress the findings of the analysis. The report shall include—

(1) estimates on increases or decreases in such lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of bid;

(C) the highest amount bid; and

(D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of such sales, compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to

better maximize bidder participation, ensure the highest return to the Federal taxpayers, minimize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–540. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–540.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 1, insert "**OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION**" after "**DOMESTIC**".

Page 5, after line 19, insert the following (and redesignate the subsequent quoted paragraphs accordingly):

"(4) CONCURRENCE.—The plan required by paragraph (1) shall not take effect without the concurrence of each of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense with respect to elements of the plan within the jurisdiction, respectively, of the Department of Agriculture, the Department of the Interior, and the Department of Defense.

Page 31, strike lines 1 through 3 and insert the following:

(g) DEFINITION.—For purposes of this section the term "energy projects" means oil, natural gas and renewable energy projects.

At the end of section 605 (page 39, after line 4) add the following:

(d) ADDITIONAL INFRASTRUCTURE.—Within 180 days after the date of enactment of this Act, the Secretary of the Interior shall approve, after consultation with the State of Alaska and public comment, right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

At the end of title VI (page 39, after line 22), insert the following:

SEC. ___. COLVILLE RIVER DESIGNATION.

The designation by the Environmental Protection Agency of the Colville River Delta as an Aquatic Resource of National Importance shall have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

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

Mr. Chairman, the Natural Petroleum Reserve-Alaska, or NPR–A, was specifically designated as a petroleum reserve back in 1923. It's a place that we can develop our resources for energy and national security. Title VI of this bill will ensure that production can occur on NPR–A by requiring at least one annual lease sale, streamline the permitting process to ensure lease sales lead to energy production, and ensure a right-of-away plan to allow for the transportation of the product out of NPR–A.

In addition to making technical corrections, this amendment aims to accomplish two vital goals that are imperative for facilitating development at NPR–A. First, it would require, at the request of the State of Alaska, up to two additional rights-of-way planned in and out of NPR–A. This would prepare for future development by providing approved rights-of-way in and out of this area.

Secondly, it would repeal the designation of the Colville River as an Aquatic Resource of National Importance. This designation was blatantly used by the anti-energy EPA as nothing more than a tool to stop energy development on this area.

While the President touts his energy record and speaks of his support for leasing and energy development in the NPR–A, he fails to mention that due to red tape from his administration, Alaskans have waited for years and years for approval to build a simple bridge across the Colville River to begin production in NPR–A. What you do not hear is that the EPA has paid no attention to the Colville River until after ConocoPhillips filed its application for a bridge. It was shortly after that application that EPA declared it was an Aquatic Resource of Natural Importance. And it was that action that stopped the development and production for nearly a decade before approval of this simple bridge and pipeline.

What the Obama administration says and what the administration does to promote energy development in Alaska are entirely two different things.

So those two things that I mention in this amendment would give Alaskans the assurance they need to create jobs and encourage development of the NPR–A.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise to claim time in opposition to this amendment.

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

Mr. MARKEY. Mr. Chairman, when manager's amendments making technical changes to legislation are presented, such amendments are accepted and we move on to amendments making substantive changes to the bill. In this instance, however, among the technical changes made by this manager's amendment is a controversial provision flatly overturning an EPA ruling in Alaska. This change should not be made at all, but it certainly should not be made as part of a manager's amendment.

As part of the review process for beginning energy production in the National Petroleum Reserve in Alaska, the EPA designated the Colville River, the largest Arctic river in Alaska, as an Aquatic Resource of National Importance. To be clear, this designation did not stop the proposed project. ConocoPhillips has already received approval to build a gravel road, including a bridge over the Colville to access their oil field. The National Importance designation simply required a heightened level of review before the project moved forward. For Congress to overturn this EPA finding through a provision buried in what is supposed to be a technical manager's amendment is not appropriate.

Mr. Chairman, I doubt a single Member of this House has an informed opinion regarding whether the Colville River is an Aquatic Resource of National Importance. But I will tell you who does have an informed position on that question, and that is the scientists in Alaska working for the Environmental Protection Agency.

□ 1900

This provision is an ill-informed sneak attack on an agency decision, and for the purposes of this debate, it has no place in a manager's amendment. It should be a stand-alone amendment that we're debating. Because of the inappropriateness of it being inside of the manager's amendment, I would have to oppose this provision.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend that I have no more requests for time, and I am prepared to close if the gentleman is prepared to close.

Mr. MARKEY. I yield myself the balance of my time just to say that I don't have a problem in debating this issue, but I just think it should be done in an appropriate way. It is an important issue. It overturns an EPA decision of some significance and I urge a "no" vote.

I yield back the balance of my time.

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

Mr. Chairman, just briefly, there are technical amendments in here which I acknowledge and the gentleman did acknowledge, and there are two substantive changes, and I acknowledge both of those.

Now, I just want to repeat, he talked about the issue that the Colville River was an aquatic resource of national importance. He's basing that as the reason why we should not adopt this amendment.

I want to point out again, and I made this observation in my remarks, the Colville River was not designated this until after—and I want to say this again very slowly; sometimes you don't hear things in this echo chamber—after Conoco wanted to develop the NPR–A. When they developed the NPR-A, they

had to have access across the Colville River. But the EPA said all of a sudden: Wait a second, this might be a good time to make that change. That's pure politics, Mr. Chairman.

And I will say this. I was up in Alaska last year, and I stood right at the spot where they want to build a bridge across the Colville River. The Colville River there is not very large, and to suggest it falls into that category and we should not adopt this amendment flies right in the face of common sense.

So with that, I urge my colleagues to adopt this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–540.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I (page 6, after line 6) insert the following:

SEC. ___. LIMITATION ON HYDRAULIC FRACTURING.

No lease or other authorization may be issued under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, for the conduct of any activity related to hydraulic fracturing within 1,000 feet of a primary or secondary school.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would better protect the health of children by providing for a 1,000-foot buffer between schools and oil or gas drilling using the technique commonly known as fracking.

Hydraulic fracturing is a national issue, and natural gas is an important part of our national energy policy. According to the Interstate Oil and Gas Compact Commission, currently oil or gas production occurs in 33 States. Fracking occurs on more than 90 percent of oil and natural gas wells in the U.S.

Advances in unconventional oil and natural gas extraction have led to an increase in fracking near where people live, work, and play in my district, across Colorado, and across the United States. That means increased exposure to toxic chemicals for kids in school and the air that researchers have found near wells, as well as noise and the nuisance of heavy truck traffic.

A recent report by the Colorado School of Public Health indicated that residents living less than half of a mile from wells were at a greater risk of acute and chronic health problems than those who live more than half of a mile from drilling sites; including exposure to air pollutants like benzene, a known carcinogen, at a level five times higher than the Federal hazard standard.

Given this risk and the need for more information, we should obviously err on the side of caution, particularly when it comes to children. We need additional studies to better understand the health impacts; but, given what we know, frankly, it's time to act.

Now, we've already set some basic standards when we know pollutants may put children at risk. As an example, in my district in Colorado, commercial diesel vehicles are prohibited from idling for more than 5 minutes within 1,000 feet of a school. In New York, fracking operations may be placed 100 feet from a home and 150 feet from a public building.

A review of active and prospective wells in four northern Colorado counties found 26 schools that have drilling wells operational emitting toxic gases within 1,000 feet of schools.

In Erie, Colorado, I met with homeowners and parents who are increasingly concerned about the impacts of fracking on their health and their children's health. We should be listening to their voices and not just the demands of energy companies. We need to find a reasonable compromise to address the concerns of families in Erie and across America.

I would like to yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I rise in strong support of the gentleman's amendment, which would prohibit hydraulic fracturing on public lands from taking place within 1,000 feet of our schools. This major industrial activity has significant public health risks and has no business being near our kids.

Hydraulically fractured wells emit huge quantities of smog-forming chemicals, volatile organic compounds, hazardous air pollutants like benzene, as well as methane. These pollutants cause serious health problems.

This past March, the Colorado School of Public Health released a report based on 3 years of monitoring that found higher cancer, respiratory, and neurological health risks among people living closest to drilling sites. The analysis found volatile organic chemicals to be five times the level at which the emissions are considered potentially harmful to public health, according to EPA's hazard index.

The Medical Society of New York has recently urged caution with expanded drilling because of concerns about health impacts. And data collected by the National Oceanic and Atmospheric Administration has shown increased ground level ozone and other pollution as a result of fracking.

But the risks go beyond just air quality. In April 2010, there was a major blowout in Pennsylvania at a hydraulic fracturing well site. Gas and tainted brine spewed 75 feet in the air for 16 hours. These kinds of blowouts happen far too often.

Even the best regulated activities have accidents; but fracking, as we all know, is far from the best regulated activities. We need to keep it away from our kids. It shouldn't be done near our schools, and I urge support for the gentleman's amendment.

Mr. POLIS. Mr. Chairman, I yield myself the remainder of my time.

I would ask my colleagues to ask themselves, would they want their kids to be 300 feet, 500 feet, every day from a fracking site? Three hundred feet is the size of one football field. Fracking is scientifically documented as producing air pollution. We know the level of air pollution that is promoted, and it is measured.

Advances in technology make reasonable accommodations possible. Directional drilling means we can actually locate wells miles from schools and still extract the oil and natural gas resources we need and make sure that our children remain healthy.

I'm hopeful that my colleagues on both sides of the aisle support this commonsense amendment that will protect public health, ensure the safe development of natural gas and promote domestic energy production.

I urge a ''yes'' vote on this amendment, I urge my colleagues to join me in keeping our children safe, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

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

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

Mr. Chairman, this amendment would really restrict the ability to produce energy on Federal lands, and I think, quite frankly, it is purely a political amendment.

Rather than allow existing environmental protections and reviews to ensure that we have safe drilling operations, this amendment seeks to use an arbitrary standard that, frankly, is more of a scare tactic than good science; and it would actually harm school districts, principally those in the Intermountain West, that take advantage of their large landholder status to lease their lands for energy development.

□ 1910

In addition, it would infringe upon the ability of Native American tribes

to manage their lands and their resources. It's bad policy, particularly for the consequences of tribal lands that are trying to develop their energy resources. This would restrict their ability to do that.

Now, we've heard the other side talk about why we need to do this, and the implication is that we need to do this to protect drinking water at our children's schools that may become contaminated from hydraulic fracturing. Now, Mr. Chairman, I want to say this very emphatically. This information of contamination is based on absolutely no science or factual evidence. As a matter of fact, to put an exclamation point on that, earlier this week, the gentleman who is offering this amendment, his governor, Governor Hickenlooper of Colorado—who, I might add, is a Democrat—was quoted as saying—and I'll say the whole quote here, and I'll say it as slowly as I can so everybody can understand what Governor Hickenlooper said:

There have been tens of thousands of wells in Colorado, and we can't find anywhere in Colorado a single example of the process of fracking that has polluted groundwater.

Now, I didn't say this. I am quoting the governor of the gentleman who offered the amendment, his State.

Mr. Chairman, I just have to say, I believe this is a politically motivated amendment, and it, frankly, does not even deserve debate on that. So I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

The Acting CHAIR. The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–540.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I (page 6, after line 11) add the following:

SEC. ___. PROTECTIVE APPROACH TO OIL AND GAS LEASING, EXPLORATION, AND DEVELOPMENT ON THE OUTER CONTINENTAL SHELF.

The Secretary of the Interior—

(1) shall not conduct or authorize any leasing, exploration, or development of oil and gas resources of the Outer Continental Shelf under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, unless—

(A) sound science shows that such activities can proceed with minimal risk to the health of the marine environment and coastal environment.

(B) the Secretary has a thorough understanding of the marine environment and coastal environment impacted by the activity and an environmental baseline, the risks of exploration or development, and the potential consequences of accidents and other emergencies; and

(C) the Secretary determines, on the basis of sound science, that risks are minimal, rigorous safety measures are in place and will be enforced, and there is a demonstrated ability to mount an effective response to accidents in real-world conditions;

(2) shall not make available for oil and gas leasing under such a plan any area of the outer Continental Shelf that, by itself or in a network, has distinguishing ecological characteristics, is important for maintaining habitat heterogeneity or the viability of a species, or contributes disproportionately to the health of an ecosystem, including its biodiversity, function, structure, or resilience; and

(3) in determining whether an area is described in paragraph (2), should give particular consideration to—

(A) areas of high productivity or diversity;

(B) areas that are important for feeding, migration, or the lifecycle of species; and

(C) areas of biogenic habitat, structure forming habitat, or habitat for endangered or threatened species.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, 2 years ago, the largest accidental marine oil spill in the history of the petroleum industry ravaged the gulf coast. We passed legislation, we convened commissions, and we swore that we would learn. Have we? I fear the answer is no, and I'm not the only one.

In April of this year, the Presidential panel that investigated the explosion gave the Obama administration a B, the oil industry a C-plus, and Congress a D for refusing to act on any of the recommendations of the commission.

The bill that stands before us today seeks to increase domestic oil and gas production and reduce regulation of the energy industry. I've said it before and I'll say it again, sometimes this place feels like Groundhog Day, and I am Bill Murray. So, in the spirit of déjà vu, I am offering an amendment today that mirrors legislation I introduced in the 111th Congress as a response to the BP oil catastrophe.

The amendment would reconfigure the existing presumption that extraction comes first and conservation comes second. The measure would change our Nation's Outer Continental Shelf policy and mandate precaution from a derivative that may imply that protection of the environment is secondary to expeditious development; declares that protection and maintenance—and where appropriate, restoration—of ocean ecosystems and coastal environment is of primary importance; makes clear that OCS leasing, exploration, and development will be authorized in limited areas of the ocean only when science shows that those initiatives can proceed with minimal risk to the health of ocean ecosystems; protects Important Ecological Areas, or IEAs, by requiring the Secretary to consider geographical, geological, and ecological characteristics of the OCS areas. And finally, it amends the Outer Continental Shelf Lands Act to require specific precautions for areas with particular physical or environmental characterizations from OCS leasing.

In the Commission's review, one of the chairmen stated:

Across the board, we are disappointed with Congress' lack of action. Two years have passed since the explosion on the Deepwater Horizon killed 11 workers, and Congress has yet to enact one piece of legislation to make drilling safer.

Let us do one thing to make our public safe, to keep them healthy, and to spur economic development through conservation and the creation of green jobs.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

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

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

Mr. Chairman, developing our Nation's Outer Continental Shelf is all about achieving a balance. The Federal agencies involved have to balance the needs of the coastal community and the environment while also providing for safe energy production. This is how you preserve the multiple-use aspect that we have for Federal land management, and I endorse that concept.

Fortunately for the gentleman, the author of this amendment, the purpose of his amendment is already the law of the land. No leasing occurs in the Outer Continental Shelf without extensive environmental assessment. Now, I'll give you an example.

The Bureau of Ocean Energy Management conducts an environmental impact statement, or an EIS, before leasing any area, then another EIS for the specific lease sale area, and then another environmental assessment must be conducted before a company can even begin development. So, with that process that you have to go through, I can only conclude that this amendment is offered not about protecting the environment, but it's really about stopping offshore energy production. Of course, if we do that, obviously what does that do to American energy jobs?

Like I said earlier, fortunately, all these protections exist if indeed we're going to have energy production. So I don't think we need this amendment, and I would urge my colleagues to reject it.

With that, I reserve the balance of my time.

Mr. QUIGLEY. Having respectfully heard the argument, I would stand on the statements we have made and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, we had a discussion on this very issue in the Energy and Commerce Committee,

and we made very clear that the language dealing with the Strategic Petroleum Reserve did not affect existing land management policies or management policies, or those policies in place to protect our resources.

So, again, we actually adopted an amendment by Chairman DINGELL, the gentleman from Michigan, the chairman emeritus, to make sure that we restated that this does not change or affect our Federal land management policies and those intended to protect our Federal resources. So we made that clear in the Energy and Commerce provisions in this bill as well.

Mr. HASTINGS of Washington. With that, then, Mr. Chairman, the arguments have been made. I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–540.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 6, redesignate subsection (d) as subsection (e).

Page 8, after line 5, insert the following:

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, under this legislation, Congress creates a Transportation Fuels Regulatory Committee with the Secretary of Energy chairing the committee.

□ 1920

My amendment is simple. It will require the Secretary and the committee, during their deliberation, to consult and receive input from the National Energy Technology Laboratory.

If we're going to analyze and report on the impacts of the rules and actions of the EPA on our Nation's fossil fuels, then we should make sure that the committee established under this legislation consults with our Nation's fossil energy laboratory. NETL is our only governmental research, design, and developmental laboratory dedicated to domestic energy sources. It's only fitting we make that they are included in this process.

NETL works with academia on over 275 projects across this country, as well as private entities, having provided over 450 projects in 2011, nearly 400 private sector projects, and over 100 not-for-profit laboratories. NETL's work in 2011 alone provided over 2,000 projects, 89,000 jobs, and over $18 billion in total funding in every State in every congressional district.

NETL's research and development into our transportation fuel sector began back in 1918 in Bartlesville, Oklahoma, with petroleum research. In fact, synthetic gas research began at NETL in 1946.

To note some other successes, NETL worked in conjunction with academia and private industry to develop horizontal drilling in our Nation's natural gas fields.

Now, some say that Secretary Chu, being the chairman of this committee, will consult with his own fossil energy team. Maybe that's true, Mr. Chairman, but this is the same Secretary of Energy who has worked with President Obama to slash our fossil energy research budget by 40 percent over each of the last 2 years. This is the same Secretary of Energy who should be promoting coal, oil and gas, but, instead, makes derogatory comments, such as ''coal is my worst nightmare.''

What we can do here today is ensure that the Transportation Fuels Committee and the Secretary consult with our government's fossil energy experts. If you support having input from government, private sector, and academia experts, then support of this amendment would be appreciated.

Mr. Chairman, I also wish to thank Chairman UPTON for his support of this.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

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

Mr. WAXMAN. This amendment highlights, Mr. Chairman, the absurdity of title II of the Republican bill. The bill will create a new government bureaucracy to conduct an unrealistic and burdensome study of several clean air rules, none of which have even been proposed. This is a fundamentally flawed approach. The scope and timing of the new government committee's analysis simply are not feasible.

The bill requires a new interagency committee to estimate a host of cumulative impacts of multiple unrelated potential rules. The committee is supposed to estimate impacts on gasoline prices, capital investments, projected maintenance and operation of new equipment, refinery capacity, employment at the national, State and regional levels, other cumulative costs and benefits, and even the overall global economic competitiveness of the United States.

Since none of the rules that are supposed to be analyzed have even been proposed, this complex analysis required by the bill would be full of guesswork and assumptions. It's unclear how this new government bureaucracy could estimate the level of pollution control that may be required, predict compliance options, or assess the specified effects.

Given all of the uncertainties and guess work inherent in such an analysis, it's unclear how the committee could produce an economic analysis of the rules with any measure of credibility.

EPA Assistant Administrator Gina McCarthy testified:

> It is unclear how the new committee would analyze rules that have not yet been proposed, or how the public could comment on that analysis in an informed way.

She also noted that such analysis would be redundant and a waste of government resources, given the extensive analysis EPA already completes as part of the rulemaking process and the interagency review conducted by OMB.

The bill provides an unrealistic deadline, as well, for completing this report, doesn't create an additional job in the private sector. All it will do is devote taxpayers' money to create another government committee in order to provide it with the hopeless task of conducting a host of complex analyses that probably could not be completed with any credibility, even if the necessary data did exist and the committee had years to work.

So the whole thing is a pointless waste of taxpayers' money required by the bill.

Now, Mr. MCKINLEY's amendment adds some additional consultation to that already absurd requirement. The Department of Energy is already represented on this new government committee the Republicans want to establish. In fact, the Secretary of Energy chairs the committee.

Mr. MCKINLEY's amendment adds a requirement that the committee consult with part of the Department of Energy. This adds another layer of unnecessary, superfluous consultation on an already unwieldy process.

I urge my colleagues to vote ''no'' on the amendment and ''no'' on the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–540.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, strike ''and''.

Page 9, line 10, strike the period and insert ''; and''.

Page 9, after line 10, insert the following:

(F) any other matters affecting the growth, stability, and sustainability of the Nation's oil and gas industries, particularly relative to that of other nations.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman

from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. By the way, I'm just a little happy right now. I just got a text that my grandson won his baseball game tonight, 15–14. It's a tournament he's playing in. So be nice over there now.

Mr. Chairman, once again I would like to reference the Transportation Fuels Regulatory Committee created by H.R. 4480. My amendment will look at the analysis that the committee will develop.

One of the problems our oil and gas industry faces is the vast, ideologically motivated regulations they must endure. However, other nations do not seem to impose such overburdensome policies and regulations upon them. Instead, countries in the Middle East and Asia promote their oil and gas industries and work to make it easier for these countries to get their gas products to market.

This amendment would require the committee to conduct an analysis of other nations' regulations, policies and enforcements, or lack thereof, of their oil and gas industries. Saudi Arabia, China, and India do not overwhelm their oil and gas industries with excessive regulations. They help them to thrive.

This committee needs to look at what these other nations are doing to grow, stabilize and sustain their oil and gas industries, and ultimately compare it to what we're doing here in the United States. We ought to help our industry, and this amendment helps to show how we can improve and stop hindering development of our natural resources.

Ultimately, I offered this amendment because we are supposed to be a Nation leading by example over the rest of the world. With this economy and millions of people unemployed or underemployed we really ought to be saying to our regulators, just because you can doesn't mean you should. Just because you can doesn't mean you should.

Mr. Chairman, again, I wish to thank Chairman UPTON for his support of this amendment and the opportunity to offer it here.

I yield back the balance of my time.

□ 1930

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. WAXMAN. In the previous amendment, we discussed title II, the Gasoline Regulations Act, which creates a new government committee to do the impossible: conduct an analysis of EPA air quality rules that have not yet even been proposed, using data that does not exist.

The interagency committee cannot possibly provide a credible assessment of the potential impact of these potential rules on energy prices. It would simply require too much guesswork. Moreover, the Energy Information Administration told our committee staff that it does not have the capability to conduct much of the analysis required by this title. The agency would have to devote significant new staff and contractor time to complete the analysis.

The CBO estimates that the Gasoline Regulations Act would cost $3 million to implement. That's $3 million to produce a report that will not be reliable, credible, or valuable to anyone. Mr. MCKINLEY's amendment would make this report even less credible by significantly expanding its scope. His amendment would require that this new interagency committee examine ''any other matters affecting the growth, stability, and sustainability of the Nation's oil and gas industries, particularly relative to that of other nations.'' This language suggests that the new committee will have to take into account events and regulations in other countries as well as our own. Now, that's certainly going to send the price tag well above $3 million.

For example, will the new interagency committee have to examine Nigerian labor law? What about oil company business practices in the Amazon or the concerns of indigenous communities in Canada's tar sands? Will the committee have to take into account the health of Hugo Chavez and the potential impact on Venezuelan oil prices? Political upheaval in the Middle East has a profound impact on the oil market. Will the new committee have to delve into that?

If the interagency committee were serious about examining ''any other matters'' affecting the stability and sustainability, then it would have to look at a whole Pandora's box of issues here in the United States.

For example, shouldn't the committee have to examine what Congress is doing to give coal a competitive advantage over natural gas by weakening air pollution laws and blocking action on climate change?

The CEO of Chesapeake Energy has been in the news lately for some questionable business decisions that have helped put the country's second-largest natural gas company on the brink of bankruptcy. Certainly, the new interagency committee would have to examine that issue as part of this inquiry into matters relevant to the sustainability of the oil and gas industry.

All of this is to say that Mr. MCKINLEY's amendment is extremely broad and that it would make a deeply flawed report even less reliable and credible, if that's even possible. I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–540.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 9, at the end of title II, add the following new section:

SEC. 207. PROTECTION AGAINST ASTHMA AND OTHER HEALTH EFFECTS OF AIR POLLUTION.

Notwithstanding any other provision of this title, the Administrator of the Environmental Protection Agency shall not delay finalization of any of the rules described in section 205(a) to establish standards for clean air and to reduce air pollution, if the pollution that would be controlled by the finalized rule is contributing to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, title II of this bill blocks the EPA from finalizing several important air quality rules until after a new government bureaucracy produces a new analysis of these and other EPA actions. But it's a fool's errand because a new government bureaucracy is required to conduct an impossible analysis of rules that haven't even been proposed using data that doesn't exist.

The bill would block the EPA from issuing new tier 3 standards for motor vehicles and fuels to reduce harmful tailpipe emissions that cause smog and deadly particle pollution. Smog and soot pollution can trigger asthma attacks, heart attacks, and even premature death.

The bill would block the EPA from issuing long overdue rules to require refineries to use modern technology to reduce their emissions of toxic air pollutants. The pollutants cause cancer, birth defects, neurological damage, and other serious health problems.

The bill would also block the EPA from issuing rules necessary for States and localities to implement the 2008 ozone standard. This would leave the outdated 1997 ozone standard in place. Even the Bush administration thought this standard was too weak. In addition, the bill would block the EPA from updating the ozone standard to reflect the best available science on the health effects of breathing dirty air.

During the legislative hearing on this bill, Chairman WHITFIELD stated, ''It is not the intent of this legislation to roll back any existing health protections.''

That claim is laughable for a bill that radically changes the Clean Air Act by barring the EPA from setting

air quality goals based on what the science tells us is safe to breathe. But if Republicans want to claim that this bill is not an attack on the Clean Air Act and public health, there should be no objection to my amendment.

My amendment simply states that, notwithstanding the bill's provisions and notwithstanding all that's in this bill, the EPA administrator cannot delay implementing any of the rules targeted by the bill if the air pollution that would be controlled by those rules causes serious harm to human health, including asthma attacks and other respiratory disease, heart attacks, cancer, birth defects, brain damage, or premature death.

This is a simple choice between oil industry profits and Americans' health. The top five oil companies earned $137 billion in profits last year. They can afford to clean up their pollution.

Instead, this bill would make Americans pick up the tab for the oil companies, and it would make Americans pay that tab with their health and even their lives. The air quality protections blocked by this bill are especially important for the most vulnerable among us—our babies, kids, old people.

Oil refineries are among the largest emitters of toxic air pollution, and they are often located near where people live, but this bill would indefinitely delay the EPA's ability to require oil refineries to clean up pollution such as benzene, which causes cancer and contributes to birth defects and developmental harm in babies.

Republicans argue these rules would only be delayed for a while, but many of these rules have already been delayed for far too long. The Republicans' claim assumes that the interagency committee can actually complete the impossible study required by this bill. Even if that were possible, there would still be no deadlines for these new rules as the bill eliminates existing deadlines and sets no new ones.

Americans rely on the Environmental Protection Agency to hold polluters responsible for cleaning up their pollution. It's just common sense. If you stop the EPA from doing its job, public health will suffer.

So it's time to come clean. If you want to pass a bill to stop the EPA from doing its job and allow polluters to pollute with impunity, be honest with the American people. Tell them you think that we have done enough to reduce air pollution and that you want to stop any further efforts to clean up air pollution, but don't pretend that this get-out-of-jail-free card for oil industry polluters won't hurt the health of Americans, especially our children and the elderly.

If, on the other hand, you don't want to block efforts to clean up air pollution that is contributing to asthma attacks, heart attacks, lung disease, cancer, birth defects, neurological damage, and premature death, then support my amendment. My amendment will make it perfectly clear that the EPA can continue to clean up air pollution that causes serious health effects.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

□ 1940

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

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

Mr. GARDNER. Mr. Chairman, we heard a lot of powerful words there: ban, bar, block. The fact is that this bill does not ban, bar, or block these regulations. In fact, nothing prevents and nothing bars, bans, or blocks the EPA from developing rules on their current schedule. And nothing bars, bans, or blocks the EPA from protecting the public health and the environment as the law requires them to do so. In fact, it's quite commonly known that the EPA is unlikely to even finalize these rules prior to the completion of the study.

We've already got tremendous protections in current law, stringent regulations, some of which were just issued in the past few months. But I think we ought to take a look to understand what impact regulations are going to have on the cost of people's energy.

Our colleague mentioned picking up the tab. I'll tell you who else is picking up the tab: people in poverty are picking up the tab of increasing energy costs, which is making it more and more difficult for them to make ends meet. They are picking up the tab of rising gas prices, costing $50, $60, $70 a tank to fill up with gas to drive to work. That's who is picking up the tab, our constituents who are trying to lift themselves up and out of poverty and are having difficulty trying to make ends meet because of rising energy prices, because this Congress refuses to enact legislation that says, Hey, let's look before we leap and understand the impact these regulations are going to have on the price of gasoline.

Again, the purpose of the bill is to require a study. Nothing in this bill relieves the administrator of the EPA from the responsibility to issue rules required by the Clean Air Act or any other legal obligation. Nothing in this bill changes the EPA's obligation to protect the public health. Nothing in this bill prevents the EPA from developing and proposing new regulations, taking public comments, or from preparing a final rule, a process that typically requires at least a year. In fact, it would be highly unlikely, as I said before, that they could even both propose and finalize this rule before the study was finished.

Our colleague also mentioned that we don't know enough information about proposed regulations to study them. EPA's own action development process—the internal ways that the EPA works, their own internal action development process—requires that the analysis of a regulation start early in the rule development. So they're already talking about what impact these have, including the President's own executive orders that require agencies to perform analysis and consider the cumulative effects of regulations. So this is an unnecessary amendment.

Our colleague mentioned some of the most toxic emitters of air pollution. There's a lot of people around the country that believe the most toxic emitter of air pollution is Congress. In this case, some of those arguments have been used in the bill on this amendment.

I would just urge my colleagues to vote ''no'' on this amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. GARDNER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. There is a regulation for Tier 3 standards for automobiles that will reduce sulfur and other emissions that are very harmful. EPA's analysis says that will contribute a penny per gallon for gasoline. That is the kind of rule that would be stopped under the existing bill, and there is an enormous health impact.

When you talk about people in poverty, they can afford a penny a gallon on gasoline and the oil companies can afford to absorb a penny a gallon, especially with all of the health and lives that can be enhanced by removing some of these very dangerous chemicals.

Mr. GARDNER. Reclaiming my time, again, I'm not in a position to tell constituents who may find it tough to make ends meet that it's okay if we increase your price of gasoline by a penny here and a penny there, a couple of pennies, maybe even a nickel.

Mr. WAXMAN. But you claim that it's going to increase it by many dollars, and I think you're incorrect.

Mr. GARDNER. Reclaiming my time, we know that a penny increase in a gallon of gasoline, the Federal Trade Commission has said, can be a significant burden, meaning as much as $4 million to individuals and businesses around the country for every single penny in the increase of the price of gasoline.

Again, this does not prevent the EPA from developing rules on the current schedule. It says, Look before you leap. That's why I object to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARDNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–540.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 14, after line 9, insert the following:

SEC. 207. CORPORATIONS ARE NOT PEOPLE.

Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding at the end the following:

''(aa) PUBLIC HEALTH.—The term 'public health'—

''(A) refers to the health of members of the species homo sapiens; and

''(B) does not refer to the health of corporations or any other non-living entities.''.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, throughout the 112th Congress, the Republican leadership has invested a staggering amount of time and effort into gutting our Nation's clean water and air protections. As of this month, this House has voted 247 times in support of anti-environmental bills, amendments, and riders, including 77 votes devoted to dismantling the Clean Air Act alone.

As we debate yet another bill that seeks to gut the public health and welfare protections provided by that act and as we witness Democratic attempts to protect public health get defeated time and again on party-line votes, one is tempted to cynically dismiss H.R. 4480 as the Republican leadership's latest offering to their good friends in Big Oil. However, this bill contains an interesting provision that gave me pause, frankly, since it seems to hint that disagreements over protecting public health, when setting national ambient air quality standards, may actually stem from fundamental philosophical differences between the two parties.

One provision in particular begs for clarification since it's not every day that Republicans starkly disagree with Justice Antonin Scalia in regard to statutory interpretation as they do in section 206 of this bill. As written, that section would amend section 109(b) of the Clean Air Act to require the administrator of the EPA to take feasibility and costs into consideration when prescribing air quality standards that are requisite to protect public health.

Now, I'm aware that the author of this provision believes that this language merely clarifies supposed ambiguity in the act, going so far as to assert during the May 17 markup:

The only reason costs are not being considered in setting standards there today is because the Supreme Court said the language was ambiguous.

Mr. Chairman, I must respectfully disagree with that interpretation since Justice Scalia's statutory interpretation of section 109(b) was anything but ambiguous.

To quote Justice Scalia's unanimous opinion in Whitman v. American Trucking Associations, Inc., in regard to potentially considering cost when setting ambient air quality standards to protect public health, he said:

The cost factor is both so indirectly related to public health and so full of potential for canceling the conclusions drawn from direct health effects, that it would have been expressly mentioned in sections 108 and 109 had Congress meant it to be considered.

Even more to the point, the very first sentence of Justice Scalia's opinion says:

Section 109(b) does not permit the administrator to consider implementation costs in setting national ambient air quality standards.

This would seem to put aside any ambiguity.

That brings us to my simple amendment. Since Justice Scalia's opinion was crystal clear that the costs cannot be considered when setting those standards to protect public health, I couldn't figure out why my Republican colleagues were so committed to forcing the administrator to take those very factors into account. But then it dawned on me that since the Clean Air Act actually never defines the term ''public health,'' perhaps there is some confusion concerning who or what comprises the public. After all, if one believes that corporations are people, then the term ''public health'' would obviously have a different meaning to that individual compared to my own or Justice Scalia's.

Thus, my simple amendment would clarify the term ''public health'' in the Clean Air Act only as it pertains to the health of people and not corporations or other nonliving entities, and it's a simple fix to clear any confusion and restate congressional intent. By adopting this amendment, Mr. Chairman, Congress can reaffirm the principle that corporations are not people and ensure the lack of definition for the term ''public health'' in the Clean Air Act does not cause any confusion, particularly for certain individuals who may be under the misguided impression that corporations are, indeed, people.

□ 1950

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

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GARDNER. Again, I believe this amendment is unnecessary, talking about ambiguities and the silence in the law when it comes to the Clean Air Act in the determination of cost. Here the issue of cost was silent, and we are simply saying we ought to have the issue of cost brought into this.

When the term ''public health'' appeared in the first Federal Clean Air legislation in 1955, its ordinary meaning was ''the health of the community.'' In the American Trucking decision, as you pointed out, the Supreme Court affirmed that the definition of public health is ''the health of the public'' and does not refer to the health of nonliving entities.

The Clean Air Act requires that ambient air quality standards be established to protect the public health with an adequate margin of safety. Nothing—nothing—in H.R. 4480 changes the definition of ''public health.'' Again, let me say that: Nothing in H.R. 4480 changes the definition of ''public health'' in the Clean Air Act or any obligations. It doesn't change any obligations to set such human health-based standards.

So I would urge a ''no'' vote on this amendment, and with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–540.

Mr. GENE GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, lines 1 through 9, strike section 206 (relating to consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of my amendment.

I would like to vote for this bill, but it goes way too far.

Mr. Chairman, I represent five large refineries and 20-plus chemical plants, so I'm very sensitive to what regulatory compliance can mean to a company's economic success. But for over 40 years, the Clean Air Act has required the Environmental Protection Agency to set the level of each ambient air quality standard based on what is necessary to protect public health. They do this because EPA's job is health, not economic impacts.

Again, for over 40 years, Republicans and Democrats have agreed to this principle, which was passed on a bipartisan basis in the 1970s and signed into law by a Republican President and unanimously upheld by the U.S. Supreme Court in 2001.

This amendment would strike section 206 of the bill, which would require the EPA to consider industry costs when determining what level of air pollution is ''safe.'' But economic and compliance costs are already considered several times throughout the regulatory process, which is why section 206 is not necessary.

The EPA conducts a regulatory impact analysis for a range of emission standards when they propose the standard. Then they do a second regulatory impact analysis when they choose the final standard before it is sent to the Office of Management and Budget for review.

The regulatory process works. Last September, the Office of Management and Budget did not allow EPA to move forward with a revised ozone NAAQS standard because they felt that the costs of compliance would be too high for the regulated industries at this point in our economic recovery. To use a Texas saying, let's not throw out the baby with the bathwater.

Section 206 is a policy rider that undermines 40 years of bipartisan agreement, and I encourage my colleagues to support my amendment that would strike it.

I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise to claim time in opposition to the amendment.

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

Mr. GARDNER. Mr. Chairman, I have great respect for my colleague from Texas. We've worked on a couple of pieces of legislation together over the year and a half that I have been on the committee. I have the honor of serving with him on the Energy and Commerce Committee. But I also must rise again to oppose the amendment from our colleague from Texas.

Once again, under this bill, nothing in the gasoline regulations act stops the EPA from developing rules on their current schedule. Nothing in this prevents the EPA from protecting the public health and the environment, as the law requires them to do.

But as we talked in the previous amendment, consideration of the cost and the feasibility of these major rules is elsewhere throughout the law. And it is warranted because, in this case, a failure to consider those costs could hurt jobs and the economy. We need to know.

In fact, costs are required in other parts of the Clean Air Act. And EPA must consider costs in the context of setting New Source Performance Standards, automobile emission standards, aircraft emission standards, fuel additives, and reformulated gasoline standards. And it's also a matter that you have to consider costs when setting future drinking water standards in the Safe Drinking Water Act.

And if you hearken back to last year when President Obama decided that he was going to withdraw his last ozone rule, one of the comments that he made when he was withdrawing that ozone rule, which we argued would have greatly imperiled our economy—here's a quote from President Obama:

> I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover.

So when the President was talking about the Clean Air Act, he recognized ozone; he recognized the importance of taking a look at our economic uncertainty and the economic uncertainty of his last ozone rule.

So I appreciate our colleague's amendment, but I certainly have to oppose it at this time. I urge the rest of my colleagues to oppose it as well.

With that, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleague from Colorado because the system does work. Even the President used economics. But that's the President's job, not the EPA.

I would like to yield 2 minutes to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

The Clean Air Act was adopted in 1970, signed by President Nixon. Changes were made in 1990, signed by President George H.W. Bush. The heart of the Clean Air Act has been that EPA relies on the best science possible to determine what level of pollution is harmful for people to breathe. They decide what is safe. And based on the science, EPA sets a quality standard. This is the standard to protect public health. Then they take into consideration, at the State and local level, the costs of how to achieve that. They may give more time; they may do it in different ways.

But section 206 of the bill would end this commonsense approach, the main part of the Clean Air Act, because it would make cost a factor in what is supposed to be a scientific decision about how much pollution is safe for a child to breathe. In setting a public health standard, it would give as much weight to a polluter's accountant as to a scientist. This is like going to your doctor, asking for a diagnosis, and he wants to tell you what your diagnosis is based on the cost of treatment. You want to know what's most important for your health. That's what's required of the EPA.

You will hear over and over again Republicans saying, We've done well in reducing pollution. And we have because of a Clean Air Act that's based on setting a standard to protect health and then allowing costs to determine how to achieve that standard, but not setting the goal based on costs that could be wildly out of sync with the reality of what it would take and how much to spend to achieve that health-based standard.

This is a very, very radical provision in the bill. I want to commend my colleague Mr. GREEN for seeking to strike it. It would be consistent with the law as we have always known it, not to go back and change it as this bill would do.

Mr. GARDNER. Mr. Chairman, again, to repeat, to reiterate, to restate this point: Nothing in this bill—nothing in this bill—changes the EPA's obligation to protect the public health with an adequate safety margin. Nothing changes the obligation to protect the public health.

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

□ 2000

Mr. GENE GREEN of Texas. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. GENE GREEN of Texas. I appreciate my colleague and your work on the committee, but that's why we need to remove 206. That provision actually takes away health and safety as EPA's primary responsibility. That's what it was created for in 1970. We already have a system that will work to deal with the economic problems. We go to OMB. But even more so, we can go to the States. Because once EPA and OMB approves that rule, then they go to the States to work out the compliance. And in our district, where I have a huge industrial capacity, we actually work with our State agency and EPA to make sure we can economically do that within a timeframe.

That's why this amendment should be acceptable, Mr. Chairman, and I would encourage Members to vote for this amendment when it comes up for a vote tomorrow.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GENE GREEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. TERRY

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–540.

Mr. TERRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

> On page 14, after line 9, insert the following new section:

SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''a problem with distribution or delivery equipment necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: ''(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)'';

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

''(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be deemed to be waived for the period of time requested.''.

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel,'';

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by redesignating clause (ii) as clause (iii);

(II) in clause (i), by striking ''and'' after the semicolon; and

(III) by inserting after clause (i) the following:

''(i) the renewable fuel standard; and''; and

(IV) in subparagraph (G), by inserting ''or Tier III'' after ''Tier II''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Thank you, Mr. Chairman.

My amendment is a rather simple one and I hope all of my colleagues can support it.

Many of us remember the devastation brought on by Hurricanes Katrina and Rita. But even more folks outside of the gulf region remember the meteoric rise in gas prices and the threat of having no gas at all. When supplies are interrupted, it's critical to restore fuel for consumers as soon as possible. We continue to operate in an environment in which the fuel required in one market may not satisfy the requirement set by the EPA in another market, i.e., the fuel in Chicago may be different from the fuel in St. Louis, especially in the summertime.

If supplies of fuel are disrupted, whether from a national emergency or from a simple equipment failure, the consumers can be affected in a very significant and adverse way. When gas stations run out of gas, our constituents suffer. When suppliers run short of fuel and the market drives up prices, the constituents suffer. Not every supply disruption is covered in the existing statute. But every supply disruption can hurt our consumers. That is what this amendment is doing: Ensuring that the Administrator has the authority to serve the best interests of our constituents—our consumers—when fuel prices are affected.

Further, asking these consumers to wait a prolonged period of time before issuing a ruling that could restore supplies to their market is unacceptable. Time is of the essence when we are trying to avert these fuel shortages and price spikes. It's important that the decisions regarding the economic welfare of our constituents are made in a timely manner.

The underlying bill that we have here before us is about doing what we can to keep the prices as low as we can. This amendment would broaden the times where EPA can grant a waiver to an area to use whatever fuel they have on hand when there is a disruption. Right now, the authority only exists for natural disasters and other larger emergencies. Not all disruptions are covered. This amendment expands upon the waiver to include any disruption. Because we have refineries closing in the Northeast and we have a limited ability to move product due to Jones Act requirements, we need to ensure that any region is never in a position of doing without fuel.

The second part of my amendment calls for the EPA and DOE to conduct the Fuel Harmonization Study that EPACT 05 directed them to complete by June, 2008. And here we are in 2012 and we don't have the study. It simply tells them to get on it. We want the Harmonization Study completed.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR (Mr. CRAWFORD). The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment would change the law—the Clean Air Act—that authorizes EPA to waive pollution control requirements for motor vehicle fuels where there's an extremely unusual fuel supply circumstance. Well, we want that ability to waive that law. And EPA is already allowed to do that.

But the Terry amendment provides that if EPA doesn't act in 3 days, it's automatically granted. And that's not enough time for EPA to act. Often, a request for a waiver is incomplete. We don't know exactly why they're asking for the waiver. They haven't come up with all the information. It may not specify the area that could be covered. It may not be clear on exactly which fuel parameters are waived.

So under this amendment the EPA would have to choose between two bad options. They could reject the waiver and then perhaps approve a revised version a few days later when EPA gets the necessary information. Well, that doesn't make any sense. Fuel suppliers are going to be confused. They may be concerned that EPA won't address a situation where they need some rule. Or, EPA can allow an ambiguous and confusing waiver request to become effective. Again, this would just leave fuel suppliers confused and uncertain about what they have to do. Since the waiver would become effective automatically, how would fuel suppliers even find out it had gone into effect? It's also unclear what constitutes a waiver of request.

I think there's a lot of confusion in this proposal. I don't know why existing law should be changed. If there's been a problem, we haven't heard any testimony on this. We haven't had any hearings on this in our committee.

Requiring laws and regulations to be waived hastily, based on incomplete information, and for potentially long periods of time, is simply bad policy. Regulations are adopted through a public process which allows all parties to participate and all relevant information to be considered. But without limits, waivers could effectively rewrite regulations without public input. That's why the Clean Air Act waiver provisions, which were adopted in 2005, are narrowly crafted.

So I have a lot of misgivings about this policy. I don't know why we need it. We haven't had any testimony on it. It can lead to some very bad results.

I reserve the balance of my time.

Mr. TERRY. I appreciate the gentleman's remarks, but it's really not as draconian a measure as it may appear from his comments. When a waiver is requested, it's usually by a government entity for a region, usually with Governors, and there still has to be a disruption. If there's a disruption to the point where a government entity has to request a waiver from the oxygen requirements for the summer fuel for that particular region, that disruption is going to be well known and well documented. It won't take them more than 3 days to do it, unless they're intentionally dragging their feet.

Three days is sufficient. And if they refuse to act on that within that certain period of time, I think it's completely appropriate that they're able to keep the blend with the supply that they would have.

So this is really a simple request, a simple amendment to make sure that price spikes don't occur, that time is of the necessity.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, a waiver request does not have to come from a public entity. It can come from elsewhere as well.

I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

□ 2010

Mr. MARKEY. I thank the gentleman. This is just another example

that Congress knows best. It is a Republican solution to everything. Let's not let the agency professionals do their jobs on a case-by-case basis. Let's have a one-size-fits-all, 3-day shot clock that we put on a request that could have significant impacts environmentally in areas.

And by the way, if the agency is not ready, they might just reject it on day two because there's not enough information, rather than having an orderly process that makes it possible for the agency to be able to determine in a conversation with perhaps a government entity, but perhaps not, all of the details of what the implications are, what the ramifications of this request would be.

But it's not different than the shot clock that you want to put on the Department of the Interior in 60 days having to approval drilling in sensitive offshore or onshore lands in our country. All of these things are basically part of a Republican agenda to ensure that the hands of the government are actually tied in protecting the health and environment of our country.

What the gentleman from Nebraska is doing, which is part and parcel of a systematic approach to undermine the ability of those agencies that are tasked with the job of protecting the health, of protecting the environment, of protecting the safety of individual citizens, is to have handcuffs put on them so they cannot discharge their responsibility.

I urge in the strongest possible terms a ''no'' vote on the Terry amendment.

Mr. TERRY. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from Nebraska is recognized for 1 minute.

Mr. TERRY. I would just state that I think the rhetoric far exceeds the facts here. This is a simple amendment just to say when there's a disruption, instead of waiting around, when we know there's a problem, let's take care of the problem, allow the available fuel to be used so there aren't price spikes that hurt people.

And so I ask that my colleagues support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112–540.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 9, at the end of title II, add the following new section:

SEC. 207. IMPACT ON GASOLINE PRICES AND JOBS IN THE UNITED STATES.

(a) DETERMINATION OF IMPACT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Energy Information Administration shall make a determination as to whether implementation of this title is projected to lower gasoline prices or create jobs in the United States within 10 years.

(b) SUNSET IF IMPLEMENTATION NOT PROJECTED TO LOWER GASOLINE PRICES OR CREATE JOBS.—Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration, pursuant to subsection (a), determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, while gas prices have subsided over the past few months, Americans are still very concerned about the issue of jobs and high unemployment. In my district and in the African American community in general, joblessness is far higher than the national average with some communities experiencing unemployment rates of up to 60 percent. Yet even with these staggering figures, we are here today debating a bill that will do absolutely nothing to address this critical issue that the American people are facing. Nada, zip, zero will it do.

Mr. Chairman, the House will only be in session a little over 20 more days before we recess in August; and after that, this House will barely be in session until after the November elections. During this limited time, we should be focusing our attention on legislation that will create jobs and move America forward towards a smarter energy future that is less vulnerable to the whims of the world's oil market.

However, there is nothing in this bill, H.R. 4480, that will do anything to address the issues most important to the American people. Neither jobs nor gas prices are dealt with in this bill.

Mr. Chairman, my amendment, the amendment that I'm offering today, gets right to the heart of the matter and simply states that:

Not later than 90 days after the date of enactment of this Act, the administrator of the Energy Information Administration shall make a determination as to whether implementation of this Act is projected to lower gasoline prices or create jobs within the United States within 10 years.

That's what my amendment says—clearly, simply, concisely.

However, if the administrator of the EIA determines that implementation of this act is not projected to lower prices or create jobs in 10 years, then the most egregious provisions of this bill, sections 205 and 206, which attack existing Clean Air Act protections, will sunset and cease to be in effect.

Mr. Chairman, provisions in this bill, such as title II, the Gasoline Regulations Act, use the backdrop of high unemployment and fluctuating gas prices as a ruse to once again attack the EPA and the Clean Air Act, without doing a single thing to actually reduce the cost that Americans are paying at the pump or to deliver more jobs to the American people.

Mr. Chairman, Congress should not remove long-standing Clean Air Act requirements for EPA to set ambient air quality standards at the level necessary to protect human health.

Nor should the majority attempt to block and delay several EPA air quality and public health provisions under the guise of falsely claiming that these attacks on EPA will actually create jobs or reduce gas prices. Time and time again over the past year and a half, this Congress, under the majority party's leadership, has voted to roll back provisions of the Clean Air Act.

Mr. Chairman, I urge all of my colleagues to vote for the Rush amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GARDNER. Mr. Chairman, I want to tell a little bit of a story. I grew up and live in a very small town in the eastern plains of Colorado. There are about 3,000 people who live in this small town. And when I was growing up, there was a mother and her daughter who lived across the street from where I was growing up in a little home. They had an older car. And in this small town, the grocery stores, gosh, can't be more than four blocks away. But when they went to the grocery store, they walked.

As the years went by and the mother got older, they still walked to the grocery store. In the winter, a lot of times they walked. And in the summer, they walked. I remember asking them one time, they have a car, how come they're not driving? It's just four blocks away. And as she got older and it was more difficult to walk, her response was because we can't afford the gas. That's four blocks of driving. It can't use much gasoline. But the fact is, the price of gas mattered to that family. It made the difference of getting groceries, putting food on the table.

We talk about people's ability to afford health care. If you're left with the option of getting to work or buying health care insurance, what are you going to do? What choice are you going to make?

By making sure that we have abundant, affordable energy, we are making sure that families can make ends meet easier, that they can make those choices to go see the doctor when they need to, because high prices of energy certainly impact the ability of families to lift themselves out of poverty to make sure that they're improving their own lives.

□ 2020

Your amendment would stop the look that we're asking to take at what regulations do when it comes to the price of

gasoline, when it comes to the price of energy. Nothing in this bill prevents the EPA from developing rules on their current schedule, but it does say we need to understand the impact that they are going to have on the price of gasoline, because I bet those neighbors of mine are very interested in what government is doing to increase the cost of them getting to the grocery store or not, and maybe they could drive when it's cold outside.

Mr. RUSH. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Illinois.

Mr. RUSH. I am so glad you used the story and told the story of your neighbor, because your neighbor is not unlike my neighbors. They're suffering from unemployment; they're suffering from high gas prices. But what confuses me and what's gotten me astounded is the fact that in this bill, your neighbor, her problems, my neighbor's problems, the problems of all the Members of this body, all of our neighbors' problems, our problems aren't addressed.

All I'm asking for is that if the EIA—a fairly knowledgeable agency, an agency that is respected—if they determine after looking at the provisions of this bill and say that this bill will not create one job, this bill doesn't address rising gasoline prices——

Mr. GARDNER. Mr. Chairman, if I could reclaim my time so that I can have the ability to close on my amendment, and I appreciate my colleague's debate on this.

But again, this issue is not about stopping or blocking the EPA from doing it, because they're fully able to develop rules on their current schedule. Nothing prevents them from protecting the public health and the environment as the law requires them to do—nothing. So your amendment, though, when you talk about rules affecting gas prices should be delayed until the report is completed because those rules could increase gas prices; that's all we're trying to do. Allowing a single member of this committee, which your amendment would do, to circumvent the analysis would defeat the purpose of the act.

Gas prices impact, as we know, all parts of our economy, and we need to have multiple experts. But the EIA, of which your amendment deals with, doesn't have the expertise in national competitiveness. They don't have the expertise in job impacts or agriculture or health benefits analysis.

Again, I think we have just got to be at the point where we let the American people know what's happening to the price of gasoline because of these regulations.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–540.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, after line 17, insert the following:

''(6) The Strategy under this subsection should seek to ensure that that the percentage of onshore Federal oil and gas leases under which production is not occurring is reduced during the next 4-year period.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the bill before us tonight would elevate energy production above all other uses of public lands in, really, contradiction of the principles of multiple use under the Federal Land Management and Policy Act. This would be to the detriment of grazing, hunting, fishing, and other recreation activities. Yet the plan envisioned by the majority's bill does not even require that the Interior Department consider the tens of millions of acres of public lands that oil companies are just sitting on and not using.

Right now, oil companies have roughly 25 million acres of public land onshore on which they are not producing oil. Even worse, oil companies are not even beginning drilling activities on the vast majority of these nonproducing areas. In fact, last month the Interior Department released a new report which found that oil companies have nearly 21 million acres onshore under lease on which they have not even begun conducting exploration activities.

Well over half of the public lands that oil companies have under lease onshore are idle. They are warehousing these leases. They are sitting on these leases. My amendment would require that the Secretary reduce the number of nonproducing leases as part of the plan for energy development on public lands that would be established under the underlying bill.

Before we risk disrupting additional public lands, let's begin by getting the oil and gas industry to use the leases they have. It's simple: No seconds while your plate is still full. It's the height of cynicism that the industry would be squatting on these leases at the same time it is asking us to give them more land that belongs to the Americans.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

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

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

Mr. Chairman, we've heard this argument and this debate and this issue before. This is nothing but a recycled version of the old use-it-or-lose-it argument that we've heard so many times, but this time it's disguised as an effort to reduce nonproducing leases.

This amendment is based on a completely unsubstantiated premise, which is that oil companies are sitting on oil and gas leases, therefore rendering them inactive—at least that's how the claim goes—if they are not diligently drilling for and producing oil.

This is important, Mr. Chairman. Use it or lose it is already the law of the land. Why? Because every lease on Federal land currently includes development language requiring moving forward by the energy companies, and if a company does not produce within those lease terms, then the lease reverts back to the government.

Now, keep in mind, picture this: A company is paying money for a lease and there are certain conditions in this lease for them to produce in a time period. If they don't produce in that time period, it reverts back to the government. Is that not use it or lose it? That's the law of the land as it is a part of the lease sales.

So, just because a lease sale is not actively producing, that doesn't mean that there's not work on that lease sale. Leases can be held for up to 7 or 10 years because studies or permitting or even lawsuits slow that process down.

In addition, it isn't possible to drill every lease at the same time. Think of leases like homebuilding. A homebuilder doesn't start building every home at the same time. You have roofers, you have framers, you have plumbers, you have drywalls, you have electricians all working at different times on different parts of the house. Oil and natural gas is the same way. You have geologists, drillers, production, permitting, and environmental studies. All those things happen in different steps.

So the argument that use it or lose it—which is already in place—is something that we should even be debating here is nonsensical. It ignores the realities of oil and gas, the years of exploring, the drilling and permitting that it takes to bring something to the floor.

Not only has a use-it-or-lose-it argument failed many times when it's been brought to the floor of this House, but in the House Natural Resources Committee on legislation dealing with this, it lost on a bipartisan vote. Frankly, Mr. Chairman, I suspect if there's a vote called on this, it, too, will lose on a bipartisan vote. So to encourage that, I would urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, may I ask the time remaining on this amendment?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. I would be pleased to yield 2½ minutes to the coauthor of this amendment, the ranking member, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman.

I have a suggestion to succinctly tell the whole story about the tens of millions of acres that oil companies are allowing to sit idle. Fox should create a new TV show for the oil companies holding all these idle wells, and it could be called ''American Idle,'' with Exxon and Chevron and BP and all those companies as the contestants. Every week, the oil companies can come and sing their sad tune about needing more taxpayer-owned land to drill even as their lease blocks are left lonely for years at a time and they don't drill at all.

□ 2030

ExxonMobil and BP could sing songs like ''Not Taking Care of Business'' or ''Sitting on a Block in the Bay,'' where the refrain sung by the oil company executives would, of course, be ''wastin' time.''

And Simon Cowell could come back to the show he created so we can all watch as he mocks these companies for their subpar drilling performance. And of course, in typical fashion for the oil industry, they'll still demand to be advanced to the next round of leasing, even though they're doing nothing.

And by the way, in this bill, the Republicans actually have a provision that if the President, because Iran attacked us, deployed 10 percent of the Strategic Petroleum Reserve, that we, the American people, would then have to lease 200 million acres, an area the size of Texas to the oil companies to drill because the President deployed the Strategic Petroleum Reserve, even though the oil companies already have an area the size of Kentucky in public lands that they are not drilling on.

So this whole American Idle thing really plays perfectly into the Republican plan because right now the oil companies pay $1.50 per year per acre not to drill while at the same time bleating that they are being discriminated against, even as the President now has us at the highest rate of oil production in the United States in 18 years, which is a very hard thing for the Republicans to finally come here to the floor and admit.

Vote for the Holt amendment. That is the solution to this problem. Then we'll get America and the oil companies back to work and away from their idle ways, which is hurting the national security of this country.

Mr. HASTINGS of Washington. Could I inquire how much time remains on both sides?

The Acting CHAIR. The gentleman from Washington has 2 minutes. The gentleman from New Jersey has 30 seconds.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, let me just repeat. Right now, the oil companies have 25 million acres of public land onshore on which they are not producing. They have 21 million acres of public land onshore under lease on which they are not even conducting exploration activities.

I rest my case.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, once again, to repeat, the nature of the lease sales that companies enter into is ''use it or lose it'' because if they don't, within the time period of that lease, utilize that for production, they give it back. That's ''use it or lose it.'' That's the law right now.

But let me respond here in the short time I have about comments that have been made earlier about increased American production. That's true, Mr. Chairman, and I'm glad for that. But the implication of that statement being made by my friends on the other side of the aisle is that it's because of the policies of this administration.

Mr. Chairman, nothing could be further from the truth. It takes a while to get land or offshore up to speed and in production, sometimes many years. But the reason production is increasing in some areas and has been increasing—it's now going down on Federal lands—is because of actions of prior administrations. That is never said. It's because of prior administrations' actions, because the last 2 years of this administration, oil and natural gas, the production on Federal lands, has gone down.

And finally, the main reason why oil production has increased in this country is because it's happening principally in North Dakota and in west Texas, and it's on private land and/or State land. The Federal Government and this administration had absolutely nothing to do with the increase of that production. As a matter of fact, I think there were probably some efforts to try to slow that down.

But, at any rate, I had to make that point, Mr. Chairman. This amendment, again, has been around a few times. I suspect that if a vote is called on it that it will fail on a bipartisan basis again. I urge rejection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112–540.

Mr. CONNOLLY of Virginia. Mr. Chairman, on behalf of myself and Mr. LEWIS, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, line 17, strike the closing quotation marks and the following period, and after line 17 insert the following:

''(C) RIGHT TO PETITION PRESERVED.—This paragraph shall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States.''.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I rise to offer this amendment on behalf of my colleague, Congressman JOHN LEWIS.

Before I begin, I'd like to invite my colleagues on the other side of the aisle to refer to their pocket Constitutions, specifically page 21. There they'll find the First Amendment, which reads, and I quote:

Congress shall make no laws 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 people peaceably to assemble and to petition the government for a redress of grievances.

I may be mistaken, Mr. Chairman, but when we read the Constitution, read it aloud here on the floor at the start of this Congress, a bipartisan exercise in which I was privileged to participate, I don't recall there being an asterisk at the end of the First Amendment saying, except, of course, if your petition stands in the way of Big Oil. Yet, the language in this bill creates a brand new, $5,000 protest fee for any American citizen to challenge the granting of a drilling lease, right of way or permit.

I don't know about my colleagues, but that seems like we're abridging the freedom of speech and the right to petition the government for redress of a grievance. Once again, the Republicans in the House are happy to rush by the rights of the public to benefit their big friends in Big Oil. This is a capricious tax, at best, on the peaceable right to protest an act of the government that someone believes might harm the environment.

Not surprisingly, the bill does not apply a similar protest fee on someone who might want to protest the denial of a drilling lease or permit. One wonders why? Could it be that would be a tax on industry?

Mr. Chairman, the Bureau of Land Management objected to this fee in its testimony to the committee on this legislation, citing it as an inappropriate economic barrier to the public to seek judicial review or redress of an agency decision.

I agree with that statement, but I don't think it goes far enough. It doesn't fully capture the full ramifications of it. It would trample on the First Amendment rights of the public. So much for the other side's commitment to being strict constructionists when it comes to the Constitution.

Mr. Chairman, I urge my colleagues to support this amendment and reject this assault on the Constitution and the First Amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman I rise to claim the time in opposition to this amendment.

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

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I just want to clarify something. Absolutely nothing in this legislation, or this entire legislation, takes away the right of people to protest or petition for the redress of grievances. That is something that is held sacred, I think by all Americans, certainly all Members of this House.

During the oil and natural gas leasing exploration and development process, there are over a dozen opportunities for citizens to protest, to appeal, to comment, or to even completely halt energy development on public land.

Since the 1990s, however, the use of protests on Federal lands has increased by 700 percent through a considered effort by special interest groups to halt oil and natural gas development on our Federal lands. This explosion of protests has crippled the Bureau of Land Management, or BLM, offices while they are working to handle the wave of new protests.

A formal protest of leasing is a legitimate step in oil and natural gas leasing process. However, and this is something that I think most people recognize, the abuse of protest to halt that development is something I think needs to be addressed.

□ 2040

So the $5,000 protest documentation fee in this legislation goes directly then towards helping the BLM process the onslaught of protests that are currently being paid by taxpayer dollars. It does not take away anyone's right to protest, nor does it interfere with the other nearly 15 ways someone can participate in government's decision regarding Federal energy leasing or development.

This provision, as a matter of fact, will ensure that taxpayers' dollars that are going through the normal process are spent protecting the environment and in the planning and the leasing, not tied up in processing paperwork related to endless protests filed by special interests with an agenda, which one has to conclude, of stopping oil and natural gas leasing.

I do want to mention, too, Mr. Chairman, that this amendment was also offered in legislation in the Natural Resources Committee, and it, too, was defeated on a bipartisan basis. I suspect that if this is brought to the floor it will probably be beaten on a bipartisan basis again, so I urge the rejection of this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I would inquire as to how much time remains on this side.

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I would yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, this provision reminds me of something that French author Anatole France once said. He said that the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread.

So, yes, under the bill's petroleum protest poll tax, the rich as well as the poor are charged $5,000 as a fee to protest an oil company drilling plant that could undermine the environment or the safety or the view of a particular individual; but the law is clearly targeted against the poor.

So if you are one of the super-rich like, say, Mitt Romney, having to pay a $5,000 fee to protest is nothing. It's less than half of what you offer up when you make a friendly little bet with a friend. If you're the Koch brothers and you want to stop the Cape Wind project from blocking your view out on the ocean, that's a small price to pay to be able to undermine a project that you're not happy with. For everyone else, this is basic economic discrimination. This $5,000 fee isn't just a tollbooth on the highway of justice. It is a brick wall.

Just by contrast, the United States Supreme Court—the highest court in the land—charges $300 to appeal a case. For an American citizen who is earning minimum wage, it would take 4 months of working full time and forgoing food and shelter in order to pay this protest fee which the Republicans want to put on the books. So, ordinary people, they're going to have to pay up now if they want to protest, and the environmental justice that has been denied poor people in our country over the last several generations just continues under this. This is what it's all about—environmental justice.

What you're doing is you're imposing a poll tax—an environmental poll tax, a polluter's poll tax, a petroleum poll tax—on ordinary families. It is just wrong, unnecessary, but oh so obvious in what the agenda is. It's not to block the Koch brothers from trying to block Cape Wind but, rather, just ordinary citizens from having their days in court so they can make their protests in a way that doesn't bankrupt the families.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, I want to point out this poster behind me. I know one can't read all of the details here, but this is the process by which somebody goes through a lease process to try to develop some activity on Federal lands. This is the process that one goes through, which, of course, is pretty long.

Now, I mentioned in my opening remarks that there are 15 different ways there can be a protest made or a voice heard, or whatever, in that whole lease process. At the back of me on this chart, it is denoted by the red dots. You can see all the way along, starting way over to my right, where right at the start there are places you can have input and that continues throughout, all the way to virtually the end.

When you have a process like this—and I will say it—in many cases, some of these red dots are used for frivolous purposes. Well, if they're used for frivolous purposes, there has to be a way, it would seem, to mitigate that in some way so that the government can do its job and do its work under the law as to those who are trying to lease public lands. That's simply what the fee does because the fee goes to the agency that processes this.

That means you can ensure, from my point of view at least, that you'll have a process that's fair and open. Nothing is taken away. There are no red dots taken away whatsoever. We're just simply saying there has to be a means by which we finance this process. I think this is a way to do it, so I would urge the rejection of this amendment. As I mentioned, it has been rejected several times before. It was rejected in committee, and I hope it will be rejected on the House floor.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. AMODEI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112–540.

Mr. AMODEI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE ____—MISCELLANEOUS PROVISIONS

SEC. ____. LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE MINING LAW PROGRAM OR THE SOLID MINERALS LEASING PROGRAM.

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed immediately before the enactment of this Act under the Solid Minerals Program of the Department of the Interior, including—

(1) any such function under—

(A) the laws popularly known as the Mining Law of 1872 (30 U.S.C. 22 note);

(B) the Act of July 31, 1947 (chapter 406; 30 U.S.C. 601 et seq.), popularly known as the Materials Act of 1947;

(C) the Minerals Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.); and

(2) any such function relating to management of mineral development on Federal lands and acquired lands under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the Mining Law Program.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nevada (Mr. AMODEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. AMODEI. Mr. Chairman, the Domestic Energy and Jobs Act, in addition to developing our abundant oil and natural gas reserves, is also important for the purposes of recognizing another part of the energy sector, which are our mineral resources. An often-forgotten component of America's economic engine and comparative advantage over other nations is our mineral and, yes, coal production. Minerals and mine materials are the raw ingredients needed by every sector of our economy.

This amendment is simple. It would prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management and merging it with the Office of Surface Mining Reclamation and Enforcement, the OSM. This amendment is necessary because, currently, the administration continues to proceed with plans to combine these two entities despite the fact that it has met with heavy bipartisan resistance and also resistance from stakeholders, including, yes, even environmental groups.

Last year, Secretary Salazar announced his intent to combine the OSM and a portion of BLM's Solid Minerals program through a secretarial order. It appears to be in vogue these days—executive orders, secretarial orders. The problem missing here is: resort to Congress. Previous administrations have looked at this and have concluded in the record that congressional action is needed to do this. So here we are, trying to forestall yet another secretarial or executive order that flies in the face of congressional authority.

In March of this year, the Department of the Interior indicated a desire to continue to evaluate this. This will result in unnecessary costs to taxpayers as it is duplicative and flies in the face of previous administrations.

More importantly, OSM should not have the responsibility for leasing Federal coal. Under the Surface Mining Control and Reclamation Act, which was passed by this House, States are responsible for the permitting and the regulation of coal mining and abandoned-mine land cleanup. Additionally, the Surface Mining Control and Reclamation Act expressly prohibits the commingling of employees of any Federal agency that promotes the development or use of coal—responsibilities of the Solid Minerals division of the BLM. It is a clear conflict of interest.

Finally, the OSM does not have offices in all Federal Western States, and hard-rock mining does not fall under their jurisdiction, nor does it have any experience in the broad range of mineral commodities regulated by the BLM.

I ask for the Chamber's support of this amendment that would stop the Department of the Interior from merging the operations of the BLM and OSM.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. AMODEI. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think you have a very good amendment, and I support that amendment. I thank the gentleman for bringing it to the floor.

Mr. AMODEI. Mr. Chairman, I reserve the balance of my time.

□ 2050

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

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

Mr. MARKEY. Mr. Chairman, we know that the Republican majority thinks current law governing hard rock mining in this country is about as close to perfect as they can get, and we know that international mining giants like Barrick Gold and Rio Tinto agree with our Republican colleagues. The status quo is really ideal from their perspective. That is because the status quo allows these multinational companies to mine billions of dollars worth of gold, silver, and other minerals on Federal lands without paying a dime in royalties. What's not to like if you're a multinational offshore company coming into our country?

The law allowing this disgraceful windfall was signed by Ulysses S. Grant in 1872, and there it sits immune from change, immune from improvement or update for 140 years. What we did not realize was just how far this majority will go to make sure even the smallest corner of the current setup is never, ever changed.

The administration has announced plans to consider whether merging some of the functions of the Office of Surface Mining and the Bureau of Land Management might lead to efficiencies and save the American taxpayers some money. The jury is still out on that idea, but we must ensure that we can continue to exercise proper oversight of mining activities on public lands and ensure that American taxpayers and States can continue to receive a proper return on these minerals.

A February report to Secretary Salazar recommended that the two agencies stay largely independent of each other. The merger plans have yet to be developed or announced and would likely be limited to money-saving ideas like combining human resource divisions, employee training programs, and fleet management operations. This streamlining could reportedly save as much as $5 million annually of taxpayers' money, something that the GSA, perhaps, could take as a lesson as to how they should operate.

At the very least, the administration deserves the time to fully develop and present a plan that can be debated on its merits. But this amendment says ''no.'' This amendment would specifically prohibit the administration from even considering whether aspects of this idea have merit and would save the taxpayers money, which is the goal of the plan that the Department of the Interior is considering.

Not only do our Republican colleagues reject any and all efforts to bring the Federal mining law into the 21st century—I would even take the 20th century, for that matter—but they bristle at the very idea of thinking about ways to better organize the agencies overseeing mining on Federal lands.

We should let the administration do its job. We should also get serious about ending royalty-free mining on public lands. This amendment really misses the point entirely. We need to be more efficient. We have to save the taxpayers money, and we also have to make sure that these multinationals pay more to mine the minerals of the American people.

With that, I reserve the balance of my time.

Mr. AMODEI. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Nevada has 2 minutes remaining.

Mr. AMODEI. I yield 1½ minutes to my colleague from the Buckeye State.

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in support of the Amodei amendment that would ensure that the Secretary of the Interior does not combine the two agencies with competing missions into the same agency.

Late last year, the Secretary of the Interior tried to merge the Office of

Surface Mining into the Bureau of Land Management. After spending months of time and valuable taxpayer dollars to look at the issue and holding multiple public meetings, the Secretary of the Interior realized two things: First, he realized that he didn't have the power to merge the two agencies; and secondly, he realized it was simply a bad idea. Now there are reports that the Secretary is looking at taking portions of Bureau of Land Management and moving them under the purview of the Office of Surface Mining.

The two facts that I just mentioned still hold true today. The Secretary doesn't have the power without it first being authorized by Congress, and the two agencies have competing missions. It simply doesn't make sense to combine the two agencies.

During a markup at Natural Resources earlier this year, I offered an amendment similar to this that stopped the Secretary of the Interior from combining the two agencies, and it passed on a voice vote. I would hope that this amendment passes in a similar fashion.

I am all for streamlining overlapping government functions and cutting wasteful government spending. However, in this case there are no overlapping functions or wasteful spending. For that reason, I urge all of my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Nevada has 30 seconds remaining.

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

Mr. AMODEI. Mr. Chairman, I would just say that the goal of the amendment is to keep from picking up the newspaper in the morning and reading about a secretarial or executive order that has combined two agencies that the record is replete with evidence that the executive branch and the Secretary does not have the authority to.

So when we talk about oversight and the proper thing to do in these instances and when we talk about debate it on its merits, as my colleague from the Bay State has indicated, I would love to do that. That requires that Congress act, not the Secretary of the Interior and not the President of the United States.

Thank you, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. AMODEI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. AMODEI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112–540.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE—MISCELLANEOUS PROVISIONS

SEC. ____1. REQUIREMENT TO OFFER FOR SALE ONLY IN THE UNITED STATES.

The Secretary of the Interior shall require that all oil and gas produced under a lease issued under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act shall be offered for sale only in the United States.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Mr. Chairman, this amendment is quite simple. It prohibits the export of oil and natural gas produced from leases on the public lands of the United States that are going to be authorized under this bill.

America's number one export last year was American fuel—number one. No other product did we export more of last year than the fuel that is produced here in the United States. More than $100 billion in American-made fuels was sent overseas to China, to Morocco, to Singapore, and other countries.

This infuriates Americans pulling up to the pump and paying more than $3.50 a gallon to fill up. Not only do oil companies want to continue exporting American fuel, but they're now talking about lifting restrictions on exporting America's crude oil as domestic production continues to increase.

Just this week, the President of the American Petroleum Institute announced that exporting America's crude oil should be a serious consideration. Let me say that again: Big Oil is now stating publicly, in no uncertain terms, that they want to be able to export crude oil produced in the United States.

Earlier, the majority whip said that this bill will make us energy independent. Well, without the Markey amendment, there is no way that an oil company just won't export the fuel and the natural gas, and now the head of the American Petroleum Institute says Big Oil also wants to start exporting America's crude oil, as well.

As American men and women are on the ground in the Middle East fighting and dying to protect oil supply lines coming from the Middle East into the United States, Big Oil wants to export oil produced here in America to China, to other countries around the world. That is truly frightening, and it's wrong, ladies and gentlemen. It is wrong in terms of our relationship with the young men and women who fight for us, who defend us around the world.

□ 2100

Big Oil is beholden to shareholder interests only. They do not care about American national security, and they certainly don't like Americans to enjoy low energy prices, which is what's happening right now with natural gas. They want a bigger cut. They want to create a global national gas market and a global price, just like they have for oil. That's the plan.

And the companies are lining up at the Department of Energy right now to get permits to export American natural gas. There are 15 applications seeking to export 28 percent of our current natural gas, American natural gas, natural gas here in the United States all around the world.

And why do they want to do that? Well, they want to do that—even though the Energy Department says it could lead to a 54 percent increase in the price of natural gas for Americans—they want to do it for a very simple reason. The price of natural gas in Japan right now is seven times higher than the price of natural gas here in America. American companies want to sell the natural gas to the Japanese rather than to Americans because they can make seven times as much money. In Europe, it's four times as high. They want to sell the natural gas of America overseas rather than keep the prices low for people to keep their homes heated, to keep our industries growing. The petrochemical industry, the fertilizer industry, the plastics industry, all those industries are dependent upon these fuels.

No, that's good for the oil industry. It's very bad for the American manufacturing sector because low-priced natural gas is what's fueling the increase in manufacturing all across this country.

So I just totally reject the premise of the majority in allowing for the sale of our oil and gas out of our land across the country.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I'm afraid from at least my reading of the amendment that this displays a lack of understanding regarding existing Federal laws and the realities of the oil and natural gas markets because oil produced on Federal lands is already subject to the Export Administration Act. In order to export crude oil, a producer would have to apply for authorization from the President. That's the law right now. Currently, no crude oil produced in the United States is exported, with the exception of a small quantity that goes to a Canadian refinery.

So I just think that what this is, more than anything else, is an effort to

make production on Federal lands more challenging and, thus, less valuable. And as a matter of fact, that would hurt the economy and American jobs.

But there is another aspect to it. And again, it's the way the amendment is reading. What about products that are made from oil? We know there is a vast array of products that are made from oil and natural gas, for that matter.

I think of a product that's made in my State. One of the biggest manufacturers in my home State of Washington is Boeing. There was a big fanfare. And in fact, I think a couple of weeks ago, they had their latest product on display down at Reagan National. It's called the 787 Dreamliner, which, of course, is made of composites, composites made of natural resources, i.e., oil and natural gases and others.

Now the way this amendment is written, because there are no restrictions, that means that Boeing probably could not export 787s. And frankly, their biggest market is the international market.

But let's not just confine it to Boeing. What about other byproducts that we manufacture? One comes to mind because my wife and I were using it to do some home repairs this weekend, WD–40, a petroleum-based product. I understand that that company exports a lot of that product overseas. The way this amendment is written, one could assume that that too would be restricted. What would that, then, do to the job market and our economy if we restrict what is a result of oil and natural gas being exported overseas?

I just want to repeat: There are restrictions for crude oil on Federal lands. That's existing law. This amendment adds nothing to it. But what I am concerned about, I guess, would be the unintended consequences. Let's not get ourselves into a situation where we have to pass a bill before we know what's in it. We've painfully gone through that in this country.

So I don't think this amendment is a good amendment, and I urge my colleagues to reject it.

I am prepared to close, so I will reserve the balance of my time.

Mr. MARKEY. I will, then, yield myself the remainder of the time.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. MARKEY. In summary, Price Waterhouse estimates that U.S. manufacturing companies could employ 1 million more workers if they continued to have low-priced natural gas. Exporting natural gas, exporting crude oil is only going to hurt our domestic economy, except for one industry: the oil industry.

American oil production right now is at its highest level since Bill Clinton. Natural gas production is at its all-time high ever. And what the American petroleum industry is now saying is that we want to start exporting this crude oil, start exporting this natural gas around the planet.

Keep American oil and natural gas here in America. Do not export it to other countries. It should be for Americans, and it should be for American companies. Vote ''aye'' on the Markey amendment.

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

First, I will urge people to reject the Markey amendment.

Now I made an observation. And maybe somebody is saying, Boy, you are really stretching it if you are going to byproducts. And I referenced the way the amendment was written. And the amendment is written where it says very specifically, ''all oil and gas.''

Well, let's see. If a product is made from oil and gas, wouldn't that qualify? So I think this is a very, very serious concern. And once again, it is the unintentional consequences of this amendment. So I urge rejection of the Markey amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. LANDRY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112–540.

Mr. LANDRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE—MISCELLANEOUS PROVISIONS

SEC. ____1. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109-432; (43 U.S.C. 1331 note)) is amended by striking ''2055'' and inserting ''2022, and shall not exceed $750,000,000 for each of fiscal years 2023 through 2055''.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, this amendment is very simple. It seeks to improve the environment by ensuring that those States that allow offshore drilling are allowed to keep more of the revenue generated off of their shores.

In 2007, Congress passed a historic Gulf of Mexico Energy Security Act, or GOMESA. This historic legislation for the first time allows States to share in the royalties generated from offshore drilling. However, GOMESA only provided 37.5 percent of the revenue to the States and then capped the States at no more than a collective $500 million per year. Conversely, the Mineral Leasing Act required the Federal Government to give 50 percent of the energy revenue generated on Federal lands to States in which it is generated.

□ 2110

In Louisiana, we wholly support offshore drilling. We are proud to supply 80 percent of our Nation's offshore energy. But why should we not share in the funding generated by this drilling?

My amendment simply moves offshore royalty sharing more in line with the benefit experienced from onshore States by moving the GOMESA cap from $500 million to $750 million per year. My amendment does not impact onshore-producing States. If your State is receiving revenue from onshore energy production now, my amendment does nothing to change that. All the amendment does is move Louisiana, Texas, Mississippi, and Alabama a little closer to what those onshore States currently enjoy.

This amendment is nearly identical to the amendment that both myself and the gentleman from Louisiana (Mr. RICHMOND) offered during consideration of H.R. 3408, the PIONEERS Act, of which that amendment passed by bipartisan support of 266–159.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LANDRY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think the gentleman has a good amendment. As he pointed out, it already has passed on a bipartisan basis on the floor, and I think it's worthy to be passed in this instance. I support the amendment.

Mr. LANDRY. I reserve the balance of my time.

Mr. MARKEY. I rise to claim the time in opposition to this amendment.

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

Mr. MARKEY. Mr. Chairman, every day will be Mardi Gras down in Louisiana if the gentleman's amendment is adopted. We—that is all the rest of us in the country—are already going to be sending $150 billion to these four States over the next 60 years. I don't blame the gentleman for coming back to try to get another bite at the apple, or, in this case, another bite at the king cake.

But I would say to the gentleman from Louisiana that his State already won the baby in the king cake when the GOMESA giveaway was enacted back in 2006, and you're already entitled to $150 billion worth of revenue coming out of the Federal Government and heading your way. And so I just think it's time for your region to give

a little back to the other 46 States in the Union that didn't benefit from that 2006 giveaway to you. We're not begrudging that. What's done is done and you get the $150 billion. But I just think it's time for us to start thinking about starting to reduce the Federal deficit and starting to spend some of this money that comes in from the revenues from the drilling, and that it helps out the whole country. And so I would just make that case to everyone else.

By the way, if you come from one of those four States, vote for the gentleman from Louisiana's amendment. It's a good amendment for you if come from one of those four States. But if you come from one of the other 46 States, you've got rocks in your head if you're voting for that amendment because it's just another $6 billion going from your pockets into the pockets of those four States down there. And it just makes no sense at all after the $150 billion we gave them just 6 years ago.

I reserve the balance of my time.

Mr. LANDRY. I would only remind the gentleman from Massachusetts that this is, if you are an environmentalist and you want to help protect the environment like I know the gentleman from Massachusetts so desperately wants to do—I have served with him in committee and enjoyed his passion for taking care of the environment—this is an environmental amendment.

The citizens of Louisiana have passed a constitutional amendment that dedicates all of the proceeds from offshore royalty to go to wetlands restoration, coastal restoration, and hurricane protection. This is buying us an insurance policy that the other 46 States, who I know have been so generous to help us when hurricanes ravage our coast, this helps to protect us. And I know that the gentleman from Massachusetts would love to protect the environment in Louisiana.

I yield back the balance of my time.

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

Again, I'd be willing to have a conversation with the gentleman from Louisiana about what the proper way is of dealing with the funding for the preservation of the wetlands and the other environmentally sensitive areas down in the Gulf of Mexico, but this isn't the way to do it. This is just another permanent entitlement that we're building into the law here unattached to the hearings and the evidence that we need in order to make sure that whatever expenditures are made by the Federal Government are actually going for the intended purpose. And that's not what this discussion is here tonight with a 5-minute amendment that we're debating.

Six billion dollars should come under closer scrutiny than the debate we're having at quarter past 9 at night on the House floor where the only people who are watching the debate really need to get a life, because that's about the level of public scrutiny this is getting right now. I just think the $6 billion that the gentleman is seeking to request from the public has to be dispensed in a way that actually has a better process.

Again, I oppose the gentleman's amendment. I understand its intention. But for the other 46 States, I just don't think it's a good idea at this time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112–540.

Mr. RIGELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE ____—MISCELLANEOUS PROVISIONS

SEC. __01. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) upon enactment of this Act, revise the proposed Outer Continental Shelf oil and gas leasing program for the 2012–2017 period to include in such program Lease Sale 220 off the coast of Virginia; and

(2) include the Outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012–2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the Outer Continental Shelf oil and gas leasing program and the domestic energy resources produced therefrom are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section in order to ensure achievement of the following common goals:

(A) Preserving the ability of the Armed Forces of the United States to maintain an optimum state of readiness through their continued use of the Outer Continental Shelf.

(B) Allowing effective exploration, development, and production of our Nation's oil, gas, and renewable energy resources.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. Mr. Chairman, this is a job-creating amendment. It reflects the wisdom and truly the will of the good folks of the Commonwealth of Virginia, and specifically within the great district that I have the privilege of serving and representing, the Second Congressional District of Virginia.

The House of Delegates of the Commonwealth of Virginia have made it clear that they really believe we need to move forward with coastal Virginia energy. The same is true of the Virginia Senate. And just today, we received a letter of strong support from Governor McDonnell, of which I'm very grateful for his support of this amendment. It has tremendous opportunity to put folks to work.

In this very Chamber, Mr. Chairman, I recall vividly our President, President Obama, saying that he was an all-of-the-above President, and I truly think I was one of the first to leap to my feet in full support. We have really failed the American people over the last many decades in moving this country toward energy independence. So I leapt to my feet. I was clapping. Yet I'm unable to reconcile what he's saying with the painful reality—and Virginia, too.

There's a full moratorium on the responsible exploration and harvesting of Virginia's coastal Virginia energy. In my view, Mr. Chairman, this is a full moratorium on job creation, and that means there's a full moratorium on the tax revenues that we need for healthier schools and better roads. So this amendment is directed right at that to break through and create action where, at present, there's a full moratorium.

The way the amendment works is very simple. It requires the Secretary of the Interior to include Virginia in the 5-year oil and leasing plan. My amendment requires the Secretary of the Interior to conduct Lease Sale 220 within 1 year of enactment.

Again, the word that comes to my mind is ''action''—''definitive action.'' This is what the American people want. This is what the good folks of Virginia's Second Congressional District want. It helps, in part, to move us

away from the dependence on countries for our oil, many of which their values are diametrically opposed to ours, and we can do this in an environmentally responsible way.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RIGELL. I will yield to the chairman.

Mr. HASTINGS of Washington. I think the gentleman has a very good lease. And I've been talking about where Virginia has been shortchanged, from my point of view. I think this amendment goes a long way to advance that debate, and, actually, what we all want is the action.

I support the gentleman's amendment.

Mr. RIGELL. I thank the chairman for his support. I urge my colleagues to join us in supporting this bill. These are life-changing jobs. There's tremendous potential, and we can do this in a very environmentally responsible way.

I reserve the balance of my time.

□ 2120

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MARKEY. This amendment would order the Secretary of the Interior to conduct oil and gas leasing offshore in Virginia. In the wake of the *Deepwater Horizon* disaster, which was a lesson to all of us about the risks inherent in deepwater drilling, the Obama administration wisely canceled the proposed lease sale.

The overwhelming majority of the Virginia lease sale area infringes on critical training areas for the United States Navy. The Department of Defense itself has concluded that over 78 percent of the lease sale area would occur in areas where military operations would be impeded by drilling structures and related activities.

This area is already home to a number of critical military actions, including live ordnance tests, aircraft carrier qualifications, sensitive undersea and surface operations, and shipboard qualification tests. The military's continued activities in this area would torpedo drilling in most of this land.

Of the remaining 22 percent of the lease area, the majority of the unrestricted waters available for leasing would occur in the main shipping channel for Norfolk and the Chesapeake Bay, as well as the main channel used by submarines. So in the end, drilling could only even conceivably occur in about 10 percent of the area that the majority is talking about off the Virginia coast. When this Congress still has not passed a single legislative reform to improve the safety of offshore drilling, this just doesn't seem like it's worth of risk.

While some States may support offshore drilling, New Jersey and Maryland both oppose it, along with many other States along the Eastern Seaboard. These States' economies depend on the tourism that comes to see pristine, oil-free beaches and fishing that happens in their waters. And we are talking about their waters. As we saw during the BP disaster, drilling off the coast of Virginia could affect Maryland, New Jersey, and many other States up and down the East Coast because of oil spills which do not respect State boundaries.

This Congress has yet to enact a single safety reform following the *Deepwater Horizon* disaster. The independent, blue ribbon BP Spill Commission recently gave Congress a grade of ''D'' on its legislative response to the worst environmental disaster offshore in American history, and only refrained from handing out an ''F'' because, and these are the words of the BP Spill Commission, it did not want ''to insult the whole institution.''

The gentleman's amendment would place the entire East Coast at risk of a spill in order to open up an area where drilling may only be able to occur in about 10 percent of the area. That doesn't make any sense for our coastal States and their economies. The risks that we run are much higher than the very small benefits that can be derived.

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

Mr. RIGELL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARDNER) having assumed the chair, Mr. CRAWFORD, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. CANTOR) for today on account of attending the funeral of his father-in-law Royl Eron ''Roy'' Bevill with his wife, Linda Bachus.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 21, 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:

6515. A letter from the Acting Under Secretary, Department of Defense, transmitting Report to Congress on Corrosion Policy and Oversight Budget Materials for FY 2013; to the Committee on Armed Services.

6516. A letter from the Acting Under Secretary, Department of Defense, transmitting a review of the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS) program; to the Committee on Armed Services.

6517. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ronald L. Burgess, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6518. A letter from the Assistant Secretary, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress for 2012; to the Committee on Armed Services.

6519. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contracting with the Canadian Commercial Corporation (DFARS Case 2011-D049) (RIN: 0750-

AH42) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6520. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on the Defense Production Act (DPA) Title III fund for Fiscal Year 2011; to the Committee on Financial Services.

6521. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF [ET Docket No.: 10-235] received May 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6522. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-27, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6523. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-06, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6524. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6525. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6526. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Implementation of the Defense Trade Cooperation Treaty between the United States and the United Kingdom (RIN: 1400-AC95) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6527. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2011 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6528. A letter from the Secretary, Department of Agriculture, transmitting the Department's semiannual report from the office of the Inspector General for the period ending March 31, 2012; to the Committee on Oversight and Government Reform.

6529. A letter from the Deputy Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6530. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's annual report for Fiscal Year 2011 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6531. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting six reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6532. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period of October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6533. A letter from the Clerk of Court, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit, Soppet, et al v. Enhanced Recovery Company, LLC, No. 11-3819; to the Committee on the Judiciary.

6534. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for in 2013, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

6535. A letter from the Assistant Attorney General, Department of Justice, transmitting Activities of the Review Panel on Prison Rape in Calendar year 2011; to the Committee on the Judiciary.

6536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [Docket No.: USCG-2011-1132] (RIN: 1625-AA09) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Matlacha Bridge Construction, Matlacha Pass, Matlacha, FL [Docket No.: USCG-2011-1115] (RIN: 1625-AA00) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Emerald Coast Super Goat Grand Prix; Saint Andrew Bay; Panama City, FL [Docket No.: USCG-2012-0085] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6539. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2012 Mavericks Invitational, Half Moon Bay, CA [Docket No.: USCG-2011-1146] (RIN: 1625-AA08) received May 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0566; Directorate Identifier 2010-NM-271-AD; Amendment 39-16975; AD 2012-05-03] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Turbofan Engines [Docket No.: FAA-2007-27023; Directorate Identifier 98-ANE-47-AD; Amendment 39-16971; AD 2012-04-15] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Airplanes [Docket No.: FAA-2011-1318; Directorate Identifier 2010-NM-274-AD; Amendment 39-17009; AD 2012-07-01] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model [Docket No.: FAA-2011-1226; Directorate Identifier 2011-NM-006-AD; Amendment 39-17001; AD 2012-06-20] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turbofan Engines [Docket No.: FAA-2010-0821; Directorate Identifier 2010-NE-30-AD; Amendment 39-17004; AD 2012-06-23] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Gliders [Docket No.: FAA-2012-0017; Directorate Identifier 2011-CE-039-AD; Amendment 39-16994; AD 2012-06-13] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes [Docket No.: FAA-2012-0018; Directorate Identifier 2011-CE-042-AD; Amendment 39-16997; AD 2012-06-16] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0294; Directorate Identifier 2011-NM-047-AD; Amendment 39-16992; AD 2012-06-11] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0295; Directorate Identifier 2011-NM-057-AD; Amendment 39-16993; AD 2012-06-12] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DASSAULT AVIATION Airplanes [Docket No.: FAA-2011-1164; Directorate Identifier 2011-NM-084-AD; Amendment 39-17002; AD 2012-06-21] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0297; Directorate Identifier 2011-NM-093-AD; Amendment 39-17003; AD 2012-06-22] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1088; Directorate Identifier 2011-NM-099-AD; Amendment 39-16985; AD 2012-06-04] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Goodrich Evacuation Systems Approved Under Technical Standard Order (TSO) TSO-C69b and Installed on Airbus Airplanes [Docket No.: FAA-2011-0223; Directorate Identifier 2010-NM-161-AD; Amendment 39-17006; AD 2012-06-25] (RIN: 2120-AA64) received May 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6553. A letter from the Commissioner, Social Security Administration, transmitting the Administration's sixteenth 2012 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

6554. A letter from the General Counsel, Office of Compliance, transmitting the Office's biennial report entitled ''Safety and Health in the Congressional Workplace — Report on the 111th Congress Biennial Occupational Safety and Health Inspections''; jointly to the Committees on House Administration and Education and the Workforce.

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 references to the proper calendar, as follows:

Mr. LATHAM: Committee on Appropriations. H.R. 5972. A bill making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112–541). Referred to the Committee of the Whole House on the state of the Union.

Mr. KINGSTON: Committee on Appropriations. H.R. 5973. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112–542). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. Activities and Summary Report of the Committee on the Budget Third Quarter 112th Congress (Rept. 112–543). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 4264. A bill to help ensure the Fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes (Rept. 112–544). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, and Mr. VAN HOLLEN):

H.R. 5974. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation, and for other purposes; to the Committee on Ways and Means.

By Ms. BONAMICI:

H.R. 5975. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of the Small Business Liaison Pilot Program; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Ms. RICHARDSON, Ms. BASS of California, Ms. HAHN, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mr. HINCHEY, Mr. FILNER, Mr. CARNAHAN, Mr. CONYERS, Ms. FUDGE, Mr. CLARKE of Michigan, Mr. HASTINGS of Florida, Mr. RUSH, Mr. CLAY, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Mr. CICILLINE, Mr. KUCINICH, Ms. JACKSON LEE of Texas, Ms. PINGREE of Maine, Mr. RANGEL, Mr. MCDERMOTT, Mr. ELLISON, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. TOWNS, Mr. CLEAVER, Ms. SEWELL, Ms. CLARKE of New York, Ms. SLAUGHTER, Ms. EDWARDS, Mr. DOYLE, Mr. BACA, Ms. WILSON of Florida, Ms. MCCOLLUM, Mr. BUTTERFIELD, Mr. MICHAUD, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, and Ms. MATSUI):

H.R. 5976. A bill making supplemental appropriations for fiscal year 2012 for the TIGER Discretionary Grant program, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. SMITH of Texas (for himself and Mr. UPTON):

H.R. 5977. A bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. CHU, Mr. COHEN, Mr. CONYERS, Ms. DEGETTE, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. LEE of California, Mrs. LOWEY, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. NADLER, Ms. NORTON, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Ms. WATERS, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. ESHOO, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. DEUTCH, Mr. LARSEN of Washington, Mr. SERRANO, and Ms. JACKSON LEE of Texas):

H.R. 5978. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

By Mr. CASSIDY:

H.R. 5979. A bill to amend title XIX of the Social Security Act to reform payment to States under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. PETERSON:

H.R. 5980. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. PETRI (for himself and Mr. ANDREWS):

H.R. 5981. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to provide for a guarantee by the Pension Benefit Guaranty Corporation for qualified preretirement survivor annuities under insolvent or terminated multiemployer pension plans; to the Committee on Education and the Workforce.

By Mr. SHULER:

H.R. 5982. A bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent; to the Committee on Ways and Means.

By Mr. STIVERS:

H.R. 5983. A bill to designate the facility of the United States Postal Service located at 2539 Dartmoor Road in Grove City, Ohio, as the ''Master Sergeant Shawn T. Hannon and Veterans Memorial Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. STIVERS:

H.R. 5984. A bill to designate the facility of the United States Postal Service located at 25 South Oak Street in London, Ohio, as the ''Lance Corporal Joshua B. McDaniels and Veterans Memorial Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. STIVERS:

H.R. 5985. A bill to designate the facility of the United States Postal Service located at 3700 Riverside Drive in Columbus, Ohio, as the ''Master Sergeant Jeffery J. Rieck and Veterans Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Ms. FUDGE, Ms. MOORE, Ms. NORTON, Ms. LEE of California, Ms. WILSON of Florida, Ms. MCCOLLUM, Ms. RICHARDSON, Mr. TOWNS, Mr. CARNAHAN, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. MCGOVERN):

H. Res. 694. A resolution recognizing the 40th anniversary of title IX, the Federal law that prohibits sex discrimination in education, including high school and college sports and other activities; to the Committee on Education and the Workforce.

By Mr. QUAYLE (for himself and Mr. GOWDY):

H. Res. 695. A resolution expressing the sense of the House of Representatives on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself and Mr. MCKEON):

H. Res. 696. A resolution recognizing the 70th anniversary of the Guadalcanal campaign during World War II; 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.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LATHAM:

H.R. 5972.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. KINGSTON:

H.R. 5973.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. LEVIN:

H.R. 5974.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Ms. BONAMICI:

H.R. 5975.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. WATERS:

H.R. 5976.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1 of the U.S. Constitution and

Article 1, Section 9, clause 7 of the U.S. Constitution.

By Mr. SMITH of Texas:

H.R. 5977.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. DELAURO:

H.R. 5978.

Congress has the power to enact this legislation pursuant to the following:

Fourteenth Amendment, Section 5

By Mr. CASSIDY:

H.R. 5979.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 [the Spending Clause] of the United States Constitution states that 'The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay for Debts and provide for the common Defence and general Welfare of the United States.'

By Mr. PETERSON:

H.R. 5980.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (Necessary and Proper Clause)

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. PETRI:

H.R. 5981.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Mr. SHULER:

H.R. 5982.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1.

By Mr. STIVERS:

H.R. 5983.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. STIVERS:

H.R. 5984.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. STIVERS:

H.R. 5985.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. MORAN.

H.R. 459: Mr. HUNTER and Mr. MCHENRY.

H.R. 687: Mr. TONKO.

H.R. 831: Ms. WILSON of Florida and Mr. ELLISON.

H.R. 904: Mr. GIBSON.

H.R. 930: Mr. HIMES.

H.R. 1044: Ms. SPEIER.

H.R. 1054: Ms. ESHOO.

H.R. 1093: Mr. KIND.

H.R. 1192: Ms. BONAMICI.

H.R. 1307: Mr. ROKITA.

H.R. 1322: Ms. PINGREE of Maine.

H.R. 1370: Ms. HERRERA BEUTLER, Mr. KELLY, Mr. NUGENT, and Mr. HASTINGS of Washington.

H.R. 1375: Mr. NEAL, Mr. CLAY, Mr. CARNEY, and Mr. CICILLINE.

H.R. 1381: Ms. BALDWIN.

H.R. 1386: Mr. MILLER of North Carolina and Mr. DANIEL E. LUNGREN of California.

H.R. 1426: Mr. BISHOP of Georgia.

H.R. 1653: Mr. RUNYAN.

H.R. 1681: Ms. EDWARDS and Mr. KUCINICH.

H.R. 1733: Mr. KILDEE.

H.R. 1802: Mr. CLAY.

H.R. 1842: Mr. VAN HOLLEN, Ms. RICHARDSON, Mr. MILLER of North Carolina, and Mr. FALEOMAVAEGA.

H.R. 1867: Mr. TIERNEY, Mr. NADLER, and Mr. CONYERS.

H.R. 1878: Mr. KILDEE.

H.R. 1912: Mr. TOWNS and Mr. CLAY.

H.R. 2141: Mr. FARR.

H.R. 2464: Mr. WELCH.

H.R. 2493: Ms. BASS of California.

H.R. 2794: Ms. ZOE LOFGREN of California, Mr. SIRES, Ms. LEE of California, Mr. KUCINICH, and Ms. NORTON.

H.R. 2885: Mr. HARRIS.

H.R. 2978: Mr. COLE.

H.R. 3044: Mr. HUIZENGA of Michigan and Mr. MANZULLO.

H.R. 3059: Mr. COOPER.

H.R. 3125: Mr. BILBRAY and Mr. MCNERNEY.

H.R. 3187: Ms. HERRERA BEUTLER, Mr. BUTTERFIELD, Mr. HARRIS, and Mr. SULLIVAN.

H.R. 3192: Mr. RICHMOND and Mr. MCNERNEY.

H.R. 3307: Mr. MILLER of North Carolina.

H.R. 3338: Mr. HOLT.

H.R. 3352: Mr. OLVER and Mr. HINCHEY.

H.R. 3359: Mr. KEATING, Ms. ROYBAL-ALLARD, and Mr. KILDEE.

H.R. 3432: Mr. HONDA.

H.R. 3481: Mr. WALSH of Illinois.

H.R. 3506: Mr. KING of Iowa.

H.R. 3619: Mr. FRANK of Massachusetts and Mr. BUTTERFIELD.

H.R. 3767: Mr. COHEN and Mr. BRALEY of Iowa.

H.R. 3790: Mr. RYAN of Ohio.

H.R. 3798: Mr. TONKO.

H.R. 3816: Mr. HARRIS, Ms. JENKINS, and Mr. HULTGREN.

H.R. 3993: Mr. POLIS.

H.R. 4021: Mr. HONDA, Ms. BORDALLO, Ms. LEE of California, and Mr. SABLAN.

H.R. 4066: Mr. BUCHANAN.

H.R. 4070: Mr. OWENS.

H.R. 4112: Mr. DANIEL E. LUNGREN of California.

H.R. 4134: Mr. WATT.

H.R. 4160: Mr. BRADY of Texas and Mr. SCALISE.

H.R. 4164: Mr. CRITZ and Mr. SMITH of New Jersey.

H.R. 4202: Ms. ZOE LOFGREN of California and Ms. HOCHUL.

H.R. 4227: Mr. CRITZ, Mr. HINCHEY, and Ms. CHU.

H.R. 4269: Mr. GRIFFIN of Arkansas and Mr. HURT.

H.R. 4271: Mr. LOEBSACK.

H.R. 4296: Mr. WEBSTER.

H.R. 4342: Mr. HULTGREN.

H.R. 4362: Mr. PIERLUISI.

H.R. 4367: Mr. YODER, Mr. CAPUANO, Mr. CARNEY, Mr. LATHAM, Mr. DUFFY, Mr. NUGENT, and Mr. GALLEGLY.

H.R. 4378: Mr. POLIS, Mr. LANGEVIN, Ms. SLAUGHTER, Mr. HASTINGS of Washington, Mr. LEWIS of Georgia, and Mr. DEUTCH.

H.R. 4406: Mr. KILDEE.

H.R. 4816: Mr. HASTINGS of Florida.

H.R. 4965: Mr. CASSIDY, Mr. HUELSKAMP, and Mr. GRIFFIN of Arkansas.

H.R. 4972: Mr. CROWLEY.

H.R. 5381: Mr. LANKFORD and Mr. CAMPBELL.

H.R. 5542: Mr. HOLT and Mr. BISHOP of Georgia.

H.R. 5646: Mr. LAMBORN.

H.R. 5707: Mr. TONKO.

H.R. 5872: Mr. MCCLINTOCK, Mr. WALBERG, and Mr. WESTMORELAND.

H.R. 5894: Mr. ROSS of Florida and Mr. WESTMORELAND.

H.R. 5910: Mr. WALSH of Illinois and Mr. BACHUS.

H.R. 5912: Mr. ROKITA.

H.R. 5925: Mr. ROONEY, Mr. ROSS of Florida, and Mr. NUGENT.

H.R. 5943: Mr. TONKO.

H.R. 5953: Mr. CRAVAACK, Mr. WESTMORELAND, Mr. SCALISE, Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. SCHWEIKERT, Mr. STUTZMAN, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. FLEMING, Mr. DUNCAN of South Carolina, Mrs. ELLMERS, Mr. HARRIS, Mr. CAMPBELL, Mr. GRIFFIN of Arkansas, and Mr. GINGREY of Georgia.

H.R. 5957: Mrs. BLACK, Mr. GINGREY of Georgia, Mr. CRAVAACK, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. CHABOT, Mr. GARRETT, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. HUELSKAMP, Mr. FLEMING, Mr. DUNCAN of South Carolina, Mr. BROOKS, Mr. BILBRAY, Mr. MARCHANT, and Mr. MULVANEY.

H.R. 5961: Mr. REHBERG.

H.J. Res. 72: Mr. SMITH of Washington.

H. Con. Res. 63: Mr. ELLISON.

H. Con. Res. 110: Mr. BENISHEK.

H. Con. Res. 114: Mr. BENISHEK.

H. Con. Res. 129: Mr. BENISHEK, Mr. UPTON, Mr. TONKO, Mr. DINGELL, and Mr. AMODEI.

H. Res. 25: Ms. HOCHUL.

H. Res. 134: Mr. WILSON of South Carolina.

H. Res. 298: Mr. KILDEE.

H. Res. 351: Mr. JOHNSON of Georgia.

H. Res. 397: Mr. SHULER, Mr. BISHOP of Georgia, Mr. COSTA, and Mr. PETERSON.

H. Res. 613: Mr. COLE.

H. Res. 618: Mr. BOSWELL.

H. Res. 623: Mr. ALTMIRE, Mr. GARDNER, Mr. CANSECO, Mr. ROSS of Florida, Mr. STEARNS, and Mr. RIVERA.

H. Res. 662: Mr. COLE.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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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.

Eternal God, our sustainer, it is time to pray and, in the silence of this moment, examine our hearts. Lord, You know our thoughts and see where we fall short of Your glory. Restore us to Your purposes as You lead us in the path everlasting.

Search the hearts of our Senators. You know the struggles that confront them, the things they wrestle with, the things that irritate and gnaw at them and cause them to abandon trust in You.

O God, You know us better than we know ourselves. Search our hearts and give us Your peace.

We pray in Your loving 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, June 20, 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.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Resumed

Mr. REID. Madam President, I move to proceed to Calendar No. 250, S. 1940.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 250, S. 1940, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk I wish to be reported.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 250, S. 1940, An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Harry Reid, Tim Johnson, Al Franken, Patrick J. Leahy, Christopher A. Coons, Tom Harkin, Barbara A. Mikulski, Kent Conrad, Robert Menendez, Jack Reed, Barbara Boxer, Ben Nelson, Michael F. Bennet, Max Baucus, Mark Begich, Richard Blumenthal, Kay R. Hagan.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following leader remarks today, the Republican leader will move to proceed to S.J. Res. 37. Following that motion; that is, the one Senator MCCONNELL will make, the time until 11:30 a.m. will be equally divided between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the next 15 minutes, and I have designated that Senator ROCKEFELLER will take that 15 minutes. At 11:30 a.m. the Senate will proceed to vote on the motion to proceed to S.J. Res. 37. If the motion to proceed is not agreed to, the Senate will then resume S. 3240, the farm bill, and the votes in relation to amendments that remain in order to the bill. So Senators should expect a long day of voting, starting at 11:30 a.m.

Madam President, we did extremely well yesterday. We were able, as indicated last night, to even turn in votes earlier because everyone was here. There are lots of events going on in the Capitol today, but we are going to have to stick to our business at hand and make sure we get through this long list of amendments because we are going to have to finish this and the flood insurance legislation before we leave here this week. That is a large assignment. We have to do that.

UNANIMOUS-CONSENT AGREEMENT—S. 3240

Madam President, I ask unanimous consent that with respect to any amendments voted on during Tuesday's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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session, where motions to reconsider were not made, that the motions to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DISAPPROVAL OF EPA EMISSION STANDARDS RULE—MOTION TO PROCEED

Mr. MCCONNELL. Madam President, I now move to proceed to S.J. Res. 37.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to calendar No. 430, S.J. Res. 37, a joint resolution to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units.

U.S. SENATE,
Washington, DC, June 19, 2012.

DISCHARGE OF FURTHER CONSIDERATION

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 37, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to emission standards for certain steam generating units.

John Boozman, David Vitter, John Cornyn, Jon Kyl, Pat Roberts, James M. Inhofe, Johnny Isakson, Tom Coburn, John McCain, Mike Lee, Patrick J. Toomey, Marco Rubio, John Thune, John Barrasso, Thad Cochran, Jim DeMint, Roy Blunt, Richard Burr, Rand Paul, Jerry Moran, Rob Portman, Michael B. Enzi, Lisa Murkowski, Daniel Coats, Saxby Chambliss, Roger F. Wicker, Orrin Hatch, Kay Bailey Hutchison, Jeff Sessions, Mitch McConnell, Ron Johnson, Mike Johanns, James E. Risch, John Hoeven, Richard Shelby.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, it has become pretty clear over the past few months that President Obama now views his job as the deflector-in-chief. No longer content to lay all the Nation's problems at the feet of his predecessor, he has taken to creating controversies out of whole cloth. Whether it is a manufactured fight over student loan rates or the so-called war on women, the goal is as clear as you can imagine: get reporters to focus on these things, and maybe the rest of the country will as well; get them to focus on anything other than the President's own failure to turn the economy around, and maybe he can squeak by without folks noticing it. That is the plan at least and, frankly, it could not reflect a more misguided view of the American people. They know who has been in charge the past 3½ years, and the fact that the President has had a tough job to do does not mean he gets a pass on how he has handled it or on the solutions he has proposed.

Most Americans do not like either one of the President's two signature pieces of legislation—ObamaCare or the stimulus. They are not particularly thrilled about seeing America's credit rating downgraded for the first time ever. They are scared to death about a $16 trillion debt, trillion-dollar deficits, and chronic joblessness. And many, including myself, are deeply concerned about this administration's thuggish attempts to shut its critics right out of the political process. These are the kinds of things Americans have been telling us for 3 years that they are worried about, and we are not about to be drawn into some rabbit hole so the President does not have to talk about them. We are going to stay focused on all of these things—not because of some political advantage but because the American people demand it. So the President can come up with the excuse de jour, but we are going to talk about jobs, we are going to talk about the deficits and debt, and we will talk about the Constitution.

When it comes to jobs, let's be clear. This administration has been engaged in a war on the private sector, and in many cases it has used Federal agencies and a heavyhanded regulatory process to wage it largely out of view. We got a vivid confirmation of this when an EPA official was caught comparing the EPA's enforcement approach to the Roman use of crucifixion. Brutalize a few offenders, he said, and the rest will be scared into submission.

Call me naive, but I think most Americans think the government should be working for them, not against them. I think most Americans think the Federal Government should be working to create the conditions for Americans to prosper, not looking for any opportunities to undercut free enterprise. Yet that is what we see—an administration that always seems to assume the worst of the private sector and whose policies are aimed at undermining it. And nowhere is it more clear than at EPA.

That is why I support Senator INHOFE's ongoing efforts, including a vote today, to push back on the EPA, which has become one of the lead culprits in this administration's war on American jobs. Senator INHOFE is focusing on just one regulation out of the many that are crushing businesses across the country—the so-called Utility MACT, which would cost American companies billions in upgrades, but for their competitors overseas, of course, it would cost them nothing. This regulation would expand the already massive powers given to the EPA by increasing redtape and costing the taxpayer over $10 billion each year. In my State of Kentucky, it threatens the jobs of over 1,400 people working in aluminum smelter plants, as well as approximately 18,000 coal miners, not to mention those engaged in industries that support these jobs.

Kentucky Power, operator of the only coal-burning powerplant in my State, recently conceded defeat in this fight after the EPA demanded upgrades to its plants at a cost of nearly $1 billion, raising the typical residential customer's monthly electric bill by a whopping 30 percent. At that price, it is no wonder the plant found the new regulations completely unworkable. The EPA may have won this battle, but the real losers are more than 170,000 homes and businesses spread out amongst 20 eastern Kentucky counties that depend on the Kentucky Power plant for their energy.

The proponents of the Utility MACT say it is needed to improve air quality. What they cannot tell you is what these benefits would be or the effect of leaving the plants in their current condition. Look, we all support clean air, but if we waved through every regulation that promised to improve air quality without regard for its actual impact, we would not be able to produce anything in this country.

What we do know is that a substantial amount of the electricity we produce in this country comes from coal, and this new regulation would devastate the jobs that depend on this cheap, abundant resource. This is just one battle in the administration's war on jobs, but it has a devastating consequence for real people and real families in my State and in many others. The administration's nonchalant attitude about these people is appalling, but this is precisely the danger of having unelected bureaucrats in Washington playing with the livelihoods of Americans as if they are nothing more than just pieces on a chessboard.

The media may continue to chase whatever issue the President and his campaign decide to fabricate from day to day, but these are the facts behind this President's devastating economic policies, and that is why it is a story the President would rather the media ignored. Well, Republicans are not going to ignore it. We are going to keep talking about the President's policies. So I commend Senator INHOFE for keeping us focused on this particular policy that is devastating to so many Americans.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 15 minutes and the majority controlling the second 15 minutes.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, in our first round, we are going to yield to

the Senator from Alaska Ms. MURKOWSKI for 10 minutes and then to Senator MANCHIN for 5 minutes. In the second round, we are going to be having Senators BARRASSO, BOOZMAN, RISCH, BLUNT, KYL, and TOOMEY.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I think most Americans would agree it is important that we strike a proper balance between abundant and affordable energy and responsible standards of environmental performance. But too often in recent years, the energy-environmental balance has been lost. Restoring a sense of equilibrium is important for both the health of the American people and our Nation's economy. Although we see the need for this balance every day in Alaska, restoring it has become what I think is a national challenge. That is why I support Senator INHOFE's resolution to disapprove the mercury and air toxics standards or the MATS rule.

Congress has tasked the EPA with implementing laws to protect public health. That statutory obligation absolutely requires respect. But although the executive branch gets to make reasonable policy calls in performing that duty, its regulatory authority is strictly bounded by law.

Today's EPA too often seems to impose requirements that go beyond what is authorized or needed. This overreaching stifles the energy and natural resource production the Nation needs to restore prosperity and technological leadership, and the sad thing is the resulting rules do not credibly improve public health.

EPA is now proceeding with an unprecedented litany of new rules whose benefits are murky at best but whose costs are very real and detrimental to human welfare. The Nation can and must strike a better balance. Even in today's divided times, a broad consensus remains. Achieving affordable and abundant energy coupled with strong environmental standards is the right combination.

Most would also agree that energy and environment-related public policy decisions should be based on the facts and informed by rigorous scientific discourse. Applying this consensus shows that the devil is in the details. So let's look closely at the MATS rule. If this rule is allowed to stand, it will put electric reliability at unacceptable risk and raise electricity costs with very little, if any, appreciable benefit to human health.

The North American Electric Reliability Corporation or NERC, which is the independent federally certified ''Electric Reliability Organization,'' recently reported that ''environmental regulations are shown to be the number one risk to reliability over the next . . . 5 years.'' That is the statement from NERC.

The members of the relatively small and apolitical groups of engineers who keep the lights on and administer electricity markets tell me they are worried not only about the reliability of electric service but about its affordability. I would like to speak to the affordability side in just a minute.

Reasonable regulation, clearly appropriate; and EPA has the discretion, indeed the obligation, to adopt balanced rules. But, unfortunately, EPA's approach has been aimed more at its statutory obligations. Through MATS and through other rules, EPA wants to influence how investments in energy production are made. So it has imposed a series of very stringent obligations that perhaps are not even achievable.

For example, the Institute of Clean Air Companies, which is an association representing emissions control technology vendors—these are the guys who sell all of this stuff—has asked EPA to reconsider MATS and has said:

> Our member companies cannot ensure that the new final source [mercury] standard can be achieved in practice.

These are those who would make a profit off of selling these. They are saying they do not think that it can be achieved.

Even though I believe the United Mine Workers of America, who say their comments ''and like-minded [ones] to EPA on the proposed MATS rule were ignored,'' it does not have to be this way. EPA received thousands of pages of very detailed, very thoughtful proposals, for improving MATS.

About 150 electric generators filed their comments. Edison Electric Institute, as just one example, filed more than 75 pages of very precise observations for improving MATS. They suggested many very specific changes. The States were active too. Twenty-seven States are seeking significant changes in the proposal. There were almost 20 petitions for reconsideration pending at EPA, and they are pending now. Thirty petitions have been filed for judicial review. Twenty-four States have asked the courts to force EPA to do better with MATS.

I always say we need to give credit where credit is due. On the treatment of condensable particulate matter—not many of us are focused on condensable particulate matter—EPA has made some good changes with regard to that, between the proposed and the final MATS rule. This dramatically reduced the need for construction of expensive pollution control devices known as ''bag houses.''

By itself, this one change to the proposed rule reduced the overall cost of compliance by billions of dollars, and it relieved somewhat the challenges of maintaining electric reliability while achieving compliance with the rule. Adopting a more reasonable approach in this one area did not sacrifice any appreciable benefit. So more must be done. Congress must tell the EPA to revisit other suggestions for similar improvements.

Why the need to keep forcing the improvements? The vast majority of the benefits to EPA claims from MATS are the result of its counting coincidental reductions of particulate matter below standards that EPA has determined are sufficient to protect public health. Emissions of mercury by American powerplants have declined over the past 20 years without the MATS rule. EPA itself estimates the annual benefits of mercury reduction attributable to the rule at only $500,000 to $6 million but annual costs at almost $10 billion.

Finally, EPA's actions are driving up the cost of electricity too. PJM, which is the independent regional transmission organization that is responsible for coordinating the movement of wholesale electricity in all or part of 13 States, as well as in the Nation's Capital, reported 2-year capacity price increases of 390 percent, most of which it attributed to the cost of environmental compliance with a nearly 1,200-percent spike in northern Ohio.

PJM also plans for about $2 billion in additional transmission investment to maintain reliability in the face of EPA's rules. Clearly, these are significant costs that will be passed on to our consumers. I think MATS is a major rule that needs a major reset by Congress. EPA could then devise a new rule that is truly aimed at protecting public health and carrying out the law rather than trying to push a particular fuel, coal, out of the market.

I thank the Senator from Oklahoma for his leadership on this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I thank the Senator from Alaska for her very kind remarks. I yield 5 minutes to the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Madam President, I come to the floor to join my colleagues from Alaska, from Oklahoma, and others to express my disapproval. I intend to vote in favor of the resolution of disapproval of the Environmental Protection Agency's mercury and air toxins standards rule, also known as Utility MACT.

Now, of course, sometimes the debate, when we talk about pollution, when we talk about the byproducts of coal-fired powerplants, is cast in apocalyptic-like terms that have no real bearing on reality or in terms of the science and in terms of the economic impact of the rule or the health benefits supposedly to be derived. I want to talk about that just briefly.

While this rule claims to be about public safety, it is a job-killing, ideologically driven attempt to cripple the coal industry in the United States, an industry that employs an awful lot of people, feeds a lot of families. This administration, unfortunately, is using the EPA to destroy a major source of reliable, affordable, base-lode electricity that we sorely need. The President talks about being for an all-of-the-above energy policy. Yet his administration, through this regulation we seek to disapprove today, is going to effectively take one of those most

abundant, low-cost sources of energy off the table for the American people.

Of course, Congress would never pass such a law in our own right, so the administration is using a ruling from an unelected group of bureaucrats who are not subject to political accountability. This is another example of executive overreach, and it is bad news for consumers and job creators alike.

Power companies have confirmed that Utility MACT standards for new power sources are so stringent that no new coal-fired powerplant will be built in the United States. No new coal-fired powerplant will be built in the United States, no matter how modern and how clean the technology will allow that powerplant to operate. So the consequences will be that Utility MACT will damage grid reliability. It will destroy jobs, and it will raise electricity prices—not a small matter when many of our seniors are on fixed incomes and are going to suffer as a result of this rule that does not do what its advocates tout it for.

The costs of Utility MACT will exceed the benefits by roughly 1,600 to 1. Some claim that does not matter, that benefits are benefits no matter what the cost, no matter how much, how many jobs it kills, no matter how much it raises the price of electricity on seniors in my State who are living in very hot summers. If we have another year like we had last year—I hope we do not. We had 100-degree temperatures more than 70 days—and I think it was even more than that—it will threaten the capacity of the power grid to even produce the electricity so people can run their air conditioners. The detriment to our seniors in terms of public health and in terms of cost, being on a fixed income, is quite evident.

According to the EPA, more than 99 percent of the health benefits from Utility MACT will not even come from mercury reductions but, rather, from reductions in particulate matter that are already regulated to safe levels under the Clean Air Act. So either the EPA will be double-counting existing benefits or else it will be setting new levels for other byproducts that are not justified by public health concerns.

In short, the benefits of this regulation are dubious, but the costs are real. They are already harming the U.S. economy with existing powerplants being shut down and others being scrapped. The United States currently has more than 1,400 coal-fired electricity-generating units operating at more than 600 plants.

Together, these powerplants generate almost half of the electricity produced in our country. Again, we are not talking about taking wind energy off the table. We are not talking about other ways to generate electricity. But this is one of the cheapest, most abundant sources of energy in our country, and we are simply killing it.

So sponsors of Utility MACT repeatedly tout its health benefits. But those are overstated. However, they understate the impact this will have on jobs. It will kill jobs. People will lose their jobs in a tough economy. I urge my colleagues to pull back the curtain on the EPA and see Utility MACT for what it is, an economic disaster shrouded in false claims about public health.

Americans deserve smart regulation based on logic and sound science. Utility MACT is the exact opposite and deserves to be rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, in the shadow of one seemingly narrow Senate vote, that being the Inhofe resolution of disapproval of the EPA's rule on mercury and air toxins, I rise to talk about West Virginia, about our people, our way of life, our health, our State's economic opportunity, and about our future.

Coal has played an enormous part in our past and can play an enormous part in our future, but it will only happen if we face reality.

This is a critical and a very contentious time in the Mountain State. The dialogue on coal, its impacts, and the Federal Government's role has reached a stunningly fevered pitch. Carefully orchestrated messages that strike fear into the hearts of West Virginians and feed uncertainty about coal's future are the subject of millions of dollars of paid television ads, billboards, breakroom bulletin boards, public meetings, letters, and lobbying campaigns.

A daily onslaught declares that coal is under siege from harmful outside sources, and that the future of the State is bleak unless we somehow turn back the clock, ignore the present, and block the future.

West Virginians understandably worry that a way of life and the dignity of a job is at stake. Change and uncertainty in the coal industry is unsettling and nothing new. But it is unsettling. My fear is that concerns are also being fueled by the narrow view of others with divergent views and motivations, one that denies the inevitability of change in the energy industry and unfairly—and I feel this strongly—leaves coal miners in the dust.

The reality is those who run the coal industry today would rather attack false enemies and deny real problems than solve problems that would help them and the people they employ and the States in which they work.

Instead of facing the challenges of making tough decisions, similar to men of a different era, they are abrogating their responsibilities to lead. Back in the 1970s, I remember a fellow from Consolidation Coal named Bobby Brown. He got together with the United Mine Workers on his own. We were having a lot of temporary restraining orders and strikes at that time. They sat down, and because Bobby Brown was not a timid man—he was the head of a company, but he was a forceful leader—they worked out something which gave us peace in the coalfields of West Virginia—which is something—for a long time. It was a courageous act by a courageous nontimid man.

Scare tactics are a cynical waste of time, money, and worst of all, coal miners' hopes. Coal miners buy into all the television they hear, are controlled by it, have large salaries. So in a sense they are stuck where they are, happily funded but without a place to look forward to. But sadly these days, coal operators have closed themselves off from any other opposing voices and almost none has the courage to speak out for change—any kind of change—even though it has been staring them in the face for decades. They have known about it. They have ignored it.

This reminds me of the auto industry, which also resisted change for decades. Coal operators should learn from both the mistakes and the recent success of the automobile industry. I passionately believe coal miners deserve better than they are getting from coal operators, and West Virginians certainly deserve better also.

Let's start with the truth. Coal, today, faces real challenges, even threats, and we all know what they are

First, our coal reserves are finite and many coal-fired powerplants are aging. The cheap, easy coal seams are diminishing rapidly and production is falling, especially in the Central Appalachian Basin in southern West Virginia. Production is shifting to lower cost areas such as Illinois and the Powder River Basin in the Wyoming area. The average age of our Nation's 1,100-plus coal-fired plants is 42.5 years, with hundreds of plants even older. These plants run less often, are less economic, and are obviously less efficient.

Second, natural gas use is on the rise. Power companies are switching to natural gas because of lower prices, cheaper construction costs, lower emissions, and vast, steady supplies. Even traditional coal companies such as CONSOL are increasingly investing in natural gas as opposed to coal.

Third, the shift to a lower carbon economy is not going away. It is a disservice—a terrible disservice—to coal miners and their families to pretend it is, to tell them everything can be as it was. It can't be. That is over. Coal companies deny that we need to do anything to address climate change, despite the established scientific consensus and mounting national desire—including in West Virginia—for a cleaner, healthier environment.

Despite the barrage of ads, the EPA alone is not going to make or break coal. Coal operators would love to think that is the case because it is a great target, and it is much easier to criticize than to do something. But there are many forces exerting pressure, and that agency is just one of them.

Two years ago, I offered a time-out on EPA carbon rules, a 2-year suspension that could have broken the logjam

in Congress and given us the opportunity to address carbon issues aggressively and legislatively.

But instead of supporting this approach, coal operators went for broke—they saw a fatter opportunity—when they demanded a complete repeal of all EPA authority to address carbon emissions forever. They demanded all or nothing. They turned aside a compromise and, in the end, they got nothing.

Last year, they ran exactly the same play, demanding all or nothing on the cross-State air pollution rule, refusing to entertain any middle ground and denying even a hint of legitimacy for the views of the other side and they lost again—badly.

Here we are with another all-or-nothing resolution, which is absolutely destined to fail, and we are arguing as months, weeks, and years go by. This foolish action wastes time and money that could have been invested in the future of coal. Instead, with each bad vote the coal operators get, they give away more of their leverage and lock in their failure.

This time, the issue is whether to block an EPA rule, as has been said—the mercury and air toxics standards—that require coal-fired powerplants to reduce mercury and other toxic air pollution.

I oppose this resolution because I care so much about West Virginians.

Without good health—demeaned in this debate so far—it is hard to hold down a job or live the American dream. Chronic illness is debilitating. I have made a career in the Senate of health care. It impacts families' income, their prosperity, and ultimately families' happiness. The annual health benefits of the rule are enormous. EPA has relied on thousands of studies—thousands—that establish the serious and long-term impact of these pollutants on premature death, heart attacks, hospitalizations, pregnant women, babies, and children. Do West Virginians care about these kinds of things? I think they do.

Moreover, it significantly reduces the largest remaining human-caused emission of mercury, which is a potent neurotoxin with fetal impact. Maybe some can shrug off the advice of the American Academy of Pediatrics and many other professional medical and scientific groups, but I do not.

The rule has been in the works through a public process for many years. Some businesses—including some utilities in West Virginia—have already invested in technology and are ready to comply.

Others have not prepared because they have chosen to focus on profit rather than upgrading or investing in these smaller, older, and less-efficient coal-fired plants that were paid for decades ago and that they will tell us would be retired anyway.

That is right. Every single plant slated for closure in West Virginia was already on the chopping block from their own corporate board's decision.

It is important to be truthful with miners. It is sort of a forgotten art, and that is a travesty. We have to be truthful with miners that coal plants will close because of decisions made by corporate boards long ago, not just because of EPA regulations but because the plants are no longer economical as utilities build low-emission natural gas plants.

Natural gas has its challenges too, with serious questions about water contamination and shortages and other environmental concerns. But while coal executives pine for the past, the natural gas folks look to the future, investing in technology to reduce their environmental footprint, and they are working with others on ways to support the safe development of gas. We are all going to be watching that very closely, are we not?

It is not too late for the coal industry to step up and lead—leadership—by embracing the realities of today and creating a sustainable future. It has not been too late for a long time. Discard the scare tactics. Stop denying science. Listen to what markets are saying about greenhouse gases and other environmental concerns. Listen to what West Virginians are saying about their water, air and health and the cost of caring for seniors and children who are most susceptible to pollution.

Stop and listen to West Virginians—miners and families included—who see the bitterness of the fight we are having now and which has been going on forever. The bitterness of the fight has taken on more importance than any potential solutions. The point is put up block after block, which loses time after time, but at least they have a fight and something to scream about, all with no progress.

Those same miners care deeply about their children's health. They care about them. They are family people. I know that. I went there in 1964 and lived among miners for 2 years, and I have now lived among them ever since, closely and intimately. They care about what people all over the country care about. They care about the streams and mountains of West Virginia. They know down deep we can't keep to the same path. They are not allowed to say so, but they know that.

Miners, their families, and their neighbors are why I went to West Virginia. They are why I made our State my home. I have been proud to stand shoulder to shoulder with coal miners, and we have done a lot of good together over the years.

For more than 36 years, I have worked to protect the health and safety of coal miners, everything from the historic Coal Act back in 1992 to my safety laws, pensions and black lung benefits—always with miners' best interests in mind.

Despite what critics contend, I am standing with coal miners by voting against this resolution.

I don't support this resolution of disapproval because it does nothing to look to the future of coal. It moves us backward, not forward. Unless this industry aggressively leans into the future, coal miners will be the big losers.

Beyond the frenzy over this one EPA rule, we need to focus squarely on the real task of finding a long-term future for something called clean coal. That is possible. We have demonstrated that. That is being done in various places in the country right now. This will address legitimate environmental and health concerns and, of course, global warming and all that counts.

Let me be clear. Yes, I am frustrated with much of the top levels of the coal industry, at least in my State of West Virginia, but most of the corporate headquarters are elsewhere. However, I am not giving up hope for a strong clean coal future. I am not giving up. To get there, we will need a bold partner, innovation, and major public and private investments.

In the meantime, we should not forget that coal-fired powerplants would provide good jobs for thousands of West Virginians. It remains the underpinning for many of our small communities, and I will always be focused on their future.

Instead of finger-pointing, we should commit ourselves to a smart action plan that will help with job transition opportunities, sparking new manufacturing and exploring the next generation of technology—not just be dependent upon coal but a lot of things.

None of this is impossible. Solving big challenges is what we do in West Virginia. I would much rather embrace the future boldly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, before Senator ROCKEFELLER leaves, I wish to take 30 seconds to say something. I believe that when the next historians write the book about leadership, courage, and integrity in the Senate, this speech will be featured in that book. I am so proud of the Senator from West Virginia.

How much time remains between the two sides?

The ACTING PRESIDENT pro tempore. The majority controls 36 minutes, the Republicans control 39 minutes.

Mr. INHOFE. It is our understanding we have approximately 42 minutes apiece and that we will go back and forth.

Mrs. BOXER. The Chair just said there is 39 minutes for the Republicans and 36 for us.

Mr. INHOFE. I like that.

Madam President, I yield to the Senator from South Dakota for 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Oklahoma for his leadership on this issue, for yielding the time, and I appreciate everything he has done to bring S.J. Res. 37 to the floor of the Senate.

As the father of two daughters, I want a cleaner, safer, healthier environment for their generation and for

future generations. Thanks to the commonsense policies that balance economic growth with a cleaner environment, our country has made significant progress toward improving the quality of our air and water. We have made progress under Republican Presidents and we have made progress under Democratic Presidents. We have also made progress during Democratic control and Republican control of the Senate.

But what the Obama administration is doing with this regulation, and with many of the other policies that pertain to energy, is pursuing an ideologically driven agenda in which the costs far outweigh the benefits. He promised his energy plan would necessarily make electricity costs skyrocket, and his policies are clearly delivering on that promise.

A prime example of that flawed agenda is Utility MACT, which is the most expensive regulation in EPA's history, with an estimated cost of $10 billion. These are costs that will be passed on to families and small businesses across the country at a time when we are experiencing the worst economic recovery in over 60 years.

We all know the statistics. Unemployment has been at 8 percent now for 40 consecutive months. Real unemployment is above 14 percent. There are 23 million Americans who are not working today, and 5.4 million Americans have remained out of work for over a year. Despite these facts, President Obama continues to push regulations such as Utility MACT that are going to make energy more expensive and, at the same time, destroy good-paying jobs.

According to the National Economic Research Associates, Utility MACT will cost between 180,000 and 215,000 jobs by the year 2015. When including President Obama's other regulations on the electric power sector, the United States stands to lose approximately 1.65 million jobs by the year 2020. We simply cannot afford these politically driven regulations at a time when 23 million Americans remain unemployed or underemployed.

Low-income and middle-class families are the ones who will be hit the hardest by the administration's actions. Families who earn less than $50,000 already spend 21 percent of their income on energy costs compared to 9 percent for those making more than $50,000. Now, thanks to the EPA's regulatory actions, those costs are going to go up an average of 6½ percent and as much as 19 percent in some areas. Middle-class incomes have already fallen by over $4,300 these past 3 years, and now President Obama wants to further burden them with higher energy costs.

These higher energy costs are not some far-off projection. In many cases, these costs are already being realized. As an example, PJM, which is a regional transmission organization which coordinates the movement of wholesale electricity in 13 States and the District of Columbia, in its May 2012 capacity auction reported 2-year capacity price increases of 390 percent. PJM is reporting a nearly tenfold increase in wholesale energy costs in northern Ohio. According to one of their spokespersons,

> Capacity prices were higher than last year's because of retirements of existing coal-fired generation resulting largely from environmental regulations which go into effect in 2015.

The result could cause electricity bills across the PJM region to increase by up to $130 and potentially much higher in places such as northern Ohio.

In addition to electricity rates, EPA's agenda will drive up the cost of food, transportation, fuels, and manufactured goods, as those costs get passed on across all the sectors of the economy. The end result is more pain for the middle class, slower economic growth, and fewer jobs.

The President likes to talk a lot about fairness, so I will ask my colleagues: Is it fair that unaccountable EPA bureaucrats are going to drive up utility bills by up to 19 percent? Is it fair manufacturers are going to have to pay higher energy bills rather than hire new workers? Is it fair that small towns across the Midwest are already being devastated by coal plant closings on account of regulations from the Obama administration? Is it fair that thousands of workers are going to be laid off and lose not only their paychecks but their employer-provided health care coverage as well?

For most South Dakotans and millions of hard-working taxpayers across the country, I believe the answer is that the consequences of these regulations are inherently unfair. They penalize hard-working middle-class Americans.

In the case of Utility MACT, consumers are going to pay a heavy price for President Obama's political agenda to restrict access to the abundant and affordable sources of domestic energy we possess in this country.

Most Americans believe regulations should work for consumers and not against consumers. Unfortunately, EPA bureaucrats have drafted the Utility MACT regulation in an inefficient and unworkable manner. Utility MACT's new source standards are so strict they cannot possibly be met.

According to the Institute of Clean Air Companies, the proenvironmental trade association comprising nearly 100 suppliers of air pollution equipment, Utility MACT makes it ''nearly impossible to construct new coal-fired units because financing of such units requires guarantees from equipment suppliers that all emission limits can be met.''

There has to be a better approach. S.J. Res. 37, which would force a rewrite of Utility MACT, is the only solution to address the rule's problems. It is time to rewrite Utility MACT in a manner that better balances economic growth with environmental protection.

I hope today we will have a majority of our colleagues here in the Senate who will support S.J. Res. 37. Doing so will send a strong message to the Obama administration that the Senate will not stand by and watch his regulatory agenda further hurt small businesses and middle-class families, making it more expensive and more difficult for businesses in this country to create jobs. That is the end result of this regulation. It is the end result of many of the energy policies and regulations coming out of this administration. That has to stop. We have to get Americans back to work. We have to get our economy growing again.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California, and the Senator from Maryland especially for his courtesy.

I would agree the EPA has become a happy hunting ground for goofy regulations. But as the late William F. Buckley once said, even a stopped clock is right twice a day. And on this rule—this clean air rule and the earlier interstate rule—I believe EPA is right.

The effect of upholding this rule will be to finally require that most coal plants everywhere in America will have to install two kinds of pollution control equipment: scrubbers and SCRs. This will basically finish the job of capturing sulfur and nitrogen oxides, fine particles, and the 187 toxic pollutants that were specifically identified by Congress in the 1990 Clean Air Act amendments.

The Tennessee Valley Authority has already committed to install this equipment by 2018. But TVA alone can't clean up Tennessee's air, because dirty air blows in from other States. So let me say what upholding this rule will do for the people of Tennessee.

First, it will hasten the day when Memphis, Chattanooga, and Knoxville are not three of the top five worst asthma cities—which they are today—and Nashville is not competing to be in the top 10.

Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article which appeared in the Tennessean this week by Dr. William Lawson of Vanderbilt University, who treats patients with respiratory diseases in Nashville.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. In the article Dr. Lawson says:

> Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development.

Secondly, upholding this rule means that visitors will soon not even think of calling the Great Smoky Mountains the Great Smoggy Mountains because it is one of the most polluted national parks in America. We want those 9 million visitors to keep coming every year with their dollars and their jobs.

Instead of seeing 24 miles on a bad air day from Clingman's Dome, our highest peak, this rule should mean we will gradually move toward seeing 100 miles from Clingman's Dome as the air cleans up and we look through the natural blue haze.

Third, this rule should mean fewer health advisory warnings for our streams that say ''don't eat the fish because of mercury contamination.'' Half of the manmade mercury in the United States comes from coal plants, and as much as 70 percent of the mercury pollution in our local environment, such as streams and rivers, can come from nearby coal plants.

Fourth, we have seen that had Nissan been unable to get an air quality permit in Nashville in 1980, it would have gone to Georgia. And if Senator CORKER had not, as mayor of Chattanooga, improved the air quality in that city in the mid 2000s, the Volkswagen site there would be a vacant lot today.

We know every Tennessee metropolitan area is struggling to stay within legal clean air standards and we don't want the Memphis megasite to stay a vacant lot because dirty air blowing in from Mississippi and Arkansas makes the Memphis air too dirty for new industry to locate there.

We know these rules will add a few dollars to our electric bills, but in our case, most of that is going to happen anyway because the Tennessee Valley Authority has already agreed to put this pollution control equipment on its coal-fired powerplants. We know we can reduce the effect of these expenses on monthly electric bills because States may give utilities a fourth year to comply with the rule, and the President may, under the law, give them a fifth and sixth year. And Senator PRYOR and I intend to ask the President to give that fifth and sixth year to reduce costs on electric bills.

We know long term this rule will secure a place in America's clean energy future for clean coal. For example, the largest public utility, TVA, the largest private utility, Southern Company, both plan to put pollution control equipment on their coal plants and to make at least one-third of their electricity from coal over the long term.

In 1990—22 years ago—Congress told the EPA to make this rule when it passed the Clean Air Act amendments. In 2008, the Court told the EPA to make this rule.

Over the years, I have learned that cleaner air not only means better health, but also means better jobs for Tennesseans, and I am proud to stand up on behalf of the people of Tennessee to uphold this clean air rule.

EXHIBIT 1

[From the Tennessean, June 18, 2012]

AIR RULE WILL LITERALLY SAVE US

(By William Lawson, M.D.)

Power plant pollution makes people sick and can cut lives short. That is why cleaning up coal-fired power plants is a long overdue, lifesaving necessity that thankfully Sen. Lamar Alexander has embraced to secure both a healthy and sound economic future for our state.

I treat patients with asthma, chronic obstructive pulmonary disease (COPD), idiopathic pulmonary fibrosis and other lung diseases in those whose lungs are especially vulnerable to the power-plant emissions. But they are not the only ones at risk. My children and yours also are highly susceptible to the long-term repercussions of having to breathe dirty air growing up, which science tells us can prevent lungs from maturing properly. We desperately need Sen. Alexander and Sen. Bob Corker to ensure they receive protection from these toxic pollutants now, not years from now.

Protecting them is the recently adopted Power Plant Mercury and Air Toxics Standards, as required under the Clean Air Act. Astonishingly, a campaign is under way to block these public-health protections. Until these standards take effect, coal-fired power plants have no national limits on the amount of mercury or acid gases they may pump out of their smokestacks and into the air we breathe. These standards will prevent 370 premature deaths every year just in Tennessee and will provide $3 billion in annual health benefits by 2016.

TVA is already well on its way to meeting these air standards, but some in the Senate are working to make it easier for corporate polluters to block the rule from ever taking effect.

Allowing the new emissions standard to move forward will prevent 130,000 asthma attacks and 11,000 premature deaths nationally every year. This reduction in harmful plant emissions will also eliminate 540,000 missed work days on an annual basis, thereby reducing health-care costs and enhancing our overall quality of life.

Pollution from these power plants means my patients suffer more. Pollution increases their chances of being hospitalized. Some of these toxic emissions even cause cancer and can interfere with our children's neurological development. The public health benefits are just too significant to ignore. Healthy air and good health have a crystal-clear relationship.

Every day, I see in my patients how avoiding even just one asthma attack, acute respiratory infection or even the briefest hospital stay would dramatically enhance their quality of life. A healthier future is ours to have if we stand behind our leaders who are committed to make that tomorrow a reality.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I yield to the Senator from Wyoming, Mr. BARRASSO, for 9 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, if the Chair would please give me a warning when 1 minute remains, I would appreciate that.

Today I rise in support of the Inhofe Utility MACT resolution. This resolution protects communities and jobs in the West, the Midwest, and Appalachia, and specifically jobs that depend on coal. These communities depend on coal to heat and cool their homes at an affordable price, to power the factories where they work, and to generate revenue that creates additional jobs.

We are talking about affordable domestic coal that also pays for the mortgages on the family home, the clothes and food for children, and the medical care for grandparents. If the Utility MACT rule is allowed to proceed, it would mandate that virtually no new coal-fired powerplants could be built anymore in the United States, and many still in existence would have to shut down. It is painful to think about all of the folks who will be out of work, their bills mounting, their families losing their homes, and their future looking bleak.

Amazingly, the EPA does not dispute these outcomes. It does not dispute what I am saying. They know exactly what they are doing. Their ideology is more important to them than the living and breathing people of our coal communities.

Just ask the EPA Region 1 Administrator Curtis Spaulding, who was visiting with a group of students in Connecticut. What he went on to talk about was the fact that basically gas plants are the performance standards, which means if you want to build a coal plant, you have a big problem. He said this was a huge decision, when he was talking about these regulations that have come out from Lisa Jackson, the head of the EPA.

He went on to tell this group of students that in West Virginia, Pennsylvania, and all those places, you have coal communities that depend on coal. And to say we think those communities should go away? That is what he said. He said we have to do what the law and policy suggested. He said it was painful—it was painful every step of the way—but they did it anyway.

President Obama's heavy-handed EPA admits these communities in West Virginia, Pennsylvania, and many other States in the West, Midwest, and Appalachia ''will just go away.''

These are chilling words. The EPA is supposed to be about protecting people, protecting their communities, protecting their environment, and protecting their health. With the Utility MACT rule, the EPA is doing the opposite. They are making communities go away. They are hurting communities—communities of families, children, seniors, gone as a result of these regulations. How could one justify these actions?

Well, we are told there are enormous health benefits. They claim enormous health benefits to the public by the issuance of this rule. First of all, how do you protect something if the community is gone? So obviously these folks in West Virginia and Pennsylvania are not the beneficiaries of EPA protection.

Second, the medical benefits of the rule come from reductions in particulate matter in areas of the country

that are currently well within healthy thresholds set by the EPA. I will tell you, the EPA is cooking the books.

No, this rule does very little to protect the public health. In fact, it creates a health crisis in this country because of the additional unemployment—the unemployment this rule is going to cause in the West, the Midwest, and in Appalachia.

To highlight the point, on Monday of this week a number of us in the Senate who are physicians, who are doctors, sent a letter to President Obama.

I ask unanimous consent to have a copy of this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, June 18, 2012.

Hon. BARACK OBAMA,
President, United States of America,
The White House.

DEAR PRESIDENT OBAMA: We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question ''What are the health impacts of unemployment?'' Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft polices that achieve both environmental protection and economic growth.

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our ''second opinion'': EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

One of the centerpieces of your administration's efforts to stop American coal development is the Utility MACT rule—a rule that has such severe standards it will cause as much as 20 percent of the existing coal-fired power plant fleet to retire. Combined with numerous other actions by the Environmental Protection Agency (EPA), Interior Department, and Army Corps of Engineers targeting surface coal mining operations, these rules constitute an aggressive regulatory assault on American coal producers, which will hit areas of the heartland—the Midwest, Appalachia, and the Intermountain West—the hardest. The end result will be joblessness across regions of the country whose livelihoods depend on coal development. Joblessness will lead to severe health impacts for communities in these regions.

With regard to the health benefits that EPA claims for Utility MACT, EPA's own analysis shows us that over 99 percent of the benefits from the rule come from reducing fine particulate matter ($PM_{2.5}$), not air toxics. But EPA also states that ''[over 90 percent] of the $PM_{2.5}$-related benefits associated with [Utility MACT] occur below the level of the [NAAQS].''

Not only are PM emissions distinct from mercury and other toxics, but they are also subject to other regulatory regimes. For example, Section 108 of the Clean Air Act directs the EPA to set PM emission levels that are ''requisite to protect the public health''. Thus, EPA is either double-counting the PM benefits already being delivered by existing regulatory regimes, or setting standards beyond those required to protect public health.

EPA estimates that the cost of the rule will be around $11 billion annually, but that it will yield no more than $6 million in benefits from reducing mercury and other air toxics. So by the agency's own calculations, Utility MACT completely fails the cost/benefit test.

When looking at this analysis, the only conclusion is that Utility MACT, as well as the many other EPA rules that cost billions but yield few benefits are not about public health. They are about ending coal development and the good paying jobs it provides.

We are not the only members in the medical field that are concerned about the effects of a jobless economy on the health and well being of Americans. Dr. Harvey Brenner of Johns Hopkins University testified on June 15th, 2011 before the Senate Environment and Public Works Committee explaining that unemployment is a risk factor for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as wealthier families.

Economists have also studied this issue. A May 13th, 2012 Op-Ed in the New York Times by economists Dean Baker and Kevin Hasset entitled ''The Human Disaster of Unemployment'' found that children of unemployed parents make 9 percent less than children of employed parents. The same article cites research by economists Daniel Sullivan and Till von Wachter who found that unemployed men face a 25 percent increase in the risk of dying from cancer.

These are just a few examples of the numerous reports warning of a looming public health crisis due to unemployment. A more thorough evaluation of this problem can be found in a recently released report entitled, ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment'' which we are including here for your review.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into the doctor's office. We respectfully ask that your agencies adequately examine the negative health implications of unemployment into the cost/benefit analysis of the numerous regulations that are stifling job growth, before making health benefit claims to Congress and the public.

We ask that instead of exacerbating unemployment and harming public health that you work with us in our efforts to implement policies that achieve true health benefits without destroying jobs, and indeed American coal development, in the process.

Sincerely,

JOHN BARRASSO.
RAND PAUL.
TOM COBURN.
JOHN BOOZMAN.

Mr. BARRASSO. In this letter, we expressed our concerns about the impending health crisis the unemployment caused by the EPA's policies is having on families, children, pregnant mothers, and on the elderly. The letter reads in part:

We are writing to express our concern that the barrage of regulations coming out of the Environmental Protection Agency (EPA) designed to end coal in American electricity generation will have a devastating effect on the health of American families. Just before you made the decision to withdraw EPA's plan to revise its ozone standard—a plan which would have destroyed hundreds of thousands of jobs—your former White House Chief of Staff Bill Daley asked the question ''What are the health impacts of unemployment?'' Today, we are requesting that you consider your former aide's question carefully: instead of putting forth rules that create great economic pain which will have a terrible effect on public health, we hope that going forward, you will work with Republicans to craft policies that achieve both environmental protection and economic growth.

And that is the key—''and economic growth''—not economic destruction.

The letter goes on:

As you know, proponents of your EPA's aggressive agenda claim that regulations that kill jobs and cause electricity prices to skyrocket will somehow be good for the American people. We come to this issue as medical doctors and would like to offer our ''second opinion'': EPA's regulatory regime will devastate communities that rely on affordable energy, children whose parents will lose their jobs, and the poor and elderly on fixed incomes that do not have the funds to pay for higher energy costs. The result for public health will be disastrous in ways not seen since the Great Depression.

Later on in the letter we talk about the latest research on the health impacts of unemployment. A doctor from Johns Hopkins who testified last year before the Senate Environment and Public Health Committee explained that unemployment is a risk factor—a risk factor—for elevated illness and mortality rates. In addition, the National Center for Health Statistics has found that children in poor families are four times as likely to be in bad health as other families.

Economists have also studied this issue. On May 13, 2012, in the New York Times, is ''The Human Disaster Of Unemployment.'' That is what this EPA regulation is going to do today, cause additional human disaster for people out of work.

We included for the President a copy of a report I have written called ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment.'' Studies show EPA rules cost Americans their jobs and their health. This report contains the latest research from medical professionals from Johns Hopkins, from Yale, and others that show that unemployment causes serious health impacts.

Unemployment has been rampant in this country under this administration, and it has been due in many ways to the mountains of job-crushing redtape from the EPA and other agencies. The EPA's Utility MACT rule will only make things worse for hard-hit areas in the West, Midwest, and Appalachia.

According to the Bureau of Labor Statistics, since 2008 Montana has lost 3,200 manufacturing jobs, Missouri 41,000, Ohio 100,000, Michigan 67,000 jobs

lost, Pennsylvania 80,000, and West Virginia 7,000. Each one of these people who lost their job will be subjected to greater risks of cancer, heart attack, stroke, depression. There is a higher incidence, as we know, of spousal abuse, substance abuse in these families. As demonstrated by the latest research, their children will suffer, too, as medical costs pile up, as electricity bills to heat and cool their homes skyrocket, and the cost of everyday living continues to go up. The Utility MACT will only expose thousands more to these risks.

The EPA should immediately stop pushing expensive regulations that put Americans out of work and into their doctor's office. Instead of exacerbating unemployment and harming public health, this administration and this EPA need to work with Republicans—work together in our efforts to implement policies that achieve true health benefits without destroying jobs and, indeed, American affordable energy in the process.

We need to keep American energy and make American energy as clean as we can, as fast as we can, while still keeping good-paying jobs and keeping energy prices affordable. This is a recipe for a healthier, economically stronger country.

I urge a ''yes'' vote for the Inhofe Utility MACT amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield myself 1 minute, and I ask unanimous consent to have printed in the RECORD the following—an editorial written by the very type of companies my friend Senator BARRASSO mentioned who have said they are just fine with the EPA's new air quality regulations. Do you know why? Half of the coal-fired utilities have already made these adjustments. They are clean. And if it is up to Senator BARRASSO, the other dirty plants will keep on spewing forth the most toxic and dangerous pollutants.

The other is a new poll taken in March of this year which shows that 78 percent of likely voters have asked us to get out of the way and let the EPA do its job in controlling industrial and power-sector mercury and toxic air pollution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Wall Street Journal, Dec. 8, 2010]

WE'RE OK WITH THE EPA'S NEW AIR-QUALITY REGULATIONS

Your editorial ''The EPA Permitorium'' (Nov. 22) mischaracterized the EPA's air-quality regulations. These are required under the Clean Air Act, which a bipartisan Congress and a Republican president amended in 1990, and many are in response to court orders requiring the EPA to fix regulations that courts ruled invalid.

The electric sector has known that these rules were coming. Many companies, including ours, have already invested in modern air-pollution control technologies and cleaner and more efficient power plants. For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost efficiently control such emissions, including mercury and acid gases. The EPA is now under a court deadline to finalize that rule before the end of 2011 because of the previous delays.

To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old nd inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

The time to make greater use of existing modern units and to further modernize our nation's generating fleet is now. Our companies are committed to ensuring the EPA develops and implements the regulations consistent with the act's requirements.

Peter Darbee, chairman, president and CEO, PG&E Corp.; Jack Fusco, president and CEO, Calpine Corp.; Lewis Hay, chairman and CEO, NextEra Energy, Inc.; Ralph Izzo, chairman, president and CEO, Public Service Enterprise Group Inc.; Thomas King, president, National Grid USA; John Rowe, chairman and CEO, Exelon Corp.; Mayo Shattuck, chairman, president and CEO, Constellation Energy Group; Larry Weis, general manager, Austin Energy.

(From the American Lung Association, Mar. 21, 2012]

NEW POLL SHOWS THE PUBLIC WANTS EPA TO DO MORE TO REDUCE AIR POLLUTION

VOTERS SUPPORT SETTING STRONGER CARBON POLLUTION STANDARDS TO PROTECT PUBLIC HEALTH

WASHINGTON, DC.—As big polluters and their allies in Congress continue attacks on the Clean Air Act, the American Lung Association released a new bipartisan survey examining public views of the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) efforts to update and enforce lifesaving clean air standards, including carbon and mercury emissions from power plants.

The bipartisan survey, conducted by Democratic Research polling firm Greenberg Quinlan Rosner Research and Republican firm Perception Insight, finds that nearly three-quarters of likely voters (73 percent) nationwide support the view that it is possible to protect public health through stronger air quality standards while achieving a healthy economy, over the notion that we must choose between public health or a strong economy. This overwhelming support includes 78 percent of independents, 60 percent of Republicans and 62 percent of conservatives, as well as significant support in Maine, Pennsylvania and Ohio.

The Obama Administration will soon release updated clean air standards for carbon pollution emitted by power plants, and a substantial majority of voters support the EPA implementing these standards, even after hearing opposing arguments that stricter standards will damage the economic recovery. Initially, 72 percent of voters nationwide support the new protections on carbon emissions from power plants, including overwhelming majorities of both Democrats and Independents and a majority of Republicans.

After listening to a balanced debate with message both for and against setting new carbon standards, support still remained robust with a near 2-to-1 margin (63 percent in favor and 33 percent opposed). Support remained especially robust in Maine and Pennsylvania (64 percent in each state). The majority of Ohio voters (52 percent) also favored new carbon standards, which is notable since the poll was conducted during a period of heavy media attention concerning statewide electricity rate increases and potential power plant shutdowns.

''This bipartisan poll affirms that clean air protections have broad support across the political spectrum,'' said Peter Iwanowicz, Assistant Vice President, National Policy and Advocacy with the American Lung Association. ''Big polluters and their allies in Congress cannot ignore the facts; more air pollution means more childhood asthma attacks, more illness and more people dying prematurely. It's time polluters and their Congressional allies drop their attempts to weaken, block or delay clean air protections and listen to the public who overwhelmingly wants the EPA to do more to protect the air we breathe.''

Voters also voiced strong support for stricter standards to control industrial and power sector mercury and toxic air pollution. When asked about setting stricter limits on the amount of mercury that power plants and other facilities emit, 78 percent of likely voters were in favor of the EPA updating these standards.

Strong support was also seen for stricter standards on industrial boilers. Initially, 69 percent of voters supported the EPA implementing stricter standards on boiler emissions. After hearing messaging from both sides of the issue, voters continued to support these standards by nearly a 20-point margin (56 percent favor, 37 percent oppose).

Key poll findings include: nearly three quarters (73 percent) of voters, say that we do not have to choose between air quality and a strong economy—we can achieve both; a 2-to-1 majority (60 to 31 percent) believe that strengthening safeguards against pollution will create, rather than destroy, jobs by encouraging innovation; about two-thirds of voters (66 percent) favor EPA updating air pollution standards by setting stricter limits; 72 percent of voters support new standards for carbon pollution from power plants and support is strong (63 percent) after hearing arguments from both sides of the issue; 60 percent of voters support stricter standards for gasoline and limits on the amount of tailpipe emissions from cars and SUVs (particular strong given all the recent attention to high gasoline prices).

Despite more than a year's worth of continued attacks on clean air protections from big corporate polluters and their allies in Congress, voters across the political spectrum view the Clean Air Act very positively; with a 2-to-1 favorable to unfavorable ratio. At the same time, feelings toward Congress continue to drop, especially among Democrats and independents. Just 18 percent of voters nationally give Congress a favorable rating, while 56 percent rate Congress unfavorable. The unfavorable rating of Congress is up 9 percent since the American Lung Association's last survey released in June 2011.

''The survey clearly indicates that voters reject the notion that we have to choose between strong safeguards against air pollution and economic growth,'' said Andrew Bauman, Vice President at Greenberg Quinlan Rosner Research. ''In fact, voters overwhelmingly believe that stronger safeguards against air pollution will create jobs in America.''

''The poll does show there is broad support across partisan lines for new carbon regulations on power plants,'' said Marc DelSignore, President of Perception Insight. ''However, there is a significant difference in the views regarding the impact regulations may have on the economy, with Republicans expressing higher concern for possible job loss and rising energy prices than Democrats or independents.''

This resolution of disapproval goes against 78 percent of the American people. They are no fools. I heard a second opinion? I have got a third opinion, and my third opinion is that if you look at this poll, you understand that the American people get it. They know the technology exists, and they know these improvements can be made. They know there are jobs created when best-available control technology is put in, and they are opposed to this kind of resolution that would roll back the clock and continue our people breathing in toxins.

Mr. INHOFE. Will the Senator yield?

Mrs. BOXER. I won't yield because Senator CARDIN is waiting. I yield to Senator CARDIN 6 minutes, and then I will yield to the Senator on his time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, first I want to thank Senator BOXER for her extraordinary leadership on these issues.

I invite my friend from Wyoming to come to Glen Burnie, MD, and see the 12,000 megawatt Brandon Shores powerplant which it is not only operating, but it is in full compliance with Maryland's healthy air law that is very similar to the proposed regulations we are debating today. That powerplant didn't close. It made the investments so that we have a clean energy source and in the process created 2,000 jobs in modernizing that powerplant.

That is why we have many companies that support the regulation, because they know it is going to mean more jobs—including Ceres and American Boiler Manufacturers Association, as well as companies such as WL Gore.

I want to thank Senator ROCKEFELLER for his extraordinary statement. I was on the floor listening to him speaking on behalf of the people of West Virginia. They are interested in a clean economy, good health, and jobs.

I want to thank Senator ALEXANDER for speaking up for the people of Tennessee, because he understands the importance of sensible air quality standards.

I want to speak on behalf of the people of Maryland, on behalf of the families I have the honor of representing in the Senate.

This is the week that summer camps start. Some parents are going to have to make a decision, when we have a day that is rated as a code orange or a code red because of air quality issues concerning ground-level ozone, as to whether they are going to send their child to camp that day if that child has a respiratory issue, an asthma issue, as to whether that child should be outdoors during that day when we have these air quality warnings. If the parent decides to keep the child at home, they have lost that day of camp and the cost of that day of camp. They have lost a day of work, because somebody is going to have to stay at home with the child. If they send the child to camp and they have an episode, they may be one of the over 12,000 children who will end up in emergency rooms as a result of dirty air that could be cleaned up by the passage and enactment of these regulations.

The chairman of the Environment and Public Works committee can tell us chapter and verse about the number of premature deaths and those with chronic bronchitis. These toxins that are going into our air cause cancers and neurological developmental and reproductive problems. It is particularly dangerous for children. And the source? Powerplants that have not put in the investment for clean air.

This is doable. It has been done in Maryland and in many powerplants around the Nation. In fact, my State—concerned about our children, concerned about our health—passed the Maryland Healthy Air Act, and the mercury standards in that legislation are very similar to what these regulations would require. Maryland has reduced its mercury and its SO_X and NO_X emissions from the 22-percent level, 90 percent mercury, 80 percent sulfur dioxide, and 70 percent NO_X. And it helped our economy, as I have already pointed out, in the Brandon Shores work that was done.

But here is the challenge we have in Maryland. Maryland's experience shows that an aggressive timeline is not only achievable but it is also desirable. Powerplants are capable of meeting aggressive timelines, and the benefits are unparalleled. Air pollution control protects public health and saves billions of dollars associated with medical costs. The Environmental Protection Agency is required to do a study of cost benefit: How much cost for how much benefit? For every $1 of compliance cost, we save $3 to $9 for our economy. That is a great investment. We like those types of investments.

The Maryland experience also shows that we need a national standard to effectively address air pollution. Maryland has done what is right, but our children are still at risk. Why? Because air pollution knows no State boundary. We are downwind. We have done what is right, but our children are still at risk. That is why we need these standards. We showed that you can do it in a cost-effective way, creating jobs for our community. You can have a clean environment, you can have a growing economy. In fact, you can't do it without it. And that is what these regulations are about.

As Senator ALEXANDER said, we have been waiting 20 years for these regulations. In 1990, Congress passed the Clean Air Act. In 2008, our courts said we can't delay it any longer.

It is our responsibility to protect the public health. It is our responsibility to do what is right. I urge my colleagues to reject this resolution that would deny us the opportunity of protecting our public health.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I heard the Senator from California talk about 78 percent of the people in this country want to reduce mercury. I am part of that 78 percent. The problem is this bill does not address that. By their own numbers, the EPA said the cost is around $10 billion. Of that, less than $6 million would be addressing mercury. The rest of that is in particulate matter, something already recognized under the Clean Air Act.

I yield to the junior Senator from West Virginia for 6 minutes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today to speak in favor of the congressional resolution of disapproval that Senator INHOFE has filed under the Congressional Review Act to stop the EPA from implementing one of the most expensive rules in recent memory. I thank my colleague, Senator INHOFE, for introducing this important resolution to send a message to the EPA.

I would like to say a few words about the little State of West Virginia that does the heavy lifting that helps this entire Nation. We mine the coal, we make the steel, we have done just about everything we possibly can. We probably have more people serving in the military, percentage-wise, than any other State. We have given our all for this great country, and we will continue to do the heavy lifting. But what we have to do is make sure the EPA, make sure this government is working with us, not against us. The Government's role is to be a partner, not an adversary but an ally. We are asking the government to work with businesses, not against them. Their actions will put thousands of hard-working Americans out of a job in the worst economy in generations.

Do not raise electricity rates on the consumers who can barely afford their monthly bills today as it is. It is mostly our seniors and people struggling with their families trying to make a living. The economic reality is that the environment and economy have to work hand in hand. It has to be in balance.

From the day I arrived at the Senate, I have been determined to stop the EPA's job-killing agenda, and this resolution of disapproval takes an important step to rein in this out-of-control agency. In the State of West Virginia, like most States, we do our rules and regulations through a legislative process. People have to vote. We do not give bureaucratic agencies the right to set policy. The people have given us that responsibility and right as elected

leaders to set the policy. That is what we are asking. We have this agency stepping way beyond its boundaries, further than our Founding Fathers ever intended, that is putting an absolute burden on the backs of every American.

Along with a handful of other rules on the verge of being implemented or already in place, the Utility MACT rule would cost the economy over $275 billion over the next 25 years, according to the Electric Power Research Institute. The Utility MACT could cost 1.3 million jobs over the next two decades, according to the National Economic Research Association.

On the issue of Utility MACT, I have heard from thousands of West Virginians in the past several weeks. In fact, just yesterday I had 45 of my constituents from Boone County, WV, get on a bus, 756 miles, drive all day to get here to be able to speak to some of us, and drive last night to go back home. That is how committed and dedicated most of them are. They had either worked in the mines or were working in some aspect of mining.

People think mining is just coal mining and coal mining only. It is not. The energy business is basically—if people work in a battery factory or a machine shop, if they work in any type of ancillary jobs, the ripple effect to their economy is unbelievable. If they work in a powerplant—these people were scared to death because all they hear every day is they are going to lose their jobs because the government is going to shut them down and work against them.

About three-fourths of the miners in that room had already been laid off. They are fighting for their jobs. They brought their families and children with them. They wanted to make sure we could put the faces of real people on what is happening.

Our coal miners are the salt of the Earth. They work so hard to provide energy for our country and provide for their families. They do not want a handout. All they want is a work permit. That is all they have asked for. Now is not the time to pull the rug out from under them and make them worry about how they will pay their bills and feed their family.

I believe this country needs to strike a balance, and I have said that before. Our lives are about balance. Every day people get up in the morning they look for a balance in their lives. They look for a balance in how they can run their business, how they can make a living. That is what we need to find in this body today. The EPA has truly gone too far.

We have heard so many different testimonies about that. That is why I will be casting my vote in favor of this resolution by Senator INHOFE to disapprove of the new rules, and I urge all my colleagues to do the same. I truly believe energy is an issue where we can bring thoughtful members of both parties together to work out solutions.

Let me point out an important example. In the time I served, I learned that many of my colleagues know of West Virginia only as a coal State. They have no idea what we do and how we do it. This past weekend I wanted to make sure they understood that not only do we do coal, we do wind, we do hydro, we do natural gas with the Marcellus shale—a tremendous find—we do biomass, we do everything we can, and we think every State should be held accountable and responsible to try to be energy independent and do it in the most environmentally friendly way.

This weekend I invited leaders of the Energy Committee, Senators WYDEN and MURKOWSKI, a Democrat and a Republican, to spend a weekend with me to tour our State to see how West Virginia's all-in policy for energy works. One of them will likely be the next chair of Energy and Natural Resources, but I assure you both of them will work as a team trying to find policy that works for this country. You will hear both of them say one size doesn't fit all. We need everything. We need a comprehensive energy plan for this country—which brings me to our recent visit to West Virginia.

They saw how we are using an ''all-of-the-above'' approach. In the eastern part of our State we stopped at Mount Storm. They saw a 265-megawatt wind farm. They saw a 1,600-megawatt coal-fired plant with the most modern technology that cleans the air up to 95 percent. They saw it all. When the wind is not blowing, basically they saw there was no power generated—especially in the hot summer or the cold winter.

Basically what we are saying is we are doing everything we possibly can. We will continue. In short, we saw a little bit of everything that can be done if we work together. I think it should be a bipartisan effort to find a solution. We cannot keep fighting each other, and agencies cannot keep controlling what we are not legislating. If it has not been legislated, it should not be put into law until we are able to evaluate it.

I appreciate what is being done today, the bipartisan effort we are talking about. We have our differences, but we can come together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I think when the Senator talks about balance, he ought to recognize that one-half of the coal-fired utilities have already made these adjustments, they have reported to us, with very little impact to electricity rates.

I yield 5 minutes to Senator SANDERS.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, let me begin by saying I suspect that I have the strongest lifetime proworker voting record in the Senate. I want to create jobs, not cut jobs. What Senator BOXER and Senator CARDIN and others are talking about is creating meaningful, good-paying jobs as we retrofit coal-burning plants so they do not poison the children of Vermont and other States around the country.

So to Senator INHOFE and others, I say respectfully: Stop poisoning our children. Let them grow up in a healthy way.

The Clean Air Act is set to cut mercury pollution by 90 percent using technology that is available right now. That would be good news since the Centers for Disease Control and Prevention say mercury can cause children to have ''brain damage, mental retardation, blindness, seizures, and the inability to speak.''

We get exposed to mercury simply by eating fish contaminated with it, and we have seen fish advisories in 48 out of the 50 States in this country. Wouldn't it be nice if the men and women and the kids who go fishing could actually eat the fish they catch rather than worry about being made sick by those fish?

Powerplants are responsible for one-third of the mercury deposits in the United States, but Senator INHOFE's resolution would let them keep right on polluting. His resolution would also eliminate protections against cancer-causing pollutants such as arsenic, as well as toxic soot that causes asthma attacks. Leading medical organizations, including the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association have said ''Senator INHOFE's resolution would leave millions of Americans permanently at risk from toxic air pollution from powerplants that directly threaten pulmonary, cardiovascular and neurological health and development.''

That is not BERNIE SANDERS saying that; it is the American Academy of Pediatrics, the American Lung Association, the American Heart Association, and the American Nurses Association.

We are talking about preventing thousands and thousands of premature deaths. We are talking about preventing heart attacks. We are talking about what is a very serious problem in my State, and that is asthma. Maybe Senator INHOFE would like to join me in the State of Vermont—I go to a lot of schools and I very often ask the kids and ask the school nurses how many kids are suffering with asthma, and many hands go up. Thank you very much. We do not want to see more asthma in Vermont or in other States that are downwind.

We hear a lot from some of our Republican friends about jobs. The truth is if we are aggressive in cleaning up these coal-powered plants, we can create, and we have already seen created, many good, decent-paying jobs. In fact, if we invest—if the utility industries will invest in pollution controls, we can create almost 300,000 jobs a year for the next 5 years—meaningful, good-

paying jobs making sure that our air is cleaner and that our people do not get sick.

Let's talk about job creation and cleaning up our environment. This is not just theory. I am the chairman of the Clean Jobs Subcommittee. We heard from Constellation Energy, which installed pollution controls at their 1280-megawatt coal plant in Maryland that cut mercury emissions by 90 percent. This $885 million investment created at its peak 1,385 jobs onsite at the plant for boilermakers, steamfitters, pipefitters, operating engineers, ironworkers, electricians, carpenters, teamsters, laborers—just the kind of jobs we want to create. The American people know we have to rebuild our infrastructure. We can create jobs doing that. This is one of the areas where we can create decent-paying jobs and help keep our kids from getting sick.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SANDERS. I urge very strongly a ''no'' vote against the Inhofe resolution.

Mr. INHOFE. Madam President, I yield 5 minutes to Senator RISCH.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. RISCH. Madam President, I come to the floor this morning to urge an affirmative vote for Senator INHOFE's resolution. With all due respect to my friend from Vermont, this is not a job-creating bill. Virtually everyone who has looked at that has said this will kill jobs; this will move jobs overseas. Everyone who has looked at this has said it will increase the cost of energy for the American taxpayer.

It does two things: It kills jobs and it increases the cost of energy. Why would anyone vote for this? This is absolute foolishness. Today, Americans are concerned about jobs—they are really concerned about jobs. Everywhere I go, people ask me about jobs. They ask me about the economy.

Today, we, as Senators, have the opportunity to do something about that. The failure of this resolution and the implementation of the rule the EPA has put in front of us is going to kill jobs and is going to increase the cost of energy in America. It is going to do precisely what so many Senators come to the floor and whine about; that is, run jobs overseas.

If you are a job creator, if you are someone thinking of investing, if you are someone who wants to move the American economy forward, you look at every single aspect of it. When you see something like this—and it is not just this, it is this and a parade of never-ending rules and regulations that kill jobs and increase the costs for the job creators—these are things that clearly urge job creators to create jobs in a place other than America. That is just flat wrong.

That is not what I am here today to talk about primarily. What I am here today to talk about is the way we are going about it. The Founding Fathers did a good job when they set up our government. Indeed, out of the thousands of governments that have been created over the years, most of which have failed, only one has had the success our Founding Fathers had. They created a government out of fear of government. They didn't create a government that said: How can we do this? How can we do that? They were interested in keeping government away from them, keeping government away from their jobs, from their businesses, and from their investments. That is what they wanted to do, and it worked for about 200 years. For about 200 years the Federal Government left the American people and the job creators alone.

Today, over the last 3½ decades or so, the Federal Government has stuck its nose into every single aspect of our lives, and here we go again. What we have here is the Federal Government using its power and its regulatory process to get its nose into places where it should not be. This is the job of Congress. It is not the job of the bureaucracy to pass these kinds of laws. This isn't a rule or a regulation as the Founding Fathers anticipated these sorts of things. The Founding Fathers set this up with three branches of government to fight with each other so they would leave the American people alone. They said the job of creating laws, the job of creating regulations, the job of creating rules was the job of the Congress.

Somewhere along the line, we have lost our way. Last year the Congress passed about 2,000 pages of legislation, and that included the spending bills. Last year the bureaucracy passed about 70,000 pages of rules and regulations that have the same force and effect as law.

The Congress has lost the ability to pass the laws that govern conduct in the United States. People will argue, yes, but Congress won't do it; Congress won't act. That is precisely the point. We were elected by the American people to act or not act as is appropriate. When we don't act, when we don't do something, it is just as important as when we do something. Indeed, I would argue many times more important. Well, what it has come to today is 2,000 pages versus 70,000 pages.

In Idaho we had the same problem for a lot of years. In Idaho it was the same way. The bureaucracy could pass a rule or regulation that had the force and effect of law.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. RISCH. We have changed that and gotten it to where the legislature has full control. This has to change. Congress has to take back its ability to handle the law as it is imposed and the burden that is imposed on the American people.

I yield the floor.

Mrs. BOXER. I yield 4 minutes to the Senator from Delaware, Senator CARPER.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. While our friend from Idaho is trying to leave the Senate floor, I want to say that the Congress did act. Harry Truman said the only thing that is new in the world is the history we never learned or forgot. The Congress did act with a Republican President, a guy named George Herbert Walker Bush. It was passed overwhelmingly in the House and in the Senate and supported, as I recall, by those of us here on the Senate floor today.

I will go over a little history here. In 1990, the Clean Air Act said: Look, there are problems with toxic air emissions. We are not sure where they are coming from, but let's spend a little bit of time and have the EPA figure it out. They spent 10 years trying to figure it out. In the last year of the Clinton administration, the conclusion was reached that a lot of the toxic air emissions such as mercury, arsenic, heavy metals, acid gases, come from utilities. A lot comes from utilities.

In 2001, the brandnew Bush administration said: Well, let's go to work and figure out what to do about it. Five years later in 2005, the Bush administration said: Here is a rule to deal not with the 70 toxic emissions but with one, mercury. Just one. Immediately lawsuits were filed, and in 2008 the Federal courts said: What about the other 70 toxins? They didn't do anything about the other 70 toxins. What they did with mercury was a cap-and-trade system which doesn't work for mercury. The courts remanded it to the EPA and said: Let's try that again.

Senator ALEXANDER has been heroic on these issues. And while I have worked literally for years to try to make sure the Congress provided some leadership—we do see toxic air emissions from sulfur dioxide and nitrous oxide as well—there is not an appetite with the utilities to actually support legislation.

We finally gave it a great try in 2010. My friend Senator INHOFE was part of the effort to get legislation enacted. Finally, I think the utilities said we would rather take our chances on an election and see what the election yields and see if we have to deal with the EPA. Well, we had an election and now the courts are saying: EPA, you have to rule. You have to provide leadership, and the EPA has done that. It is not as if they are jamming it down anybody's throat.

Senator ALEXANDER and I offered legislation that said by 2015 there has to be a 90-percent reduction in mercury. What the EPA has said is by 2015, there has to be a 90-percent reduction plus they need to address a bunch of other toxic emissions. The EPA said the States can give an automatic 1-year extension. If utilities have problems with getting this done by 2016, they can apply for another 2-year extension. This started in 1990. It is 2012. When we play out the string, it could be as late as 2018 to comply.

In the meantime, States including Delaware, Maryland, Pennsylvania, New Jersey, and a bunch of us on the east coast, are downwind of all the States that put up the pollution in the air. We have to breathe it.

Look, the technology exists to fix this problem. Fifty percent of the utilities have already applied the technology. It works. It is broadly deployed. Most utilities have the money to pay for this. If they don't, they have the ability to raise capital.

There are tens of thousands of workers who wish to do this work. The idea that we have to choose between a stronger economy and a cleaner environment is a false choice. It has always been a false choice, and it is a false choice here today.

I am a native of West Virginia. After my dad finished high school, he was a coal miner for a short time, so I have relatives back in West Virginia. I care a lot about the State and the people who live there. I want to make sure we do whatever is fair to them. I want to thank JAY ROCKEFELLER for stepping up for West Virginia and being a hero here today.

I yield the floor.

Mr. INHOFE. Madam President, I wish to yield 5 minutes to the Senator from Missouri, Mr. BLUNT.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BLUNT. Madam President, I thank the Senator for this time. I rise in support of this resolution. We have only been able to use the Congressional Review Act successfully one time, and I think that means at some point we need to look at the Congressional Review Act because these regulations often don't meet the commonsense standard, and this is one of them. However, it appears to meet the standards that the President would want his regulators to meet.

In fact, in January of 2008, the President—while running for President—said that coal-fired plants would go bankrupt. He said later in the campaign that electricity rates would necessarily skyrocket under his plan to tax greenhouse gas emissions through what was then the cap-and-trade system. The House passed that system in 2009.

Missouri utilities all went together, including the rural electric cooperatives, the for-profit utilities, and the municipal utilities and paid for a study in our State, which is in the top six States of dependence on coal. That study indicated that the average utility bill would go up 82 percent in the first 10 years and double shortly after that. You don't have to be a genius to get your utility bill out and multiply it by two. If it is your utility bill at home, it may be a utility bill you cannot pay. If it is your utility bill at work, it may mean that your job is no longer there because the utility bill went up. That House-passed bill would have had that result in our State. There are five States that are more dependent on coal than we are for utilities.

The Senate then rejected the cap-and-trade bill, and thank goodness it did. But when it did, the President said there are other ways of ''skinning the cat.'' He said there are other ways besides just an ''all-of-the-above'' energy policy. His administration has bypassed the Congress, bypassed the will of the American people, and they are clearly trying to do by regulation what I believe the Congress would now never do. Once the American people figured out that cap-and-trade and policies such as this would have this devastating impact on their utility bill—about 50 percent of all of the utilities from the middle of Pennsylvania to the western edge of Wyoming are coal-generated utilities. Once people figured that out and the impact it had on their ability to have a job and their ability to do what they need to do at their house, they didn't want to do it.

With this rule the EPA has finalized a regulation that would require power companies to reduce emissions in a period that is unrealistically short. A 3-year timeframe means that many power-generated facilities don't reduce emissions, they close the plant. What this stands for is an assault on coal and coal-based utilities. The Administrator of the EPA, Lisa Jackson, said recently that the current challenges for the coal industry are ''entirely economic.'' That is what she said, ''entirely economic.'' I don't know how anyone who is paying attention to the EPA, to regulations, or to the price of coal, could say that the problems are entirely economic. They are not economic at all. We have more recoverable coal than anybody in the world. We now think we have more recoverable natural gas than anybody in the world.

By 2016, under the current EPA rules that are out there, plus this one, our utilities in our State would go up as much as 23 percent for the average Missourian, and more than that for some people in parts of our State. That is a 23-percent increase on your utility bill by 2016.

The estimates are that by 2020, we will lose 76,000 jobs because of that increase in utility rates. Where are those jobs going to go? They are not going to go to California or Massachusetts or somebody who has bills higher than ours today. They are going to go to places that care a lot less about what comes out of the smokestack than we do.

Last year in States where coal generated at least 60 percent of the electricity, consumers paid 30 percent less in energy prices than States that used less coal for their electricity. And in our State, as I said, 82 percent of our electricity comes from coal.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BLUNT. I urge my colleagues to vote for the issue before us that says we don't want to have this rule. We want to do the right thing, not the wrong thing.

I thank the Senator for this time.

I yield the floor.

Mr. LEAHY. Madam President, the Senate will vote today on whether to proceed to a congressional resolution of disapproval that I strongly oppose. This resolution would repeal the Environmental Protection Agency's mercury and air toxics standards rule and undo the great strides the Agency has taken to safeguard the public's health and welfare and our quality of life in this great land.

The EPA's mercury and air toxics standards represent a true breakthrough in environmental policy. This rule offers clear benefits to every American, and it is especially important to Vermonters, who disproportionally suffer from the devastating effects of mercury and other toxic air pollutants. Although my home State has no major sources of mercury, Vermonters have been besieged by this insidious poison, which drifts across our borders from other States.

The EPA estimates that each year, toxic air pollutants cause up to 11,000 premature deaths, 4,700 heart attacks, and 130,000 cases of childhood asthma, among other illnesses. Mercury, a truly unwelcome addition to our daily lives, has had catastrophic effects on the health and well-being of all Americans, as well as a ruinous impact on our Nation's pristine natural environment. There is no known safe level of exposure to mercury it is harmful to humans in even the smallest amounts. Tragically, mercury's most devastating effect is on those victims least able to protect themselves: unborn and newborn children. Mercury has been shown to cause developmental disabilities and brain damage, resulting in lowered IQ's and learning problems, such as attention deficit disorder. Sadly, these affects are permanent and irreversible. They lead to a lifetime of trips to the emergency room, costly medical interventions, personal and family heartbreak, and lost potential.

The American people want their air and water to be cleaner and healthier and most certainly free of toxic pollutants. Vermonters and Americans want this for all of us. Safe water and safe air to breathe should be a valued legacy of our lives in this blessed Nation. We also know that protecting the weakest and most vulnerable members of our society is among Congress's most solemn duties. This resolution of disapproval undermines that goal. Why should one more child struggle to breathe and gasp for air when such suffering is preventable? Why should one more parent die a premature death? Congress should not meddle in this vitally important issue literally, for many, an issue of life or death or chronic illness. If the EPA's mercury and air toxics standards are repealed, the simple reality is that it will be somebody's loved one who pays the price, and the price they pay may be irreversible.

During the Bush administration, I offered my own Congressional Review Act joint resolution of disapproval, known as the Leahy-Collins resolution, to contest an EPA mercury rule that was far too weak and failed to protect the American people. It is hard to believe that now, almost 7 years later, this issue is still unresolved and we are fighting to save an EPA rule that is fair, just, science-based, and reasonable. A sound environmental policy that protects our citizens from the hazards of mercury and air toxics is long overdue.

In addition to the numerous health benefits that removing these toxics would mean for our citizens, both young and old, the EPA's mercury and air toxics standards would protect America's precious waterways, making them accessible to the sport fishermen of today and for countless generations to come. Today, large game fish from every body of water in Vermont, including our State's greatest lake, Lake Champlain, are so heavily contaminated with out-of-State mercury that people must be warned against eating them. In fact, all 50 States have issued fish consumption advisories, warning citizens to limit how often they eat certain types of fish because they are contaminated with mercury. Let me repeat that. Because of mercury contamination, every State of our great Nation today warns its citizens to limit how often they should consume certain kinds of fish. We can change that. We should change that. We must change that. Environmental standards can and have made tremendous differences in our lifetimes in virtually eliminating such toxics as the fumes from the burning of leaded gasoline, which only recently was ubiquitous on our streets and around our homes. We must do the same to begin ridding poisonous mercury from our air and water.

Without these standards, powerplants will continue to spew tons of mercury and other toxic air pollutants into the air. Without these standards, this preventable, slow-motion tragedy will continue to unfold despite the fact that the pollution control technology mandated by this rule is already widely available, affordable, and in use in many coal-fired powerplants throughout the Nation. Thirty-three percent of older powerplants have already installed lifesaving technology which allows them to comply with the EPA's emission limits, and a full 60 percent already comply with the EPA's mercury limit. This resolution of disapproval would be especially ill-advised because it would unjustly punish companies that have taken steps to do the right thing, while rewarding those that have shirked their responsibilities, endangered countless lives, and imperiled the environment.

As another great benefit to the American people, industry-wide adoption of innovative pollution control technology would stimulate investment in the economy, job creation and greater productivity. The updated standards will create thousands of long-term jobs for American workers. These workers will be hired to build, install, and, ultimately, operate the machinery that will reduce health-threatening emissions. The EPA estimates that implementing this rule will mean jobs for tens of thousands of hard-working Americans, including 46,000 construction jobs and 8,000 long-term utility jobs. When added onto the health benefits, these standards will have an annual estimated benefit of $37 to $90 billion dollars. Green jobs are not just good for the environment in which we live, work, and breathe, they are good for the economy and good for America.

I hope that when Senators consider this resolution of disapproval, they remember that its passage would prevent the EPA from issuing any standards in the future that were substantially similar to the current mercury and air toxics standards. As a result, Americans would continue to be put at risk from the debilitating and sometimes deadly effects of air pollution pumped into America's air by energy companies and other sources. Regrettably, this threat to human health and the environment would continue indefinitely because the resolution of disapproval would strip the EPA of essential tools to address these hazards.

The value of these tools is as incalculable as the value of human life and the health of our families. Make no mistake about it: Investing in the new technology mandated by the EPA's mercury and air toxics standards will save countless lives and will improve the quality of the environment of our communities for years to come. We owe it to ourselves and we owe it to future generations of Americans to make this investment now.

Mr. LEVIN. Madam President, our country's economy and competitiveness in global markets depends on access to affordable energy resources, including electricity that powers our manufacturing plants and keeps businesses operating throughout the Nation. Additionally, affordable electricity is vital to the health, safety, productivity, and quality of life of American families, as well as keeping their budgets in check.

Generating this vital power, however, has come at a cost to our public health and to the environment. Coal- and oil-fired powerplants account for about half of the Nation's mercury emissions and more than half of the country's acid gases. Powerplants also contribute about one-quarter of our Nation's particle pollution. These emissions from powerplants can cause damage to brain development, premature death, asthma, heart attacks, and other health complications with the heart and lungs.

Under the authority of the Clean Air Act Amendments of 1990, on December 21, 2011, the Environmental Protection Agency, EPA, announced its final rule to establish technology-based emission limits for mercury and other hazardous air pollutants from coal- and oil-fired powerplants, which are estimated to number about 1,400 units nationwide. About half of the electric generating units affected by this rule have already installed equipment to meet these emission limits, and many have expended large sums to get there. The other units that need to install pollution control equipment within the next 3 to 4 years could potentially have a competitive market advantage over the companies that have installed the technology if we simply override the EPA.

The emission reductions expected as a result of the rule are projected to improve our Nation's air quality, resulting in a reduction annually of approximately 11,000 premature deaths, 4,700 nonfatal heart attacks, 130,000 asthma attacks, 5,700 hospital and emergency room visits, 2,800 cases of chronic bronchitis, and 3.2 million restricted activity days. The EPA estimates the value of these health benefits is between $37 billion and $90 billion annually.

Additionally, the rule will also prevent mercury from contaminating vital water resources. All of the Great Lakes and all of Michigan's inland lakes have fish consumption health advisories due to mercury. This rule should help clean up these lakes and make fish from any lake safer to eat.

In contrast to the benefits that will be provided by this rule, the annual cost of installing and operating the pollution control equipment is estimated at about $10 billion annually. These costs are expected to translate into higher electricity costs of about $3 to $4 per month, although those costs would vary regionally.

Senator INHOFE's joint resolution of disapproval would completely overturn this EPA rule that limits harmful pollutants from powerplants. Additionally, under the Congressional Review Act, which is the statute that provides the authority for Senator INHOFE to move this measure under expedited procedures, this disapproval resolution would also prevent the EPA from issuing any regulations that are ''substantially the same'' as the disapproved standards. Thus, this prohibition would effectively require Congress to pass a law creating a new authorization before EPA would be able to do anything about this pollution.

I support congressional oversight and, in fact, believe Congress should exercise more oversight. But this rule protects the health of Michigan residents by requiring commercially available technology to be installed at powerplants that currently do not have these controls in place. The rule will result in significant air quality improvements, protecting public health and our lakes from harmful pollution. Its payback is significant in health and in economics.

For these reasons, I will oppose this measure.

Mr. KERRY. Madam President, I talked about this phenomenon yesterday on the Senate floor, and today we have even more evidence of what I was talking about: a reckless assault on our environment given new life by the resolution before the Senate today. We are being asked to sacrifice the health of men, women, and children, all for the sake of the coal industry, a move that makes people sicker, denying Americans their right to a healthy environment to live in and raise their children.

No one who cares about the health of our citizens, the health of our economy, and the health of our planet should support this resolution. They should be outraged that we are even having this kind of debate. The Congressional Review Act resolution before us would eliminate the Environmental Protection Agency's mercury and air toxics standards, or MATS, for powerplants. Let's be clear what that means. It means the EPA would be prevented from adopting meaningful replacement standards to protect Americans from mercury and some 80 other toxic air pollutants that cause cancer and other health hazards. Let me repeat. These pollutants are known to cause cancer and other health hazards.

The science is unequivocal and has been for years mercury is a known neurotoxin that can have a devastating effect on the brain and nervous system of a developing child, reducing IQ and impairing the ability to learn.

We know the effects of mercury, and we know its source. Coal and oil-based powerplants constitute the largest manmade source of mercury emissions in the United States—they are responsible for half of the mercury emissions in America. They also emit more than 75 percent of the acid gas emissions and 25 percent of toxic metals lead, arsenic, chromium, nickel. We are talking about some really toxic pollution that is known or suspected to cause cancer and cardiovascular disease, damage to the eyes, skin, and lungs. It can even kill.

Under EPA's MATS, utilities will be regulated for mercury and these other toxics for the first time in our Nation's history. These standards are more than a decade overdue, so it is way past time to end the free ride the polluters have been enjoying. Now, I understand my colleagues are peddling the message that the EPA is waging a ''war on coal.'' But they are just trying to distract us from the facts, and the fact is the EPA is simply doing its job and following the law. It is no more complicated than that. There is no conspiracy and no secret agenda. Their job is to protect Americans, and that is exactly what they are doing.

The Clean Air Act requires the EPA to regulate emissions of mercury and other hazardous air pollutants. The EPA employs a process that requires the use of ''maximum achievable control technology.'' In other words, the standards are feasible, they are based on what industry leaders are already doing. EPA estimates more than half of coal-fired units have equipment installed that can help meet the standards. Roughly 55 percent of our electricity is from nuclear, natural gas, and renewable energy sources, and they are not subject to the rule's provisions. And for those that need more time to comply, EPA allows them up to 4 years. It is beyond reasonable.

And this is hardly a ''war on coal.''

MATS will reduce mercury emissions from powerplants by more than 90 percent, acid gases by 88 percent, and reduce emissions of more than 80 air toxics. It will also significantly reduce particulate matter, or PM, emissions that can trigger asthma attacks and damage the lungs. In fact, the combined health benefits are staggering. Beginning in 2016, EPA estimates that the standard would prevent each year 11,000 premature deaths, 4,700 heart attacks, 130,000 asthma attacks, 5,700 hospital and ER visits, and 540,000 missed work and school days.

Let me bring these numbers a little closer to home. EPA estimates MATS would prevent 130 premature deaths each year and up to $1.1 billion in health benefits in 2016.

In total, annual estimated benefits are $37 to $90 billion compared to compliance costs of $9.6 billion. That is an amazing return on investment—for every dollar spent, we will realize $3 to $6 in health benefits.

As a member of the Senate, it is my responsibility to make sure that the children of Massachusetts begin life with a fair shot, and it is my duty to protect the most susceptible, including the 128,000 kids and 531,000 adults with asthma in my home State. To put this issue in focus, one of my constituents, the mother of an asthmatic girl, has said: ''Any person who would say that EPA should be eliminated or its ability to regulate reduced should have to sit in the emergency room holding the hand of a child who can't breathe.''

Some Senators argue that the EPA standard is a job killer. Not true. The fact is it will create 46,000 short-term construction jobs and 8,000 long-term jobs in the utility sector to help build, install, and then operate emissions control equipment.

Some Senators say the rule requires too much, too fast. Not true. Look, the rule has been more than a decade in the making. Any shrewd businessperson would see the writing on the wall and develop their business plan accordingly. And many utility companies already have acted accordingly.

Some Senators say it costs too much to comply and will shut down powerplants, that these rules combined with others will threaten the reliability of the energy grid and dramatically increasing energy costs for consumers. Not true. Numerous reports from EPA, DOE, and CRS state otherwise. According to CRS, ''almost all of the capacity reductions (from the rule) will occur in areas that have substantial reserve margins. . . The final rule includes provisions aimed at providing additional time for compliance if it is needed to install pollution controls or add new capacity to ensure reliability in specific areas. As a result, it is unlikely that electric reliability will be harmed by the rule.''

And in terms of the rule's actual impact on the economy, it is likely to be extremely limited. The retail price of electricity is on average estimated to increase about 3 percent, mainly due to the increase in demand for natural gas. This seems a small price to pay for the massive health and economic benefits I have already highlighted.

We should understand that if we pass this CRA today, we are not guaranteed a do-over. The CRA explicitly prevents EPA from developing a rule to regulate mercury and air toxics from powerplants that is ''substantially the same'' as the invalidated rule. Translation: It would be nearly impossible for EPA to develop another rule to regulate these pollutants. Industry would have you believe otherwise so that you can vote to pass the CRA with a clear conscience. It is a disingenuous effort, and I sincerely hope that my colleagues will see through it.

Mr. President, it is tragic that polluters want to deny a right as basic as clean, healthy air. And it is tragic that anyone, especially a member of the Senate, would refuse to protect even children and the unborn from poisons. I urge the Senate to turn back this political assault on our environment and support standards that will do so much good for so many Americans. Anything else would be turning our backs on the people we are here to serve.

Mr. LIEBERMAN. Madam President, I rise today in strong opposition to Senator INHOFE's resolution of disapproval concerning the Environmental Protection Agency's mercury and air toxics rule. If passed, this resolution would have a devastating impact on our decades-long effort to clean up the air Americans breathe, and it would betray the responsible utility managers who have already taken steps to reduce the mercury and air toxics entering our atmosphere.

As I approach the end of my Senate career, I have spent some time reflecting on my past votes and the legacy I hope to leave behind. The debate before us today brings me back to my very first years in the Senate and an effort that has continued throughout my entire time here.

In 1990, I was part of the group of members of the Senate EPW Committee and the administration of President George H.W. Bush who negotiated and passed the Clean Air Act Amendments. At the time, the need for this legislation was painfully clear—acid rain was eating paint off of cars, and thick, visible smog blanketed too many of our cities. Some wanted Congress to turn a blind eye, but we did not. We acted, and we acted together.

During those many weeks, we met daily to reach a bipartisan agreement

that would put our country on the path to cleaner air. It was the leadership of majority leader George Mitchell and President Bush's representatives, including Boyden Gray, that led us to a grand bargain. Because all of the parties negotiated in good faith toward a common goal, the Clean Air Act Amendments were adopted in an October 1990 vote by an 89-to-10 margin. Think about that: 89 votes in favor of one of the most significant environmental law changes in our history. I regret that such a broad bipartisan agreement in support of our environment will not be repeated this week.

Now, in the final year of my Senate career, we are debating a resolution that seeks to undo one of the provisions that we worked so hard to pass as part of the Clean Air Act Amendments in my first term in office—a requirement that EPA issue standards to reduce emissions of air toxics from stationary sources. That was 22 years ago, but it was only February of this year that EPA finally published the rule that would implement these standards. Administrator Lisa Jackson and Assistant Administrator Gina McCarthy, who served so ably as Connecticut's commissioner of the Department of Environmental Protection, have brought us a rule that will finally put in place the mercury and air toxics restrictions we have been waiting for.

This resolution would roll back that rule, the first-ever national limits on powerplant emissions of air toxics, including mercury. Without this rule, powerplant operators can continue pumping dozens of tons of mercury and hundreds of thousands of tons of other toxic air pollutants into our air each year.

Many of my colleagues have spoken to the extensive health and environmental rationale behind the mercury and air toxics rule, so I will just highlight a few of the most startling statistics. One in twelve American women of childbearing age has mercury blood levels that would put their fetuses at risk for impaired development. These developmental impairments are a human tragedy, denying children their full intellectual and psychological potential.

With respect to the environment, just look at Connecticut. We are blessed by natural beauty—rolling hills, beautiful beaches, vast forests, and flowing streams and rivers. Unfortunately, every single body of water—every lake, stream, river, and pond—in the State of Connecticut has a mercury advisory in place. Where do we think this came from? It was not here before the advent of polluting powerplants spewing mercury into the air. We are blessed by plentiful fresh water, but that gift has been tainted by the mercury that has been spewed into the air over generations. Even in Long Island Sound, one of America's greatest estuaries, we are faced with a restriction on which seafood we can eat. One of the best fish in the sound—the bluefish—is off limits to us because of mercury. Is this the legacy we want to leave our children?

Of course, this debate should not be about which fish we can or cannot eat, it should be about following through on a promise we made to the American people in 1990, by a margin of 89 to 10, that we would move forward on efforts to reduce air toxics being emitted by powerplants. If we pass this resolution, we would break that promise.

Some of my colleagues may claim that the mercury rule is an attack on coal. To them I would say: This is nothing of the sort. This rule would actually save money and save lives. It would save between $37 billion and $90 billion a year in health benefits while creating 54,000 jobs. It would prevent up to 11,000 premature deaths and 130,000 cases of childhood asthma attacks each year. This is a case of government protecting its citizens with a commonsense rule to require widely available pollution control systems be installed at our powerplants.

I want to close by once again urging my colleagues not to break our promise we made to the American people in 1990 that the U.S. Government would do everything in its power to ensure the American people had clean air to breathe and to reduce dangerous pollutants in order to give our children the chance to grow up healthy. I urge my colleagues to vote no on this resolution.

Mr. MENENDEZ. Madam President, I rise to ask the Senate to protect public health, not polluters, and to protect clean air over corporate profits.

Upholding the mercury and air toxics standard means keeping toxic mercury, arsenic, lead, and other pollutants out of our lakes and streams and out of children's lungs. It will prevent 11,000 premature deaths, 5,000 heart attacks, and 130,000 asthma attacks in this country each year after its implementation.

For over 20 years polluters have fought these rules and used their influence to create delay after delay in administration after administration. It is time these rules were finally implemented so we can preserve the health of the American people and our Nation's air quality.

New Jersey has many residents who are vulnerable to poor air quality. According to the American Lung Association, there are over 184,000 children and 587,000 adults with asthma in New Jersey. It is estimated that these new air toxics standards will prevent up to 320 premature deaths and create up to $2.6 billion in health benefits in New Jersey in 2016 alone. These residents deserve better than to have their health subordinated to the financial interests of corporate executives.

Reducing toxic emissions is welcomed by New Jersey's power providers. The Public Service Enterprise Group, PSEG, New Jersey's oldest and largest electric utility, operates several of the powerplants that would be affected by the mercury and air toxic standards. Because these regulations have been in the works for over 20 years, PSEG and other power providers have already made investments in anticipation of their implementation. To assert that these standards are somehow a surprise or could not have been anticipated by electric utilities would be grossly inaccurate.

Mercury is perhaps the most dangerous pollutant targeted by this rule and coal-fired powerplants are responsible for half of the mercury emissions in the United States.

Mercury, a dangerous neurotoxin, has been associated with damage to the kidneys, liver, brain, and nervous system. It has also been shown to cause neurological and developmental problems in children. The American Academy of Pediatrics, in detailing the impact of mercury exposure on human health, noted,

> mercury in all of its forms is toxic to the fetus and children, and efforts should be made to reduce exposure to the extent possible to pregnant women and children, as well as the general population.

Elevated levels of mercury exposure have also been shown to put adults at increased risk of heart attacks, increased blood pressure, and blocked arteries. Rather than cater to polluters, we must heed the warnings of doctors, nurses, and respiratory therapists—medical professionals that have dedicated their lives to preventing and treating illness caused by mercury.

Mercury emissions also act as a pervasive contaminant throughout our Nation's watersheds, where the pollutant accumulates in fish, other wildlife, and ultimately, in humans. In 2003, Jeff Holmstead, the EPA Assistant Administrator for Air and Radiation under George W. Bush, stated:

> Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury.

In New Jersey, mercury has been a widespread and consistent contaminant in freshwater fish collected throughout the State, with unsafe concentrations of mercury being found in both urban and rural areas. The statistics send a clear message: if we don't act now, we risk mass contamination of our Nation's waters and food supply.

The mercury and air toxics standard will work to curb toxic emissions produced from coal powerplants, and to ensure that future emissions comply with set national limits. These new standards are expected to reduce mercury emissions from coal and powerplants by 90 percent, acid gas pollution by 88 percent, and particulate matter emissions by 30 percent.

Senator INHOFE's proposal, if enacted, would not only void all of the health benefits produced by the air toxics standard, but also prevent the government from issuing similar standards in the future. In effect, this would

severely curtail the government's ability to address the serious hazards posed by pollutant emissions. I believe this would be deeply irresponsible.

These national standards are long overdue. In 1990, Congress amended the Clean Air Act to require performance-based regulations of air pollutants, in an effort to reduce toxic emissions produced from industrial sources. That amendment was passed with broad bipartisan support, approved by 89 Senators, 401 House members, and signed by a Republican president. After two decades, national standards regulating powerplant emissions of mercury and other toxic pollutants are finally in place. How many more children will be poisoned by mercury in their bodies, if Congress continues to delay or eliminate safeguards ensuring health safety?

In 1990, Congress recognized the harm posed by these pollutants and took appropriate action. Now it is time for us to finally implement them and protect the health of all Americans.

Mr. HATCH. Madam President, I rise today as a signer of the discharge petition for S.J. Res. 37, the Congressional Review Act resolution of disapproval for the Environmental Protection Agency's Utility MACT rule. I support this measure with all my heart.

I urge my colleagues and my fellow citizens who are listening to this debate today to recognize that the EPA's Utility MACT rule is not just about curtailing mercury emissions from powerplants. At the heart of the Utility MACT rule is an effort to shut down our Nation's coal-mines and coal-fired powerplants. When President Obama was a United States Senator, he was the deciding vote on the Senate Environment and Public Works Committee to kill the Clear Skies bill which would have reduced mercury emissions in the United States by 70 percent.

Let's be clear about why the liberals on that committee voted against this mercury reduction measure. They did so because they wanted to hold that issue aside and use it to help pass a nationwide climate bill, the biggest anticoal legislation ever considered by Congress. In other words, killing coal mining jobs and shutting down coal-fired powerplants took priority over real and significant reductions in mercury emissions and any health benefits that would have come with those reductions.

The EPA's Utility MACT rule was carefully written to ensure that most of its mercury reductions will come from the forced shutdown of coal mines and coal-fired powerplants. It is evident that the rule is not written to allow noncompliant powerplants to remain open.

The fact is that today's vote does not stop the EPA from regulating mercury from coal-fired powerplants. But it would strip out the obvious anticoal agenda that is the heart and soul of the current Utility MACT rule. The costs of this rule outweigh the benefits by 1,600 to 1. If ever there were an EPA rule that needed to be sent back to the drawing board, this one is it.

Americans know what is at stake with today's resolution. If the EPA's rule is allowed to go forward, it jeopardizes our Nation's most affordable, abundant, and dependable domestic source of electricity. We hear a lot from the President and his allies about the scourge of inequality and the need for a more progressive economic system.

It is hard to take them seriously when you look at their support for this EPA regulation. Regulations such as these are incredibly regressive. This regulation will increase the cost of energy. That might not mean a great deal to the folks who are financing President Obama's reelection, but to low- and middle-income citizens, increased energy costs hit family budgets hard.

And it will undermine jobs. Anyone who claims to care about job creation, while at the same time supporting this regulation, has to answer a few questions. Americans are tired of lipservice when it comes to job creation. They are tired of having a job creation agenda taking a back seat to the agenda of lifestyle liberals.

They want Congress and the President to be serious about creating jobs and keeping our Nation competitive in a global economy. This regulation not only threatens jobs at coal mines and powerplants.

Much more is at stake. We are talking about a threat to the millions of jobs that are created when we as a nation enjoy the abundant affordable energy that allows us, America, to compete against our aggressive international rivals.

Let me remind my colleagues on the other side of this issue about the success of my own State of Utah. For 2 years running, Forbes magazine has listed Utah as the best State for business and jobs. Utah is a grand success story, and national policymakers should look to it for answers. Why is Utah creating jobs, while many areas of the United States are losing them? Well, there are a number of factors, but a very big one is that we are a very competitive State. After comparing the cost of doing business in other States, more and more companies are moving to Utah. A key factor in that decision is Utah's very low cost of energy. The State ranks fourth in the Nation for low cost industrial energy rates. I am aware of a number of instances where this has been a deciding factor when a major business decides to relocate to Utah. In almost every case, the States these companies are moving away from have high industrial energy rates. And, yes, about 70 percent of Utah's power comes from clean, efficient, coal-fired powerplants.

It is obvious that many of my colleagues on the other side of this issue just cannot grasp this truth; but the fact of the matter is that competiveness is critical to economic growth and job creation. It should come as no surprise that President Obama's hundreds of anti-energy efforts have failed to grow jobs in this country.

I urge my colleagues to look to my State of Utah as a model for success. We need to get off the road toward the nanny State. How bad does the European model have to get before we wake up and recognize that we want nothing to do with that type of big government failure. America is great because we have relied on the fundamentals of a free people living in a free market. And underlying our vibrant and free economy is consistently affordable energy. Affordable energy is the lifeblood of a healthy economy and always has been. I urge my colleagues to protect these fundamentals and send this Utility MACT rule back to the EPA for a major rewrite.

Mr. UDALL of Colorado. Madam President, I rise today to urge my colleagues to oppose S.J. Res. 37, a resolution of disapproval of the Mercury and Air Toxics Standards, offered by Senator INHOFE. The Senator from Oklahoma is a powerful advocate for his point of view, but I respectfully disagree that we do not need to control the emission of mercury and other toxics into our air.

This vote is one in a continuous drumbeat of attacks on environmental rules we have seen of late. It is unfortunate that some of my colleagues are attacking clean air and water rules with such fervor, especially in the name of economic recovery. When it comes to putting America back on firm economic footing, we should be working towards a comprehensive budget solution that shows the American people and the world that Congress can still function in the face of major challenges rather than with attacks on the Environmental Protection Agency.

Yet so often we hear vague, catch-all criticisms that upcoming EPA rules—real or imagined—will create uncertainty in the regulated community, impeding economic recovery. The irony is that attacks that seek to delay or remand EPA rules only exacerbate and prolong regulatory uncertainty.

Also, recall that Congress directed EPA in the Clean Air Act more than 20 years ago to develop many of the rules the agency is currently working on. That is the case with the Mercury and Air Toxics Standards. Many other rules are coming about as a result of court orders. So, put simply, EPA is doing its job.

To be sure, Congress also has a job to do when it comes to oversight of administration rules. For instance, I have been and will continue to work with EPA to make sure EPA actions respect the realities of life in rural and arid communities. This is especially important when it comes to regulations impacting Colorado water users and our farmers and ranchers.

However, wholesale assault on an agency whose mission is to protect

human health and the environment is neither a recipe for economic recovery nor a path to fostering healthier communities within which our families and neighbors live.

Let me turn specifically to the resolution of disapproval offered by Senator INHOFE.

Many of my colleagues have described on the Senate floor the various health benefits of the rule. I would like to associate myself with their remarks, because the health benefits of controlling mercury emissions are remarkable: as many as 11,000 fewer premature deaths each year; 130,000 fewer cases of childhood asthma each year; and 4,700 fewer heart attacks each year just to name a few.

But I want to add two other aspects to the debate. One, clean air and water are good for our economy.

In Colorado, for example, outdoor recreation and tourism make up the second largest sector of our economy. Coloradans enjoy skiing, hiking, hunting, angling, camping, boating and many other outdoor activities, and many Americans come to Colorado for these experiences. Our outdoor recreation economy contributes $10 billion a year to the State's economy and supports over 100,000 Colorado jobs.

This isn't limited to Colorado. Nationally, the outdoor recreation economy is worth $646 billion, supporting 6.1 million jobs.

Clean air and water are an integral part of the national outdoor recreation system. It can not function if our children are too sick to come outside to play or our waters are too polluted to fish.

Two, investing in our infrastructure through modern pollution controls is how we ensure long-term economic recovery.

ADA-Environmental Solutions is a company in Highlands Ranch, CO. ADA-Environmental Solutions is the leading producer of mercury control equipment for utilities across the country. Part of their mission is to ''sustain the viability of coal'' through the development of technologies that ''reduce emissions, increase efficiency and improve the competitive position'' of their customers.

As the Mercury and Air Toxics Standards go into effect, many utilities will upgrade their facilities with modern pollution controls. It may surprise some of my constituents in Colorado to learn that some of these plants have been operating without pollution controls for 40 years or more.

Those upgrades will be installed by Americans and provided by companies like ADA-Environmental Solutions. Those upgrades represent an investment in American jobs and a modern utility infrastructure.

In summary, clean air and water do not come at the expense of our economy. Rather, a healthy environment and a healthy economy go hand-in-hand.

Putting safeguards in place on the largest source of mercury emissions in the United States is long overdue. That is why I will be opposing S.J. Res. 37 today, and I urge my colleagues to do the same.

Mr. DURBIN. Madam President, in 1970, smoke stacks towered above cities and towns spewing black clouds of toxic pollution into the air.

Sights like these outraged Americans—however, at that time there was no legal way to force these companies to stop polluting the environment.

In response to these atrocities, Congress did two things in 1970:

First, Congress created the Environmental Protection Agency to defend our natural resources and force polluters to clean up their factories and plants.

And second, Congress passed the Clean Air Act with overwhelming bipartisan support to help ensure that all Americans could breathe clean air, free from toxic chemicals.

In the 40 years since, Republicans and Democrats have worked together in Congress to protect the health of America's families from the country's biggest polluters.

But this week in the Senate, we will vote on a provision that threatens to destroy all that progress by rolling back a critical environmental and health regulation.

Senator INHOFE has introduced a resolution that would prevent the EPA from enforcing the first national standard to regulate the emission of mercury and air toxins from power plants.

Until now, there had been no Federal standards that required power plants to limit their emission of mercury, arsenic, chromium, and acid gases. And so their pollution went unchecked.

This led to power plants becoming the single largest source of mercury in the United States. Power plants are currently responsible for 50% of the mercury, 62% of the arsenic, and over 75% of the acid gases emitted in this country every year.

These are deadly chemicals. Mercury is a potent neurotoxin that can hinder brain development and the central nervous systems of children, even while in their mother's womb.

And the heavy metals and acids emitted by power plants can cause various cancers and respiratory, neurological, developmental, and reproductive problems.

So the idea that we should allow power plants to continue to pump hundreds of thousands of tons of dangerous pollution into the environment instead of adding any of the readily available pollution controls is completely outrageous.

The harmful, toxic chemical emissions from these plants must be stopped and that is what the EPA's new Mercury and Air Toxics Standards, or MATS as they are called, does.

When implemented, the new standards will reduce mercury and acid gas emissions from power plants by almost 90%.

These reductions will save billions of dollars in public health spending each year by avoiding thousands of cases of premature deaths, aggravated asthma, and heart attacks.

In fact, every dollar spent to reduce pollution emission under the MATS rule will result in $3–$9 of health benefits.

In my state of Illinois alone, the MATS rule will save $4.7 billion and prevent an estimated 570 premature adult deaths in the next four years.

That might be why recent polling shows that 77% of Americans support the MATS rule and the reductions in air pollution that it will achieve.

However, Senator INHOFE wants to prevent these critical standards from being enforced—claiming that they are too strict and that companies have not had enough time to prepare.

But, Mr. President, this new rule didn't come out of nowhere.

Energy companies have known for more than 20 years, since the last major changes to the Clean Air Act in 1990, that new air pollution-control rules were coming and that the new rules would require them to reduce their toxic emissions.

That is why many power plants have already made the changes necessary to comply with the new rules by installing scrubbers and other air pollution-control technologies.

However, instead of investing in these available control technologies, some companies did little or nothing over the past decades to improve their old, inefficient plants.

And now these same companies state that it would be impossible for them to comply with the MAT standards without massive job losses and blackouts across the electricity grid. The facts suggest otherwise.

According to the Environmental Policy Institute, the EPA's new standards are expected to create approximately 8,000 jobs in the utility industry and an additional 80,500 jobs from investments in pollution control equipment by 2015. And the majority of these jobs will be in the construction and labor industries.

Mike Morris is chief executive of American Electric Power, a utility with multiple coal-fired plants. He said, ''We have to hire plumbers, electricians, [and] painters when you retrofit a plant. Jobs are created in the process—no question about that.''

In fact, the MATS rule is expected to add a net 117,000 jobs to the economy overall. So to say that we can't create jobs without allowing dangerous levels of toxic chemicals into the air we breathe is simply wrong. And multiple Federal agencies and third parties—including the non-partisan Congressional Research Service, the Department of Energy, and the Bipartisan Policy Center—have stated that full implementation of the MAT Standards will not cause any reliability concerns for the power grid.

EPA is working closely with the Department of Energy, the Federal Energy Regulatory Commission, State

utility regulators, and the North American Electric Reliability Corporation, to ensure there will be no issues with the electrical grid.

So it seems that we can have clean air and keep the lights on, while simultaneously creating thousands of new jobs.

We don't have to make the false choice between ensuring clean air and job creation—we can do both.

The bottom line is that acid gases and heavy metals are causing serious health problems, especially in our most vulnerable populations—children and pregnant mothers.

The EPA Mercury and Air Toxics Standards will require power plants to cut their emissions of these harmful chemicals by using readily available technology.

Many plants across the country have already proved that the standards can be met while creating jobs and keeping the lights on and businesses running.

So it's time for Republicans and Democrats to once again come together to protect the health of Americans families and ensure that everyone has access to clean air.

Therefore, I urge my colleagues to vote 'no' on the motion to proceed to Senator INHOFE's resolution.

Mrs. BOXER. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. The Republicans have 3 minutes 47 seconds, and the majority has 12 minutes 45 seconds.

Mrs. BOXER. I would take 6 minutes and retain the balance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, we are faced with a resolution today to essentially repeal something that has been 20 years in the making and is about to go into effect. It would stop the EPA, the Environmental Protection Agency, from implementing the first-ever national mercury and air toxics standards for powerplants.

A little bit later I will talk about what mercury does to people. Let me assure you, it is not good. I will also talk about the other toxics that are emitted from these dirty plants. They are not good either. When I mention them, just the names will scare us because they are names such as arsenic and formaldehyde—not good. They are going into our lungs. The mercury is getting into fish. People are getting sick. That is why this is such a dangerous moment if we were to pass this and stop the EPA from doing this.

We know that for every $3 we invest—every $1 to $3—we are going to get back $9 in health benefits. If we do the math and we follow the math, it is clear this is cost-effective and critically important.

Ask a parent who has a child who is rushed to the emergency room with asthma whether they want this done. Ask a coal-fired utility that has made these improvements already—half of them have—and they will tell us there has been hardly any impact on electricity prices, and they are happy with them.

If this resolution were to pass and the policy behind it were to pass, it means that instead of rewarding those coal-fired utilities that are doing the right thing, we are rewarding those that haven't done the right thing and continue to spew forth these toxins.

What is at stake? I ask rhetorically of people who may be listening to this: Whom do we trust more, Senators and politicians or physicians and nurses? I think we should trust these numbers from the professionals who have looked at this issue. If this resolution were to pass and EPA is blocked from implementing this new clean air standard, we will see up to 11,000 additional premature deaths, 4,700 heart attacks, 130,000 cases of childhood asthma, 6,300 cases of acute bronchitis among children, 5,700 emergency room visits, and 540,000 days of missed work. Again, the rule provides $3 to $9 in benefits for every $1 that is invested.

We are going to hear other arguments from the opponents of the Environmental Protection Agency, but the people of America are smart. They were asked just 2 months ago if they want us to interfere with the Environmental Protection Agency as they clean up the air, clean up the mercury, clean up the toxic soot, and 78 percent said: Stay out of it, politicians, and let the Environmental Protection Agency do its job.

We should thank the coal companies that have already cleaned up their act and not reward those that have delayed cleaning up their act.

Again, we will hear all kinds of horror stories. Ask the utilities that have made these improvements. We have a list of them somewhere.

We will also hear there will be lost jobs from this rule. We know there will be 46,000 short-term construction jobs as these plants become clean and 8,000 long-term jobs.

Now look at the utilities that oppose the Inhofe CRA. They include Austin Energy, Avista Corporation, Calpine Corporation, Constellation Energy, Exelon, National Grid, NextEra Energy, NYPA, Public Service Enterprise Group, and Seattle City Light. Some of these have coal-fired powerplants. They say: What are we doing? Let's keep moving toward clean energy.

I asked if we trust politicians or do we trust those who, I believe, are unquestionably character witnesses in this debate. Let's look at some of them that oppose what Senator INHOFE is trying to do today. The Catholic Health Association of the United States, Evangelical Environmental Network, Franciscan Action Network, General Baptist Convention, General Conference of American Rabbis, National Council of Churches, United Church of Christ Justice and Witness Ministries, United Methodist Church, U.S. Conference of Catholic Bishops. They oppose what my friends on the other side are leading us to today, a repeal of clean air rules.

Whom do we trust, the politicians or some of these groups that strongly oppose this resolution—the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the Nurses Association, the Public Health Association, the March of Dimes, the Physicians for Social Responsibility, and Trust for America's Health.

The ACTING PRESIDENT pro tempore. The Senator has consumed 6 minutes.

Mrs. BOXER. I ask unanimous consent for 2 additional minutes, and then I will yield and retain the balance.

Here is the chart I wished to show on utility prices. We have heard doom and gloom. Here are the facts. There was hardly any fluctuation in utility rates when half the coal-fired plants made these improvements.

Do not fall for scare tactics because we know upgrading a utility is something that has to be done. It is built into the long-term plans of these utilities.

What poisonous emissions does this clean air rule address? I talked about it before. In the balance of my time I will go through it again, but I am going to just name these toxins: mercury and lead, arsenic, selenium, cadmium, chromium, benzene, formaldehyde, acid gases, and toxic soot. All we need do is listen to what I said and we know we don't want to breathe them in and we don't want to have fish that contain too much mercury because it damages the nervous system in children and harms the brains of infants. We know how dangerous it is for pregnant women and children to eat this type of fish.

Last night, we had Senator WHITEHOUSE here from Rhode Island, and he was eloquent on the point. He had a picture, which was actually a Norman Rockwell painting—it wasn't a real painting, it was a wonderful poster. He said: Here is a perfect American scene of a grandpa taking a grandson fishing. He said that today, in his State, they can't eat the fish. Maybe they can once a month eat one fish, and in some of their lakes, they can't even eat any.

This is wrong. This is pollution blowing from other places into the Northeast. Let's defeat this resolution. It is bad for the people of this country.

I yield the floor and retain the balance of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. The question was asked by the Senator from California: Whom do we trust most, elected Senators or unelected bureaucrats?

I yield 3 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. The question is, Is pollution getting better or worse? With all

the hysteria, one would think: My goodness. Pollution is getting so much worse. All measurements of pollution show we are doing a good job and much better than we have ever done. Most of the emissions—the big emissions, sulfur dioxide and nitrous oxide—have been going down for decades. We are doing a good job with pollution.

This rule is about mercury. Powerplants emit this much of the mercury, as shown on this chart. Do my colleagues know that over half the mercury comes from natural sources? Forest fires emit more mercury than powerplants do. We already have eight regulations at the Federal level on mercury. We have a plethora of regulations at the State level.

The question is, Is mercury getting worse or is mercury lessening? For the last 5 years, the amount of mercury that is being emitted has been cut in half. If we measure mercury in the blood of women and children, it is getting less. If we say: What is a safe level of mercury in the blood, we are below that. If we look at populations who eat nothing but fish, the Seychelles Islands, they have found zero evidence that mercury is hurting any of them. When we look at mercury emissions, they are going down.

So the question is, Are we going to have a balance in our country? Does the other side care whether people work? We can do everything possible to try to eliminate this last 1 percent, but the question is, At what cost? Many are estimating 50,000 people are going to lose their jobs. Do we care if people have a job? Yes. We want to be safe, but there has to be a balancing act.

The question we have to ask is: Is the environment cleaner or worse off? The environment is so much cleaner than it used to be. The rules in place are somewhat balanced and are keeping pollution under control. What we don't want to do is go so far over the top that we lose jobs. This new rule is estimated to lose 50,000 jobs.

I think the American people need to have a say in this. We don't need to give up that power to unelected bureaucrats we can't remove from office. Let's let our representatives get involved to have more of a balance in the regulations.

I suggest we vote in favor of this resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I understand our time has expired. I ask unanimous consent that Senator KYL have 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Madam President, S.J. Res. 37 is very important.

If passed, this resolution would overturn one of the most costly and unnecessary regulations ever adopted by the EPA. Unless we in Congress act, that regulation, Utility MACT, would establish the first ever ''maximum achievable control technology''—or MACT—standards for ''hazardous air pollutant''—or HAP—emissions from powerplants.

The Clean Air Act only allows the EPA to set MACT standards for HAP emissions if it can establish a hazard to public health that would make such regulatory action ''appropriate and necessary.''

In December 2000, just as a new administration was set to take office, the Clinton EPA, under great pressure from special interests, promulgated a Utility MACT rule based on public health concerns about mercury. The data simply do not support that regulation.

First of all, mercury does not pose health risks via inhalation, but rather only after entering water bodies and accumulating as methylmercury in the aquatic food chain. For humans, the primary route of mercury exposure is through eating fish. Accordingly, the EPA itself has acknowledged uncertainties about the extent of public health risks that can be attributed to electric utility mercury emissions, and it admits that ''there is no quantification of how much of the methylmercury in fish consumed by the U.S. population is due to electricity emissions.

We now know too that the EPA's projections for major increases in mercury emissions from powerplants at the time were grossly inaccurate. The agency estimated that emissions would increase from 46 tons in 1990 to 60 tons in 2010. But, in fact, they actually declined to just 29 tons in 2011—more than 50 percent below the projections—and all without the MACT rule.

Moreover, the studies EPA relied upon about methylmercury exposure in children and women of childbearing age have also been found to have inflated health risks. More recent research undertaken by the CDC indicates that Americans are not being exposed to levels of mercury considered harmful to fetuses, children, or adults. Additionally, both the FDA and the Agency for Toxic Substances and Disease Registry have recommended regulatory levels for mercury that are significantly less stringent than the EPA's reference dose.

With respect to nonmercury hazardous air pollutants—or HAPs—the EPA does not set actual limits for those emissions. Instead, it uses limits for fine particulate matter emissions in the standard as a surrogate for a variety of HAPs under the rule. While EPA calls the benefits associated with reducing particulate matter ''co-benefits'' of establishing the Utility MACT regulation, it has also stated that such reductions are not the primary objective or justification for the rule. If that is the case, then why are more than 99 percent of the rule's claimed health benefits due to projected reductions in particulate matter? I am all for incidental health benefits—it is always nice to get more bang for the buck—but that's simply not what is going on here.

Double-counting the benefits from reducing particulate matter as a Utility MACT benefit is, at best, misleading. Indeed, if 99 percent of the quantified health benefits cited in the rule are not due to reductions in HAPs, can we really call the Utility MACT rule ''appropriate and necessary?''

The EPA is trying to pull a fast one by regulating particulate matter—a non-HAP—under the guise of concern about mercury. The agency already regulates particulate matter emissions under the Clean Air Act, and it has been doing so for 15 years. If it believes there are benefits to further reducing particulate matter emissions, it already has the power to do so; adopting S.J. Res. 37 would not prevent such EPA action.

Once the coincidental co-benefits from reducing particulate matter—estimated to be $33 billion to $89 billion, or $3 to $9 in health benefits for every dollar of cost—are excluded from Utility MACT, the EPA's own cost benefit analysis demonstrates that the health benefits of the rule are far outweighed by its costs. The EPA estimates that implementing the Utility MACT rule would cost $9.6 billion in 2016, and that reductions in mercury emissions would provide just $0.5 to 6 million in health benefits in the same year. This means that, even in the best case scenario, the cost of Utility MACT will exceed its estimated benefits by a factor of 1,600 to 1.

Sixteen hundred to one.

The cumulative costs and consequences of this and other EPA regulations are both real and substantial. Final and pending EPA regulations will reduce the diversity of America's energy portfolio, increase energy prices, eliminate jobs, and threaten electric reliability.

With regard to our energy portfolio, we are already seeing negative effects. Coal's share of electric power generation recently dropped to just 34 percent, the lowest level we have seen since the 1970s. As a result, utility companies have already announced plans to shut down more than 25,000 megawatts of electricity rather than upgrade plants with costly new emissions control technology. These changes in our energy portfolio are just the tip of the iceberg. The North American Electric Reliability Corporation—or NERC—estimates that EPA regulations will lead to an additional retirement of 36,000 to 59,000 megawatts of electricity generation. The Federal Energy Regulatory Commission's Office of Electric Reliability has stated that EPA regulations would likely shutter 81,000 megawatts.

These plant closure predictions from nonpartisan reliability organizations are 8 times higher than EPA's estimates of just 10,000 megawatts. The closures caused by EPA regulations will not just affect our energy mix—they will also affect grid reliability.

NERC has said that EPA regulations pose the No. 1 threat to grid reliability.

But these reliability organizations are not the only ones concerned about the EPA's effect on coal and coal power generation. Earlier this month, Moody's changed its outlook on the coal industry to ''negative,'' largely blaming the EPA for the downgrade. As Moody's put it in a statement:

> A regulatory environment that puts coal at a disadvantage along with low natural gas prices, have led many utilities to increase or accelerate their scheduled coal plant retirements.

It continued:

> In addition, newly proposed carbon dioxide regulations would effectively prohibit new coal plants by requiring new projects to adopt technology that is not yet economically feasible.

I have witnessed the EPA's attempts to reshape the energy industry through regulation in my home State.

Arizona relies on coal-fired power for its base-load electricity. Coal mining and plant operations are an important employer and economic engine for Arizonans and, specifically, for our Indian Tribes. As just one example, take the Navajo Generating Station—or NGS—a 2,250-megawatt facility located on the Navajo Nation's reservation.

The NGS was constructed as part of a negotiated settlement with environmental interests that, at the time, preferred a coal-fired powerplant to a hydropower dam project in the Grand Canyon. It provides more than 90 percent of the pumping power for the Central Arizona Project, Arizona's primary water delivery system. The plant and the coal mined to operate it play a vital role in the economies of the Navajo Nation and the Hopi Tribe, not to mention the State as a whole. A study prepared by Arizona State University's Seidman Institute concluded that the NGS and its associated mine will account for over $20 billion in gross State product—GSP—almost $680 million in adjusted State tax revenues, and more than 3,000 jobs.

Yet, the station's future viability is now directly threatened by Utility MACT and other pending EPA regulations. Right now, the EPA is undertaking an NGS-specific rulemaking to determine whether additional emissions control technologies should be installed at the station for purely aesthetic visibility reasons, rather than actual health concerns. That rulemaking could require the installation of emissions controls at a cost of more than $1.1 billion.

That is just one power station—just one—$1.1 billion. And we don't even know yet what the estimated cost of compliance with Utility MACT might be.

Steve Etsitty, executive director of the Navajo Nation EPA, said this about EPA's regulatory approach:

> EPA's one size fits all' approach to rulemaking fails to acknowledge or address the specific concerns and impacts to the Navajo Nation, as well as regional impacts. Making matters worse, EPA's uncoordinated approach to rulemakings impacting the same industries creates regulatory uncertainty, increases compliance costs, and puts at substantial risk the national and regional economies, critical jobs of Navajo people, and the very viability of the Navajo government.

I couldn't agree more.

The consequences of a shutdown of the Navajo Generating Station would be felt throughout the State, and even by the Federal Government. However, a shutdown would most acutely impact Indian tribes, whose economies and access to affordable water are highly dependent on the NGS.

Thus, the consequences of the EPA's regulatory war on coal go far beyond the coal industry itself. Real people in my State and across the country will pay the price.

That is why I urge my colleagues to support the resolution before us today. I am all for clean air. I don't know a single colleague who would take the opposite view. And I can assure my friends on the other side of the aisle that we are firmly antimercury contamination as well. But that is not really the question here.

It is not a matter of clean air versus dirty air, or mercury contamination versus no mercury contamination. These are false choicest. We can have clean air and a healthy economy. We can reduce mercury levels and reduce unemployment. But we have to be smart about how we regulate.

Utility MACT is simply a bad regulation. It is refuted by the very science used to justify its promulgation. Moreover, its economic effects would be negative and far-reaching, while its estimated benefits would be minimal and hardly worth the significant costs. And it would make domestic energy generation more difficult at a time of rising energy demand.

With growing unemployment, huge deficits, and anemic growth, this is also the wrong time to be whacking our economy with one of the most expensive and far-reaching regulations ever to come from the EPA.

We have to be smart about this, and Utility MACT is just not a smart regulation.

I urge my colleagues to support S.J. Res. 37 and help overturn this misguided, job-killing rule.

Again, I will simply say at this point that adopting this resolution is very important to prevent the implementation of a regulation which I think has very clearly been established. It does not meet the test that would be required for the promulgation of a public health regulation and fails any test of cost-benefit analysis.

Therefore, I urge my colleagues to think about the effect on the industry, on the people of America, on the economy at this time, and adopt the resolution offered by the Senator from Oklahoma.

Mr. INHOFE. Madam President, I understand there is 1 minute remaining, so let me just clarify a couple things.

First of all, several have made comments about the Clean Air Act. I was supportive of the Clean Air Act. It has done a great job, and I think that should be clarified.

We have had three medical doctors testify as to the health implications on this.

I would only say this: If we are truly concerned about what is happening, keep in mind what the Senator from Alaska, Ms. MURKOWSKI, said. The maximum achievable control technology is not there. So if we vote against this amendment and they allow this rule to continue, we are effectively killing coal in America that has accounted for almost 50 percent of our industry.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Am I correct that there is 4 minutes remaining on my side?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. BOXER. I yield 1 of those minutes to Senator PRYOR.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. I thank the Senator from California.

Right now, when we open the paper and when we turn on the evening news, we see these ads for clean coal. We need clean coal. We are akin to the Saudi Arabia of coal. They say we have 400 years' worth of coal supply in this country. We have the technology now to take 90 percent of the mercury out and a lot of the particulates and we should do it. This is our chance to do it.

This is a rule that has been 20 years in the making. This is not something people dreamed up over the last couple years. This has been 20 years in the making, and Congress has mandated we do this.

I would say this in my part of the closing: We should not have to make a false choice. We don't have to be anticoal and prohealth. We can be both. We can do what is good for the health of the country and good for coal; that is, have clean coal, uphold this rule, and vote against the Inhofe resolution.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, the Senator from Oklahoma said I asked: Whom do we trust more, politicians or bureaucrats? No; that is not what I said. I said: Whom do we trust more, politicians or groups such as the American Academy of Pediatrics, the American Association of Respiratory Care, the American Heart Association, the Lung Association, the nurses, the March of Dimes, et cetera. I believe that when it comes to the trust of the public, these groups have one concern and that concern is the health of our people. That is why we have to defeat this resolution and allow the Environmental Protection Agency, after 20 years, to finally promulgate a rule that

will go after the worst toxins that are coming out of coal-fired plants.

I will go through a few of these. Mercury is a heavy metal that can damage the nervous system in children and harm the brain of infants, causing slower mental development and lower intelligence. Why do we want to take a stand against the children and their brain development? Mercury can accumulate in the food chain. We know this. What happens is people—especially pregnant women and children—can't eat fish because of the high content of mercury.

Then there is lead. These are the things we are talking about getting out of the air. Lead can damage the nervous system of children and harm the brains of infants, causing slower mental development and lower intelligence.

There is no known safe level of lead in the blood of children. This is indisputable fact. It can harm the kidneys and cause high blood pressure, damage reproduction, cause muscle and joint pain, nerve disorders. Why would anyone—why would anyone stand on this floor and say it is OK to allow these toxins to be polluting our environment? Arsenic is a heavy metal that causes cancer, damages the nervous system, kidneys, and liver. Powerplants account for 62 percent of all the arsenic pollution we are fighting against. Why would anyone who cares about the people they represent vote for this resolution and stop the EPA from cleaning up our air?

Vote no. There is no reason to risk the health of the American people by voting for the utility CRA resolution. If the resolution passes and if that resolution were to become the policy of this country, thousands—hundreds of thousands of Americans every year would be harmed. This is not rhetoric, this is fact. Scientists have told us this. The health groups have told us this.

I urge a strong ''no'' vote.

I yield the floor.

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—46

Barrasso	Coats	Crapo
Blunt	Coburn	DeMint
Boozman	Cochran	Enzi
Burr	Corker	Graham
Chambliss	Cornyn	Grassley
Hatch	Lugar	Rubio
Heller	Manchin	Sessions
Hoeven	McCain	Shelby
Hutchison	McConnell	Thune
Inhofe	Moran	Toomey
Isakson	Murkowski	Vitter
Johanns	Nelson (NE)	Warner
Johnson (WI)	Paul	Webb
Kyl	Portman	Wicker
Landrieu	Risch	
Lee	Roberts	

NAYS—53

Akaka	Durbin	Mikulski
Alexander	Feinstein	Murray
Ayotte	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Boxer	Kerry	Schumer
Brown (MA)	Klobuchar	Shaheen
Brown (OH)	Kohl	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	McCaskill	Whitehouse
Conrad	Menendez	Wyden
Coons	Merkley	

NOT VOTING—1

Kirk

The motion was rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, if I could have the attention of the Senate, we did very well yesterday. We have a lot to do. We have to work on this. We have flood insurance. Both are important issues.

This is going to be a 10-minute vote. The order that has been entered is that all the remaining votes are 10 minutes. We had a 15-minute vote on the first one. I know there are a lot of things going on today, but we are going to have to work around them. That is the most important part of our job—voting. So let's work. Let's try to get out of here. We are going to try to finish this bill tonight.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3240, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3240) to reauthorize agricultural programs through 2017, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

AMENDMENT NO. 2345

Mr. MANCHIN. Madam President, I call up amendment No. 2345.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. MANCHIN] proposes an amendment numbered 2345.

Mr. MANCHIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require national dietary guidelines for pregnant women and children from birth until the age of 2)

On page 361, between lines 8 and 9, insert the following:

SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.

Section 301(a) of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341(a)) is amended by adding at the end the following:

''(3) PREGNANT WOMEN AND YOUNG CHILDREN.—Not later than the 2020 report and in each report thereafter, the Secretaries shall include national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.''.

The ACTING PRESIDENT pro tempore. There will be 2 minutes of debate equally divided, 1 minute for each side.

Mr. MANCHIN. Madam President, I do not believe there is opposition to this amendment. I urge my colleagues to support this bipartisan, commonsense amendment that will address a very urgent need in this country: helping our children develop healthy eating habits at a very young age.

I wish to thank my cosponsor, Senator KELLY AYOTTE from New Hampshire, for working with me on this amendment. All this does is require the Department of Health and Human Services and the Department of Agriculture to develop, implement, and promote national dietary guidelines for pregnant women and for children up to 2. It is the only segment we have not done. If you are 2 years of age or older, we do it. We try to tell you how to stay healthy, what you should eat, what you should feed your child. This basically fills in the gap for woman from when they become pregnant until 2 years of age.

I urge support of this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I yield back all time. It is my understanding that we can proceed with a voice vote on this amendment.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2345) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 2382

Mr. MERKLEY. Madam President, I call up my amendment No. 2382.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2382.

The amendment is as follows:

(Purpose: To require the Federal Crop Insurance Corporation to provide crop insurance for organic crops under similar terms and conditions to crop insurance provided for other crops)

On page 970, between lines 5 and 6, insert the following:

SEC. 11019. CROP INSURANCE FOR ORGANIC CROPS.

(a) IN GENERAL.—Section 508(c)(6) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(6)) is amended by adding at the end the following:

''(D) ORGANIC CROPS.—

''(i) IN GENERAL.—As soon as possible, but not later than the 2015 reinsurance year, the Corporation shall offer producers of organic crops price elections for all organic crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) that reflect the actual retail or wholesale prices, as appropriate, received by producers for organic crops, as determined by the Secretary using all relevant sources of information.

''(ii) ANNUAL REPORT.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

''(I) the numbers and varieties of organic crops insured;

''(II) the progress of implementing the price elections required under this subparagraph, including the rate at which additional price elections are adopted for organic crops;

''(III) the development of new insurance approaches relevant to organic producers; and

''(IV) any recommendations the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.''.

(b) CONFORMING AMENDMENT.—Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522(c)) (as amended by section 11018) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate equal divided on the amendment.

The Senator from Oregon.

Mr. MERKLEY. Madam President, this bill is about holding USDA accountable. Organic farmers, when they get crop insurance, pay a 5-percent premium upfront. The whole concept was that on the back end they would be compensated at the value of their organic crop should they need to utilize their insurance. However, to establish the price of the organic crop, USDA has to do a study. We instructed them to do this study 4 years ago, and they have been dragging their feet. They have done four crops out of the many dozens.

Our organic farmers are left in the most untenable position of paying the premiums upfront but not getting the fair organic prices on the back end. This amendment says to get the studies done, which you were told to do 4 years ago, so the equation is fair to our farmers.

I am pleased that Senator OLYMPIA SNOWE is a cosponsor.

I yield the floor and reserve the remainder of my time.

Ms. STABENOW. Madam President, just for the information of the Senate, Senator DEMINT's amendment was next, but we have not seen him on the floor yet. So we moved to this amendment. As soon as he arrives, we will return to the DeMint amendment.

It is my understanding that we can proceed to a voice vote in the meantime.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. STABENOW. I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The question is on agreeing to the amendment.

Mr. ROBERTS. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—63

Akaka	Gillibrand	Moran
Baucus	Grassley	Murkowski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Hoeven	Nelson (FL)
Blumenthal	Inouye	Pryor
Boxer	Johnson (SD)	Reed
Brown (MA)	Kerry	Reid
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Snowe
Coats	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—36

Alexander	Enzi	McConnell
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	McCain	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2382) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2273

Mr. DEMINT. Mr. President, I wish to bring up amendment No. 2273.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2273.

The amendment is as follows:

(Purpose: To eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunications services in rural areas)

Beginning on page 765, strike line 9 and all that follows through page 766, line 16, and insert the following:

''(B) MAXIMUM.—The amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

''(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

''(i) remote locations;

''(ii) low community populations;

''(iii) low income levels; and

''(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

''(I) State, local, and tribal governments;

''(II) nonprofit institutions;

''(III) institutions of higher education;

''(IV) private entities; and

''(V) philanthropic organizations.'';

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. DEMINT. Mr. President, the farm bill adds a new grant component to the existing rural utility service broadband loans and loan guarantee program. My amendment would eliminate the authority of the Secretary of the Department of Agriculture to increase the taxpayer share of these broadband grants beyond 50 percent.

Please keep in mind that these are not direct loans, these are grants that require no payback. It is important that recipients have some skin in the game so that they make good decisions. My amendment allows the 50-percent threshold cost sharing but does not allow the Secretary to waive that and make that a 75-percent share by the taxpayer.

I encourage my colleagues to support this moment of fiscal sanity here.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to oppose this amendment. It has a similar impact to one yesterday we defeated by this Senator. It basically goes to the question of whether we are going to allow investment in rural communities—the hardest hit communities, the farthest apart communities—and whether they will have access to broadband. It really goes to small businesses, in small towns and villages, and whether they are going to have access to sell their products to consumers around the globe. We are in a global economy.

In the 1930s and 1940s, we did rural electrification to make sure the farmer

at the end of the road was connected with electricity. This is the same kind of thing, but it is the Internet. It is broadband. We want to make sure everybody is connected, even those in the remote, rural areas.

I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—44

Alexander	DeMint	McCaskill
Ayotte	Enzi	McConnell
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Hutchison	Sessions
Coats	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Johnson (WI)	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	Wicker
Crapo	McCain	

NAYS—55

Akaka	Harkin	Nelson (NE)
Baucus	Inouye	Nelson (FL)
Begich	Johnson (SD)	Pryor
Bennet	Kerry	Reed
Bingaman	Klobuchar	Reid
Blumenthal	Kohl	Rockefeller
Boxer	Landrieu	Sanders
Brown (OH)	Lautenberg	Schumer
Cantwell	Leahy	Shaheen
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Moran	Wyden
Gillibrand	Murkowski	
Hagan	Murray	

NOT VOTING—1

Kirk

The amendment (No. 2273) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2289

Mr. COBURN. Mr. President, I call up my amendment No. 2289.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2289.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce funding for the market access program and to prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food)

On page 293, strike lines 16 through 19, and insert the following:

SEC. 3102. FUNDING FOR MARKET ACCESS PROGRAM.

Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''and'' after ''2005,''; and

(B) by inserting '', and $160,000,000 for each of fiscal years 2013 through 2017'' after ''2012,''; and

(2) by adding at the end the following:

''(3) PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES.—None of the funds made available to carry out this subsection shall be used for—

''(A) wine tastings;

''(B) animal spa products;

''(C) reality television shows; or

''(D) cat or dog food.''.

Mr. COBURN. This is an amendment that falls in line with the recommendation of the administration as well as every outside group that has ever looked at this program.

The Department of Agriculture has five access to marketing programs. This is just one of them. The administration recommended a 20-percent reduction. We have put forward an amendment to reduce it by 20 percent. We spend $2 billion over the next 10 years on market access. American contribution of total world agricultural products is on the decline in spite of these programs, and the waste in these programs—if we look at where the money is spent—is unbelievable.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose my colleague's amendment.

The reality for us is that American agricultural exports is one of the few places where we have a trade surplus right now, and we want to continue that. The current program the Senator is speaking about is all about exports. It is all about jobs. For every $1 invested in this particular market access program, $35 is generated back into economic activity. I think that is a pretty good investment.

We know it is a very important part of the future not only for our traditional production agricultural parts of the country but for smaller value-added food products which really is in exports, and this supports that.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I assume by the chairman's response that she supports the $20 million that went into a reality TV show in India to purchase cotton other than ''made in the United States.'' That is where $20 million of it went. That is what is wrong with this program.

I am not objecting to the fact that we ought to have market access programs. But when we are wasting $20 million on something that has no connection whatsoever with American agricultural products, we ought to reduce or eliminate it.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Mr. President, let me say again—and I am not familiar with this. I know we are trying to redevelop an American denim industry. I had a chance to actually visit a denim factory in Texas. We are trying to support our cotton industry. I am not familiar with this, but I urge a ''no'' vote.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—30

Alexander	Grassley	Portman
Ayotte	Hatch	Risch
Burr	Inhofe	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Corker	Lee	Tester
Cornyn	McCain	Thune
Crapo	McCaskill	Toomey
DeMint	McConnell	Vitter
Graham	Paul	Wicker

NAYS—69

Akaka	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Moran
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Heller	Nelson (NE)
Blumenthal	Hoeven	Nelson (FL)
Blunt	Hutchison	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	Manchin	Whitehouse
Enzi	Menendez	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2289) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2293

Mr. COBURN. Mr. President, I call up the pending amendment No. 2293.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2293.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit subsidies for millionaires)

At the appropriate place, insert the following:

SEC. ___. ADJUSTED GROSS INCOME LIMITATION FOR CONSERVATION PROGRAMS.

Section 1001D(b)(2)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(2)(A)) is amended—

(1) by striking ''LIMITS.—'' and all that follows through ''clause (ii),'' and inserting ''LIMITS.—Notwithstanding any other provision of law,''; and

(2) by striking clause (ii).

Mr. COBURN. Mr. President, reducing our national debt—which now exceeds $15.8 trillion—is the most critical issue facing our nation. Our country simply cannot survive if we continue down this unsustainable course. Every area of the Federal budget should be examined to determine, which programs should be priorities.

Federal conservation programs are a good place to start. These programs pay farmers and ranchers to either implement conservation measures on their farms, ''working lands'', or to idle their land for conservation purposes, and ''land retirement''.

Oftentimes, the financial assistance offered by these programs incentivizes what is already in the best financial interests of farmers. Natural, market-based incentives already exist to achieve the efficiency and conservation purposes of these programs without taxpayer dollars. Not only that, but these programs also pay farmers and companies that have adjusted gross incomes, AGI, of $1 million or more.

Special rules allow the USDA to waive income limitations for certain programs, which it does on a regular basis. The result is millions paid to otherwise ineligible millionaires each year.

In fact, over the past 2 years, USDA waived the $1 million AGI cap for the programs discussed below and paid a total of $89,032,263 to individuals or entities with an AGI of $1 million or more. Allowing federal conservation programs to make payments to those with an adjusted gross income, AGI, of $1 million or more is simply not a priority for taxpayers.

This amendment would prevent USDA from paying millionaires by eliminating the ability to issue waivers that exempt program participants who have an AGI of $1 million or more from adhering to the program's payment limit rules.

In total, over a 2-year period, USDA waived program requirements and awarded over $84 million to individuals and entities with an AGI of $1 million or more.

In 2009, the USDA waived program requirements and paid two millionaires a total of $10,234,520, which consisted mainly of a $10 million payment to an investment company in California for restoring wetlands to protect the Riparian Brush Rabbit.

In 2010, the Wetland Reserve Program, WRP, program paid eight individuals with an AGI of $1 million over $74 million. These included almost $22 million to a ranch in Florida. The company that owns the ranch describes itself as a ''privately held, family-owned company with agricultural, commercial real estate, and asset management operations.'' That company also states that it owns a number of commercial real estate properties in New Jersey and Florida. The company also claims holdings that include multi-tenant office buildings, parking lots, a for-profit educational institution, restaurants, and retail property.

In 2010, USDA also paid over $31 million to another ranch in Florida. The payment was part of an $89 million purchase by USDA of an easement that places deed restrictions on the use of the land along 26,000 acres of the Fisheating Creek Watershed, partially located on the ranch. USDA claimed that the easement purchase would provide support for the crested caracara, Florida panther, and the red-cockaded woodpecker.

Recently, the owners of the ranch listed 2,600 acres for sale for $18.2 million. The property is described as a working ranch with ''tremendous recreation and hunting attributes.'' The local newspaper has also reported that same ranch was slated for a new 12,000–unit planned community.

Other entities and individuals with an AGI of $1 million or more that received WRP payments in 2010 include:

$7.92 million to a company in Texas for ''restoration and protection of critical and unique wetlands'' on a property known as East Nest Lake and Osceola Plantation; $5.8 million to a farm in North Carolina to promote a ''habitat for migratory birds and wetland dependent wildlife;'' $5.4 million to a ranch in Florida for land with ''high potential to significantly improve waterfowl and wading bird habitat'' $900,853 to an individual in Kansas to ''protect and [for] restoring . . . valuable wetland resources . . . for migratory birds and other wildlife;'' $227,203 to a company in New Hampshire for ''wetland restoration;'' and $80,000 to two individuals in Mississippi to ''restore, protect and enhance wetlands.''

In 2010, USDA waived the $1 million AGI requirement and paid a ranch holding company over $2.7 million through Grassland Reserve Program, GRP, for ''protection of critical and unique grasslands.''

Last year, USDA paid four millionaires a total of $592,097 through the Environmental Quality Incentive Program, EQIP, $299,847 of which was aimed at protecting the Sage Grouse by a ranch in California; $50,000 went to a farm. That farm is owned by the W.C. Bradley Company, which is best known for producing Char-Broil outdoor grills and Zebco fishing supplies; remaining amounts of $35,250 and $210,000 went to two family trusts.

The Wildlife Habitat Incentive Program paid $737,000 to three millionaire recipients, with the majority of the funds $449,662 going to protect the Sage Grouse by a family trust in California. A farm in Georgia also received $100,000 through WHIP for ''promotion of at-risk species habitat conservation.'' The remaining $187,540 went to a company in New Jersey.

Farm and Ranch Land Protection Program, FRPP paid $630,000 to a company in 2009 to protect Raspberry Farms in Hampton Falls, New Hampshire. Raspberry Farms formerly operated as a ''popular pick-your-own berries and retail farm stand'' in the 1980s and early 1990s.

The former farm was scheduled to be developed for housing, but instead, NRCS, in partnership with local entities, paid a total of $1.6 million to ensure the land will never be developed.

In 2010 USDA paid four individuals and entities with an AGI of $1 million or more a total of $75,540.

Again, this is a very straightforward amendment. Last year the Department of Agriculture paid $10 million to two different individuals, who had an adjusted gross income of over $1 million, through a waiver granted by the Department of Agriculture. Both of these were ineligible, but we give the Department of Agriculture the right to waive that. This amendment would restrict that right for a waiver for people making more than $1 million a year in terms of conservation payments.

There is nothing wrong with conservation programs, but most often these payments are paid in addition to what people are going to do anyway. So what the Department of Agriculture has done is given well over $180 million to millionaires through our conservation payment on programs they would have otherwise done themselves.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would indicate that the conservation program is a very strong, effective program, but I am not objecting, nor is the ranking member, to moving forward with the vote. I believe the Member wishes to have a record rollcall, is that correct? So we would yield back time and ask for a record rollcall vote.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—63

Alexander	Graham	Menendez
Ayotte	Grassley	Merkley
Barrasso	Hatch	Mikulski
Bennet	Heller	Moran
Bingaman	Hoeven	Murkowski
Blunt	Hutchison	Nelson (NE)
Boozman	Inhofe	Paul
Brown (MA)	Isakson	Portman
Brown (OH)	Johanns	Risch
Burr	Johnson (WI)	Roberts
Chambliss	Kerry	Rockefeller
Coats	Kyl	Rubio
Coburn	Landrieu	Sessions
Cochran	Lee	Shelby
Collins	Levin	Snowe
Conrad	Lieberman	Stabenow
Corker	Lugar	Thune
Cornyn	Manchin	Toomey
Crapo	McCain	Vitter
DeMint	McCaskill	Wicker
Enzi	McConnell	Wyden

NAYS—36

Akaka	Franken	Pryor
Baucus	Gillibrand	Reed
Begich	Hagan	Reid
Blumenthal	Harkin	Sanders
Boxer	Inouye	Schumer
Cantwell	Johnson (SD)	Shaheen
Cardin	Klobuchar	Tester
Carper	Kohl	Udall (CO)
Casey	Lautenberg	Udall (NM)
Coons	Leahy	Warner
Durbin	Murray	Webb
Feinstein	Nelson (FL)	Whitehouse

NOT VOTING—1

Kirk

The amendment (No. 2293) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2453

Ms. STABENOW. I call up my amendment 2453 and ask unanimous consent to add Senator SNOWE as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2453.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance for certain losses)

On page 1006, between lines 21 and 22, insert the following:

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).''.

Ms. STABENOW. This amendment simply addresses what has happened with severe and devastating freezes across the country for those who have food crops and don't have access to crop insurance. This Farm Bill makes great strides in expanding crop insurance for fruit and vegetable growers in the United States. However, these new programs will not be available to producers who suffered substantial—and in some cases complete—losses this year. This amendment would simply allow those in the States that are affected to buy into a program we have, called the Non-Insured Disaster Program, that allows them to get some kind of help for the freezes.

This provides them the same coverage they will have in the years going forward—this is the same kind of extension for 2012 losses that is available for livestock producers. 29 States in every part of the country have reported major crop losses for 2012 due to frost or freeze. I urge my colleagues to support this amendment so these farmers aren't losing their business because of bad weather.

I believe we can move forward with a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2453) was agreed to.

Mr. BEGICH. Mr. President, I move to reconsider the vote.

Ms. KLOBUCHAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2454

Mr. KERRY. I call up amendment No. 2454, my amendment together with Senator LUGAR.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act unless the President issues a national interest waiver)

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

(a) IN GENERAL.—No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

(b) NATIONAL INTEREST WAIVER.—The President may waive subsection (a) if the President determines and certifies to the Committees on Agriculture, Nutrition, and Forestry and Foreign Relations of the Senate and the Committees on Agriculture and Foreign Affairs of the House of Representatives that the waiver is in the national interest of the United States.

Mr. KERRY. Mr. President, the Kerry-Lugar amendment is a side-by-side amendment, frankly, which will counter the amendment of the Senator from Arizona, Mr. KYL.

We all join in abhorring the conduct of the Government of North Korea. Nobody contests that. The question here is whether we want to have a complete prohibition on any humanitarian assistance, without the possibility of a Presidential waiver in the event that the President, as a matter of national policy, as a matter of our humanitarian policy, decides that something has changed in North Korea or there is behavior that has been altered by North Korea, as in Burma. If we don't have a Presidential waiver, the Kyl amendment permanently locks in—until there is other congressional action—a complete prohibition on any humanitarian assistance to the people—not the government but the people, the children and families of North Korea.

Ronald Reagan said very clearly that ''a hungry child knows no politics.'' I believe we ought to uphold that principle and have the Presidential waiver in this particular case.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I oppose the Kerry amendment and hope it will be defeated and that my amendment will be adopted.

Senator KERRY has appropriately characterized the amendment as being food aid to North Korea. However, it is not just about abhorring North Korea's bad behavior but also the administration's bad behavior. On four separate occasions, the State Department assured Members of this Senate that food aid would not be used as a condition to negotiations with the North Koreans; that under no circumstances would the United States provide any incentives or rewards, is the way they put it, to North Korea. In each case, we inquired, and we specifically talked about the food aid. Four times they said no, it wouldn't be done. Two weeks before the negotiations were to begin this spring, all of a sudden, $240 million in food aid was put on the table, and only because the North Koreans launched their so-called satellite long-range missile were those negotiations canceled.

So a national security interest that can simply be provided by the President based on his views——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. Does not solve the problem.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is much to counter that, but we do not have the time to do it. But I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—59

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Portman
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Blunt	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Carper	Lugar	Tester
Casey	Manchin	Udall (CO)
Collins	McCaskill	Udall (NM)
Conrad	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	

NAYS—40

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Paul
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kyl	Vitter
Crapo	Lee	Wicker
DeMint	Lieberman	
Enzi	McCain	

NOT VOTING—1

Kirk

The amendment (No. 2454) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2354

Mr. KYL. Mr. President, I call up my amendment which is at the desk, No. 2354. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2354.

The amendment is as follows:

(Purpose: To prohibit assistance to North Korea under title II of the Food for Peace Act)

At the end of subtitle A of title III, add the following:

SEC. 3015. PROHIBITION ON ASSISTANCE FOR NORTH KOREA.

No amounts may be obligated or expended to provide assistance under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) to the Democratic People's Republic of Korea.

Mr. KYL. Mr. President, what I said before was, on four separate occasions over just a couple of months, the administration had assured Members of the Senate that it would not use food aid as an enticement to the North Koreans to come to the negotiating table.

Here are direct quotations from the State Department, comments such as ''had no intention of rewarding them for their actions that their government has already agreed to take.'' Reaffirmed, ''There are no financial incentives for North Korea to meet the precepts or engage in talks.''

Deputy Secretary of State Bill Burns, ''To be clear, the Administration will not provide any financial incentives to Pyongyang. . . .'' et cetera, on the negotiations. And further that ''any engagement with North Korea will not be used as a mechanism to funnel financial or other rewards to Pyongyang.''

We also heard media reports and asked them about them. They said no:

These media reports are not accurate. U.S. policy toward North Korea has not changed. We have no intention of rewarding North Korea—

And so on. And a mere 3 weeks later, we do exactly the opposite. That is why a waiver for the President to say otherwise does not do any good and why I urge support——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYL. For my resolution which simply prevents the administration from providing food aid to North Korea.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, there is an important distinction here. If you are going to provide humanitarian assistance in some circumstance, and the administration made good on its promise to do that, it is hard to separate it from the events as they are going forward that you do not control. No matter who is President, the Senate should not tie the hands of any President with respect to this policy.

Ronald Reagan said it best when he said very clearly that ''a hungry child knows no politics.'' That was Ronald Reagan's policy. That is the policy of churches all across our country. The fact is that if the Kyl amendment were to pass, you will have tied the hands of any President on a sensitive national security issue where the President deserves that kind of flexibility.

Without a national interest waiver, you lock into place a prohibition in North Korea. What happens if suddenly you had a change, as in Burma? You would be locked in and unable to respond to it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. You would take away the option of the President. In the case of Burma or other places, the President has shown the flexibility. The President ought to have the flexibility here. I hope we will not have a total prohibition on humanitarian assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. CARDIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

Alexander	Graham	Moran
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lieberman	Wicker
DeMint	McCain	
Enzi	McConnell	

NAYS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Blunt	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lugar	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	

NOT VOTING—1

Kirk

The amendment (No. 2354) was rejected.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2295

Mr. UDALL of Colorado. Mr. President, I call up my amendment No. 2295.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL], for himself, Mr. THUNE, Mr. BENNET, and Mr. BAUCUS, proposes an amendment numbered 2295.

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the designation of treatment areas)

On page 866, line 21, strike ''$100,000,000'' and insert ''$200,000,000''.

Mr. UDALL of Colorado. Mr. President, I have offered this amendment with my colleague Senator THUNE from South Dakota.

This is a commonsense amendment that would increase resources to land managers to address insect and disease epidemics spreading across our forests, while maintaining the farm bill's more than $23 billion in mandatory savings, and that is important.

This bark beetle epidemic, which is in many States, has left dangerous dead and dying stands of trees that worsen the threat from forest fires. This is particularly evident to Coloradans because, today, we have an 86-

square-mile fire, and more than 1,600 brave firefighters are challenging this blaze, which is already the most destructive fire in Colorado's history. We don't expect to fully defeat this fire or bring it to ground for several weeks.

The Forest Service has set a goal of doubling the number of acres treated to address beetle kill and prevent forest fires. This amendment would help them reach that goal. If we don't pass the amendment, they will not have the wherewithal and resources to do so.

I ask my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROBERTS. Mr. President, I am not going to speak in opposition, but I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—77

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Pryor
Bennet	Hoeven	Reed
Bingaman	Inouye	Reid
Blumenthal	Isakson	Risch
Blunt	Johanns	Roberts
Boozman	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Sessions
Cardin	Kyl	Shaheen
Carper	Landrieu	Shelby
Casey	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Crapo	McCain	Warner
Durbin	McConnell	Webb
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	

NAYS—22

Ayotte	Grassley	Paul
Brown (MA)	Hatch	Portman
Burr	Hutchison	Rubio
Chambliss	Inhofe	Toomey
Coats	Johnson (WI)	Vitter
Corker	Lee	Wyden
Cornyn	McCaskill	
DeMint	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2295) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2313

Mr. LEE. Mr. President, I call up amendment No. 2313.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2313.

The amendment is as follows:

(Purpose: To repeal the forest legacy program)

Beginning on page 862, strike line 15 and all that follows through page 863, line 2, and insert the following:

SEC. 8103. FOREST LEGACY PROGRAM.

(a) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2A(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a(c)) is amended—

(A) in paragraph (3), by inserting ''and'' after the semicolon;

(B) in paragraph (4), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (5).

(2) Section 19(b)(2) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(2)) is amended—

(A) in subparagraph (B), by inserting ''and'' after the semicolon;

(B) in subparagraph (C), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (D).

The PRESIDING OFFICER. There will now be 2 minutes of debate, with the Senator from Utah recognized for 1 minute.

Mr. LEE. Mr. President, I offer this amendment to repeal the Forest Legacy Program. This is a program designed to protect lands in the United States. It is important to remember that the Federal Government is already a massive landowner. It has abundant programs already in place to conserve that land, to protect it. The Federal Government owns about two-thirds of the land in my own State. It owns nearly 30 percent of the land mass within the territorial boundaries of the United States. We do a lot to conserve that land. But when we use this money—money estimated to amount to about $200 million a year in authorization, about $1 billion over a 5-year period—we are using that money to take land out of use. We are using that money to pay people not to use their land for anything. Whenever we look for areas in which we can save money, one area is to not pay people not to use their land.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I strongly oppose the Lee amendment to repeal the Forest Legacy Program, and urge all Senators to do the same. For more than two decades, this program has led to the conservation of over 2.2 million acres of working forest lands in 49 states. The National Association of Forest Owners estimates that U.S. forests support more than 2.9 million jobs and contribute $115 billion towards the gross domestic product.

Better still, the Forest Legacy Program does not use taxpayer dollars for Federal funds, but instead relies on a very small percentage of oil drilling receipts. The benefits of this program far outweigh any cost to the taxpayer, a claim that cannot be made by many other Federal programs.

Repealing this program would be a tragic mistake, especially at a time when the Nation's forests are under attack from real estate development and urban sprawl, among other enemies. The U.S. is projected to lose up to 75 million acres of forest over the next half century. As forest areas are fragmented and disappear, so too do the benefits they provide. This program is essential to protect these benefits and ensure that we have a healthy environment and strong rural economies in the future. I strongly oppose this amendment and urge all Senators to do the same.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 2313.

Mr. LEE. Mr. President, I ask for the yeas and nays.

Mr. CARDIN. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 21, nays 77, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—21

Barrasso	Hatch	McConnell
Blunt	Inhofe	Moran
Coats	Johanns	Murkowski
Coburn	Johnson (WI)	Paul
Cornyn	Kyl	Rubio
DeMint	Lee	Toomey
Enzi	McCain	Vitter

NAYS—77

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Ayotte	Graham	Portman
Baucus	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Heller	Risch
Blumenthal	Hoeven	Roberts
Boozman	Hutchison	Rockefeller
Boxer	Inouye	Sanders
Brown (MA)	Isakson	Schumer
Brown (OH)	Johnson (SD)	Sessions
Burr	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Warner
Coons	Manchin	Webb
Corker	McCaskill	Whitehouse
Crapo	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Murray	

NOT VOTING—2

Kirk	Mikulski

The amendment (No. 2313) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, right now we have 34 amendments left plus final passage. That is 11 hours. I was hoping we could dispose of quite a few of these on voice, but that has not worked out very well. We have had a number of people who offered to have their votes by voice, but those were objected to.

We have to finish this bill. We have to do flood insurance this week. I know people have schedules. We have all kinds of things going on, but we have to show a little bit of understanding about the ordeal we have ahead of us.

I am confident we are not going to stay here until 2 o'clock this morning, but we are going to stay here a while because until we have a way of finishing this bill that is set in stone, we are going to have to proceed forward. This is an important piece of legislation but also flood insurance is an extremely important piece of legislation. If we do not complete that by the end of this month, there will be thousands and thousands of people who cannot close their loans every day—not a month, every day.

With the economy in the state it is in now, we need to close every loan, every home that is purchased, every commercial piece of property that is bought. We have to close those now. We cannot tell the American people we tried to get it done, but we could not because we were—whatever.

People have indicated they want to get out of here early tonight. There may be somebody who wants to get out of here earlier tonight than I, but I would be happy to debate that subject with them. But we need to show some cooperation. We have two of the finest Senators we could have managing this bill. Let's work together and get this done.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2457, AS MODIFIED

Mr. WARNER. Mr. President, I ask to call up amendment No. 2457 and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mrs. SHAHEEN, Mr. KIRK, and Mr. BENNET, proposes an amendment numbered 2457.

(The text of the amendment is printed in the RECORD of Tuesday, June 19, 2012, under ''Text of Amendments.'')

Mr. WARNER. I further ask the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To improve access to broadband telecommunication services in rural areas)

Strike section 6104 and insert the following:

SEC. 6104. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in subsection (a), by striking ''loans and'' and inserting ''grants, loans, and'';

(2) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) RURAL AREA.—The term 'rural area' means any area described in section 3002 of the Consolidated Farm and Rural Development Act.'';

(3) in subsection (c)—

(A) in the subsection heading, by striking ''LOANS AND'' and inserting ''GRANTS, LOANS, AND'';

(B) in paragraph (1), by inserting ''make grants and'' after ''Secretary shall'';

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

''(2) PRIORITY.—

''(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—

''(i) establish not less than 2, and not more than 4, evaluation periods for each fiscal year to compare grant, loan, and loan guarantee applications and to prioritize grants, loans, and loan guarantees to all or part of rural communities that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e);

''(ii) give the highest priority to applicants that offer to provide broadband service to the greatest proportion of unserved rural households or rural households that do not have residential broadband service that meets the minimum acceptable level of broadband service established under subsection (e), as—

''(I) certified by the affected community, city, county, or designee; or

''(II) demonstrated on—

''(aa) the broadband map of the affected State if the map contains address-level data; or

''(bb) the National Broadband Map if address-level data is unavailable; and

''(iii) provide equal consideration to all qualified applicants, including those that have not previously received grants, loans, or loan guarantees under paragraph (1).

''(B) OTHER.—After giving priority to the applicants described in subparagraph (A), the Secretary shall then give priority to projects that serve rural communities—

''(i) with a population of less than 20,000 permanent residents;

''(ii) experiencing outmigration;

''(iii) with a high percentage of low-income residents; and

''(iv) that are isolated from other significant population centers.''; and

(D) by adding at the end the following:

''(3) GRANT AMOUNTS.—

''(A) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.

''(B) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.

''(C) GRANT RATE.—The Secretary shall establish the grant rate for each project in accordance with regulations issued by the Secretary that shall provide for a graduated scale of grant rates that establish higher rates for projects in communities that have—

''(i) remote locations;

''(ii) low community populations;

''(iii) low income levels;

''(iv) developed the applications of the communities with the participation of combinations of stakeholders, including—

''(I) State, local, and tribal governments;

''(II) nonprofit institutions;

''(III) institutions of higher education;

''(IV) private entities; and

''(V) philanthropic organizations; and

''(v) targeted funding to provide the minimum acceptable level of broadband service established under subsection (e) in all or part of an unserved community that is below that minimum acceptable level of broadband service.

''(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may make grants of up to 75 percent of the development costs of the project for which the grant is provided to an eligible entity if the Secretary determines that the project serves a remote or low income area that does not have access to broadband service from any provider of broadband service (including the applicant).'';

(4) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i), by striking ''loan or'' and inserting ''grant, loan, or'';

(ii) by striking clause (i) and inserting the following:

''(i) demonstrate the ability to furnish, improve in order to meet the minimum acceptable level of broadband service established under subsection (e), or extend broadband service to all or part of an unserved rural area or an area below the minimum acceptable level of broadband service established under subsection (e);'';

(iii) in clause (ii), by striking ''a loan application'' and inserting ''an application''; and

(iv) in clause (iii)—

(I) by striking ''the loan application'' and inserting ''the application''; and

(II) by striking ''proceeds from the loan made or guaranteed under this section are'' and inserting ''assistance under this section is'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

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

(aa) by striking ''the proceeds of a loan made or guaranteed'' and inserting ''assistance''; and

(bb) by striking ''for the loan or loan guarantee'' and inserting ''of the eligible entity'';

(II) in clause (i), by striking ''is offered broadband service by not more than 1 incumbent service provider'' and inserting ''are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e)''; and

(III) in clause (ii), by striking ''3'' and inserting ''2'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) ADJUSTMENTS.—

''(i) INCREASE.—The Secretary may increase the household percentage requirement under subparagraph (A)(i) if—

''(I) more than 25 percent of the costs of the project are funded by grants made under this section; or

''(II) the proposed service territory includes 1 or more communities with a population in excess of 20,000.

''(ii) REDUCTION.—The Secretary may reduce the household percentage requirement under subparagraph (A)(i)—

''(I) to not less than 15 percent, if the proposed service territory does not have a population in excess of 5,000 people; or

''(II) to not less than 18 percent, if the proposed service territory does not have a population in excess of 7,500 people.''; and

(iii) in subparagraph (C)—

(I) in the subparagraph heading, by striking ''3'' and inserting ''2''; and

(II) in clause (i), by inserting ''the minimum acceptable level of broadband service established under subsection (e) in'' after ''service to'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''loan or'' and inserting ''grant, loan, or''; and

(ii) in subparagraph (B), by adding at the end the following:

''(iii) INFORMATION.—Information submitted under this subparagraph shall be—

''(I) certified by the affected community, city, county, or designee; and

''(II) demonstrated on—

''(aa) the broadband map of the affected State if the map contains address-level data; or

''(bb) the National Broadband Map if address-level data is unavailable.'';

(D) in paragraph (4)—

(i) by striking ''Subject to paragraph (1),'' and inserting the following:

''(A) IN GENERAL.—Subject to paragraph (1) and subparagraph (B),'';

(ii) by striking ''loan or'' and inserting ''grant, loan, or''; and

(iii) by adding at the end the following:

''(B) PILOT PROGRAMS.—The Secretary may carry out pilot programs in conjunction with interested entities described in subparagraph (A) (which may be in partnership with other entities, as determined appropriate by the Secretary) to address areas that are unserved or have service levels below the minimum acceptable level of broadband service established under subsection (e).'';

(E) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ''loan or'' and inserting ''grant, loan, or''; and

(ii) in subparagraph (C), by inserting '', and proportion relative to the service territory,'' after ''estimated number'';

(F) in paragraph (6), by striking ''loan or'' and inserting ''grant, loan, or'';

(G) in paragraph (7), by striking ''a loan application'' and inserting ''an application''; and

(H) by adding at the end the following:

''(8) TRANSPARENCY AND REPORTING.—The Secretary—

''(A) shall require any entity receiving assistance under this section to submit quarterly, in a format specified by the Secretary, a report that describes—

''(i) the use by the entity of the assistance, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure); and

''(ii) the progress towards fulfilling the objectives for which the assistance was granted, including—

''(I) the number and location of residences and businesses that will receive new broadband service, existing network service improvements, and facility upgrades resulting from the Federal assistance;

''(II) the speed of broadband service;

''(III) the price of broadband service;

''(IV) any changes in broadband service adoption rates, including new subscribers generated from demand-side projects; and

''(V) any other metrics the Secretary determines to be appropriate

''(B) shall maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains, at a minimum—

''(i) a list of each entity that has applied for assistance under this section;

''(ii) a description of each application, including the status of each application;

''(iii) for each entity receiving assistance under this section—

''(I) the name of the entity;

''(II) the type of assistance being received;

''(III) the purpose for which the entity is receiving the assistance; and

''(IV) each quarterly report submitted under subparagraph (A); and

''(iv) such other information as is sufficient to allow the public to understand and monitor assistance provided under this section;

''(C) shall, in addition to other authority under applicable law, establish written procedures for all broadband programs administered by the Secretary that, to the maximum extent practicable—

''(i) recover funds from loan defaults;

''(ii)(I) deobligate awards to grantees that demonstrate an insufficient level of performance (including failure to meet build-out requirements, service quality issues, or other metrics determined by the Secretary) or wasteful or fraudulent spending; and

''(II) award those funds, on a competitive basis, to new or existing applicants consistent with this section; and

''(iii) consolidate and minimize overlap among the programs;

''(D) with respect to an application for assistance under this section, shall—

''(i) promptly post on the website of the Rural Utility Service—

''(I) an announcement that identifies—

''(aa) each applicant;

''(bb) the amount and type of support requested by each applicant; and

''(II) a list of the census block groups or proposed service territory, in a manner specified by the Secretary, that the applicant proposes to service;

''(ii) provide not less than 15 days for broadband service providers to voluntarily submit information about the broadband services that the providers offer in the groups or tracts listed under clause (i)(II) so that the Secretary may assess whether the applications submitted meet the eligibility requirements under this section; and

''(iii) if no broadband service provider submits information under clause (ii), consider the number of providers in the group or tract to be established by reference to—

''(I) the most current National Broadband Map of the National Telecommunications and Information Administration; or

''(II) any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts; and

''(E) may establish additional reporting and information requirements for any recipient of any assistance under this section so as to ensure compliance with this section.'';

(5) in subsection (e)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of this section, the minimum acceptable level of broadband service for a rural area shall be at least—

''(A) a 4-Mbps downstream transmission capacity; and

''(B) a 1-Mbps upstream transmission capacity.

''(2) ADJUSTMENTS.—

''(A) IN GENERAL.—At least once every 2 years, the Secretary shall review, and may adjust, the minimum acceptable level of broadband service established under paragraph (1) to ensure that high quality, cost-effective broadband service is provided to rural areas over time.

''(B) CONSIDERATIONS.—In making an adjustment to the minimum acceptable level of broadband service under subparagraph (A), the Secretary may consider establishing different transmission rates for fixed broadband service and mobile broadband service.'';

(6) in subsection (f), by striking ''make a loan or loan guarantee'' and inserting ''provide assistance'';

(7) in subsection (g), by striking paragraph (2) and inserting the following:

''(2) TERMS.—In determining the term and conditions of a loan or loan guarantee, the Secretary may—

''(A) consider whether the recipient would be serving an area that is unserved; and

''(B) if the Secretary makes a determination in the affirmative under subparagraph (A), establish a limited initial deferral period or comparable terms necessary to achieve the financial feasibility and long-term sustainability of the project.'';

(8) in subsection (j)—

(A) in the matter preceding paragraph (1), by striking ''loan and loan guarantee'';

(B) in paragraph (1)—

(i) by inserting ''grants and'' after ''number of''; and

(ii) by inserting '', including any loan terms or conditions for which the Secretary provided additional assistance to unserved areas'' before the semicolon at the end;

(C) in paragraph (2)—

(i) in subparagraph (A), by striking ''loan''; and

(ii) in subparagraph (B), by striking ''loans and'' and inserting ''grants, loans, and'';

(D) in paragraph (3), by striking ''loan'';

(E) in paragraph (5), by striking ''and'' at the end;

(F) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(7) the overall progress towards fulfilling the goal of improving the quality of rural life by expanding rural broadband access, as demonstrated by metrics, including—

''(A) the number of residences and businesses receiving new broadband services;

''(B) network improvements, including facility upgrades and equipment purchases;

''(C) average broadband speeds and prices on a local and statewide basis;

''(D) any changes in broadband adoption rates; and

''(E) any specific activities that increased high speed broadband access for educational institutions, health care providers. and public safety service providers.''; and

(9) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively;

(10) by inserting after subsection (j) the following:

''(k) BROADBAND BUILDOUT DATA.—

''(1) IN GENERAL.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of assistance shall provide to the Secretary address-level broadband buildout data that indicates the location of new broadband service that is being provided or upgraded within the service territory supported by the grant, loan, or loan guarantee—

''(A) for purposes of inclusion in the semi-annual updates to the National Broadband Map that is managed by the National Telecommunications and Information Administration (referred to in this subsection as the 'Administration'); and

''(B) not later than 30 days after the earlier of—

''(i) the date of completion of any project milestone established by the Secretary; or

''(ii) the date of completion of the project.

''(2) ADDRESS-LEVEL DATA.—Effective beginning on the date the Administration receives data described in paragraph (1), the Administration shall use only address-level broadband buildout data for the National Broadband Map.

''(3) CORRECTIONS.—

''(A) IN GENERAL.—The Secretary shall submit to the Administration any correction to the National Broadband Map that is based on the actual level of broadband coverage within the rural area, including any requests for a correction from an elected or economic development official.

''(B) INCORPORATION.—Not later than 30 days after the date on which the Administration receives a correction submitted under subparagraph (A), the Administration shall incorporate the correction into the National Broadband Map.

''(C) USE.—If the Secretary has submitted a correction to the Administration under subparagraph (A), but the National Broadband Map has not been updated to reflect the correct by the date on which the Secretary is making a grant or loan award decision under this section, the Secretary may use the correction submitted under that subparagraph for purposes of make the grant or loan award decision.'';

(11) subsection (*l*) (as redesignated by paragraph (9))—

(A) in paragraph (1)—

(i) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(ii) by striking ''2012'' and inserting ''2017''; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) set aside at least 1 percent to be used for—

''(I) conducting oversight under this section; and

''(II) implementing accountability measures and related activities authorized under this section.''; and

(12) in subsection (m) (as redesignated by paragraph (9))—

(A) by striking ''loan or'' and inserting ''grant, loan, or''; and

(B) by striking ''2012'' and inserting ''2017''.

The PRESIDING OFFICER. There will be 2 minutes of debate. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this is a broad, bipartisan amendment—Warner-Crapo-Kirk-Shaheen-Bennet-Webb. It basically does three things in the broadband area. It accelerates access to those areas that are underserved. As a matter of fact, we have a 2009 USDA IG report which showed that less than 3 percent of loans provided by RUS went toward unserved communities. This will move forward in that area.

Second, it creates greater access and transparency and accountability standards for RUS and applicants. These are items that were brought forward from the GAO and the IG of the USDA and CRS. It also allows greater levels of accountability in ensuring that those States that collect data by address—that that information is related to RUS, so we don't have counties where certain parts are served and other parts are left unserved, never able to get access. It has the broad support of the U.S. Conference of Catholic Bishops, National Taxpayers Union, the League of Rural Voters.

I ask bipartisan support of this amendment.

Mr. LEAHY, Mr. President, I have long believed that Congress must work to enact policies that promote the deployment of broadband in rural America. There is no doubt that rural areas lag behind the rest of the country when it comes to access to affordable, quality, high-speed Internet. As the Internet rapidly evolves beyond what the slow speeds offered by dial up service can handle, broadband service is no longer a luxury, it is a necessity. Today, I voted against an amendment that, while well intentioned, may have the unintended consequence of making it harder for the Rural Utilities Service to incentivize broadband expansion and competition in rural areas like Vermont.

I support the provisions in the underlying farm bill that seek to provide additional forms of assistance to broadband projects in rural areas, and I had hoped that the Senate would not significantly alter these provisions. It is important to ensure that the Rural Utilities Service has the flexibility it needs to provide assistance to rural areas—both those that have no service at all and those that have inadequate service.

Senator WARNER's amendment does contain elements that I support, including provisions that will help to improve transparency and accountability within the Rural Utilities Service Program. Unfortunately, it may go too far in refocusing the scope of the program at the expense of rural communities in Vermont.

I look forward to continuing my work in the Senate to expand broadband service and competition in rural America.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. STABENOW. I am not yielding time in opposition. I commend Senator WARNER and everyone on this amendment for their tremendous amount of work. It makes a tremendous amount of sense. It is real reform. I believe we have an understanding to proceed with a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2457, as modified.

The amendment (No. 2457), as modified, was agreed to.

Mr. BEGICH. Mr. President, I would like to have the RECORD reflect if there had been a rollcall vote, I would have voted no on this item.

Mr. NELSON of Nebraska. I wish to be recorded also as I would have voted no.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2314

Mr. LEE. Mr. President, I call up my amendment No. 2314 at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 2314.

The amendment is as follows:

(Purpose: To repeal the conservation stewardship program and the conservation reserve program)

Strike subtitles A and B of title II and insert the following:

SEC. 2001. REPEAL OF CONSERVATION RESERVE PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is repealed.

SEC. 2101. REPEAL OF CONSERVATION STEWARDSHIP PROGRAM.

Subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) is repealed.

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided. The Senator from Utah is recognized for 1 minute.

Mr. LEE. Mr. President, I propose amendment No. 2314 to repeal the Conservation Reserve Program and the Conservation Stewardship Program. Here we have another instance of the Federal Government paying people not to use their land. In this circumstance, they are being paid not to grow crops on their land, not to use agricultural land.

We have an almost $16 trillion debt. CBO says this amendment would save over $15 billion in mandatory spending over 10 years. Not doing something is something that should be free. Only the Federal Government would try to defend the practice of spending billions and billions of dollars—

The PRESIDING OFFICER. The Senator will suspend for a moment. Senators will please take their conversations out of the well.

The Senator from Utah.

Mr. LEE. Only the Federal Government would try to defend the barbaric, outmoded practice of paying people billions of dollars not to use their land. That is what these programs do. We need to get rid of them. That is why I propose this amendment. I invite my colleagues to join me in supporting it.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. Mr. President, I strongly oppose this amendment. We have over 643 conservation and environmental groups from every State in the Union supporting our conservation reforms in this bill. This is about protecting land and water and air habitat, wetlands. Ducks Unlimited is a huge supporter of what we have been doing.

The Conservation Reserve Program, which has been in place for 25 years, was shown last year, with the drought, to have had a tremendous effect. We saw some of the worst droughts on record since the Dust Bowl in the last number of months, but we did not have a Dust Bowl and that is because the CRP prevented erosion and the soil stayed where it should stay. This is about our country, protecting our land, resources for our children and grandchildren.

I strongly urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. All those in favor, signify by saying aye.

(Chorus of ayes.)

The PRESIDING OFFICER. No?

(Chorus of nays.)

The PRESIDING OFFICER. The noes appear to have it.

Mr. LEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—15

Ayotte	Hatch	Murkowski
Coats	Johnson (WI)	Paul
Coburn	Kyl	Rubio
Corker	Lee	Toomey
DeMint	McCain	Vitter

NAYS—84

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Sanders
Burr	Johnson (SD)	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Cornyn	Manchin	Warner
Crapo	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2314) was rejected.

Ms. STABENOW. Mr. President, I move to reconsider and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2427

Ms. STABENOW. Mr. President, before moving to Senator WYDEN's amendment, we want to go back to an agreed-upon amendment, which is Schumer amendment No. 2427, to increase research, education, and promotion of maple products.

I call up amendment No. 2427, and I ask unanimous consent that we move forward with a voice vote.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for Mr. SCHUMER, proposes an amendment numbered 2427.

The amendment is as follows:

(Purpose: To support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes)

On page 1009, after line 11, add the following:

SEC. 12207. ACER ACCESS AND DEVELOPMENT PROGRAM.

(a) GRANTS AUTHORIZED; AUTHORIZED ACTIVITIES.—The Secretary of Agriculture may make grants to States and tribal governments to support their efforts to promote the domestic maple syrup industry through the following activities:

(1) Promotion of research and education related to maple syrup production.

(2) Promotion of natural resource sustainability in the maple syrup industry.

(3) Market promotion for maple syrup and maple-sap products.

(4) Encouragement of owners and operators of privately held land containing species of tree in the genus Acer—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) APPLICATIONS.—In submitting an application for a grant under this section, a State or tribal government shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State or tribal government intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State or tribal government anticipates will occur as a result of engaging in such activities.

(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(d) DEFINITION OF MAPLE SUGARING.—In this section, the term ''maple-sugaring'' means the collection of sap from any species of tree in the genus Acer for the purpose of boiling to produce food.

(e) REGULATIONS.—The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2012 through 2015.

Ms. STABENOW. I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2427) was agreed to.

Ms. STABENOW. Mr. President, I appreciate Senator WYDEN allowing us to go out of order. I will now turn it over to Senator WYDEN for his amendment.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2388

Mr. WYDEN. I call up my farm-to-school amendment No. 2388.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2388.

Mr. WYDEN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a provision relating to purchases of locally produced foods)

On page 360, after line 24, add the following:

SEC. 4207. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(3) in paragraph (1) (as so redesignated)—

(A) in subparagraph (B)—

(i) by striking ''paragraph (1) of the policy described in that paragraph and paragraph (3)'' and inserting ''subparagraph (A) of the policy described in that subparagraph and subparagraph (C)''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) not later than 1 year after the date of enactment of this subparagraph, in accordance with paragraphs (2) and (3), conduct not fewer than 5 demonstration projects through school food authorities receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to facilitate the purchase of unprocessed and minimally processed locally grown and locally raised agricultural products.''; and

(4) by adding at the end the following:

''(2) SELECTION.—In conducting demonstration projects under paragraph (1)(D), the Secretary shall ensure that at least 1 project is located in a State in each of—

''(A) the Pacific Northwest Region;

''(B) the Northeast Region;

''(C) the Western Region;

''(D) the Midwest Region; and

''(E) the Southern Region.

''(3) PRIORITY.—In selecting States for participation in the demonstration projects under paragraph (2), the Secretary shall prioritize applications based on—

''(A) the quantity and variety of growers of local fruits and vegetables in the State;

''(B) the demonstrated commitment of the State to farm-to-school efforts, as evidenced by prior efforts to increase and promote farm-to- school programs in the State; and

''(C) whether the State contains a sufficient quantity of school districts of varying population sizes and geographical locations.''.

Mr. WYDEN. Mr. President, the American Academy of Pediatrics, the country's pediatricians, is recommending to the Senate that this amendment be passed to encourage healthier foods for our kids. The Congressional Budget Office has stated that this amendment has no cost.

This amendment would, for the first time, test out farm-to-school programs through a competitive pilot program with at least five farm-to-school demonstration projects so it would be possible to fill in the information void

about what works and what doesn't. The Agriculture Department's own Economic Research Service reports that ''data and analysis of farm-to-school programs are scarce.''

Under this amendment, the schools win, the farmers win, and the taxpayers win. I hope we can accept it with a voice vote.

Ms. STABENOW. Mr. President, I yield back all time, and we do have an agreement on a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2388.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2355

Mr. BOOZMAN. I call up amendment No. 2355, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment numbered 2355.

The amendment was as follows:

(Purpose: To support the dissemination of objective and scholarly agricultural and food law research and information)

On page 860, between lines 15 and 16, insert the following:

SEC. 7602. OBJECTIVE AND SCHOLARLY AGRICULTURAL AND FOOD LAW RESEARCH AND INFORMATION.

(a) FINDINGS.—Congress finds that—

(1) the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws (including regulations);

(2) objective, scholarly, and authoritative agricultural and food law research and information helps the farm, ranch, and forestry community contribute to the strength of the United States through improved conservation, environmental protection, job creation, economic development, renewable energy production, outdoor recreational opportunities, and increased local and regional supplies of food, fiber, and fuel; and

(3) the vast agricultural community of the United States, including farmers, ranchers, foresters, attorneys, policymakers, and extension personnel, need access to agricultural and food law research and information provided by an objective, scholarly, and neutral source.

(b) PARTNERSHIPS.—The Secretary, acting through the National Agricultural Library, shall support the dissemination of objective, scholarly, and authoritative agricultural and food law research and information by entering into partnerships with institutions of higher education that have expertise in agricultural and food law research and information.

(c) RESTRICTION.—For each fiscal year, the Secretary shall use not more than $1,000,000 of the amounts made available to the National Agricultural Library to carry out this section.

Mr. BOOZMAN. Mr. President, the farms, ranches, and forests of the United States are impacted by a complex and rapidly evolving web of international, Federal, State, and local laws.

The vast agricultural community of the United States—including farmers, ranchers, foresters, attorneys, policymakers and extension personnel—needs access to agricultural and food law research and information provided by an objective, scholarly, and neutral source. This amendment encourages the Secretary of Agriculture, acting through the National Agricultural Library, to get the information out by entering into partnerships with institutions of higher education that have expertise in this area.

The amendment does not authorize a new program or increase the authorization for the National Agricultural Library. Again, CBO says it has no cost.

I urge a voice vote in the affirmative.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support this amendment, as does my ranking member. I wish to congratulate Senator BOOZMAN on great work on this amendment. I believe we can proceed with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2355.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2442

Mr. WYDEN. I call up amendment No. 2442.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 2442.

Mr. WYDEN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a pilot loan program to support healthy foods for the hungry)

At the end of section 3201 of the Consolidated Farm and Rural Development Act (as added by section 5001), add the following:

''(e) PILOT LOAN PROGRAM TO SUPPORT HEALTHY FOODS FOR THE HUNGRY.—

''(1) DEFINITION OF GLEANER.—In this subsection, the term 'gleaner' means an entity that—

''(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

''(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

''(2) PROGRAM.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, within the operating loan program established under this chapter, a pilot program under which the Secretary makes loans available to eligible entities to assist the entities in providing food to the hungry.

''(3) ELIGIBILITY.—In addition to any other person eligible under the terms and conditions of the operating loan program established under this chapter, gleaners shall be eligible to receive loans under this subsection.

''(4) LOAN AMOUNT.—

''(A) IN GENERAL.—Each loan issued under the program shall be in an amount of not less than $500 and not more than $5,000.

''(B) REDISTRIBUTION.—If the eligible recipients in a State do not use the full allocation of loans that are available to eligible recipients in the State under this subsection, the Secretary may use any unused amounts to make loans available to eligible entities in other States in accordance with this subsection.

''(5) LOAN PROCESSING.—

''(A) IN GENERAL.—The Secretary shall process any loan application submitted under the program not later than 30 days after the date on which the application was submitted.

''(B) EXPEDITING APPLICATIONS.—The Secretary shall take any measure the Secretary determines necessary to expedite any application submitted under the program.

''(6) PAPERWORK REDUCTION.—The Secretary shall take measures to reduce any paperwork requirements for loans under the program.

''(7) PROGRAM INTEGRITY.—The Secretary shall take such actions as are necessary to ensure the integrity of the program established under this subsection.

''(8) MAXIMUM AMOUNT.—Of funds that are made available to carry out this chapter, the Secretary shall use to carry out this subsection a total amount of not more than $500,000.

''(9) REPORT.—Not later than 180 days after the maximum amount of funds are used to carry out this subsection under paragraph (8), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the pilot program and the feasibility of expanding the program.

Mr. WYDEN. Mr. President, again, I hope we can handle this amendment on a voice vote. This is an amendment that would help the gleaners all across the country, who, of course, are the volunteers across America who help get surplus food that would otherwise be wasted out to the hungry at senior centers and at various kinds of food kitchens and other critical hunger programs. Thirty-four million tons of food waste is generated each year. That could feed a lot of people.

The gleaners are trying to make sure this perfectly good food goes on the plates of struggling Americans as opposed to millions of pounds of it going into landfills and incinerators.

This amendment, again, costs no money. It simply makes——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN.—it possible to collect and preserve edible food. I hope we accept it on a voice vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I encourage my colleagues to join with me to oppose the amendment.

The amendment would provide government loans for brick-and-mortar projects, including food refrigeration capacity. We are talking about refrigerators—big refrigerators. At a time when we are working to streamline current programs and reduce the size of government, I am concerned we would be expanding the size to serve a new pool of applicants competing for very limited resources at the Department of

Agriculture. In this regard, the gleaners would be taken to the cleaners.

I encourage my colleagues to oppose the amendment.

Mr. WYDEN. Mr. President, has all time expired?

The PRESIDING OFFICER. Time in opposition remains.

Mr. WYDEN. I will only state this costs no additional money. Senator STABENOW supports it, and I yield to her.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I would just simply say that I strongly support the amendment.

The PRESIDING OFFICER. All time has expired.

Is there further debate in opposition? If there is no further debate, the question is on agreeing to the amendment.

All those in favor say aye.

(Chorus of ayes.)

All those opposed, no.

(Chorus of nays.)

The nays appear to have it.

Mr. WYDEN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. ROBERTS. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. All those in favor of the amendment will stand and be counted.

Now would all those opposed stand and be counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the amendment No. 2442 was agreed to.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I send a modification to the desk to my amendment No. 2360.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WHITEHOUSE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I am sorry, Mr. President. We were in discussions. At this moment if we might just pause, we will just object for a moment. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. We are now told that this has been reviewed, and so we have no objection to proceeding to it.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2360, AS MODIFIED

Mr. BOOZMAN. Mr. President, I call up amendment No. 2360, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BOOZMAN] proposes an amendment No. 2360, as modified.

The amendment is as follows:

(Purpose: To provide for emergency food assistance, and for other purposes)

At the appropriate place in title IV, insert the following:

SEC. 4_____. QUALITY CONTROL BONUSES.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(1) in subsection (c)—

(A) in the first sentence of paragraph (4), by striking ''payment error rate'' and all that follows through ''subsection (d)'' and inserting ''liability amount or new investment amount under paragraph (1) or payment error rate''; and

(B) in the first sentence of paragraph (5), by striking ''payment error rate'' and all that follows through ''subsection (d)'' and inserting ''liability amount or new investment amount under paragraph (1) or payment error rate'';

(2) by striking subsection (d); and

(3) in subsection (i)(1), by striking ''subsection (d)(1)'' and inserting ''subsection (c)(2)''.

On page 337, line 8, strike ''$28,000,000'' and insert ''$71,000,000''.

On page 337, line 10, strike ''$24,000,000'' and insert ''$67,000,000''.

On page 337, line 12, strike ''$20,000,000'' and insert ''$63,000,000''.

On page 337, line 14, strike ''$18,000,000'' and insert ''$61,000,000''.

On page 337, line 16, strike ''$10,000,000'' and insert ''$53,000,000''.

Mr. BOOZMAN. My amendment redirects funding currently going to the States for the administration of SNAP. It puts that money in TEFAP, which provides funding to the Secretary of Agriculture to make commodity purchases given to food banks.

I am sure my colleagues are aware of the difficult situation in our food banks right now. They are under immense pressure in these very difficult economic times.

The importance of TEFAP is it provides food banks with commodities. This amendment takes money currently used to encourage the States to do something that they ought to be doing anyway and reinvests in a program that actually provides food to Americans who need it the most.

I urge a ''yes'' vote and yield back my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to reluctantly oppose the amendment of my colleague. I appreciate what he is trying to do. I couldn't agree more about the needs of food banks. That is why in this legislation we increase food bank funding by $174 million.

The problem is the way the Senator wants to do this, which is by reducing the funding available to stop food stamp fraud efforts. It would reduce the SNAP error rates efforts. Right now, what has been done to tackle waste, fraud, and abuse has actually reduced error rates dramatically—by 43 percent. We want to keep that going.

So I certainly support what he is trying to do but not by taking money away from waste, fraud, and abuse efforts within the food assistance program. So I have to ask for a ''no'' vote.

The PRESIDING OFFICER. All time has expired.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BOOZMAN. I ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—35

Ayotte	Grassley	Pryor
Barrasso	Hoeven	Risch
Blunt	Hutchison	Roberts
Boozman	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Kyl	Thune
Cochran	Lugar	Toomey
Cornyn	McConnell	Vitter
Crapo	Moran	Webb
Enzi	Nelson (FL)	Wicker
Graham	Portman	

NAYS—63

Akaka	Feinstein	McCaskill
Alexander	Franken	Menendez
Baucus	Gillibrand	Merkley
Begich	Hagan	Mikulski
Bennet	Harkin	Murkowski
Bingaman	Hatch	Murray
Blumenthal	Heller	Nelson (NE)
Boxer	Inouye	Reed
Brown (MA)	Johnson (SD)	Reid
Brown (OH)	Johnson (WI)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Lieberman	Warner
DeMint	Manchin	Whitehouse
Durbin	McCain	Wyden

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—1

Kirk

The amendment (No. 2360) was rejected.

Mr. LEAHY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2204

Mr. LEAHY. Mr. President, I call up my amendment No. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2204.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To support the State Rural Development Partnership)

On page 652, between lines 12 and 13, insert the following:

"SEC. 3707. STATE RURAL DEVELOPMENT PARTNERSHIP.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term 'agency with rural responsibilities' means any executive agency (as defined in section 105 of title 5, United States Code) that implements a Federal law, or administers a program, targeted at or having a significant impact on rural areas.

''(2) PARTNERSHIP.—The term 'Partnership' means the State Rural Development Partnership continued by subsection (b).

''(3) STATE RURAL DEVELOPMENT COUNCIL.—The term 'State rural development council' means a State rural development council that meets the requirements of subsection (c).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall support the State Rural Development Partnership comprised of State rural development councils.

''(2) PURPOSES.—The purposes of the Partnership are to empower and build the capacity of States, regions, and rural communities to design flexible and innovative responses to their rural development needs in a manner that maximizes collaborative public- and private-sector cooperation and minimizes regulatory redundancy.

''(3) COORDINATING PANEL.—A panel consisting of representatives of State rural development councils shall be established—

''(A) to lead and coordinate the strategic operation and policies of the Partnership; and

''(B) to facilitate effective communication among the members of the Partnership, including the sharing of best practices.

''(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership may be that of a partner and facilitator, with Federal agencies authorized—

''(A) to cooperate with States to implement the Partnership;

''(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

''(C) to ensure that the head of each agency with rural responsibilities directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and

''(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.

''(c) STATE RURAL DEVELOPMENT COUNCILS.—

''(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to recognize a State rural development council.

''(2) COMPOSITION.—A State rural development council shall—

''(A) be composed of representatives of Federal, State, local, and tribal governments, nonprofit organizations, regional organizations, the private sector, and other entities committed to rural advancement; and

''(B) have a nonpartisan and nondiscriminatory membership that—

''(i) is broad and representative of the economic, social, and political diversity of the State; and

''(ii) shall be responsible for the governance and operations of the State rural development council.

''(3) DUTIES.—A State rural development council shall—

''(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that have an impact on rural areas of the State;

''(B) monitor, report, and comment on policies and programs that address, or fail to address, the needs of the rural areas of the State;

''(C) as part of the Partnership, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments; and

''(D)(i) provide to the Secretary an annual plan with goals and performance measures; and

''(ii) submit to the Secretary an annual report on the progress of the State rural development council in meeting the goals and measures.

''(4) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

''(A) IN GENERAL.—A State Director for Rural Development of the Department of Agriculture, other employees of the Department, and employees of other Federal agencies with rural responsibilities shall fully participate as voting members in the governance and operations of State rural development councils (including activities related to grants, contracts, and other agreements in accordance with this section) on an equal basis with other members of the State rural development councils.

''(B) CONFLICTS.—Participation by a Federal employee in a State rural development council in accordance with this paragraph shall not constitute a violation of section 205 or 208 of title 18, United States Code.

''(d) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

''(1) DETAIL OF EMPLOYEES.—

''(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail to the Secretary for the support of the Partnership 1 or more employees of the agency with rural responsibilities without reimbursement for a period of up to 1 year.

''(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

''(2) ADDITIONAL SUPPORT.—The Secretary may provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

''(3) INTERMEDIARIES.—The Secretary may enter into a contract with a qualified intermediary under which the intermediary shall be responsible for providing administrative and technical assistance to a State rural development council, including administering the financial assistance available to the State rural development council.

''(e) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received from a Federal agency under subsection (f)(2).

''(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

''(A) to support 1 or more specific program or project activities; or

''(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

''(3) DEPARTMENT'S SHARE.—The Secretary shall develop a plan to decrease, over time, the share of the Department of Agriculture of the cost of the core operations of State rural development councils.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2013 through 2017.

''(2) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency, along with other agencies, to provide funds to a State rural development council in order to carry out the purposes of this section, a Federal agency may make grants, gifts, or contributions to, provide technical assistance to, or enter into contracts or cooperative agreements with, a State rural development council.

''(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that have an impact on rural areas to provide assistance to, and enter into contracts with, a State rural development council, as described in subparagraph (A).

''(3) CONTRIBUTIONS.—A State rural development council may accept private contributions.

''(g) TERMINATION.—The authority provided under this section shall terminate on September 30, 2017.''.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Vermont.

Mr. LEAHY. This amendment will reestablish authorization for National Rural Development Partnerships—renamed State Rural Development Partnerships—in the 2012 farm bill. Reauthorization of these effective and efficient councils will allow them to continue their important work of strengthening rural communities in Vermont and across the country.

This reauthorization would recognize the State councils' on-the-ground leadership in rural communities, and allow them to continue their vital work. I would note that this amendment does not cost a single farm bill dollar; it would merely maintain the States' statutory authority to establish these State-run rural development councils.

I urge all Senators to support this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I commend Senator LEAHY, who, as a former chairman of the Agriculture Committee, is a tremendous champion not only for Vermont but for the entire country on these issues.

I yield back the time. I believe we have agreement for a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2204) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2226

Mr. TOOMEY. Mr. President, I call up amendment No. 2226, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 2226.

The amendment is as follows:

(Purpose: To eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance)

Beginning on page 888, strike line 5, and all that follows through page 890, line 21.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. TOOMEY. Mr. President, this is an amendment that repeals the Biorefinery Assistance Program. This is a program that primarily provides loan guarantees to cellulosic ethanol plants.

The fact is the taxpayers are already subsidizing ethanol plants in many ways. The Federal Government already provides a tax credit of $1 a gallon to ethanol. The Federal Government creates a mandate that forces consumers to buy this product whether they want to or not, thereby creating a market for ethanol.

We provide grants for ethanol. Do taxpayers also have to risk their money by guaranteeing loans to subsidize this activity? I do not think that is a good idea. This is the same idea that got us into trouble in so many ways. A similar loan program was the source of hundreds of millions of dollars of losses to Solyndra. And just this year, this very program cost $40 million with the bankruptcy of Range Fuels.

I urge my colleagues to vote for a modest reform here. Repeal this one narrow program, the Biorefinery Assistance Program. I urge a ''yes'' vote on the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. In fact, we are not talking about ethanol. We are talking about, first of all, advanced biofuels using food waste or animal waste or biomass materials. We are talking about biobased manufacturing, which is an exciting new opportunity in making things and growing things together in our country, whether it is corn or wheat byproducts, whether it is soybeans. In fact, if you drive a Ford vehicle today, a new vehicle, a new Chevy Volt, you sit on seats with soy-based foam that is biodegradable, more lightweight, and you get better fuel economy, grown by American soybean growers.

So this is the opportunity for new growth in jobs that is in this bill. It is a part I am very excited about for the future for every part of this country. It involves more than 3,000 innovative companies right now engaging in new cutting-edge manufacturing to use agricultural products——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW.—to get us off of foreign oil.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Those in favor say aye.

(Chorus of ayes.)

Those opposed say nay.

(Chorus of nays.)

The nays appear to have it.

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander	DeMint	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Begich	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Corker	Lee	Toomey
Cornyn	McCain	Vitter

NAYS—63

Akaka	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johanns	Reid
Brown (MA)	Johnson (SD)	Risch
Brown (OH)	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2226) was rejected.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Nebraska.

AMENDMENT NO. 2242

Mr. NELSON of Nebraska. Madam President, I rise to call up my amendment No. 2242.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. JOHANNS, Mr. JOHNSON of South Dakota, and Mr. MORAN, proposes an amendment numbered 2242.

The amendment is as follows:

(Purpose: To amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act)

At the end of subtitle C of title XII, add the following:

SEC. 12207. DEFINITION OF RURAL AREA FOR PURPOSES OF THE HOUSING ACT OF 1949.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking ''1990 or 2000 decennial census shall continue to be so classified until the receipt of data from the decennial census in the year 2010'' and inserting ''1990, 2000, or 2010 decennial census, and any area deemed to be a 'rural area' for purposes of this title under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020''; and

(2) by striking ''25,000'' and inserting ''35,000''.

Mr. NELSON of Nebraska. Madam President, this amendment would ensure that rural communities in all our States will remain eligible for housing assistance from the Department of Agriculture.

My amendment simply extends the grandfathering clause these communities have operated under since 1990 and ensures that these communities remain eligible through 2020. This is a bipartisan amendment that is supported by my colleagues, Senators JOHANNS, MORAN, chairman of the Banking Committee, Senator JOHNSON, and my good friend and neighbor Senator TESTER.

I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. I rise to take 10 seconds to support the amendment of my colleague from Nebraska. It keeps in place a program that has been in place since 1990. It is a good amendment.

Ms. STABENOW. Madam President, I commend both Senators from Nebraska. I thank Senator NELSON for this amendment. I support it.

I believe we have an agreement for a voice vote on this amendment, so I yield back all time.

The PRESIDING OFFICER. Hearing no further debate, the question is on agreeing to the amendment.

The amendment (No. 2242) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2433

Mr. TOOMEY. Madam President, I call up amendment No. 2433.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY], for himself, Mrs. SHAHEEN, and Mr.

LUGAR, proposes an amendment numbered 2433.

The amendment is as follows:

(Purpose: To reform the sugar program)

Strike subtitle C of title I and insert the following:

Subtitle C—Sugar

SEC. 1301. SUGAR PROGRAM.

(a) SUGARCANE.—Section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) 18 cents per pound for raw cane sugar for each of the 2013 through 2017 crop years.''.

(b) SUGAR BEETS.—Section 156(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(b)(2)) is amended by striking ''2012'' and inserting ''2017''.

(c) EFFECTIVE PERIOD.—Section 156(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(i)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 1302. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) IN GENERAL.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking ''2012'' and inserting ''2017''; and

(B) in subparagraph (B), by inserting ''at reasonable prices'' after ''stocks'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''but'' after the semicolon at the end and inserting ''and''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) appropriate to maintain adequate domestic supplies at reasonable prices, taking into account all sources of domestic supply, including imports.''; and

(3) in subsection (c)(2)(C), by striking ''if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002''.

(b) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''but'' after the semicolon at the end and inserting ''and''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) appropriate to maintain adequate supplies at reasonable prices, taking into account all sources of domestic supply, including imports.''; and

(B) in paragraph (2)(B), by inserting ''at reasonable prices'' after ''market''; and

(2) in subsection (g)—

(A) by striking ''ALLOTMENTS.—'' and all that follows through ''Subject to subparagraph (B), the'' and inserting ''ALLOTMENTS.—The''; and

(B) by striking subparagraph (B).

(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended by adding at the end the following:

''(c) SUSPENSION OR MODIFICATION OF PROVISIONS.—Notwithstanding any other provision of this part, the Secretary may suspend or modify, in whole or in part, the application of any provision of this part if the Secretary determines that the action is appropriate, taking into account—

''(1) the interests of consumers, workers in the food industry, businesses (including small businesses), and agricultural producers; and

''(2) the relative competitiveness of domestically produced and imported foods containing sugar.''.

(d) ADMINISTRATION OF TARIFF RATE QUOTAS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is amended to read as follows:

''SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

''(a) ESTABLISHMENT.—Notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugar at no less than the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

''(b) ADJUSTMENT.—

''(1) IN GENERAL.—Subject to subsection (a), the Secretary shall adjust the tariff-rate quotas for raw cane sugar and refined sugar to provide adequate supplies of sugar at reasonable prices in the domestic market.

''(2) ENDING STOCKS.—Subject to paragraphs (1) and (3), the Secretary shall establish and adjust tariff-rate quotas in such a manner that the ratio of sugar stocks to total sugar use at the end of the quota year will be approximately 15.5 percent.

''(3) MAINTENANCE OF REASONABLE PRICES AND AVOIDANCE OF FORFEITURES.—

''(A) IN GENERAL.—The Secretary may establish a different target for the ratio of ending stocks to total use if, in the judgment of the Secretary, the different target is necessary to prevent—

''(i) unreasonably high prices; or

''(ii) forfeitures of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(B) ANNOUNCEMENT.—The Secretary shall publicly announce any establishment of a target under this paragraph.

''(4) CONSIDERATIONS.—In establishing tariff-rate quotas under subsection (a) and making adjustments under this subsection, the Secretary shall consider the impact of the quotas on consumers, workers, businesses (including small businesses), and agricultural producers.

''(c) TEMPORARY TRANSFER OF QUOTAS.—

''(1) IN GENERAL.—To promote full use of the tariff-rate quotas for raw cane sugar and refined sugar, notwithstanding any other provision of law, the Secretary shall promulgate regulations that provide that any country that has been allocated a share of the quotas may temporarily transfer all or part of the share to any other country that has also been allocated a share of the quotas.

''(2) TRANSFERS VOLUNTARY.—Any transfer under this subsection shall be valid only on voluntary agreement between the transferor and the transferee, consistent with procedures established by the Secretary.

''(3) TRANSFERS TEMPORARY.—

''(A) IN GENERAL.—Any transfer under this subsection shall be valid only for the duration of the quota year during which the transfer is made.

''(B) FOLLOWING QUOTA YEAR.—No transfer under this subsection shall affect the share of the quota allocated to the transferor or transferee for the following quota year.''.

(e) EFFECTIVE PERIOD.—Section 359l(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ll(a)) is amended by striking ''2012'' and inserting ''2017''.

On page 897, strike lines 8 through 15, and insert the following:

SEC. 9009. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking '', except for'' and all that follows through '' of 2002''.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the amendment.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I will claim the first minute and yield the first 30 seconds to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join my colleague from Pennsylvania in supporting his amendment. This is the last opportunity for a bipartisan amendment to reform sugar subsidies that are costing consumers $3.5 million a year and losing 20,000 jobs a year in this country.

This amendment maintains the current sugar program but rolls back the additional subsidies that were provided for sugar in the 2008 farm bill.

Mr. TOOMEY. I thank the Senator from New Hampshire. Let me point out that this amendment is such a modest reform. It lowers the price support on raw sugar, for instance, from 18.75 cents per pound all the way down to 18 cents per pound.

This is an amendment that will save consumers money, save taxpayers money and, most importantly, it will save jobs. As the Department of Commerce pointed out, for every job saved by the sugar program, three jobs are lost. It is a modest amendment that simply restores us to the policy prior to 2008.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I strongly oppose this argument. If we want to jeopardize 142,000 American jobs, this is the vote to do it. We will see these jobs shipped overseas.

The bottom line is that this program operates at zero cost to the taxpayers. The Congressional Budget Office says it will continue operating at zero cost for the next 10 years. This is about American jobs in American communities all across this country. We are talking about 142,000 jobs. If we are importing cheap sugar at a point where we undermine American jobs, what have we gained? We want to export our products, not our jobs. That is what this amendment would do.

I urge strongly a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—46

Alexander	Durbin	McConnell
Ayotte	Feinstein	Menendez
Blumenthal	Graham	Merkley
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Heller	Reed
Brown (OH)	Hutchison	Sessions
Carper	Inhofe	Shaheen
Casey	Johnson (WI)	Snowe
Coats	Kohl	Toomey
Coburn	Kyl	Warner
Collins	Lautenberg	Webb
Coons	Lee	Whitehouse
Corker	Lugar	Wyden
Cornyn	McCain	
DeMint	McCaskill	

NAYS—53

Akaka	Harkin	Nelson (FL)
Barrasso	Hoeven	Pryor
Baucus	Inouye	Reid
Begich	Isakson	Risch
Bennet	Johanns	Roberts
Bingaman	Johnson (SD)	Rockefeller
Boxer	Kerry	Rubio
Burr	Klobuchar	Sanders
Cantwell	Landrieu	Schumer
Cardin	Leahy	Shelby
Chambliss	Levin	Stabenow
Cochran	Lieberman	Tester
Conrad	Manchin	Thune
Crapo	Mikulski	Udall (CO)
Enzi	Moran	Udall (NM)
Franken	Murkowski	Vitter
Gillibrand	Murray	Wicker
Hagan	Nelson (NE)	

NOT VOTING—1

Kirk

The amendment (No. 2433) was rejected.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Minnesota.

AMENDMENT NO. 2299

Ms. KLOBUCHAR. I call up my amendment No. 2299.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR] proposes amendment numbered 2299.

Ms. KLOBUCHAR. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture and Secretary of Transportation to conduct a study on rural transportation issues)

On page 782, between lines 14 and 15, insert the following:

SEC. 6203. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit a report to Congress that contains the results of the study required under subsection (a).

(d) PERIODIC UPDATES.—The Secretary and the Secretary of Transportation shall publish triennially an updated version of the study described in subsection (a).

SEC. 6204. AGRICULTURAL TRANSPORTATION POLICY.

Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended by striking subsection (j) and inserting the following:

''(j) POLICY DEVELOPMENT PROCEEDINGS.—The Secretary shall participate on behalf of the interests of agriculture and rural America in all policy development proceedings or other proceedings of the Surface Transportation Board that may establish freight rail transportation policy affecting agriculture and rural America.''.

Ms. KLOBUCHAR. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment. Senator HOEVEN of North Dakota is a cosponsor, and this helps address the transportation needs of rural America.

This amendment simply calls for a study on rural transportation and takes a close look at the issue of captive shippers. Farmers, energy producers, and manufacturers who depend on freight rail service find themselves trapped today in a back-to-the-future world, struggling with a problem that has resurfaced from a century ago. Many of these end users—these captive customers—have only one railroad to serve them. Three decades ago there were 63 class I railroads and today only 7 remain. This amendment simply looks at the effect this situation has on transportation in rural areas. It is supported by nearly 40 national and regional agricultural and energy organizations.

I urge my colleagues to support this amendment, and I ask for a voice vote.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I strongly support Senator KLOBUCHAR's amendment and appreciate her great work.

I yield back the remaining time, and it is my understanding we can proceed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2299) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO RECOMMIT

Mr. LEE. Mr. President, I have a motion to recommit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] moves to recommit the bill, S. 3240, to the Committee on Agriculture, Nutrition and Forestry with instructions to report the same back to the Senate with a reduction in spending to 2008 levels so that overall spending shall not exceed $714,247,000,000.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. LEE. Mr. President, I introduce this motion to recommit to move us back to 2008 levels. We cannot continue to kick this can down the road in perpetuity. Our spending levels threaten to impair our ability to fund everything from defense to entitlements and everything that falls in between. This is a good start, and this is something that would cut the 10-year cost of this bill by $254 billion. We need to do it. We need to send it back to the committee, where the committee will have discretion on exactly how to accomplish that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I strongly oppose this motion to recommit. I want to read the cost estimate of the bill prepared by the Congressional Budget Office. This bill spends $23.6 billion less than we project would be spent if those programs were continued as under current law. This bill is $23 billion in deficit reduction, according to the nonpartisan, independent Congressional Budget Office.

Frankly, we believe, in agriculture, on a bipartisan basis, that we have done our job. We have scoured every page, reduced the deficit by $23 billion-plus, and eliminated 100 different programs and authorizations within our jurisdiction. Frankly, I think we are offering, within what we can do, reform and deficit reduction of which we should all feel very proud.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Utah.

Mr. LEE. Madam President, in my approximately 20 seconds remaining, let me say that if we want to continue the same budgeting process that has put us nearly $16 trillion in debt, then we should proceed to vote against this. If, on the other hand, we want to turn this around and maintain our ability to fund essential government programs, we need to pass this.

I urge my colleagues to support the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Madam President, let me take just 1 second to say that this bill turns us in a different direction—$23 billion-plus in deficit reduction. It may be the only bipartisan deficit reduction proposal we will pass in the Senate before the election.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—29

Ayotte	Graham	Paul
Barrasso	Hatch	Risch
Blunt	Inhofe	Roberts
Burr	Johnson (WI)	Rubio
Coburn	Kyl	Sessions
Corker	Lee	Shelby
Cornyn	McCain	Toomey
Crapo	McConnell	Vitter
DeMint	Moran	Wicker
Enzi	Murkowski	

NAYS—70

Akaka	Gillibrand	Mikulski
Alexander	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Thune
Coats	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Warner
Conrad	Lugar	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	Wyden
Feinstein	Menendez	
Franken	Merkley	

NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENTS NOS. 2195, 2246, 2403, 2443, 2363, AS MODIFIED

Mrs. STABENOW. Madam President, we have been hard at work to pull together some amendments we need to do in a vote. I ask unanimous consent the following amendments that are in order under the unanimous consent agreement be agreed to: Ayotte No. 2195, Blunt No. 2246, Moran No. 2403, Moran No. 2443, and Vitter No. 2363, as modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2195

(Purpose: To require a GAO report on crop insurance fraud)

At the appropriate place, insert the following:

SEC. _____. GAO CROP INSURANCE FRAUD REPORT.

Section 515(d) of the Federal Crop Insurance Act (7 U.S.C. 1515(d)) is amended by adding at the end the following:

''(6) GAO CROP INSURANCE FRAUD REPORT.—As soon as practicable after the date of enactment of this paragraph, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study regarding fraudulent claims filed, and benefits provided, under this subtitle.''.

AMENDMENT NO. 2246

(Purpose: To assist military veterans in agricultural occupations)

On page 999, strike line 13 and insert the following:

''actions with employees of the Department.

''(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education, or nonprofit organizations for—

''(1) the conduct of regional research on the profitability of small farms;

''(2) the development of educational materials;

''(3) the conduct of workshops, courses, and certified vocational training;

''(4) the conduct of mentoring activities; or

''(5) the provision of internship opportunities.''.

AMENDMENT NO. 2403

(Purpose: To increase the minimum level of nonemergency food assistance)

On page 291, lines 20 and 21, strike ''15 percent'' and insert ''20''.

AMENDMENT NO. 2443

(Purpose: To improve farm safety at the local level)

In section 7408, strike ''(2) in subsection (h)—'' and insert the following:

(2) by redesignating subsection (h) as subsection (i);

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

''(h) STATE GRANTS.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) an agency of a State or political subdivision of a State;

''(B) a national, State, or regional organization of agricultural producers; and

''(C) any other entity determined appropriate by the Secretary.

''(2) GRANTS.—The Secretary shall use such sums as are necessary of funds made available to carry out this section for each fiscal year under subsection (i) to make grants to States, on a competitive basis, which States shall use the grants to make grants to eligible entities to establish and improve farm safety programs at the local level.''; and

(4) in subsection (i) (as redesignated by paragraph (2))—

AMENDMENT NO. 2363, AS MODIFIED

(Purpose: To ensure that extras in film and television who bring personal, common domesticated household pets do not face unnecessary regulations and to prohibit attendance at an animal fighting venture)

At the end of title XII, add the following:

SEC. 12207. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding ''an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner,'' after ''stores,''.

SEC. 12208. PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT; ENFORCEMENT OF ANIMAL FIGHTING PROVISIONS.

(a) PROHIBITION ON ATTENDING AN ANIMAL FIGHT OR CAUSING A MINOR TO ATTEND AN ANIMAL FIGHT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''SPONSORING OR EXHIBITING AN ANIMAL IN'' and inserting ''SPONSORING OR EXHIBITING AN ANIMAL IN, ATTENDING, OR CAUSING A MINOR TO ATTEND'';

(B) in paragraph (1)—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''SPONSORING OR EXHIBITING''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph:

''(2) ATTENDING OR CAUSING A MINOR TO ATTEND.—It shall be unlawful for any person to—

''(A) knowingly attend an animal fighting venture; or

''(B) knowingly cause a minor to attend an animal fighting venture.''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(5) the term 'minor' means a person under the age of 18 years old.''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) in subsection (a), as designated by paragraph (1) of this section, by striking ''subsection (a),'' and inserting ''subsection (a)(1),''; and

(3) by adding at the end the following new subsections:

''(b) ATTENDING AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(A) of section 26 of the Animal Welfare Act (7 U.S.C. 2156) shall be fined under this title, imprisoned for not more than 1 year, or both, for each violation.

''(c) CAUSING A MINOR TO ATTEND AN ANIMAL FIGHTING VENTURE.—Whoever violates subsection (a)(2)(B) of section 26 (7 U.S.C. 2156) of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.''.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 2287

Mr. CARPER. I call up amendment No. 2287 and ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself and Mr. BOOZMAN, proposes an amendment numbered 2287.

The amendment is as follows:

(Purpose: To modify a provision relating to high-priority research and extension initiatives)

On page 805, strike lines 18 through 22 and insert the following:

(43), (47), (48), (51), and (52);

(B) by redesignating paragraphs (6), (9), (10), (40), (44), (45), (46), (49), and (50) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively; and

(C) by adding at the end the following:

''(10) CORN, SOYBEAN MEAL, CEREAL GRAINS, AND GRAIN BYPRODUCTS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying out or enhancing research to improve the digestibility, nutritional value, and efficiency of use of corn, soybean meal, cereal grains, and grain byproducts for the poultry and food animal production industries.'';

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

Mr. CARPER. Madam President, roughly two-thirds of the cost of raising a chicken is the cost of feed. In recent years, the cost of feed, including the cost of corn, has, as we know, risen dramatically, raising with it the cost of chicken and other meats in our supermarkets. These rising costs have placed a strain on the poultry industry, among others, and on consumers too. That is why I joined with Senator BOOZMAN in offering an amendment to this bill that makes improving the efficiency, digestibility, and nutritional value of feed for poultry and livestock—including corn, soybean meal, grains and grain byproducts—a top research priority at the U.S. Department of Agriculture.

By improving the food used to raise our chickens and livestock we can provide the poultry and livestock industry with a greater variety of feed choices for use in their operations. But this research will not only benefit our country's food producers, it also benefits our Nation's families by continuing to provide consumers with affordable high-quality food.

Senator BOOZMAN and I urge its adoption.

Ms. STABENOW. I commend Senator CARPER. I have to say he has mentioned to me many times there are 300 chickens for every person in Delaware. I think I have that in my memory now. I commend him for his work.

We are yielding back time, and we have agreed to a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2287) was agreed to.

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. JOHNSON of Wisconsin. Madam President, I have a motion at the desk.

The legislative clerk read as follows:

Mr. Johnson the Senator from Wisconsin, moves to recommit the bill S. 3240 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided.

The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. This is a pretty straightforward motion. It recommits the bill in the Senate back to the committee to have that committee report back to the full Senate two separate bills. It recognizes the reality that what we have in front of us is not really a farm bill but a food stamp bill.

The history is that in 1964 we made food stamps permanent. In 1973 we combined the food stamp portion with the farm bill to ease passage of both votes—to make it easier to spend money. That has worked pretty well because when the food stamp bill was first passed, it cost $375 million—million—per year. Really, 500,000 people were eligible. Since that point in time it is now going to cost $772 billion over 10 years. It is now 78 percent the size of this entire package.

Again, I think it is more than appropriate to split these bills in two so both bills, the food stamp bill and the farm bill, would get more scrutiny and there would be more debate.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSON of Wisconsin. I ask for the yeas and nays.

Ms. STABENOW. Madam President, I rise to oppose the motion to recommit. After all the hard work we have been doing, I am not sure we want to do it twice this year on a farm bill. But on a more serious note, let me just indicate, again, these are major reforms, $23 billion-plus in deficit reduction. It addresses the diversity of agriculture—16 million jobs are connected to agriculture in every corner of our country. All of us have a stake in food security. We have the safest, most affordable food supply in the world thanks to a lot of hard-working folks all across this country.

We believe what we have put forward is something worthy of support. We appreciate all the hard work everyone is doing, the changes that are being made. But I urge we not recommit this bill.

Mr. JOHNSON of Wisconsin. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	
Enzi	Moran	

NAYS—59

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeven	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—1

Kirk

The motion was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2254

Mr. SANDERS. Mr. President, I call up my amendment No. 2254.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 2254.

Mr. SANDERS. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To improve the community wood energy program)

On page 914, line 14, strike ''Section'' and insert the following:

(a) DEFINITION OF BIOMASS CONSUMER COOPERATIVE.—Section 9013(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BIOMASS CONSUMER COOPERATIVE.—The term 'biomass consumer cooperative' means a consumer membership organization the purpose of which is to provide members with services or discounts relating to the purchase of biomass heating products or biomass heating systems.''.

(b) GRANT PROGRAM.—Section 9013(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(b)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) grants of up to $50,000 to biomass consumer cooperatives for the purpose of establishing or expanding biomass consumer cooperatives that will provide consumers with services or discounts relating to—

''(i) the purchase of biomass heating systems;

''(ii) biomass heating products, including wood chips, wood pellets, and advanced biofuels; or

''(iii) the delivery and storage of biomass of heating products.''.

(c) MATCHING FUNDS.—Section 9013(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(d)) is amended—

(1) by striking ''A State or local government that receives a grant under subsection (b)'' and inserting the following:

''(1) STATE AND LOCAL GOVERNMENTS.—A State or local government that receives a grant under subparagraph (A) or (B) of subsection (b)(1)''; and

(2) by adding at the end the following:

''(2) BIOMASS CONSUMER COOPERATIVES.—A biomass consumer cooperative that receives a grant under subsection (b)(1)(C) shall contribute an amount of non-Federal funds (which may include State, local, and nonprofit funds and membership dues) toward the establishment or expansion of a biomass consumer cooperative that is at least equal to 50 percent of the amount of Federal funds received for that purpose.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section

Mr. SANDERS. Mr. President, this is a noncontroversial amendment which, according to the CBO, has zero costs. It is supported by the National Wildlife Federation, the American Forest Foundation, the Biomass Thermal Energy Council, and the Trust for Public Land.

This amendment would simply allow, under the Community Wood Energy Program, a new category of small grants to be created which would provide seed capital for biomass cooperatives through grants of up to $50,000. These cooperatives would have the opportunity to work with local wood pellet or wood chip manufacturers to supply bulk purchases that provide consumers with modest discounts.

This amendment can help our Nation move forward to more locally produced renewable biomass heating. Again, according to the CBO, it has zero costs, and I would ask for the support of my colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I support the amendment by the Senator from Vermont and yield back time. It is my understanding that we will proceed to a voice vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2254) was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2363, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent that the adoption of Vitter amendment No. 2363, as modified, be vitiated; and further, that the Vitter amendment, as modified, be subject to a 60-affirmative-vote threshold.

I turn now to Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I expect this amendment to pass, but I know some Members expected a vote, and I certainly wanted to provide them that vote with a 60-vote threshold.

I urge support of this bipartisan amendment. It does two things. First of all, it clears up a situation in the context of the film industry where there are certain unintended regulations of extras and actors bringing their pets on the set. All of a sudden that is being captured by regulation which is intended for zoo animals and circus animals, and things such as that. There is no opposition to this part of the amendment at all.

Secondly, because of the modification, which adds a provision supported by myself and Senators BLUMENTHAL, KIRK, and others, that would make it illegal under Federal law to attend an animal fight. It is already outlawed to help organize an animal fight under Federal law. It is also illegal to attend one under State law in 49 States. This will make Federal law similar to State law and will help Federal authorities work with local government in sting operations, and that is what they normally do.

I ask support for this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been in contact with Senator MCCONNELL. We are making good progress here. The goal is to get down to 10 votes. Once we get down to 10 votes, we will stop for the night. We should be able to do that in the next hour or hour and half, give or take a few minutes. I think the goal is reachable.

We will come in tomorrow. We have some important votes tomorrow. Don't forget that we have flood insurance. I hope we can move up the vote on cloture on flood insurance tomorrow. If not, we are going to have to vote on it on Friday. We have done that in the past. We should be able to do that. The goal is 10 votes left by the time we leave here this evening.

The PRESIDING OFFICER. Is there further debate on the Vitter amendment?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. STABENOW. Mr. President, if I might, I am not sure if we have anyone in opposition. I rise in strong support of this amendment. We know that there are Members who wanted the opportunity to vote and record a ''no'' vote. I hope that since we passed this by a voice vote a bit ago, we will have an overwhelming affirmative vote for this amendment. I urge a ''yes'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—88

Akaka	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Heller	Portman
Bennet	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inouye	Reid
Boozman	Isakson	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (WI)	Rockefeller
Brown (OH)	Johnson (SD)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NAYS—11

Alexander	DeMint	Paul
Bingaman	Graham	Rubio
Burr	Inhofe	Sessions
Coburn	Lee	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, as modified, the amendment is agreed to.

The Senator from Georgia.

AMENDMENT NO. 2438

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2438.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2438.

The amendment is as follows:

(Purpose: To establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program)

At the end of subtitle G of title II, add the following:

SEC. 2609. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION FOR CROP INSURANCE.

(a) HIGHLY ERODIBLE LAND PROGRAM INELIGIBILITY.—

(1) IN GENERAL.—Section 1211(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3811(a)(1)) is amended—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(E) any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);''.

(2) EXEMPTIONS.—Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(A) in the first sentence, by striking ''(2) If,'' and inserting the following:

''(2) ELIGIBILITY BASED ON COMPLIANCE WITH CONSERVATION PLAN.—

''(A) IN GENERAL.—If,'';

(B) in the second sentence, by striking ''In carrying'' and inserting the following:

''(B) MINIMIZATION OF DOCUMENTATION.—In carrying''; and

(C) by adding at the end the following:

''(C) CROP INSURANCE.—In the case of payments that are subject to section 1211 for the first time due to the amendment made by section 2609(a) of the Agriculture Reform, Food, and Jobs Act of 2012, any person who produces an agricultural commodity on the land that is the basis of the payments shall have until January 1 of the fifth year after the date on which the payments became subject to section 1211 to develop and comply with an approved conservation plan.''.

(b) WETLAND CONSERVATION PROGRAM INELIGIBILITY.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by adding at the end the following:

''(4) Any portion of premium paid by the Federal Crop Insurance Corporation for a plan or policy of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).''.

Mr. CHAMBLISS. Mr. President, this amendment would require those who receive crop insurance protection from the Federal Government to now follow conservation compliance laws. Conservation compliance was enacted as part of the 1985 farm bill and has contributed almost singlehandedly to almost three decades of progress in limiting erosion, cleaning up waterways, and protecting wetlands. For those of us who love to fish and hunt, that has been of critical importance. No other program has done more for protecting our farmland and topsoil than conservation compliance.

In 1996 Congress exempted crop insurance from the conservation requirement. Back then, the reason for doing so was to increase participation in the Crop Insurance Program. And that is exactly what we have seen. We have seen premium subsidies increase by 500 percent.

The farm bill we are debating now will incentivize farmers to move from title I programs to crop insurance, and as a result soil and wetland conservation will not be a policy priority. And it should be. This shift will likely adversely impact soil and conservation without this amendment.

If crop insurance is going to be the preferred safety net for farmers, then we also need to make sure the program does not incentivize farmers to eliminate the gains we have made in the last 25 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. I urge adoption of the amendment.

Who yields time?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise to speak in opposition to the amendment of my friend and colleague.

The battle cry for conservation compliance requirements to be attached to crop insurance seems, strangely, to assume that conservation compliance is somehow eliminated in commodity programs in this new bill. This is not true. Conservation compliance is attached to the new farm revenue program in title I of the bill. Conservation compliance is also attached to the marketing loan program.

To duplicate the same requirements in crop insurance is wasteful of government resources, taxpayer dollars, and will cause a lot more paperwork. When your farmers find out you are wasting taxpayer dollars and are in charge of a duplicative effort and making them fill out more paperwork, you will have to hide in your office for 4 weeks. Do not hide in your office for 4 weeks. Vote no.

Mr. GRASSLEY. Amen.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CHAMBLISS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—52

Bennet	Harkin	Murkowski
Bingaman	Hatch	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Rubio
Burr	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Kyl	Shaheen
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Tester
Collins	Leahy	Udall (NM)
Coons	Levin	Warner
Durbin	Lieberman	Webb
Feinstein	Manchin	Whitehouse
Franken	Menendez	Wyden
Graham	Merkley	
Hagan	Mikulski	

NAYS—47

Akaka	DeMint	Murray
Alexander	Enzi	Nelson (NE)
Ayotte	Gillibrand	Nelson (FL)
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Begich	Hoeven	Risch
Blumenthal	Hutchison	Roberts
Blunt	Inhofe	Sessions
Cantwell	Johanns	Shelby
Coats	Johnson (WI)	Stabenow
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Conrad	McCain	Udall (CO)
Corker	McCaskill	Vitter
Cornyn	McConnell	Wicker
Crapo	Moran	

NOT VOTING—1

Kirk

The amendment (No. 2438) was agreed to.

AMENDMENT NO. 2437

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I call up amendment No. 2437.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 2437.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

''(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

''(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term 'average adjusted gross income' has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)).

''(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of $750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

''(C) APPLICATION.—

''(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the approved insurance providers, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

''(I) the overall operations of the Federal crop insurance program;

''(II) the number of producers participating in the Federal crop insurance program;

''(III) the amount of premiums paid by participating producers;

''(IV) any potential liability for approved insurance providers;

''(V) any crops or growing regions that may be disproportionately impacted;

''(VI) program rating structures;

''(VII) creation of schemes or devices to evade the impact of the limitation; and

''(VIII) underwriting gains and losses.

''(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

''(I) increase the premium amount paid by producers with an average adjusted gross income of less than $750,000;

''(II) result in a decline in the availability of crop insurance services to producers; and

''(III) increase the costs to the Federal government to administer the Federal crop insurance program established under this subtitle.''.

Mr. THUNE. Mr. President, in the years 1994 to 2003, the Congress appropriated over $36 billion in ad hoc or emergency assistance for farmers and ranchers across this country above and beyond the normal farm program payments. Let me say that again—$36 billion in a 10-year period between 1994 and 2003 above and beyond normal farm program payments.

Since the emergence of the Crop Insurance Program, we have seen those disaster ad hoc emergency bills go away. The Crop Insurance Program is the centerpiece of this farm policy. That is what this entire farm bill is built around. That is what farmers and producers in this country said they wanted.

There is going to be an amendment offered by our colleagues Senators DURBIN and COBURN that would limit the availability of that to people who have adjusted gross incomes under $750,000. What I would say to that is that this amendment—the amendment I am offering—is not about those who are making more than $750,000; it is about those who make less whose premiums would go up as a result of that change.

We need a good, strong Crop Insurance Program for the farmers in this country. That is what this farm bill is built upon. We should not take any chances with it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is a good farm bill. It eliminates direct payments and a lot of subsidies. But there is one aspect of Federal subsidy in this bill that goes untouched; it is the Federal subsidy from our Treasury to pay for the crop insurance premiums. Sixty-two percent, the GAO tells us, of crop insurance premiums are paid for by taxpayers, which means those who are using crop insurance are relying on the Treasury.

So Senator COBURN and I, a political odd couple I will admit, said, for at least those making over $750,000 a year, we are going to trim the Federal subsidy by 15 percentage points. How many farmers would be affected by this nationwide—15,000 farmers out of 1.5 million.

The Thune amendment says: We cannot reduce this subsidy, even though it saves us $1 billion. We cannot reduce this subsidy—in his language—if it adds any administrative expense. So if it costs $1 to even figure out who the 15,000 farmers are, no way we are going to save $1 billion.

Vote against the Thune amendment and then vote for Durbin-Coburn. Voting for both does not get the job done.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to respond to the comments of the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, how much time does he have remaining?

The PRESIDING OFFICER. No time is remaining.

Is there objection?

Mr. DUBIN. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Ms. STABENOW. Mr. President, I would support the yeas and nays and just strongly urge a ''yes'' vote on the Thune amendment.

Mr. ROBERTS. Mr. President, I will support the yeas and nays and stand with the chairwoman and Senator THUNE.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—44

Alexander	Heller	Nelson (NE)
Barrasso	Hoeven	Nelson (FL)
Begich	Hutchison	Reid
Blunt	Inhofe	Risch
Casey	Isakson	Roberts
Chambliss	Johanns	Sanders
Coats	Johnson (SD)	Schumer
Collins	Klobuchar	Shelby
Cornyn	Landrieu	Snowe
Crapo	Leahy	Stabenow
Enzi	Lugar	Tester
Feinstein	McCaskill	Thune
Gillibrand	McConnell	Vitter
Hagan	Moran	Wicker
Hatch	Murkowski	

NAYS—55

Akaka	DeMint	Mikulski
Ayotte	Durbin	Murray
Baucus	Franken	Paul
Bennet	Graham	Portman
Bingaman	Grassley	Pryor
Blumenthal	Harkin	Reed
Boozman	Inouye	Rockefeller
Boxer	Johnson (WI)	Rubio
Brown (MA)	Kerry	Sessions
Brown (OH)	Kohl	Shaheen
Burr	Kyl	Toomey
Cantwell	Lautenberg	Udall (CO)
Cardin	Lee	Udall (NM)
Carper	Levin	Warner
Coburn	Lieberman	Webb
Cochran	Manchin	Whitehouse
Conrad	McCain	Wyden
Coons	Menendez	
Corker	Merkley	

NOT VOTING—1

Kirk

The amendment (No. 2437) was rejected.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2439

Mr. COBURN. I call up amendment No. 2439.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DURBIN, proposes an amendment numbered 2439.

The amendment is as follows:

(Purpose: To limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation)

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 11023(b)) is amended by adding at the end the following:

''(9) LIMITATION ON PREMIUM SUBSIDY BASED ON AVERAGE ADJUSTED GROSS INCOME.—

''(A) DEFINITION OF AVERAGE ADJUSTED GROSS INCOME.—In this paragraph, the term 'average adjusted gross income' has the meaning given the term in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)).

''(B) LIMITATION.—Notwithstanding any other provision of this subtitle and beginning with the 2014 reinsurance year, in the case of any producer that is a person or legal entity that has an average adjusted gross income in excess of $750,000 based on the most recent data available from the Farm Service Agency as of the beginning of the reinsurance year, the total amount of premium subsidy provided with respect to additional coverage under subsection (c), section 508B, or section 508C issued on behalf of the producer for a reinsurance year shall be 15 percentage points less than the premium subsidy provided in accordance with this subsection that would otherwise be available for the applicable policy, plan of insurance, and coverage level selected by the producer.

''(C) APPLICATION.—

''(i) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Government Accountability Office, shall carry out a study to determine the effects of the limitation described in subparagraph (B) on—

''(I) the overall operations of the Federal crop insurance program;

''(II) the number of producers participating in the Federal crop insurance program;

''(III) the level of coverage purchased by participating producers;

''(IV) the amount of premiums paid by participating producers and the Federal Government;

''(V) any potential liability for participating producers, approved insurance providers, and the Federal Government;

''(VI) different crops or growing regions;

''(VII) program rating structures;

''(VIII) creation of schemes or devices to evade the impact of the limitation; and

''(IX) administrative and operating expenses paid to approved insurance providers and underwriting gains and loss for the Federal government and approved insurance providers.

''(ii) EFFECTIVENESS.—The limitation described in subparagraph (B) shall not take effect unless the Secretary determines, through the study described in clause (i), that the limitation would not—

''(I) significantly increase the premium amount paid by producers with an average adjusted gross income of less than $750,000;

''(II) result in a decline in the crop insurance coverage available to producers; and

''(III) increase the total cost of the Federal crop insurance program.''.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is an amendment that both Senator DURBIN and I have offered. It is not nearly as severe as the GAO's recommendation for this program.

The very wealthiest of farmers, in terms of income in this country, are the people most likely to buy less crop insurance, not more. Yet we subsidize them at the same rate as we do the middle-income and lower income farmers.

This is straightforward. If you want to save $1 billion, if you want to tackle the debt, here is a way that will allow us to save $1 billion and not put anybody at risk. Highly capitalized farmers don't insure at the same rate as lower capitalized farmers.

This will be the only program, if this amendment doesn't pass, that doesn't have a payment limitation on it in terms of adjusted gross income. So there should be no question we should do this just in terms of fairness of all the sacrifices we are going to ask everybody else in this country to make in the coming years. This ought to be part of this farm program.

I yield back.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Kansas.

Mr. ROBERTS. Mr. President, on behalf of Chairwoman STABENOW, myself, Senator THUNE, and every farm organization and commodity group in America, I rise in opposition to this amendment. It will impact every single producer in the program, not those that exceed this arbitrary limit or ''rich producers.'' The rest will pay higher premiums when they are out of the program because that is what happens with an insurance pool.

I have no doubt, just as sure as I am standing here and the Senator from Oklahoma is sitting there and contemplating this, that under this amendment we will soon return to the days of low crop insurance participation, multibillion-dollar ad hoc disaster programs, just as in the 1990s—$36 billion over 10 years, $11 billion in 1 year. These are a disaster to plan, to legislate, and to implement.

If you are for these ad hoc disaster programs, you better hide for at least 6 weeks in your office. We just passed two where you are hiding for 2 and 4. Now you are going to have to hide in your office for 6 weeks. Don't hide in your office for 6 weeks. Vote no.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—66

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Ayotte	Graham	Murray
Begich	Grassley	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Heller	Reed
Boxer	Inouye	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Shelby
Casey	Lautenberg	Snowe
Coburn	Lee	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Manchin	Warner
Corker	McCain	Webb
DeMint	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—33

Barrasso	Hagan	Moran
Baucus	Hoeven	Nelson (NE)
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Chambliss	Isakson	Roberts
Coats	Johanns	Sanders
Cochran	Landrieu	Stabenow
Cornyn	Leahy	Tester
Crapo	Lugar	Thune
Enzi	McCaskill	Vitter
Gillibrand	McConnell	Wicker

NOT VOTING—1

Kirk

The amendment (No. 2439) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have made a lot of progress on this legislation. We are down to 10 or 11 amendments. We are going to come in tomorrow and finish this bill. We are going to try to get permission—I understand we can—to have a cloture vote tomorrow.

We have to figure out where we are going on flood insurance. It is obvious, with all the problems we are having with flood insurance, we are not going to finish that tomorrow or the next day; but we have to work toward completing that as quickly as we can next week. Remember, the program expires at the end of the month—and the end of the month is coming very quickly. We have two voice votes, but this will be the last recorded vote. We will come in tomorrow and work through these. We will have the staff work with the requests people have for time on the floor and other things that need to be done.

We don't know exactly what time we are coming in tomorrow or what time the votes will start, but as soon as we can. There will be votes all through the lunch hour. Everybody should understand that. We hope to be able to finish by 3 p.m. tomorrow afternoon.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I call up Chambliss amendment No. 2340.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, propose an amendment numbered 2340.

The amendment is as follows:

(Purpose: To move the sugar import quota adjustment date forward in the crop year)

On page 69, strike line 15 and insert the following:

(2) SUGAR IMPORT QUOTA ADJUSTMENT DATE.—Section 359k(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk(b)) is amended—

(A) by striking ''APRIL 1'' each place it appears and inserting ''FEBRUARY 1''; and

(B) by striking ''April 1'' each place it appears and inserting ''February 1''.

(3) EFFECTIVE PERIOD.—Section 3591(a) of

Mr. CHAMBLISS. Mr. President, the amendment I am offering has a very focused and modest reform objective—specifically, to accelerate by 60 days the date on which USDA may increase the import quota, if in the agency's judgment such action is needed to adequately supply the Nation's demand for sugar.

The current farm bill prohibits the USDA from adjusting the minimum sugar quota imports until April 1 of the crop year unless there is an emergency shortage of sugar that is caused by war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary.

Experience with the April 1 date has been very unsatisfactory to independent domestic sugar refiners and their refined sugar customers who have annually experienced shortfalls in the supply of sugar and endured the elevated prices that ensue from inadequacy of timely supply. The April 1 date leaves precious little time in the balance of the sugar crop year for USDA's complex bureaucratic process.

I ask support for this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask that we take this as a voice vote. We have an agreement to proceed to do that.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2340) was agreed to.

AMENDMENT NO. 2432

Mr. CHAMBLISS. Mr. President, I ask that my amendment No. 2432 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 2432.

The amendment is as follows:

(Purpose: To repeal mandatory funding for the farmers market and local food promotion program) In section 10003(7), strike subparagraph (A).

Mr. CHAMBLISS. Mr. President, this amendment simply strikes $20 million annually in mandatory funds from the Farmers Market Promotion Program. The program will still retain its authorization for annual appropriations at $20 million per year.

I understand the important role that farmers markets play in connecting consumers with the farmers who grow their food. However, this is a grant program that should be funded with discretionary appropriations. We can't give every program in the farm bill mandatory money at a time of fiscal crisis.

The number of farmers markets in the United States has grown exponentially over the last 5 years. The Agriculture Marketing Service reports that in mid-2011, there were 7,175 farmers markets in the United States. This was a 17-percent increase over 2010.

This amendment will save the government $200 million over the next 10 years while still allowing the program to retain its integrity. I ask for consideration and for an affirmative vote.

Ms. STABENOW. Mr. President, I strongly oppose this amendment. This relates to a very important growth area in agriculture regarding farmers markets. We now have farmers markets all across the country in every community, providing the chance for local growers to come together, for families to receive healthy food and have access to local food in their communities.

I know in Michigan for every $10 families spend at a farmers market we have $40 million in economic activity—just in Michigan alone, for $10.

I strongly urge a ''no'' vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432) was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first want to say thank you to all of our colleagues for their wonderful work today—and apologize. I think when I was speaking a moment ago I was not exactly clear, after numerous hours on the floor. It is true that if a family spends $10 at a farmers market, it generates economic activity in Michigan of $40 million—that is if every family in Michigan spent $10. I don't know if that is any clearer, but I apologize. I think at the end of the day I was not clear.

Before going to a unanimous consent request, I thank the leader—both our leaders for their patience and diligence and for supporting our efforts. We have had a long day. People have worked very hard. We are near the end. We are going to have a farm bill. We are going to have major reform, $23 billion in deficit reduction. We are doing it altogether through a process where we propose amendments and vote on amendments, and the Senate is operating in regular order. We appreciate everybody's hard work, hanging in there with us as we get this done, which we are on the path to do tomorrow.

AMENDMENT NO. 2202

I ask unanimous consent that the Bennet-Crapo amendment No. 2202 be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2202) was agreed to, as follows:

(Purpose: To improve agricultural land easements)

On page 205, line 4, insert ''by eligible entities'' after ''purchase''.

On page 207, lines 10 and 11, strike ''contiguous acres'' and insert ''areas''.

On page 208, line 24, insert ''if terms of the easement are not enforced by the holder of the easement'' before the semicolon at the end.

EASEMENT AND INSECT INFESTATION

Mr. BENNET. Mr. President, I rise today to speak in strong support of the farm bill we have on the floor, and to recognize chairwoman STABENOW and ranking member ROBERTS for constructing a bill that passed the Committee with strong, bipartisan support.

I would like to express my strong support for the bill's work on conservation including a reformed and stronger conservation title, and a provision known as ''sodsaver'' that was authored by Senator THUNE of South Dakota. I was a proud cosponsor of the provision when we marked up the bill in committee, and I am glad to see it in the package on the floor.

I would also thank the Chair for including the Bennet-Crapo amendment regarding conservation easements in the consent agreement, and I look forward to the amendment's expected passage later today.

Finally, I hope to continue to work with the chair and ranking member on two topics.

The first is easement policy. In my State of Colorado, easements are an important tool for protecting environmentally vital and valuable grasslands. We did a lot of great work in committee to simplify this program and make it easier for the administration, partner entities, and landowners to use. One great thing S. 3240 does is provide a waiver for grasslands of significance, making it easier for the Secretary to enter into agreements to conserve these areas. The west is experiencing grassland loss, which impacts soil and water quality. Anything we can do to make it easier to protect this land is needed.

The second issue centers on treating insect infestations in our national forests. My State and others are experiencing epidemic levels of insect infestations causing unbelievable levels of tree mortality. I have been working with Senator BINGAMAN, Senator BAUCUS, Senator WYDEN, Senator MARK UDALL and others to make sure we have the right policies in place to react to the situation.

It is my understanding that the chairwoman would be willing to work with me on these important issues; is that correct?

Ms. STABENOW. I thank the Senator for his leadership as chairman of our conservation subcommittee. I have been glad to work with the Senator on this legislation and I am committed to continuing to work with him on easement and forestry issues.

CONSERVATION EASEMENT PROGRAM

Mrs. SHAHEEN. Mr. President, I ask permission to engage in a colloquy with the Senators from Michigan and Vermont, Senators STABENOW and LEAHY. I wish to address a problem that affects many farmers and agricultural producers in States, including New Hampshire, with significant forest cover. Agricultural producers face tremendous development pressures as the value of land increases. As chairwoman of the Agriculture Committee, I know Senator STABENOW has a great familiarity with this issue.

Ms. STABENOW. I thank my friend, the senior Senator from New Hampshire, for bringing attention to this important matter and for her incredible leadership on forestry issues. Since she was first sworn into the Senate, we have worked together on forest conservation efforts, which are so important for the Granite State and the Great Lakes State. As my friend knows, development and sprawl are certainly pressuring our productive agricultural lands. One critical component of the Agriculture Reform, Food, and Jobs Act of 2012, the Agricultural Conservation Easement Program, provides continued funding to allow farmers and ranchers to voluntarily purchase easements on their land to keep it in agricultural use.

Mrs. SHAHEEN. I agree that easement programs are an essential part of the effort to keep land available for agriculture. In New Hampshire, the Farmland Protection Program has provided a crucial backstop against development pressures, but the program has not been as effective as it can be. I know Senator LEAHY helped to create the Farmland Protection Program when he was chairman of the Agriculture Committee and his State has used this program very effectively.

Mr. LEAHY. Like New Hampshire, Vermont is one of the most forested States in the country. Even farms with a significant amount of open space tend to have significant forested acreage and both are feeling tremendous development pressures. While many agricultural producers in my state would like to purchase easements to keep

their lands working, a 2008 Natural Resource Conservation Service rule prohibited the agency from protecting tracts with more than two-thirds of their acres under forest cover. This rule has hampered conservation efforts in Vermont. Has it had a similar effect in Michigan?

Ms. STABENOW. It has. Like New Hampshire and Vermont, Michigan is heavily forested and this NRCS rule has impacted the ability of agricultural producers to purchase on their working lands. I would like to clarify that it is not the intent of Congress to limit eligibility for critical easement programs based on the forested acreage of otherwise eligible land.

Mrs. SHAHEEN. I thank my friend for making that critical clarification. Agricultural producers in New Hampshire and many other States work primarily on small farms. They may actively use only a small number of their acres at any given time, and the rest of their parcels tend to be forested. We need to ensure that Federal programs are tailored to fit local conditions and doing away with restrictions on forested land is an important part of making NRCS easement programs as effective as they can be.

Mr. LEAHY. I completely agree. We need to ensure that Federal programs are carried out in a manner that ensures we keep as much agricultural land in working production as we possibly can. In Vermont, our forests are an important part of that agricultural landscape, especially with our maple syrup producers who depend on these productive and working forestlands. According to USDA, the Northeast and many other heavily forested regions of the country have experienced long-term declines in cropland and forestland use as a result of urban pressures.

Ms. STABENOW. That is exactly right. Once rural land is developed it rarely reverts back to agricultural uses, which is why Federal programs are such a critical part of giving farmers alternatives to converting their land to nonagricultural uses. Our agricultural producers should be able to access these tools regardless of the percentage of their land they keep forested.

Mrs. SHAHEEN. I couldn't agree more. I thank the Senator from Michigan and the Senator from Vermont for engaging in this colloquy to address the importance of allowing agricultural producers who own heavily forested tracts to access NRCS easement programs. This issue is of critical importance to farmers in New Hampshire, Michigan, and many other States.

MULTI-YEAR PRICE DECLINES

Mr. REID. Mr. President, I would like to engage in a colloquy with my good friends and colleagues the Senator from Michigan and Chair of the Agriculture Committee, Senator STABENOW, and the Chairman of the Finance Committee, Senator BAUCUS from Montana.

The Senate has been working the past few weeks to get an agreement to move forward and complete our work on the Farm Bill. The Senate Agriculture Committee passed a strong bipartisan bill out of the committee under the strong leadership of Senator STABENOW.

The Farm Bill is a reform bill which cuts federal spending by $23 billion. This is a rare example, this Congress, of Senators working across the aisle to pass a bill which helps to expand our markets abroad, keep food on the table for working families, and ensure our conservation dollars are funding projects to protect the land for years to come.

With all of the changes in the farm bill the largest changes have been made to the Commodity Title of the Farm Bill.

Congress has eliminated direct payments for a market-based safety net which will pay producers when they actually experience a loss, known as the Agricultural Risk Coverage program. As direct payments are eliminated in this farm bill, how does the bill protect producers against multi-year price declines?

Mr. BAUCUS. I agree with my good friend, the majority leader, that this farm bill is a reform bill. And I would like to answer your questions about how it addresses—or struggles to address—multi-year price declines.

I worked very closely with Chairwoman STABENOW, through the Senate Agriculture Committee markup this spring, along with my colleagues, Senators CONRAD and HOEVEN, to ensure the Agricultural Risk Coverage program worked for farmers in the Northern Great Plaines—not just the Midwest.

I commend the Chairwoman for working with me through that markup, and supporting my amendment which improved the farm level coverage option and her commitment for continued work to improve the bill for grain farmers in my home State of Montana.

One of the lingering questions is what happens to the Agricultural Risk Coverage program should we have a few years of consecutive price collapses in the market. I agree that the Agricultural Risk Program should follow market signals, and I commend this bill for doing just that. But when the market fails, there has to be a failsafe to prevent our farm policy from driving off a cliff—taking jobs and food security with it.

So although the bill is a step forward in creating a market-oriented safety net, it does not provide optimal protection for multi-year price declines. I filed an amendment which would have added price protection should we have multi-year price declines while ensuring it does not distort the marketplace.

This is a remaining concern I have with the Agricultural Risk Coverage program and I ask the majority leader and Chairwoman STABENOW for the continued commitment to ensure any agreement which comes out of a conference report with the House addresses this weakness in the Agricultural Risk Coverage program.

Mr. REID. I thank Senator BAUCUS. I look forward to working with the Senator to ensure any final measure on the farm bill will address the Senators remaining concerns on multi-year price declines. It is vital to our farmers across the country that their safety net is not actually a rug that can be pulled out from underneath them.

Ms. STABENOW: I thank the majority leader and Senator BAUCUS for their continued work and advocacy for ensuring the farm bill works for parts of the country and all commodities.

Through the committee process, Senator BAUCUS has been true a leader to improve the Agricultural Risk Coverage program so it offers an adequate safety net to all farmers.

I think we have made great strides through the Senate Agriculture Committee markup in April but I understand that is the beginning of the process and not the end.

I believe the amendment Senator BAUCUS filed is thoughtful and would provide the Agricultural Risk Coverage program with an additional layer of protection from several years of steep price declines. I will continue to work with my colleague from Montana to ensure as the process moves forward Senator BAUCUS has my full support to address this issue in conference and include a market-based solution to multi-year price declines.

The farm bill supports over 16 million jobs nationwide. The farm bill is the truest jobs bill Congress has considered in the 112th Congress. As Senator BAUCUS said, we need to guarantee that our farmer's safety-networks for every farmer and rancher in America.

VOTE EXPLANATIONS

Ms. MCCASKILL. Mr. President, Senator NELSON of Nebraska's amendment No. 2242 to S. 3240 passed the Senate today by voice vote. I was not in the Senate chamber at the time the voice vote on the amendment was taken. Had I been present or had the amendment been subject to a roll call vote, I would have voted ''present.''

Mr. TESTER. Mr. President, had there been a recorded vote on amendment No. 2457 I would have opposed it. This amendment creates new and unnecessary reporting requirements that will burden rural broadband companies and could slow down the growth of broadband expansion in states like Montana.

Ms. STABENOW. Mr. President, I believe we are waiting on another possibility of an agreement on amendments that may come tomorrow. But at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, if I ask unanimous consent to speak for 5 minutes to introduce a bill, not anything related to the farm bill, is that appropriate?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, first let me say thank you to the Senator from Michigan and the Senator from Kansas for conducting another very long session today on agriculture. They did an extraordinary job helping us move through this important bill. I thank them very much, and I know we are going to take that up tomorrow.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 3321 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments, which will not be more than about 10 minutes, Senator BROWN of Ohio follow me for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL FOR A SPECIAL COUNSEL

Mr. CHAMBLISS. Mr. President, 2 weeks ago, I stood in this Chamber and joined with Senator MCCAIN calling for the appointment of a Special Counsel to investigate the recent series of leaks of classified information that are so damaging to our national security. Despite the bipartisan support for a Special Counsel, the Attorney General chose instead to appoint 2 United States Attorneys who will act under his supervision and conduct separate investigations of just two of these leaks.

I believe the American people, our Intelligence Community, and our allies deserve a better response from the Attorney General and from this Administration. These leaks have violated the public trust and potentially damaged vital liaison relationships we can ill afford to lose in our fight against ongoing threats from terrorism and hostile nations.

As I understand it, one prosecutor will investigate the leak on the AQAP bomb plot; the other, the leak on STUXNET. That's a real problem. This means other leaks, including the ''kill list'' story, will not be investigated. Yesterday, the Washington Post published a story that attributed information about apparent joint U.S.-Israeli cyber efforts to a former high-ranking U.S. intelligence official. It would sure be helpful if a Special Counsel had jurisdiction to look at all of these cases.

The timing, substance, and sourcing of these stories have also raised questions about whether they came from the White House and whether there is a pattern of leaks. It's hard to imagine how two U.S. Attorneys who work for this administration will be able to investigate this aspect of the case without being perceived as biased by those who are unhappy with what they ultimately find. We need a Special Counsel who will be trusted, no matter what he finds.

I am not questioning in any way the qualifications of these U.S. Attorneys to do the jobs for which they were confirmed by this Senate. I know questions have been raised about the prior political activities of the U.S. Attorney for the District of Columbia and whether he might be too deferential to the White House. I have no specific reason to question the capabilities or integrity of either of these men. But the very serious nature of these leaks demands an investigation that is conducted in a manner totally above reproach and without any possible inference of bias.

Unfortunately, because these U.S. Attorneys must answer to the Attorney General, they cannot conduct independent investigations. With each key decision they make—whether to subpoena a journalist, what investigative techniques should be used, what charges can be brought—they will be subject to the Attorney General and his direction. That is hardly independent.

Last week, the Attorney General testified before the Senate Judiciary Committee that appointing a U.S. Attorney was the same thing that was done in the Valerie Plame case. I submit that was an entirely different scenario because in that case, Mr. Fitzgerald, who was a special counsel appointed, insisted on getting written confirmation that he would be truly independent from the then-acting Attorney General. He got that confirmation in writing from then-Acting Attorney General Comey.

Significantly, the Plame case involved a single leak of classified information, and was deemed serious enough to warrant an independent investigation. The former President also ordered his staff to come forward with any information they had about the source of the leak.

In this case, there have been a series of incredibly damaging leaks in articles citing ''senior Administration officials'' and White House ''aides.'' We have seen no clear instructions from this Administration for officials to come forward. This situation seems to create a greater appearance of a conflict of interest for the Attorney General than was presented in the Plame investigation and calls out for the appointment of Special Counsel.

The Attorney General also testified that he could always appoint these U.S. Attorneys as Special Counsel if they needed to investigate acts outside their jurisdictions. Others have made the argument that we have to wait to see if these U.S. Attorneys do their jobs well before appointing a Special Counsel. Neither argument makes sense to me. Why on earth would we wait?

All of these leaks should be investigated together—not separately—and they must be investigated now. The leaks are relatively recent and the trail is still somewhat fresh. But if we have to wait to see how these men measure up, or if the trail takes us to a district outside their specific jurisdiction, we run the risk of losing evidence or memories fading. Those aren't risks anyone should be willing to take.

This is not, and must not become, political. It's about finding these criminals who have jeopardized our national security and ensuring that they are brought to justice in an independent, objective, apolitical investigation.

Again, I call on the Attorney General to do now what should have been done 2 weeks ago. This series of leaks should not be treated as business as usual. As Congress considers legislative solutions to put a stop to these leaks, the administration needs to step up its response. Appointing a special counsel who can independently and comprehensively investigate all of these leaks and find who is responsible for any and all of them is the best way to restore the public trust in our government and our government officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

CHILD NUTRITION

Mr. BROWN of Ohio. Mr. President, for many Ohio children, schools have let out for the year, and summer vacation is just beginning. During the school year, in my State—a State of about 11 million people—840,000 Ohio children receive some nutrition assistance through free or reduced-price school lunches or breakfasts during the school year. It is a statistic that tells the story of families struggling to get by. In many of these children's cases their parents have jobs but simply are not making enough money. It is a statistic that tells a story of how children are often helpless victims in a challenging economy. Many of these children come from the 18 percent of Ohio families—about 1 out of 6—who are food insecure. Essentially it means they are unsure where their next meal may actually come from. When the school year comes to a close, many of these children go hungry.

Where can these 840,000 students go? Where do they turn for nutritious meals when their school cafeterias are closed for the summer? The answer is the Summer Food Service Program run through the U.S. Department of Education and administered in my State by the Ohio Department of Education. For Ohio parents and guardians and school administrators, the Summer Food Service Program is available for them to find healthy meals for children during the summer. But too many Ohio families don't know about this critical program, and that is why it is so important to raise awareness and increase access to the program for all Ohio children regardless of where they live. Summer break shouldn't mean a break from good nutrition.

At the beginning of this talk, I mentioned that 840,000 Ohio children benefit from free and reduced school breakfast and lunch programs—840,000. But, unfortunately, last year in the

summer only 66,000 Ohio children utilized the Summer Food Service Program. Only 66,000 when there are 800,000 eligible. I believe last year Ohio was slightly above the national average. So in State after State, of those students who were benefiting from the free and reduced-price breakfasts and lunches at the school, less than 10 percent of those children benefit in the summer.

In Ohio, only 66,000 children utilize this program. Obviously hundreds of thousands need to receive nutrition assistance during the school year. Ensuring that our children have access to healthy food during the summer is so important, especially as more families slip into poverty. The Summer Food Program is a vital program that helps stem the crippling cycle of food insecurity by providing school-aged children breakfast, lunch, or a snack during the summer.

In some sites children can receive these meals while participating in educational activities or organized games. The Presiding Officer was a superintendent of one of the great school districts in the country. We know particularly how low-income students during summer months slide back in their educational attainment. In the beginning of the school year, the teachers have to sort of reteach what was taught perhaps in April and May. We also know that in families with a little higher income, the children often have activities in the summer which include exposure to books, magazines, vacations, and cultural events to help those children continue to advance in the summer.

Many of these students who are not getting proper nutrition in the summer also are not getting the educational challenges they need. That is why at these sites children—while they receive these meals—participate in educational activities or organized games. The good news is there are more sites this year for Ohio families to turn to. There are more than 1,700 sites across 77 counties.

Nonetheless, 11 counties out of the 88 in Ohio still lack feeding sites. It is not too late for program sites to be established. The official deadline was May 31. Interested sponsors and volunteers can still work with the Ohio Department of Education to establish new centers for children to get meals.

Understand the difficulty here. Somebody needs to step forward, such as a teacher, an administrator, someone in the school district, someone in a church, someone in a recreation center of some type has to step forward every May or June and set up one of these programs and take it down again in August or September. So it is unlike the school district which has this built into its process.

At existing sites, such as schools, summer camps, churches, community centers, and recreation centers, volunteers spend their time ensuring our children have the food they need to succeed.

The Federal Government will reimburse local groups small amounts of money for the breakfast, snack, or lunch for these children, but volunteers need to come forward.

Two years ago I co-hosted a first-of-its-kind hunger summit at the Mid-Ohio Foodbank in Columbus with leading antihunger advocates across Ohio. This past year the USDA Under Secretary Kevin Concannon came to Ohio to hold the second summit.

We continue to reach out to organizations such as the AmeriCorps and VISTA Summer Association Partnership that can help with volunteers through AmeriCorps and can set up the programs and provide meals to the children in need.

This summer will be an important few months to learn how far we have come and how far we have to go in serving our State's children. Outreach and public awareness are critical components to ensure that the end of the school year doesn't mean the end of children getting the nutrition they need for the summer.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, before going into wrap-up and the unanimous consent requests this evening, I wish to say one more time how appreciative I am of everybody's hard work and patience with us. We made tremendous progress on a very important bill that helps 16 million people in this country have a job and keeps the safest, most affordable food system in the world going. So thanks to everyone. Thanks to my ranking member who has been a terrific partner with me.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING KENTUCKY'S NATIONAL HISTORY DAY WINNERS

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a group of Kentucky's brightest students who, by winning a number of prestigious awards for studying history, have proven themselves to be the leaders of the future. I am referring to the Kentucky winners of the National History Day 2012 contest, which was recently held at nearby College Park, MD, June 10 to 14.

The contingent of students from Kentucky that made the trip was selected by the Kentucky Junior Historical Society, which held a statewide history contest in Frankfort, the State capital, last April. At that event, 68 Kentucky students qualified for the national finals.

In all, 62 Kentucky students from the 6th through 12th grades made the trip to our Nation's capital region, accompanied by about 40 family members and teachers. I was very pleased to have a chance to visit with them during their trip.

The group faced stiff competition. At National History Day 2012, there were 2,800 students competing, representing all 50 States and four international schools. Six Kentucky students stood out from their peers and garnered nationwide recognition for their history projects. Those students are:

Joanna Slusarewicz, of Winburn Middle School and Fayette County, winner of the Salute to Freedom Award and third place, individual documentary, junior division. Her entry was titled ''Respectfully Submitted, Dorothea Dix.''

Neha Kadambi and Jamie Smith, of Winburn Middle School and Fayette County, winners of the Leadership in History Award for group exhibit, junior division. Their entry was titled ''The Fight Without a War: India's Revolutionary Road to Independence.''

Meenakshi Singhal and Daryn Smith, of Winburn Middle School and Fayette County, winners of Best of State: Junior Division. Their entry was titled ''Charles Darwin: What Do You Mean Survival of the Fittest?''

Emma Roach-Barrette, of Menifee County High School and Menifee County, winner of Best of State: Senior Division and individual documentary, senior division finalist. Her entry was titled ''Dead Men Do Tell Tales.''

Every student from Kentucky who made this trip can be immensely proud of his or her accomplishments, and I hope they will continue to engage in the study of history for the remainder of their time in school and beyond. History plays such a large role in the events of today. We continue to be influenced by historic decisions made in this very Chamber.

I also appreciate these students' teachers for helping to foster their love of history, specifically, Theresa Buczek and Michelle Cason of Winburn Middle School and Debra Craver of Menifee County High School. And I want to thank the Kentucky Junior Historical Society and its parent body, the Kentucky Historical Society, for sponsoring this competition and making the trip possible for these students. Established in 1836, the Kentucky Historical Society is committed to helping Kentuckians understand, cherish, and share history.

I know my U.S. Senate colleagues join me in recognizing the accomplishments of Kentucky's winners of the National History Day 2012 contest and of every Kentucky student who competed.

We wish them well in their future studies and are proud they represent the Bluegrass State.

REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask unanimous consent that my letter to the minority leader dated May 29, 2012, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 29, 2012.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL, I am requesting that I be consulted before the Senate enters into any unanimous consent agreements regarding calendar #714, the nomination of Heidi Shyu to be an Assistant Secretary of the Army for Acquisitions, Logistics, and Technology.

Ms. Heidi Shyu has been the Acting Assistant Secretary for the position to which she has been nominated for nearly one year. Her office directly oversees the Program Executive Office for soldier weapons. I remain concerned with the Army's plans for the improvement of its small arms weapons while our soldiers are at war. For example, I have not seen the Army make sufficient progress on the directive of the then-Secretary of the Army Pete Geren to conduct a competition to replace its individual carbine rifle no later than the end of FY2009.

Thank you for protecting my rights on this nomination. I will keep you informed of my continued effort to work with the Army on the nomination of Ms. Shyu as we ensure that our soldiers have the very best modern small arms that American manufacturers can provide.

Sincerely,

TOM. A. COBURN, M.D.,
U.S. Senator.

TRIBUTE TO FRANCES WILLIAMS PRESTON

Mr. LEAHY. Mr. President, I would like to pay tribute to Frances Williams Preston, a trailblazing businesswoman, a dedicated humanitarian, a mother, a grandmother, a great-grandmother, and a friend. I was saddened when she passed away on June 13.

Frances began her career as a receptionist at a radio station in Nashville, TN. She quickly moved up within the music community, and in 1958 she was hired to open a regional office for Broadcast Music Inc., BMI, in Nashville, representing songwriters and composers. Glass ceilings had no chance at constraining Frances. In 1964, she became Vice President of BMI, reportedly making her the first woman corporate executive in Tennessee. In 1986, she became CEO and remained CEO of BMI until 2004.

Her work at BMI transformed not only the company, but also the hundreds of thousands of songwriters and composers BMI represents. She tripled the revenues at BMI and advocated for strong copyright protections to benefit artists. BMI under her tenure also helped the city of Nashville to blossom into the leading center for songwriters and the arts that it is today.

Frances's dedication to the songwriters and her industry, and her passion for ensuring they could make a living in their chosen profession, was unrivaled. Kris Kristofferson famously dubbed her the ''songwriter's guardian angel.''

I worked closely with Frances and the songwriting community to ensure that the rights of composers are protected, but I will remember her most for her humanitarian efforts. She was president of the T.J. Martell Foundation for Leukemia, Cancer and AIDS research, and her name precedes the research laboratories at the Vanderbilt-Ingram Cancer Center.

I could go on at length about the various music and humanitarian awards and honors Frances has received, from being inducted into the Country Music Hall of Fame in 1992 to twice receiving the Humanitarian Award from the International Achievement in Arts.

The current president of BMI probably best captured her essence by simply describing Frances as ''a force of nature.'' She will be missed by those who knew her, and remembered always by those whom she nurtured as songwriters and composers.

The music industry has lost a legend and I ask unanimous consent that the Wall Street Journal article ''From Receptionist to Music-Royalty Guarantor'' by Stephen Miller be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 14, 2012]

FROM RECEPTIONIST TO MUSIC-ROYALTY GUARANTOR

(By Stephen Miller)

Frances Preston rose from radio-station receptionist to chief executive of Broadcast Music Inc., a performing-rights group that helps guarantee that songwriters and music publishers get paid when their songs are played on the radio or in places like restaurants.

Ms. Preston, who died Wednesday at the age of 83, founded BMI's Nashville, Tenn., office and signed up thousands of artists, many of whose careers she shepherded personally.

The deals she struck helped nurture country, rock 'n' roll and jazz, emerging genres that the American Society of Composers, Authors and Publishers, BMI's older rival, had neglected in favor of traditional pop music.

By the time Ms. Preston retired in 2004, BMI represented 300,000 music composers and copyright owners and disbursed more than a half-billion dollars to them annually.

''They never paid royalties to the songwriters for performances until Frances Preston came along,'' country star Eddy Arnold told The Wall Street Journal in 2004. ''She put the hammer on!''

''A lot of them didn't realize that they could get paid for having their music played,'' Ms. Preston told Amusement Business magazine in 1991. She built a fanatical following among Nashville's performing elite.

Singer-songwriter Kris Kristofferson, whom Ms. Preston signed to a $1 million songwriting deal in the 1970s, once called her ''our guardian angel.''

Raised in Nashville, Ms. Preston studied at George Peabody College for Teachers. But shortly before taking a classroom job, she went to work at WSM, the radio home of the Grand Ole Opry, where her duties included answering Hank Williams's mail. She moved on to running the station's promotions department and got to know the country stars of the era.

In 1958, she founded BMI's Nashville office—at first in her parents' garage. A few years later she opened a new office on fledgling Music Row. Thanks in part to BMI's presence, it soon became the home to recording studios and music publishers and the hub of the Nashville country scene.

Ms. Preston moved to BMI's home office in New York City, where she became chief executive in 1986. She oversaw the transition to the digital age as complex new media like the Internet and ringtones joined radio and television as major sources of revenue. She also lobbied Congress as copyright laws were changed.

''It's a constant fight to educate those people [that] music is not just out there in the air for you to pick out for free, because if the creator isn't compensated, there's not going to be that music,'' she told Billboard in 2004.

Ms. Preston was lionized in Nashville, where she was a glamorous personification of the business side of the music industry. When she was inducted into the Country Music Hall of Fame in 1992, it dubbed her ''the most influential country-music executive of her generation.''

Always one to keep things in sensible perspective, Ms. Preston was proud to be remembered as the author of a Nashville motto: ''It all begins with a song.''

RECOGNIZING HOUSE OF HEROES

Mr. BLUMENTHAL. Mr. President, today, I wish to recognize the important work of House of Heroes—a growing organization that honors veterans with dignity, gratitude, and an improved quality of life.

Over Memorial Day weekend, I had the great opportunity to witness the Connecticut chapter of House of Heroes' first projects as it fixed, renovated, and remodeled the homes of three of our country's most deserving veterans. Over $30,000 of materials and time were donated by local organizations and generous individuals.

House of Heroes is on a mission to help the service men and women of our previous wars and their families—heroes who may not always receive the recognition they deserve. Frequently, our courageous veterans are unable to maintain their homes due to physical disability or financial limitations.

During their inaugural build, the founders and volunteers of Connecticut's House of Heroes chose to honor three Americans, who have continued to dedicate their lives to serving our country and preparing for our future even after their war service. Frederick Joseph Miller served as a Sergeant in the U.S. Army Air Corps during World War II—and in 1945, searched the legendary crash of Flight 19 in the Everglades. Upon leaving the service, he dedicated his talent and skills to Pratt & Whitney as an equipment and facilities engineer. On Memorial Day in 1991, Miller's wife passed away from cancer, and maintaining his Hamden house has been a challenge.

Private First Class Maura Rettman of Meriden served in Germany between 1977 and 1979 where she suffered a life-altering car accident. Now, she takes care of her grandson with the hope that he can have a bedroom of his own. Sergeant Rudolph Pistey of Stratford served in the Army National Guard during World War II. Now, at 93, he is well-known in his community, always ready to lend a hand or shoot a smile to his neighbors.

Since 2000, House of Heroes has spread influence and awareness from its founding chapter in Columbus, GA, across the country. In Connecticut, co-founders are Steve Cavanaugh of Biltmore Construction and Billy May, a U.S. Army Veteran, Black Hawk test pilot, and business development and strategy leader at Signature Brand Factory. They seek to complete 10 projects in 2012 and to double this number each subsequent year. Both Mr. Cavanaugh and Lieutenant Colonel May bring experience, skill, and dedication to House of Heroes. Their hope is that general contractors and subcontractors across the state and country will donate several hours a week to helping our Nation's veterans.

Amidst the sound of repairs, there were tears in all our eyes when the veterans were serenaded by Nashville singer and songwriter, Tim Maggart. The song—both solemn and celebratory with spiritual music and grounded lyrics—conveyed eloquently the emotion of everyone gathered:

You were young, scared Willing to go anywhere/ When your country called, you stood tall

You came home, scarred/Didn't think it would be so hard, You don't like to talk about what you saw/ Beyond what I can comprehend/ The sacrifice of the women and men who gave so much without applause/ I don't know you and you don't know me, but thanks to you, I wake up safe and free/I hope you never feel forgotten, because

Chorus: You've got a home, in the house of heroes/ Your name will live on in the house of heroes/I want to honor you/ it's been long overdue/You're right where you belong in the house of heroes

In a world, where Life's not always fair/ And sometimes we have to fight for what we believe

There's a price, paid I can't help be amazed /By the brave who gave their all for you and me.

At each House of Heroes project, the spirit of volunteerism, patriotism, and human connection was unwavering. As the tremendous energy of the House of Heroes' Connecticut chapter spreads across the country, this theme song will be an anthem for a national movement that touches the lives of one veteran at a time.

The volunteers and donors of House of Heroes convey a tremendous spirit—America's boundless appreciation and spirit. Through this great work, and its anthem, we show our veterans— who fought for our security—that America will join together to pay back our debt of gratitude by helping our veterans feel secure and safe.

Appreciative but slightly uncomfortable receiving rather than giving, these men and women were shown by House of Heroes how much we treasure and owe them as a Nation. Donning House of Heroes t-shirts and bobbing along to the music, fellow veterans and citizens showed their thanks—a fitting spirit now and in the future.

RECOGNIZING THE HARTFORD FOUNDATION FOR PUBLIC GIVING

Mr. BLUMENTHAL. Mr. President, today, I wish to congratulate the Hartford Foundation for Public Giving, which was awarded the 2012 Bronze Award by the Council on Foundations this past Spring as part of their Wilmer Shields Rich Awards Program. Every year, the Council on Foundations recognizes foundations around the country that have engaged in strategic communications strategies and innovative projects that inspire and inform other grantmakers.

Since 1925, the Hartford Foundation for Public Giving has been a thriving philanthropic institution where Connecticut nonprofit organizations can seek financial support and connect with givers throughout the State. This highly professional, industrious, and dynamic institution singularly impacts the Capitol Region of Connecticut, having granted $532 million since its beginning to address community needs. It fosters partnerships, assists nonprofits in developing their long-term plans and funding strategies, and hosts informational forums for the sharing of fresh perspectives. The Foundation is unique in its broad and diverse support for the Greater Hartford area, showcasing families on their website, who invite others to join them, advising ''We're not the Rockefellers. We're just a normal family . . . willing to take this step.''

The Council on Foundations recognized the Hartford Foundation for Public Giving specifically for its 2010 Annual Report, Creating Brighter Futures, which focused on the Foundation's efforts towards effective childhood development and education through its Brighter Futures Initiative. The great success of the Brighter Future Initiative has strengthened existing early education programs as well as inspired the development of innovative strategies around the country. In the report's introductory letter, President and Chief Executive Officer Lindy Kelly eloquently shares the groundbreaking changes she has witnessed in our Hartford-area schools. She tells the story of Lavarey—then a second-grader at Rawson School at risk for illiteracy. Through the Hartford Haskins Literary Initiative, he learned to read with joy. Ms. Kelly writes of her memory of Lavarey on stage during their annual Celebration of Giving ceremony, waving confidently at the 400-member audience, who in turn, mirrored Lavarey's happiness, proud to be part of the journey of a young boy who will soon become a contributing member of their community.

The Hartford Foundation's 2010 Annual Report—a large, comprehensive document that expertly weaves stories, accomplishments, and statistics—reflects the rich tapestry of the Hartford Foundation for Public Giving. By seamlessly inviting families, all levels of government, schools, nonprofit organizations, professional advisors, volunteers, and donors to join their mission for change, they evoke and provoke humanitarianism and patriotism.

I invite my Senate colleagues to join me in congratulating the Hartford Foundation for Public Giving for bringing hope and help to Connecticut's institutions, programs, and citizens that need it the most.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROBERT BELL

• Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Robert Bell on his outstanding record of service to Tennessee. Dr. Bell will be retiring as president of Tennessee Technological University at the end of this month and has served the university for 36 years.

He has served as president of Tennessee Tech since 2000, and before becoming the university's president, he served as both a professor and dean of the College of Business.

During his time at Tennessee Tech, Dr. Bell has fostered both an increase in student enrollment and university recognition, while ensuring that student education remained affordable.

His contributions to Tennessee extend beyond the university level. He has served as a member of the board of directors for the Tennessee Center for Performance Excellence since 1993 and chairs the Cookeville Industrial Development Board. He is also a proud member of the executive committee of the Middle Tennessee Boy Scouts of America, an organization dedicated to helping young men achieve their potential.

I want to add my appreciation for his years of service to Tennessee Tech and wish him well in his retirement.

I ask to have the following resolution printed in the RECORD.

The resolution follows.

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DR. ROBERT R. BELL TO THE TENNESSEE BOARD OF REGENTS

Whereas, Dr. Robert R. Bell has thirty-six years of service with the Tennessee Board of Regents system and Tennessee Tech University, serving as a professor in TTU's College of Business, then as dean, then as President of the University since 2000,

Whereas, as President of TTU, he oversaw 12 straight years of enrollment growth, with TTU's enrollment approaching 12,000,

Whereas, he chaired a TBR Vision of Teaching Excellence committee in 2004 to establish future teaching standards and led his University to develop and expand extended education, distance learning and virtual classrooms,

Whereas, he supported the Regents Online Degree Program and championed degree innovations at TTU to increase access to education and to respond to industry needs in order to improve the education and economic progress in the state,

Whereas, as President he set his sights on a program to prepare the state's teachers, from Pre-K to college levels, to teach science, technology, engineering and mathematics by establishing The Millard Oakley STEM Center and providing it a state-of-the-art home in the new 26,000-square-foot Ray Morris Hall in 2010,

Whereas, he recognized the need for a nursing school in rural Tennessee and garnered support from the state legislature, U.S. Congress and private and corporate donors to fund the construction of a multi-million dollar Nursing and Health Services Building,

Whereas, he kept his promise as President to upgrade facilities to increase recruitment and retention and oversaw the construction and completion of two residence halls—New Hall South and New Hall North,

Whereas, under his guidance TTU established Learning Villages, which aim to bring students and faculty together around a common interest and bridge the gap between the living and learning segments of campus and to encourage college completion,

Whereas, the University's endowment has doubled during Bell's presidency to nearly $60 million,

Whereas, under his leadership in a difficult economic environment, TTU has remained affordable. Students graduate with the lightest debt load in the region, according to U.S. News & World Report, and sixty percent of 2010 TTU graduates left school debt free,

Whereas, the Tennessee Board of Regents grants President Emeritus status to Dr. Robert R. Bell for his continued support of the system, now, therefore, be it

Resolved That the Tennessee Board of Regents expresses its sincere appreciation to Dr. Robert R. Bell for his outstanding contributions and leadership to the system and wishes him the very best in his retirement.●

REMEMBERING GOVERNOR NORBERT TIEMANN

● Mr. JOHANNS. Mr. President, today I wish to pay tribute to a dedicated public servant and true leader in Nebraska politics, Gov. Norbert Tiemann, whose recent death saddened all who knew him. Gov. Norbert Tiemann, or ''Nobby,'' as he was affectionately known, served as Governor of Nebraska from 1967 to 1971. It is a privilege to take this opportunity to remember the life of Governor Tiemann and his many contributions to our State and Nation.

Prior to being elected Governor, Tiemann served three terms as mayor of Wausa in northeast Nebraska. He would later serve as Federal Highway Administrator for the U.S. Department of Transportation under the Nixon and Ford administrations. Ever service-oriented, Tiemann's public service extended well beyond elected office. He bravely fought in World War II and was later stationed in Korea.

Tiemann had an incredible passion for governing and played an active role in the lawmaking process. His leadership as Governor left a lasting impact on our great State. Scholars consider him to be among the most influential Nebraska Governors for transforming the governorship in our State from its traditional caretaker role to one that led public policy discussions.

As we look back on Tiemann's legacy, we will remember a dedicated public servant who cared deeply about Nebraska. I could not be more grateful for his lifetime of service and, on behalf of all Nebraskans, offer my sincerest condolences to his family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 2:36 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. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes.

H.R. 2938. An act to prohibit certain gaming activities on certain Indian lands in Arizona.

At 4:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2578. An act to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2938. An act to prohibit certain gaming activities on certain Indian lands in Arizona; to the Committee on Indian Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2012, she had presented to the President of the United States the following enrolled bills:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

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–6565. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Office of the Assistant Secretary of the Army for Financial Management and Comptroller, account 2182010, during fiscal year 2008 and was assigned Army case number 10–02; to the Committee on Appropriations.

EC–6566. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps'' (RIN3038–AD48) received during adjournment of the Senate in the Office of the President of the Senate on June 15, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6567. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Core Principles and Other Requirements for Designated Contract Markets'' (RIN3038–AD09) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6568. 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; Acquisition of Tents and Other Temporary Structures'' ((RIN0750–AH73) (DFARS Case 2012–D015)) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Armed Services.

EC–6569. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6570. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

''Wassenaar Arrangement 2011 Plenary Agreements Implementation: Commerce Control List, Definitions, New Participating State (Mexico) and Reports'' (RIN0694–AF50) received in the Office of the President of the Senate on June 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–6571. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste'' (RIN3150–AG41) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Indian Affairs.

EC–6572. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012'' (RIN3150–AJ03) received in the Office of the President of the Senate on June 19, 2012; to the Committee on Environment and Public Works.

EC–6573. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Failure to Attain the One-Hour Ozone Standard by 2007, Determination of Current Attainment of the One-Hour Ozone Standard, Determinations of Attainment of the 1997 Eight-Hour Ozone Standards for the New York-Northern New Jersey-Long Island Nonattainment Area in Connecticut, New Jersey and New York'' (FRL No. 9682–7) received in the Office of the President of the Senate on June 13, 2012; to the Committee on Environment and Public Works.

EC–6574. A communication from the Commissioners of the Medicaid and CHIP Payment Access Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–6575. 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 12–039, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–6576. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, an Information Transmittal pursuant to 308(a) of the Intelligence Authorization Act (OSS–2012–1018); to the Committee on Foreign Relations.

EC–6577. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of a determination pursuant to Section 620H of the FAA, and Section 7021 of the Department of State, Foreign Operations, and Related Appropriations, 2012 (Div. I, P.L. 112–74) regarding U.S. assistance (OSS–2012–1017); to the Committee on Foreign Relations.

EC–6578. 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 12–047, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–6579. 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 12–076, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–6580. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act for fiscal year 2011 (OSS–2012–1019); to the Committee on Foreign Relations.

EC–6581. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT–12–2930); to the Committee on Foreign Relations.

EC–6582. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, notice of proposed permanent transfer of significant military equipment pursuant to section 3(d) of the Arms Export Control Act (Transmittal No. RSAT–12–2931); to the Committee on Foreign Relations.

EC–6583. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–016); to the Committee on Foreign Relations.

EC–6584. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12–058); to the Committee on Foreign Relations.

EC–6585. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–087); to the Committee on Foreign Relations.

EC–6586. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12–082); to the Committee on Foreign Relations.

EC–6587. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard for All-Terrain Vehicles'' (16 CFR Part 1420) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6588. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standards for Portable Bed Rails: Final Rule'' (16 CFR Part 1224) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6589. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Testing and Labeling Pertaining to Product Certification'' (16 CFR Part 1107) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6590. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Consumer Registration of Durable Infant or Toddler Products'' (16 CFR Part 1130) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6591. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Sablefish Individual Fishing Quota Program'' (RIN0648–AX91) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6592. 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; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–AC013) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6593. 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 (12); Amdt. No. 3481'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6594. 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 (111); Amdt. No. 3480'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6595. 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 (20); Amdt. No. 3479'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6596. 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 (60); Amdt. No. 3478'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6597. 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 (45); Amdt. No. 3477'' (RIN2120–AA65) received in the Office of the President of the

Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6598. 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 (210); Amdt. No. 3476'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6599. 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 (25); Amdt. No. 3471'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6600. 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 (186); Amdt. No. 3470'' (RIN2120–AA65) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6601. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision'' (RIN2125–AF43) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6602. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision; Final Rule'' (RIN2125–AF41) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6603. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs: 6-acetylmorphine (6-AM) Testing'' (RIN2105–AE14) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6604. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Operations In Class D Airspace'' ((RIN2120–AK10) (Docket No. FAA–2011–1396)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6605. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airways V–10, V–12, and V–508 in the Vicinity of Olathe, KS'' ((RIN2120–AA66) (Docket No. FAA–2012–0055)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6606. 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 Restricted Area R–2101; Anniston Army Depot, AL'' ((RIN2120–AA66) (Docket No. FAA–2012–0510)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6607. 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 E Airspace; Baltimore, MD'' ((RIN2120–AA66) (Docket No. FAA–2012–0014)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6608. 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; Cocoa Beach, FL'' ((RIN2120–AA66) (Docket No. FAA–2012–0099)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6609. 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; Springhill, LA'' ((RIN2120–AA66) (Docket No. FAA–2011–0847)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6610. 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; Baraboo, WI'' ((RIN2120–AA66) (Docket No. FAA–2011–1403)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6611. 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; Maryville, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0434)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6612. 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; Pender, NE'' ((RIN2120–AA66) (Docket No. FAA–2011–1103)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6613. 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; Monahans, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–1400)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6614. 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; Branson West, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0749)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6615. 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; Eldon, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–1104)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6616. 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; New Philadelphia, OH'' ((RIN2120–AA66) (Docket No. FAA–2011–0607)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6617. 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; Houston, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0903)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6618. 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; Leesville, LA'' ((RIN2120–AA66) (Docket No. FAA–2011–0608)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6619. 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; Red Cloud, NE'' ((RIN2120–AA66) (Docket No. FAA–2011–0426)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6620. 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; Freer, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–0904)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6621. 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; Rock Springs, WY'' ((RIN2120–AA66) (Docket No. FAA–2012–0131)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6622. 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–2011–0384)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6623. 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–2011–1169)) received in the Office of the President of the Senate

on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6624. 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–2011–0998)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC–6625. 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; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0534)) received in the Office of the President of the Senate on June 7, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 385. A resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 402. A resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 429. A resolution supporting the goals and ideals of World Malaria Day.

S. Res. 473. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Brigadier General Edward M. Reeder, Jr., to be Major General.

Army nomination of Lt. Gen. John F. Mulholland, Jr., to be Lieutenant General.

William B. Pollard, III, of New York, to be a Judge of the United States Court of Military Commission Review.

Scott L. Silliman, of North Carolina, to be a Judge of the United States Court of Military Commission Review.

Marine Corps nominations beginning with Colonel Edward D. Banta and ending with Colonel Eric M. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nomination of Capt. Janet R. Donovan, to be Rear Admiral (lower half).

Navy nomination of Capt. Barbara W. Sweredoski, to be Rear Admiral (lower half).

Navy nomination of Capt. Kirby D. Miller, to be Rear Admiral (lower half).

Navy nominations beginning with Captain Michael J. Dumont and ending with Captain Scott B. J. Jerabek, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2012.

Navy nomination of Rear Adm. (lh) Clinton F. Faison III, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jonathan A. Yuen, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Katherine L. Gregory and ending with Rear Adm. (lh) Kevin R. Slates, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2012.

Navy nominations beginning with Rear Adm. (lh) Sandy L. Daniels and ending with Rear Adm. (lh) Christopher J. Paul, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2012.

Navy nomination of Rear Adm. (lh) Bruce A. Doll, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) David G. Russell, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Elizabeth L. Train, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Richard D. Berkey, to be Rear Admiral.

Navy nomination of Capt. Douglas G. Morton, to be Rear Admiral (lower half).

Navy nomination of Capt. Terry J. Moulton, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. David R. Pimpo and ending with Capt. Donald L. Singleton, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2012.

Navy nomination of Capt. Paul A. Sohl, to be Rear Admiral (lower half).

Navy nomination of Capt. Bruce F. Loveless, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Brian K. Antonio and ending with Capt. Luther B. Fuller III, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Marine Corps nomination of Maj. Gen. (Select) William M. Faulkner, to be Lieutenant General.

Air Force nomination of Lt. Gen. Michael R. Moeller, to be Lieutenant General.

Navy nomination of Rear Adm. Robin R. Braun, to be Vice Admiral.

Army nomination of Maj. Gen. William B. Garrett III, to be Lieutenant General.

Army nomination of Lt. Gen. Howard B. Bromberg, to be Lieutenant General.

Air Force nomination of Lt. Gen. Mark F. Ramsay, to be Lieutenant General.

Air Force nomination of Maj. Gen. Thomas W. Travis, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darren W. McDew, to be Lieutenant General.

Air Force nomination of Lt. Gen. Stanley T. Kresge, to be Lieutenant General.

Army nomination of Maj. Gen. James L. Huggins, Jr., to be Lieutenant General.

Army nomination of Col. Barry D. Keeling, to be Brigadier General.

Army nomination of Col. Joseph E. Rooney, to be Brigadier General.

Navy nomination of Rear Adm. Paul J. Bushong, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) James W. Crawford III, to be Rear Admiral.

Navy nomination of Rear Adm. Nanette M. DeRenzi, to be Vice Admiral.

Navy nomination of Rear Adm. Michael J. Connor, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Chance J. Henderson and ending with Jeffrey P. Tan, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Air Force nominations beginning with Jessica L. Weaver and ending with Jonelle J. Knapp, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nomination of Joseph F. Jarrard, to be Colonel.

Army nomination of Kevin J. Park, to be Major.

Army nomination of Charles R. Perry, to be Major.

Army nominations beginning with Anthony P. Digiacomo II and ending with Richard D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2012.

Army nomination of Youngmi Cho, to be Lieutenant Colonel.

Army nomination of Richard M. Zygadlo, to be Lieutenant Colonel.

Army nomination of David H. Rittgers, to be Major.

Army nominations beginning with Eric S. Slater and ending with Marcus P. Wong, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Gaston P. Bathalon and ending with Kevin C. Reilly, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jerry L. Bratu, Jr. and ending with Amos P. Parker, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brett W. Andersen and ending with Michael D. Whited, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Casey Rogers and ending with Sharon A. Schell, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Dwayne C. Bechtol and ending with D005682, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Armando Aguilera, Jr. and ending with Dave St John, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Bruce J. Beecher and ending with D004871, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Renee D. Alford and ending with Pj Zamora, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Jude M. Abadie and ending with D010155, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Army nominations beginning with Brian E. Abell and ending with D010333, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Marine Corps nominations beginning with Eduardo A. Abisellan and ending with William E. Zamagni, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Marine Corps nominations beginning with Omar A. Adame and ending with Christina F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2012.

Navy nominations beginning with Jenniffer D. Gundayao and ending with Donald R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with David A. Adams and ending with John J. Zerr II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Mark D. Larabee and ending with Richard J. Watkins, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Gregory D. Burton and ending with Joseph M. Tuite, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Michael N. Abreu and ending with Scott D. Tingle, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Trent R. Demoss and ending with Charles K. Nixon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Roger L. Acebo and ending with Jeffrey D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Thomas F. Bolich, Jr. and ending with Donald R. Xiques, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Raymond I. Bruttomesso and ending with Mark R. Sands, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William A. Baas and ending with James E. Puckett II, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Thomas J. Amis and ending with Sueann K. Schorr, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jefferson W. Adams and ending with Robert B. Smith, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Robert W. Mulac and ending with William K. Salvin, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Colette E. Kokron and ending with Curtis L. Michel, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Tawnya J. Racoosin and ending with Todd D. White, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Elisabeth S. Stephens and ending with Sheryl L. Tannahill, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Donald W. Bosch and ending with Theresa M. Stice, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Darren E. Anding and ending with Steven K. Renly, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jeff A. Davis and ending with Brenda K. Malone, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Mark R. Asuncion and ending with Philip W. Yu, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Marc C. Eckardt and ending with Robert W. Witzleb, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with William A. Dodge, Jr. and ending with Albert M. Musselwhite, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Allen L. Edmiston and ending with Jacqueline V. Mcelhannon, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with Jason L. Ansley and ending with Louis T. Unrein, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with George A. Allmon and ending with Timothy G. Sparks, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nominations beginning with John P. Ayres and ending with Clay L. Wild, which nominations were received by the Senate and appeared in the Congressional Record on May 10, 2012.

Navy nomination of Glenn E. Gaborko, Jr., to be Captain.

Navy nomination of Roger L. Blank, to be Captain.

Navy nominations beginning with Michael C. Barber and ending with David G. Oravec, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Joseph A. Davis and ending with Scott D. Eberwine, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with David H. Duttlinger and ending with Darcy I. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Frank J. Brajevic and ending with David E. Woolston, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Lauren D. Bales and ending with David A. Serafini, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Christopher J. Corvo and ending with Thomas J. Welsh, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Maria L. Aguayo and ending with Andrew J. Schulman, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with David O. Bynum and ending with Melvin H. Underwood, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Douglas J. Cohen and ending with Kevin P. Whitmore, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Richard S. Barlament and ending with John S. Sibley, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Brian E. Beharry and ending with Darrel G. Vaughn, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Patrick J. Blair and ending with Aaron D. Werbel, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with James T. Albritton and ending with Robert L. Williams, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Veronica G. Armstrong and ending with Maria A. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Juliann M. Althoff and ending with John Wyland, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nominations beginning with Casey S. Adams and ending with Karen G. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 14, 2012.

Navy nomination of Robert E. Bradshaw, to be Lieutenant Commander.

Navy nomination of Darren W. Murphy, to be Lieutenant Commander.

Navy nomination of Ling Ye, to be Lieutenant Commander.

Navy nomination of Gregory E. Ringler, to be Lieutenant Commander.

Navy nominations beginning with Craig S. Coleman and ending with Eduardo B. Rizo, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Paul D. Ginkel and ending with Gabriel S. Niles, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Michele M. Day and ending with Det R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Steve M. Curry and ending with William R. Urban, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Amy L. Bleidorn and ending with Micah A. Weltmer, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Michael J. Barriere and ending with Matthew T. Wilcox, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Brian M. Baller and ending with Michael J.

Szczerbinski, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Heath D. Bohlen and ending with Matthew C. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Dereck C. Brown and ending with Sherry W. Wangwhite, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Marc A. Aragon and ending with Robert A. Yee, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Kevin J. Behm and ending with Evan P. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Erik E. Anderson and ending with Christopher G. Williams, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Rene V. Abadesco and ending with Mark W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with David J. Adams and ending with Kevin P. Zayac, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Brian P. Burrow and ending with Christopher A. Weech, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

Navy nominations beginning with Derrick E. Blackston and ending with Derek A. Vestal, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2012.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 3315. A bill to repeal or modify certain mandates of the Government Accountability Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TOOMEY (for himself and Mr. BURR):

S. 3316. A bill to require the Secretary of Labor to carry out a pilot program on providing veterans with access at One-Stop Centers to Internet websites to facilitate online job searches, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUYE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):

S. 3317. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. HARKIN, Mr. BEGICH, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. BLUMENTHAL, and Mrs. HAGAN):

S. 3318. A bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR:

S. 3319. A bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3320. A bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. KERRY, Mr. LEAHY, Mr. COONS, Mr. HARKIN, Mr. BLUMENTHAL, Ms. MIKULSKI, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 3322. A bill to strengthen enforcement and clarify certain provisions of the Servicemembers Civil Relief Act, the Uniformed and Overseas Citizens Absentee Voting Act, and chapter 43 of title 38, United States Code, and to reconcile, restore, clarify, and conform similar provisions in other related civil rights statutes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. BURR):

S. 3324. A bill to authorize the Secretary of Veterans Affairs to award grants to nonprofit organizations for the construction of facilities for temporary lodging in connection with the examination, treatment, or care of a veteran under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. AKAKA, Mr. BAUCUS, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CASEY, Ms. CANTWELL, Mr. COONS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KIRK, Ms. LANDRIEU, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. Res. 500. A resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls; considered and agreed to.

By Mr. CRAPO:

S. Res. 501. A resolution supporting National Men's Health Week; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. ALEXANDER, Mr. GRAHAM, Mr. LEVIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. BENNET, Mrs. MURRAY, Mr. AKAKA, Mr. MORAN, Mr. CARDIN, Ms. STABENOW, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. BOOZMAN, Mr. RUBIO, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. PRYOR):

S. Res. 502. A resolution celebrating the 150th anniversary of the signing of the First Morrill Act; considered and agreed to.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 811

At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 811, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 866

At the request of Mr. TESTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the perfiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 2036

At the request of Mrs. GILLIBRAND, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Arkansas (Mr. BOOZMAN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mrs. HAGAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Kansas (Mr. MORAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Wisconsin (Mr. JOHNSON), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2036, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

S. 2103

At the request of Mr. LEE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2239

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. TESTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Pennsylvania (Mr. TOOMEY) 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. 3233

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3233, a bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3235

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3235, a bill to amend title 38, United States Code, to require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3289

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3289, a bill to expand the Medicaid home and community-based services waiver to include young individuals who are in need of services that would otherwise be required to be provided through a psychiatric residential treatment facility, and to change references in Federal law to mental retardation to references to an intellectual disability.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3292

At the request of Mrs. MCCASKILL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3292, a bill to require the United States International Trade Commission to recommend temporary duty suspensions and reductions to Congress, and for other purposes.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 401

At the request of Mr. WHITEHOUSE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 401, a resolution expressing appreciation for Foreign Service and Civil Service professionals who represent the United States around the globe.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

S. RES. 446

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. Res. 446, a resolution expressing the sense of the Senate that the United Nations and other intergovernmental organizations should not be allowed to exercise control over the Internet.

S. RES. 473

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 473, a resolution commending Rotary International and others for their efforts to prevent and eradicate polio.

S. RES. 482

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 482, a resolution celebrating the 100th anniversary of the United States Chamber of Commerce.

S. RES. 489

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 489, a resolution expressing the sense of the Senate on the appointment by the Attorney General of an outside special counsel to investigate certain recent leaks of apparently classified and highly sensitive information on United States military and intelligence plans, programs, and operations.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as ''Mitochondrial Disease Awareness Week'', reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

S. RES. 494

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 494, supra.

S. RES. 496

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. Res. 496, a resolution observing the historical significance of Juneteenth Independence Day.

AMENDMENT NO. 2202

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 2202 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2295

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2295 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2355

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 2355 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2382

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 2382 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. MERKLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of amendment No. 2382 proposed to S. 3240, supra.

AMENDMENT NO. 2395

At the request of Mr. AKAKA, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2395 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2417

At the request of Mr. UDALL of New Mexico, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 2417 intended to be proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2445

At the request of Mr. BROWN of Ohio, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2445 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2453

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2453 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

AMENDMENT NO. 2457

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2457 proposed to S. 3240, an original bill to reauthorize agricultural programs through 2017, and for other purposes.

At the request of Mr. WARNER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2457 proposed to S. 3240, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. AKAKA, Mr. COONS, Mr. INOUYE, Mr. KERRY, Mrs. SHAHEEN, Mr. BINGAMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. UDALL of New Mexico, Mr. DURBIN, Mr. WYDEN, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LAUTENBERG):

S. 3317. A bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Nondiscrimination Act of 2008, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. Mr. President, our daughters' futures will be as bright as our sons'. That is the American promise. It is the American ideal—that one's opportunity to prosper—one's economic security—depends not on one's gender but instead on one's work ethic—one's character—one's God-given talents.

That men and women will be treated equally in America is a promise that was a made by Susan B. Anthony, who dedicated her life to women's suffrage and who famously said, shortly before her passing, that ''failure is impossible.'' History proved her right: 15

years later, women finally were given access to the ballot.

That men and women will be treated equally in America is a promise that was made a generation later, by thousands of women who—under the banner of Rosie the Riveter—took to the factories and carried our national economy through a period of world war.

That men and women will be treated equally in America is a promise that was made by Ruth Bader Ginsburg, who, in 1960, was passed over for a Supreme Court clerkship because she was a woman. Undeterred, she went on to start the Women's Rights Project at the ACLU, a platform from which she argued several landmark cases. In 1993, she was selected to serve as a justice on the very court that, years before, turned her away.

That men and women will be treated equally in America is a promise that is made today—by women like Senator BARBARA MIKULSKI and Senator PATTY MURRAY and Congresswoman ROSA DELAURO—women who have settled not for a mere presence in the halls of Congress but who instead have become among its most influential leaders.

Generations of women have rejected inferiority. Because of these pioneers, the promise of gender equality in America has become more than just a promise. It has become our law. It is enshrined in the documents by which we are governed.

This week, we celebrate the 40th anniversary of Title 9, a statute that guarantees equal educational opportunities for boys and girls—for men and women. In just a couple of years, we will mark the 50th anniversary of the Civil Rights Act of 1964, a landmark legislative achievement that codified our national commitment to ending discrimination in the workplace.

So, yes, in America we have made a promise that one's gender will not be the deciding factor between having opportunities and being denied opportunities—between getting a job and being denied one—between getting a promotion and being denied one. We have made that promise. And we've come a long way toward fulfilling it.

But we are not there yet. Even though women have been working outside the home for generations, they continue to face barriers in the workplace: Even though about half of all workers are women, only 12 Fortune 500 companies have female CEOs. The Equal Employment Opportunity Commission reports that, in 2011, it received nearly 100,000 complaints of discrimination. Statistics show that women still receive unequal pay for equal work.

Although this week marks the 40th anniversary of Title 9, it also marks the one year anniversary of the Supreme Court's decision in Wal-Mart v. Dukes, a decision that has had an enormous impact on workplace rights across the country. On its face, that case was about civil procedure—it was about litigation rules and legal technicalities. But, in a larger sense, the Dukes case was about the current state of our equal employment laws.

In that case, a group of women tried to band together to enforce their rights to be free from discrimination—rights afforded them by Title 7 of the Civil Rights Act. The women alleged that their employer's policies allowed bias—rather than performance and merit—to determine who would be promoted or given raises.

The evidence in the case indicated that women comprised 70 percent of the employer's hourly workforce but only 33 percent of its management team. The evidence indicated that women were paid less than men in each of the employer's 41 regions. It indicated that managers around the country relied on outdated stereotypes when making employment decisions. Both the trial court and the appellate court agreed that the women should be permitted to try their case as a group.

The trial court's and the appellate court's decisions were consistent with precedent. Governing rules said that a group of workers could band together if they first showed, among other things, that their cases shared a common issue of law or fact. This is known as the ''commonality'' requirement. The idea here is that if lots of workers raise a common issue, it's easier for the court to resolve that issue in one case than to resolve it over and over and over again in thousands of different cases.

In Dukes, the common, central issue was whether the employer's policy of giving managers unfettered discretion to make pay and promotion decisions resulted in a disparate impact on women. In other words, all of the workers alleged that the employer's policy allowed bias to determine conditions of employment. Because the workers had presented that common question, ''Is the employer's policy discriminatory''; the lower courts concluded that the group could proceed together.

But the Supreme Court concluded otherwise. Its rationale was unprecedented. In a 5 to 4 decision, the Court said that, to proceed as a group, the women had to show not only that they were united by a common issue, but also that they ultimately would prevail on that issue at trial. That is, to present their case, the women first had to prove their case. As Justice Ginsburg explained in her dissenting opinion, the Court's decision ''disqualifies the class from the starting gate.''

Since Dukes was decided, dozens of employment discrimination cases effectively have been stopped before they even started. This is a problem. When Congress passed the Civil Rights Act of 1964, the Committee responsible for the bill issued a report in which it said that ''[t]he Committee agrees with the courts that Title 7 actions are by their very nature class complaints, and that any restriction on such actions would greatly undermine the effectiveness of Title 7.''

But it doesn't take a Congressional Committee report to understand the effect of the Dukes decision. Betty Dukes, the lead plaintiff in the case, put it well when she testified before the Senate Judiciary Committee. She said that, quote, ''[o]ur civil rights are only as valuable as the means that exist to enforce them.'' It is one thing to pass a law saying that men and women should be treated equally. It is another thing to give that law some teeth—to say that we really mean it.

The Dukes decision makes it harder for women—for any group of workers, for that matter—to band together to enforce the Civil Rights Act. Unable to band together, many workers may not have access to legal representation. Unable to band together, many workers will choose not to challenge workplace discrimination at all, concluding that the personal costs of doing so—the potential for retaliatory actions—outweigh any possible benefits. Unable to band together, workers will be less able to use the courts to address employers' discriminatory policies on a company-wide basis.

So, today, on the one year anniversary of the Court's decision in Dukes, I rise to introduce the Equal Employment Opportunity Restoration Act. This bill will restore workers' ability to enforce effectively our Nation's antidiscrimination laws. Perhaps as importantly, this bill reaffirms the American promise of workplace equality.

The bill creates a new judicial procedure—called a ''group action''—which mirrors the class action procedures that were available to workers before Dukes was decided. Instead of disqualifying workers' cases at the starting gate, this bill says that workers can proceed together if they create a reasonable inference that they were subjected to a discriminatory employment policy or practice. It will be—as it always has been—left to a trial to determine the merits of the workers' allegations and the viability of the employers' defenses.

I am proud to introduce this bill with Congresswoman DELAURO and with my Senate colleagues, including Senators LEAHY, MIKULSKI, MURRAY, and HARKIN.

I am grateful to the many wonderful organizations in Minnesota and Washington that have worked with me on this bill. They include the National Partnership on Women and Families, the ACLU, the Leadership Conference on Civil and Human Rights, the National Women's Law Center, the American Association of University Women, and the Lawyers' Committee for Civil Rights Under Law.

Our daughters' futures will be as bright as our sons'. For more than a century, we have followed a path toward gender equality. The trail has been blazed by generations of women—women whose names are found in the history books, yes, but also by those whose names are not—the working mother who rises before dawn and punches a clock every day so she can

support her family—the young woman, fresh out of college, who defies stereotypes and pursues an engineering career—the small business-owner who hires dozens of people in her community.

We should continue along the path toward equality in the workplace. We should not stop now. We should not turn back now. The bill that we introduce today says that we won't.

Mr. LEAHY. Today, I am pleased to join Senator FRANKEN to introduce the Equal Employment Opportunity Restoration Act of 2012. This important legislation will respond to the Supreme Court's decision in Wal-Mart v. Dukes, and restore women's ability to challenge discrimination in the workplace.

Today marks the 1 year anniversary of that case—where just five Justices disqualified the claims of 1.5 million women who had spent nearly a decade seeking justice for sex discrimination by their employer, Wal-Mart. By a 5–4 decision, the Supreme Court ruled that the women did not share enough in common to support bringing a class action. Perhaps more troubling, just five Justices said that Wal-Mart could not have had a discriminatory policy against all of them, because it left its payment decisions to the local branches of its stores. In reaching this conclusion, the Supreme Court provided a clear path for corporations to avoid company-wide sex discrimination suits, and made it harder to hold corporations accountable under our historic civil rights laws.

Betty Dukes has worked for Wal-Mart, where she started as a part-time cashier in Pittsburg, California, for almost 20 years. Throughout her years at Wal-Mart, Betty expressed an interest in advancement and in the management track. Unfortunately, she was continually overlooked for promotions, receiving only one in her lengthy career there. Betty Dukes then learned of the pay disparities between the male and female employees at a Pittsburg Wal-Mart store. She decided to take a stand, and filed a class action lawsuit against Wal-Mart in 2001. Betty Dukes and the other women were appalled to learn that the pay disparities did not stop at the Pittsburg store. In fact, there was widespread gender discrimination occurring at Wal-Mart stores across the country.

Last year, I chaired a hearing on how Supreme Court rulings affect Americans' access to their courts. Betty Dukes came and shared her story at that hearing. She made it clear that she did not plan on giving up. In these tough economic times, American consumers and employees rely on the law to protect them from fraud and discrimination. They rely on the courts to enforce laws intended to protect them. Unfortunately, these protections are being eroded by what appears to be the most business-friendly Supreme Court in the last 75 years.

The Supreme Court's recent decisions make some wonder whether it has now decided that some corporations are too big to be held accountable. Whether it is Lilly Ledbetter suing her employer for gender discrimination, or a group of consumers suing their phone company for deceptive practices, an activist majority of the Supreme Court is making it more and more difficult for Americans to have their day in court.

We cannot ignore the fact that gender discrimination in the workplace persists. Earlier this month, I urged the Senate to pass the Paycheck Fairness Act, a bill that would have set a clear path to address the systemic problems that result from pay disparities. Unfortunately, the Senate could not overcome a partisan filibuster, and was not able to even debate the measure.

I believe that the ability of Americans to band together to hold corporations accountable, especially when it comes to workplace discrimination, has been seriously undermined by the Supreme Court. All people should be evaluated on the basis of their contribution to the workplace, not irrelevant factors like sex, gender, race, ethnicity, or disability. These decisions have been praised on Wall Street, but will no doubt hurt hardworking Americans on Main Street. I thank Senator FRANKEN for introducing this important bill, and urge all Senators to come together and support this effort to restore hardworking Americans' access to their courts.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 3321. A bill to promote permanent families for children, privacy and safety for unwed mothers, responsible fatherhood, and security for adoptive parents by establishing a National Responsible Father Registry and encouraging States to enter into agreements to contribute the information contained in the State's Responsible Father Registry to the National Responsible Father Registry, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I bring to the attention of the body a bill called the Protecting Adoption and Promoting Responsible Fatherhood Act of 2012. I introduced this bill on behalf of myself and Senator INHOFE, with whom I have worked with so closely on many issues involving adoption and the protection of children who are outside of family care, both here in the United States and abroad. I thank Senator INHOFE, the senior Senator from Oklahoma, for being an original cosponsor of this legislation. I also thank Congresswoman LAURA RICHARDSON for introducing a companion piece of this legislation in the House today.

We just celebrated Father's Day this past weekend. I know my father and my husband and men all over the country celebrated with their children and their families. We honor the extraordinary fathers in the world.

Parenthood is the ultimate gift. It is also an incredible responsibility. Many of us have benefited from really wonderful fathers who care for and support families and support children through their young years, their adult years, and even into their older years. When fathers are absent, when they abandon their responsibility to their children, they can make the mothers of their children and their children more vulnerable. Sometimes women will make a decision to place a child for adoption if they are unmarried, unwilling, unable—just at a vulnerable time in their life and not able to raise a child. Adoption can be a very positive option. There are some Members of our Congress who have adopted children and have adopted grandchildren, so we know the blessings of adoption.

This bill will help to facilitate and clear up some legal quagmires that occur until many States clear the way for women of any age to make a decision for adoption. There are many of us, across party lines, who have supported more domestic infant adoption, more domestic adoptions for children of all ages, and particularly adoption of special-needs children.

This bill really affects infant adoption. It sets up a voluntary registry that tracks what 38 States have already done. Any person, any male who has the intention of supporting and raising a child can register on this registry, and their will and wishes will be taken into consideration. But in the situation that often happens where this man is not interested in being the kind of responsible father he should be, then this registry helps to expedite, without a lot of legal quagmire but with protection to both the father and the mother, to expedite adoption.

It has gone through a vetting process with any number of outside organizations. I thank the American Bar Association. I want to particularly thank the Association of Adoption Attorneys, which helped to draft this important piece of legislation.

I wanted to come to the floor to introduce it. We will, of course, bring it up when the leadership allows us that opportunity. It may have to go through a committee process. We may be able to clear it with the support of both Republicans and Democrats, as is shown by the support of Senator INHOFE and myself. Hopefully we can get it done in a short period of time and provide a clear path to promote adoption in the United States.

By Mr. ROCKEFELLER (for himself and Mr. CARDIN):

S. 3323. A bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce the Military Family Home Protection Act, a bill to strengthen the legal protections our military personnel are guaranteed under the Servicemembers Civil Relief Act, SCRA.

Entering military service can sometimes make it difficult or impossible for our Soldiers, Sailors, Airmen, and Marines to meet their civilian legal and financial obligations. In laws dating back to the Civil War, Congress has given active-duty military personnel special protections against legal actions that might be taken against them while they are away from home because of military service. The purpose of these laws, according to a 1943 Supreme Court decision, is ''to protect those who have been obliged to drop their own affairs to take up the burden of the nation.'' Congress re-wrote the World War II-era ''Soldiers and Sailor Relief Act'' in 2003, as full-time military, Reservists, and National Guard personnel were deploying in large numbers to Iraq and Afghanistan. This comprehensively updated statute was re-named the ''Servicemembers Civil Relief Act.''

Since the September 11 attacks, we have asked our military personnel—both our active-duty and reserve components—for unprecedented service and sacrifice. We have asked them to deploy multiple times to Iraq and Afghanistan, and we have asked their families to live without their loved ones for long periods of time. We have asked our National Guard and Reserve personnel—not just once, but sometimes two or three times—to leave their jobs, put their civilian lives on hold, and answer their country's call to service. The promise the SCRA makes to these Americans is that while they are engaged in the defense of our country, we will protect them and their families from adverse financial actions on the home front. One important way the SCRA protects these servicemembers is by lowering their mortgage interest rates while they are on active duty, and by prohibiting banks from foreclosing on their homes without first getting court approval.

Unfortunately, as I learned during a joint House-Senate forum I held in the Senate Commerce Committee hearing room in July 2011, not all banks have been following the law. In May 2011, for example, the Department of Justice settled lawsuits with the former Countrywide Home Loans, now a subsidiary of Bank of America, and Saxon Mortgage, a subsidiary of Morgan Stanley, for $22 million. In these lawsuits, DOJ alleged that the companies violated the SCRA by foreclosing on more than 170 servicemembers without court orders. At the House-Senate forum, which I organized with Representative ELIJAH CUMMINGS, the Ranking Member of the House Oversight and Government Reform Committee, we heard from two members of the military and other experts about how these SCRA violations can devastate military families. Mrs. Holly Petraeus, who is the Director of Servicemember Affairs at the Consumer Financial Protection Bureau, as well as the wife of General David Petraeus, told us that:

. . . [W]hile a foreclosure is devastating for any American family, it can be especially painful for military families. Both the family back home and the deployed servicemember, who feels helpless to take action to prevent the foreclosure, are put in a terrible situation. It is vital that servicemembers receive all the protections afforded to them by the SCRA.

At the time we held this forum, legislators in both houses were already hard at work on legislation to strengthen the SCRA and improve banks' compliance with the SCRA. In late 2010, Congress passed a new law, P.L. 111–275, that allowed deploying soldiers to terminate their cell phone contracts without penalties, and that gave the United States Attorney General new powers to enforce the SCRA against creditors. In June 2011, the Senate Veterans' Affairs Committee, on which I serve, approved a bill sponsored by Senator BEGICH, S. 941, which included a provision to extend the period of SCRA mortgage protections from nine months to twelve months after a servicemember leaves military duty. The Senate Veterans' Affairs Committee is also actively considering other proposals to improve the SCRA.

The legislation I am introducing today with Senator CARDIN was introduced in the House of Representatives as H.R. 5747 on May 15, 2012, by Ranking Member CUMMINGS, along with the Ranking Member of the House Armed Services Committee, Representative ADAM SMITH, and the Ranking Member of the House Veterans' Affairs Committee, Representative BOB FILNER. Two days later, it was adopted as an amendment to the National Defense Authorization Act by an overwhelming vote of 394–27.

Now that the House has expressed its bipartisan support for this legislation, I am introducing it in the Senate for consideration. The recent House vote shows that this is an issue that should rise above partisan politics. I hope that the House's recent action will give the Senate new momentum to look at what we can do to strengthen the SCRA and protect our military personnel and their families. A short summary of the bill is provided below.

The Military Family Home Protection Act expands the class of covered individuals under the SCRA's mortgage provisions to include: All servicemembers serving on the battlefield, regardless of when they bought their home. Servicemembers retiring 100 percent disabled due to service-connected injuries and surviving spouses of servicemembers who died in military service.

The act stays mortgage foreclosure proceedings against SCRA-covered persons for 1 year following their service; it also eliminates a current sunset provision that will reduce this protection to 90 days beginning January 1, 2013.

The Act doubles the civil penalty for SCRA mortgage violations to $110,000 for the first offense and $220,000 for subsequent violations.

The act protects servicemembers and their families against discrimination by banks and lenders on account of servicemembers' eligibility for SCRA protections. It also requires banks and lenders to take further steps to ensure SCRA compliance. These steps include: Designating an SCRA compliance officer. Requiring SCRA compliance officers to distribute information to servicemembers about their SCRA protections, and providing a toll-free telephone number and website to help servicemembers better understand their SCRA protections.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 500—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL WOMEN AND GIRLS

Mrs. MURRAY (for herself, Ms. SNOWE, Mr. AKAKA, Mr. BAUCUS, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CASEY, Ms. CANTWELL, Mr. COONS, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mrs. HUTCHISON, Mr. INOUYE, Mr. KERRY, Mr. KIRK, Ms. LANDRIEU, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. WYDEN, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. ISAKSON, Ms. MURKOWSKI, Ms. AYOTTE, Mrs. MCCASKILL, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 500

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as ''title IX'') (20 U.S.C. 1681 et seq.) was signed into law by the President of the United States;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas, on October 29, 2002, title IX was named the ''Patsy Takemoto Mink Equal Opportunity in Education Act'' in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and passing title IX;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including sports, and bars sexual and sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person's access to a particular educational field;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX has increased educational opportunities for women and girls, including their access to professional schools and nontraditional fields of study, and has improved their employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas, while title IX has been instrumental in fostering 40 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made;

Whereas, in the 2010-2011 school year, girls were provided 1,300,000 fewer opportunities to play high school sports than boys;

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the money spent to recruit new athletes, and 42 percent of the total athletic scholarship funds;

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children;

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy;

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination;

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields;

Whereas, in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master's or doctorate degrees in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law's full promise of equal educational opportunities for all women and girls has not yet been fulfilled: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports;

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

SENATE RESOLUTION 501—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO submitted the following resolution; which was considered and agreed to:

S. RES. 501

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;

Whereas men are less likely than women to visit their health centers or physicians for regular screening examinations of male-related problems for a variety of reasons;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;

Whereas June 11 through 17, 2012, is National Men's Health Week; and

Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 502—CELEBRATING THE 150TH ANNIVERSARY OF THE SIGNING OF THE FIRST MORRILL ACT

Mr. LEAHY (for himself, Mr. SANDERS, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. ALEXANDER, Mr. GRAHAM, Mr. LEVIN, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. BENNET, Mrs. MURRAY, Mr. AKAKA, Mr. MORAN, Mr. CARDIN, Ms. STABENOW, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. BOOZMAN, Mr. RUBIO, Mr. BINGAMAN, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 502

Whereas July 2, 2012, marks the sesquicentennial of the signing of the Act of July 2, 1862 (commonly known as the ''First Morrill Act''; 7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit;

Whereas the genesis of the national focus on public higher education in the United States is attributed to the establishment of the land-grant institutions under the First Morrill Act;

Whereas United States Representative Justin Morrill of Strafford, Vermont, inspired by his own lack of a formal education, authored the legislation that would become the First Morrill Act to provide an ''opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those needing higher instruction for the world's business, for the industrial pursuits and professions of life'';

Whereas the 37th Congress sought to energize the vital intellectual resources of the United States by enacting legislation to make higher education accessible to the public and thereby apply those intellectual resources to stimulate the national economy, which at the time was based in agriculture and the mechanical arts;

Whereas, in the midst of the Civil War and domestic strife, President Abraham Lincoln supported, encouraged, and signed into law the First Morrill Act, which encompassed ideals that united the North and the South;

Whereas the First Morrill Act opened the doors of colleges and universities to all people with the ability and will to learn, irrespective of heredity, occupation, or economic status;

Whereas the United States leads the world in the quality of its public universities and has provided extraordinary opportunities for higher education to the people of the United States, thus enriching each State and the country as a whole;

Whereas the land-grant institutions and other public research universities of the

United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and 6 territories of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States educate more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'') annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than $37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institute is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival on the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an enrolled copy of this resolution for appropriate display.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to the nomination of Heidi Shyum, of California, to be an Assistant Secretary of the Army, dated June 20, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 10 a.m., in room SD–115 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the United States Patent and Trademark Office: Implementation of the Leahy-Smith American Invents Act and International Harmonization Efforts.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 20, 2012, at 2:30 p.m., in room SD–115 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Holocaust-Era Claims in the 21st Century.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on June 20, 2012, at 9:30 a.m., to conduct a hearing entitled ''Examining the IPO Process: Is It Working for Ordinary Investors?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 20, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Risks, Opportunities, and Oversight of Commercial Space.''

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Ms. STABENOW. 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. 500, S. Res. 501, and S. Res. 502.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. 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 the resolutions be printed in the RECORD.

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. 500

Celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls.

Whereas 40 years ago, on June 23, 1972, title IX of the Education Amendments of 1972 (in this preamble referred to as ''title IX'')(20 U.S.C. 1681 et seq.) was signed into law by the President of the United States;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas, on October 29, 2002, title IX was named the ''Patsy Takemoto Mink Equal Opportunity in Education Act'' in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and passing title IX;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance, including sports, and bars sexual and sex-based harassment, discrimination against pregnant and parenting students, and the use of stereotypes and other barriers to limit a person's access to a particular educational field;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX has increased educational opportunities for women and girls, including their access to professional schools and nontraditional fields of study, and has improved their employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas, while title IX has been instrumental in fostering 40 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made;

Whereas, in the 2010-2011 school year, girls were provided 1,300,000 fewer opportunities to play high school sports than boys;

Whereas, in 2010, at the typical Division I Football Bowl Subdivision school, 51 percent of the students were women, but female athletes received only 28 percent of the total money spent on athletics, 31 percent of the money spent to recruit new athletes, and 42 percent of the total athletic scholarship funds;

Whereas research shows that more than 8 out of 10 successful businesswomen played organized sports as children;

Whereas, for girls who engage in sports, 80 percent are less likely to have a drug problem and 92 percent are less likely to have an unwanted pregnancy;

Whereas title IX seeks to protect students from sexual harassment and defend pregnant and parenting students from discrimination;

Whereas stereotypes and discriminatory barriers in the fields of science, technology, engineering, and mathematics persist and contribute to the low numbers of women and girls in those fields;

Whereas, in 2009, women comprised only 19 percent of students receiving baccalaureate degrees in physics, 18 percent of students receiving baccalaureate degrees in computer science, 16 percent of students receiving baccalaureate degrees in engineering and engineering technologies, and 22 percent of students receiving master's or doctorate degrees

in engineering and engineering technologies; and

Whereas, while title IX has resulted in significant gains for women and girls in education, the law's full promise of equal educational opportunities for all women and girls has not yet been fulfilled: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the accomplishments resulting from the passage of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in many facets of education, including the magnificent accomplishments of women and girls in sports;

(2) reaffirms the commitment of title IX to ending all discrimination against women and girls in elementary, secondary, and higher education, and to equal opportunities for women and girls in athletics; and

(3) recognizes the continued importance of title IX in providing needed protections for women and girls.

S. RES. 501

Supporting National Men's Health Week

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are more than 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is 1 of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 50,000 in 2012, and more than half of those men will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men who develop prostate cancer in 2012 is expected to reach more than 241,740, and an estimated 28,170 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if awareness among men of those problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men by a ratio of 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for those diseases;

Whereas appropriate use of tests such as prostate specific antigen exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of those problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctors for annual examinations and preventive services;

Whereas men are less likely than women to visit their health centers or physicians for regular screening examinations of male-related problems for a variety of reasons;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their respective States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the United States that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their roles as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups;

Whereas June 11 through 17, 2012, is National Men's Health Week; and

Whereas the purpose of National Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

S. RES. 502

Celebrating the 150th anniversary of the signing of the First Morrill Act

Whereas July 2, 2012, marks the sesquicentennial of the signing of the Act of July 2, 1862 (commonly known as the ''First Morrill Act''; 7 U.S.C. 301 et seq.), which granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit;

Whereas the genesis of the national focus on public higher education in the United States is attributed to the establishment of the land-grant institutions under the First Morrill Act;

Whereas United States Representative Justin Morrill of Strafford, Vermont, inspired by his own lack of a formal education, authored the legislation that would become the First Morrill Act to provide an ''opportunity in every State for a liberal and larger education to larger numbers, not merely to those destined to sedentary professions, but to those needing higher instruction for the world's business, for the industrial pursuits and professions of life'';

Whereas the 37th Congress sought to energize the vital intellectual resources of the United States by enacting legislation to make higher education accessible to the public and thereby apply those intellectual resources to stimulate the national economy, which at the time was based in agriculture and the mechanical arts;

Whereas, in the midst of the Civil War and domestic strife, President Abraham Lincoln supported, encouraged, and signed into law the First Morrill Act, which encompassed ideals that united the North and the South;

Whereas the First Morrill Act opened the doors of colleges and universities to all people with the ability and will to learn, irrespective of heredity, occupation, or economic status;

Whereas the United States leads the world in the quality of its public universities and has provided extraordinary opportunities for higher education to the people of the United States, thus enriching each State and the country as a whole;

Whereas the land-grant institutions and other public research universities of the United States remain committed to providing accessible higher education and supporting learning, discovery, and engagement in the interest of the country;

Whereas the land-grant institutions and other public research universities of the United States conduct research and education in all 50 States, the District of Columbia, and 6 territories of the United States, and disseminate the results of those efforts throughout the country and the world, seeking solutions to economic, social, and physical challenges and enriching the cultural life of the people of the world;

Whereas the land-grant institutions and other public research universities of the United States educate more than 5,000,000 students and award nearly 1,000,000 degrees annually, serving as the single largest source of trained and educated workers in the United States;

Whereas the land-grant institutions and other public research universities of the United States award 200,000 degrees in science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'') annually, including more than half of the advanced degrees in STEM awarded annually in the United States;

Whereas the land-grant institutions and other public research universities of the United States perform more than $37,000,000,000 worth of research annually and impart the discoveries from that research locally, regionally, nationally, and globally for the betterment of their communities, the country, and the world;

Whereas the Smithsonian Institute is marking the sesquicentennial of the signing of the First Morrill Act at the annual Folklife Festival on the National Mall during the summer of 2012, with displays and presentations by many land-grant institutions; and

Whereas many States are celebrating the sesquicentennial of the signing of the First Morrill Act with resolutions and proclamations, and many land-grant institutions are also commemorating the signing of the historic legislation: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 150th anniversary of the signing of the First Morrill Act by President Abraham Lincoln;

(2) encourages the people of the United States to observe and celebrate the 150th anniversary of the signing of the First Morrill Act;

(3) affirms the continuing importance and vitality of the land-grant institutions, which are the fruitful product of the extraordinary commitment to higher education in the United States that the First Morrill Act represents; and

(4) respectfully requests that the Secretary of the Senate transmit to the Association of Public and Land-grant Universities an enrolled copy of this resolution for appropriate display.

Mr. LEAHY. Mr. President, I commend the Senate for agreeing to this resolution celebrating the 150th anniversary of the signing of the First Morrill Act. The Morrill Act, named for its author, Justin Morrill of Strafford, VT, granted public lands to States and territories to support colleges in promoting education as a means of economic advancement and intellectual pursuit. This landmark legislation brought national attention to public higher education in the United States and made higher education accessible to the public by granting Federal land to each State to be used toward funding public agriculture colleges. It is difficult to overstate the profound impact and ways in which the core democratic vision behind the Morrill Act has improved the lives of Americans. Land grant institutions have opened the doors to affordable and accessible higher education for millions of students. These public institutions are the lifeblood of many communities, serving as hubs of research and innovation, as drivers of economic growth, and as laboratories for critical thinking and public debate.

The University of Vermont is the State of Vermont's land-grant university. It is fitting that representatives from the University of Vermont's Proctor Maple Research Center will be in town next weekend for the Smithsonian's 2012 Folklife Festival. This year, the annual event celebrates the spirit of the Morrill Act and the cultural impact of land-grant institutions. Timothy Perkins, Timothy Wilmont, Emily Drew, George Cook, and Brian Stowe will host a booth at the Festival on the maple industry and how maple research at the University of Vermont has provided new and improved techniques for efficient sap collection and evaporation systems which yield higher quality maple syrup, as well as research to improve understanding of the physiology and continued health of sugar maple trees. Just one example is a revolutionary maple tap developed by students and professors at UVM and now being manufactured in Vermont which nearly doubles the yield from each tree.

Justin Morrill's vision for a modern higher education infrastructure was centered in creating an opportunity for farmers, mechanics, artisans and laborers who too often lacked access to higher education. While time does not allow a comprehensive look at the contributions of UVM to the State of Vermont, I will note that given the focus of land grant institutions on agriculture, it is very appropriate that the UVM College of Agriculture and Life Sciences, known as CALS, is quartered in the original Morrill Hall at the center of campus. In addition to work on maple, CALS provides a number of world-class research and outreach efforts that are educating a generation of leaders in sustainable agriculture and food systems. And the acorn often falls close to the tree—with UVM graduates applying their skills to start businesses and nonprofits in Vermont. CALS graduates are owners and herd managers at dairy farms across Vermont and others are operating a growing number of diversified farms and CSA's across the region. Two examples are Shelburne Farms, a wonderful center for sustainability education and Vermont Natural Coatings—a private company manufacturing environmentally friendly paints—both being run by UVM alumni. Nutrition research at the school is informing cutting edge farm-to-school programs.

Students and researchers at the UVM School of Natural resources have been at the lead for many years in understanding and addressing water quality problems in Lake Champlain. Preparing students with a great basic education in environmental science and policy, these young people are then deployed to the UVM research vessel the Melosira, to the Rubenstein Lake Research Lab, and to watershed groups to put their skills to the test. It is not unusual to see UVM undergraduates coming off the lake, cold and wet on a cold fall day and burdened with nets, buckets, and boots—and smiling from ear to ear.

Vermont is a small State and could never have built such a fine and world-renowned research University but for the Morrill Land Grant Act. UVM is now an engine that helps to drive our state, and to benefit the Nation.

ORDERS FOR THURSDAY, JUNE 21, 2012

Ms. STABENOW. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Thursday, June 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; and that following the remarks of the two leaders, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees; further, that at 11 a.m., the Senate resume consideration of S. 3240, the farm bill, and the votes on the remaining amendments to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. STABENOW. There will be several rollcall votes beginning at approximately 11 a.m. tomorrow in order to complete action on the farm bill.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no other business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Thursday, June 21, 2012, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

POLLY ELLEN TROTTENBERG, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE ROY W. KIENITZ.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID MASUMOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE STEPHEN W. PORTER, TERM EXPIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF COMMERCE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

THOMAS J. BRENNAN, OF MISSOURI
CHERYL J. DUKELOW, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

YAMILEE M. BASTIEN, OF FLORIDA
ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA
JENNIFER GOTHARD, OF CALIFORNIA
STEPHEN GREEN, OF VIRGINIA
LOLA Z. GULOMOVA, OF THE DISTRICT OF COLUMBIA
JOHN HOWELL, OF VIRGINIA
ILONA SHTROM, OF VIRGINIA
PAUL A. TAYLOR, OF COLORADO

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

CHRISTOPHER BECKER, OF ILLINOIS
LINDA L. CARUSO, OF WISCONSIN
SARAH FOX, OF MARYLAND
JEFFREY W. HAMILTON, OF TEXAS
MATTHEW HILGENDORF, OF NEW HAMPSHIRE
KATJA S. KRAVETSKY, OF VIRGINIA
JESSE LAPIERRE, OF MASSACHUSETTS
RICARDO PELAEZ, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN GREEN, OF VIRGINIA
THOMAS HANSON, OF CALIFORNIA
MARTIN CLAESSENS, OF ILLINOIS
RICARDO PELAEZ, OF FLORIDA
THOMAS PEPE, OF VIRGINIA

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 20, 2012 withdrawing from further Senate consideration the following nomination:

PATRICIA M, WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2019, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 16, 2012.

EXTENSIONS OF REMARKS

CONSERVATION AND ECONOMIC GROWTH ACT

SPEECH OF

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes:

Mr. CARDOZA. Mr. Chair, I rise today to offer my reserved support for the legislation before us today.

This bill, like so many others that we vote on, is far from perfect. I have reservations about the continued expansion of Administrative authority to waive laws that we enact here in Congress and I have reservations about continuing to expose some of the most wild and pristine areas of our country to development. However, I will support this bill because of its positive impacts for the people I was sent here to represent.

As many of you are aware, water is the lifeblood of the San Joaquin Valley, the most productive agricultural region in the world. Since I entered Congress, I have made it a priority to increase water supply reliability for both the San Joaquin Valley and the Sacramento-San Joaquin Bay Delta. Title I of this bill helps to achieve that purpose.

It achieves this purpose in a very simple way, by allowing for the consideration of a 10-foot increase in the spillway of an existing dam. This raise in the spillway will allow for critical year water supply increases of 15,000 acre-feet and will generate an additional 10,000 Mega-Watt Hours per year of clean, renewable energy, all at no cost to the taxpayer. And importantly, the project still has to meet environmental standards. This is a common sense approach to solve a problem incrementally, and one that I liked so much that I carried the bill in previous Congresses.

I'd like to thank you for the opportunity to speak in support of this legislation.

PERSONAL EXPLANATION

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. CICILLINE. Mr. Speaker, on the Legislative Day of June 8, 2012, upon request of a leave of absence after 11:00 a.m., a series of votes were held. Had I been present for these roll call votes, I would have cast the following votes: On agreeing to the Broun (GA) amendment (Roll No. 372)—I vote "No"; On agreeing to the Scalise amendment (Roll No. 373)—I vote "No"; On agreeing to the Moran amendment (Roll No. 374)—I vote "Yes"; On agreeing to the Flake amendment (Roll No. 375)—I vote "No"; On motion to recommit with instructions (Roll No. 376)—I vote "Yes"; On passage (Roll No. 377)—I vote "No"; and On motion that the House instruct conferees (Roll No. 378)—I vote "No."

HONORING DARTMOUTH MIDDLE SCHOOL UPON ITS RECOGNITION AS A SCHOOL TO WATCH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Dartmouth Middle School upon its recognition as a "School to Watch" by the National Forum to Accelerate Middle Grades Reform in 2012.

Located in San Jose, California, Dartmouth Middle School is a public middle school in the Union School District that teaches grades six through eight. It was recently named as one of the top performing middle grade schools in the country and will be recognized by the National Forum to Accelerate Middle Grades Reform at their annual conference in Arlington, Virginia from June 21–23.

In 2012, only 103 schools around the country were named "Schools to Watch" by the National Forum to Accelerate Middle Grades Reform. The Forum is an alliance of more than 60 educators, researchers, and officers of national associations and foundations committed to improving schools for young adolescents across the country. Forum members choose schools that are academically excellent, developmentally responsive, and socially equitable.

Dartmouth Middle School meets and exceeds the criteria for a high-performing middle grade school. It involves students in service activities, celebrates diversity, and actively engages its students in their own learning. It has a Homework Club four days a week where students may drop in to get help from teachers with homework questions. At a time when schools are cutting back on afterschool activities, Dartmouth still allows students to put on a school play, participate in various sports, and perform in different levels of band.

It is indeed an honor and a privilege to have such a dedicated and nurturing institution in my district that appreciates its students, the community, sports, and the arts. I wish Dartmouth Middle School continued success for many years to come.

A TRIBUTE TO KENNETH FARRELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor and pay tribute to Kenneth Farrell.

Kenneth Farrell was born the only child of James and Ruby Farrell on the island of Trinidad. At the age of five, the Farrell family migrated to Brooklyn, New York. He lives in Brooklyn with his wife, Yvonne. Together they raised three delightful daughters, the couple's A-Team: Arroya, Ashley and Alexandria.

Mr. Farrell completed a Bachelor of Arts Degree at Baruch College, followed by a Juris Doctorate at the James E. Beasley School of Law at Temple University. While in law school, Ken wanted an opportunity to work with the community. As a proud graduate of the New York City public school system, Mr. Farrell was drawn to the school board and was elected to three terms as a Board Member of the NYC Board of Education, serving District 32. Upon graduation, he continued to serve the community by joining the staff of Congressman Major Owens as a special assistant.

Mr. Farrell found another opportunity to serve his community on a larger scale after working with Congressman Owens. He would do so in my office as my legislative assistant in the 10th Congressional District. He worked with hospital administrators, planning boards and managed special projects. His dedication to the community put Mr. Farrell in touch with real people and issues in the community, and allowed him to see first-hand the true state of Brooklyn communities.

Mr. Farrell, in his quest to reach the community on a different level, began a career in mortgage banking. As a federal and state licensed mortgage loan originator, he provides his clients with pure honesty and guides them in making the right choices for them, not the most profitable choices for himself. Finally, he offers his clients a reason to have faith that they can make their home ownership dreams a reality. Kenneth is very passionate about his work and works hard for his clients.

Mr. Farrell continues to serve as a community advocate, by serving as a board member on the board of the Black Veterans for Social Justice.

Mr. Speaker, I would like to recognize Mr. Farrell for his leadership in the community as well as the excellent work he performed in my office. I am honored to have had the chance to work with him as we work to make our communities a better place to live.

RECOGNIZING GORDON HIRABAYASHI, RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Gordon Hirabayashi for posthumously receiving the Presidential Medal of Freedom for his stand against Japanese American internment following the attack on

Pearl Harbor. This award is our nation's highest civilian honor and is presented to individuals who have made outstanding contributions to the United States.

Mr. Hirabayashi was a Seattle native and a student at the University of Washington when Pearl Harbor was bombed. Shortly afterwards, Japanese-Americans were ordered to board buses for internment camps. In an act of bravery and civil disobedience, Mr. Hirabayashi, a second-generation Japanese American, refused to board the bus.

Mr. Hirabayashi, with the assistance of the American Civil Liberties Union, filed a lawsuit against the military executive order stating that Japanese Americans were a threat. Unfortunately, Mr. Hirabayashi lost the suit and was sentenced to 90 days in prison for curfew violation.

In 1987, Mr. Hirabayashi's conviction was overturned after it was determined that there was no military reason for the internment of Japanese Americans. After more than four decades, the effort he put into protecting the rights of citizens during times of war has finally been realized.

Mr. Hirabayashi passed away on January 2, 2012, at the age of 93 in Edmonton, Alberta where he served as a sociology professor from 1959 until his retirement in 1983. His family will receive the Presidential Medal of Freedom in his honor.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Gordon Hirabayashi for his tireless commitment to justice.

HONORING BRANDON ELIZARES

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. REYES. Mr. Speaker, I rise today with a heavy heart as I take time to remember Brandon Elizares, a young man who left us two and a half weeks ago. He will always be remembered for his smile, his personality, and his desire to serve as an inspiration to others.

Brandon, like 11.7 million people in this country, was gay, and like so many of his peers, was harassed and bullied until he took his life on June 2nd after being threatened with being buried alive and shot. His last message-echoed his infinite love for his family and his apologies for not being strong enough to continue taking the abuse he had faced for over two years. His final words read, "My name is Brandon Joseph Elizares and I couldn't make it. I love you guys with all of my heart."

High school is an exciting time with an array of new experiences and challenges, but one thing it should not be is an environment where young people must worry about being bullied. Children in high school should be focused on their education. The sad reality is that for many students their primary concerns don't lie in textbooks or exams, but in fear that they will not be accepted by their peers, that they will be physically abused, and, in the case of Brandon and countless others like him, that they may consider taking their own life to escape the pain.

Brandon was a young man who exemplified the best in the El Paso community. He embodied what this nation looks for in all of its young people. He was a best friend, a loving son, an aspiring model and artist, an excellent student, and, to a teenage girl who had contemplated suicide due to encounters with bullying, Brandon was a superhero and an older brother.

Like so many El Pasoans, I feel a personal connection to Brandon, and his death reflects the unfortunate truth that many young people in our community continue to suffer. I stand before you today asking you to help me in ensuring that Brandon's death was not in vain. Please join me in support of the Student Non-Discrimination Act (H.R. 998) and the Safe Schools Improvement Act (H.R. 1648) to protect LGBT students from discrimination and bullying in schools. I also ask you to stand with me in support of the "It Gets Better" campaign, a project whose goal is to prevent suicide among youth by having adults and allies convey the message that these teens' lives will improve.

In our country today the facts are clear:

56 percent of students have personally felt some sort of bullying at school. Between 4th and 8th grade in particular, 90 percent of students report being the victim of bullying.

9 out of 10 LGBT youth reported being verbally harassed at school in the past year because of their sexual orientation.

1 in 4 teachers see nothing wrong with bullying and will only intervene 4 percent of the time.

A victim of bullying is twice as likely to take his or her own life compared to someone who is not a victim.

41 percent of principals say they have programs designed to create a safe environment for LGBT students, but only 1/3 of principals say that LGBT students would feel safe at their school.

Every day thousands of children wake up fearing for their well being as they go to school; if the Student Non-Discrimination Act and the Safe Schools Improvement Act were enacted today, we could provide students a sense of relief and some reassurance that their government is working to improve their lives by increasing awareness about their daily struggles.

This issue, as all of you know, is not limited to one district or state, but has been felt throughout our country from California to New York. As a proud grandfather, I could not imagine what it would be like to have any of my grandchildren be bullied at school. There is no place in our society for bullying or discrimination, whether it's in our schools, communities or in our military. I want to provide hope to our youth and remind them they are not alone and that there are many venues they can turn to for help. I want to send a simple and powerful message: it gets better. If you are a student or a teacher there are resources available and I encourage you to visit www.stopbullying.gov or www.itgetsbetter.org for more information.

To the family of Brandon Elizares, no words can lessen your pain or bring your son back, but I stand with you today in honoring this kind young man. The display of love and affection from those who were close to him, those he helped, and those who have gone through experiences similar to his are a testament to the person he was and to the way you raised him. Brandon's genuine spirit and love will live on in all of those he touched. Today, the House of Representatives and our nation honors Brandon Elizares.

PERSONAL EXPLANATION

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I was ill with food poisoning and missed rollcall vote No. 379 and rollcall vote No. 380 on Monday, June 18, 2012, as well as rollcall vote No. 381 and rollcall vote No. 382 on Tuesday, June 19, 2012.

If I had been present, I would have voted "aye" for each of the following: rollcall vote No. 379 (S. 684), rollcall vote No. 380 (S. 404), rollcall vote No. 381 (On Ordering the Previous Question), and rollcall vote No. 382 (H. Res. 688.)

A TRIBUTE TO ARTHUR MOLINELLI JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise to pay tribute today to Mr. Arthur Molinelli Jr.

Mr. Molinelli Jr. is the owner and operator of The Modern Meat Market located on 771 New Lots Avenue. The Modern Meat Market was founded by his father after their family moved from Manhattan to Brooklyn in 1914. The market opened at 383 Milford Street on the corner of New Lots Avenue and has been in his family since 1944. Mr. Molinelli emphasizes that education and leadership, community service and entrepreneurship are deeply rooted values in his family.

Mr. Molinelli was in the Army Reserve and also served as a New York City Police Department Detective from 1974 to 1982. He and his wife, Louise, recently celebrated their 40th wedding anniversary. Arthur's brother, Steven, was the Principal of Public School 302. His brother's wife, Rose, is currently the Assistant Principal of Public School 218. Arthur was born and raised in East New York in 1945. He went to St. Rita Catholic School located at Sheppard and Liberty Avenue. Arthur also attended and graduated from Franklin K Lane High School where he was a member of the Varsity Baseball Team. His son Justin started his career as a public school educator at Intermediate School 292 located at Wyona and Pitkin Avenue.

Arthur's entrepreneurship experience spans from the time The Modern Meat Market was opened by his father to when he had officially joined the family business as the owner and operator. The Modern Meat Market services numerous Day Cares and Private Schools in East New York. Presently, he is still the owner and operator of the family business.

Lastly Arthur Molinelli Jr. and The Modern Meat Market are very active in the community. Mr. Molinelli demonstrates his commitment to community service through The Modern Meat Market yearly Turkey Giveaway, in which they distribute over 500 turkeys to the community. Arthur is a member of The New Lots Avenue

Merchant Association which is responsible for the Plaza Triangle located at New Lots Avenue train station. In addition to these services The Modern Meat Market donates food and attends the Annual Precinct Community Picnic.

Arthur Molinelli Jr. is truly an outstanding businessman who sets an example for other business and community leaders through his entrepreneurship, education and leadership, and dedication to community service.

Mr. Speaker I urge my college to join me in recognizing the talents, achievements, and community spirit of Arthur Molinelli Jr.

RECOGNIZING WILLIAM FOEGE, RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor William Foege for receiving the Presidential Medal of Freedom for developing a strategy for immunizing people against, and eventually eradicating, small pox. This award is our nation's highest civilian honor and is presented to individuals who have made outstanding contributions to the United States.

Mr. Foege, a graduate of Pacific Lutheran University and the University of Washington School of Medicine, was instrumental in developing the plan to eradicate smallpox. While serving as a missionary in Nigeria where we gave vaccines to the locals, Mr. Foege experienced a critical vaccine shortage. In order to be most effective, he started actively seeking out infected people, using photos and rewards to draw people in and immunizing anyone who had come in contact with those suffering from smallpox.

The immunization strategy Mr. Foege developed became known as ''surveillance and containment.'' It is widely credited for the eradication of smallpox, which is often deadly especially in developing countries. For example, while using this technique in India during the 1970s, Mr. Foege and his colleagues found 11,000 cases of smallpox and within a week delivered immunizations to those infected people.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring William Foege for his dedication to effectively delivering immunizations to the world's most at risk populations and for being instrumental in the eradication of smallpox.

TRIBUTE TO CAROLINE WHITSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable educator, civic leader and a dear friend. Dr. Caroline Whitson is retiring on June 30, 2012, after serving as the 17th President of Columbia College for 11 years. Her leadership of this great institution will be sorely missed.

Dr. Whitson is a native of Arkansas, who grew up in Atlanta, Georgia, and returned to her home state to earn a B.A., M.A. and Ph.D. in English from the University of Arkansas. She also earned a diploma in international relations from the London School of Economics.

She began her career as an English professor, and climbed the ranks of academia to become a vice president for advancement, and a provost and vice president for academic affairs.

Since coming to Columbia College, Dr. Whitson has embraced the college's original mission, a dedication to the education of women. She expanded the college's Women Leadership Institute and helped found the Alliance for Women, which is a partnership between Columbia College and the Governor's Commission on Women, to prevent the latter's closure in 2004. Dr. Whitson has also instituted on campus the 4C leadership model that develops in young women Courage, Commitment, Confidence, and Competence. All of these efforts combine to support and grow women leaders in South Carolina.

Her leadership of the college has also resulted in annual fundraising that has doubled during her tenure. The endowment has grown by 40 percent, and she has established the McNair Scholars program and the Reeves Endowed Chair in Leadership Studies.

A college cannot grow without providing the necessary facilities. So under Dr. Whitson's watch, the college has added a new student union, residential cottages, and an athletic complex. She has also led the renovations of the freshman center, the Goodall Art Gallery, Edens Library and the Cottingham Theatre. She has also made environmentally friendly updates to the campus, adding solar panels to reduce the carbon footprint, and revitalizing the landscape.

Dr. Whitson has also expanded academic opportunities on campus by signing agreements for research and for faculty and student exchanges with both the State University of Mongolia and the Hiroshima Jogakuin Women's University in Japan.

Under her guidance, Columbia College has received a number of recognitions for teaching and scholarly excellence from the Theodore Hesburgh Foundation, the Carnegie Foundation, the National Collegiate Honors Council, the Council for the Advancement and Support of Education, the Foundations of Excellence for the first College year, the NAIA Champions of Character, the National Communication Association, and the National Association for the Education of Young Children.

Dr. Whitson has also lent her leadership skills to the community. She chaired the S.C. Independent Colleges and Universities President's Council and the Richland County Transportation Commission. She has also served as a member of the S.C. Tuition Grants Commission, Mayor Bob Coble's City of Columbia Arts Task Force, the Greater Columbia Chamber of Commerce, and The Nurturing Center board.

Currently, Dr. Whitson chairs the S.C. ETV Endowment Board. She is a member of the Midlands Business Leaders, Eau Claire Development Corporation, and the United Way board. She is also a member of the regional technology council, EngenuitySC, and serves on the President's Circle of the National Council for Research on Women.

Her tremendous work has earned her the honor of a ''Woman of Distinction'' from the Girls Scouts of the Congaree Area, ''Outstanding Advocate for Women in Business'' from the Columbia Chamber of Commerce, and the Martha Kime Piper award from the South Carolina Women in Higher Education.

Dr. Whitson is married to Turner Whitson, and the couple has one daughter, Dr. Heather Whitson. They have a son-in-law, Dr. Ben Maynor, and two grandsons, Jacob and Christopher.

Mr. Speaker, I ask you and our colleagues to join me in thanking Dr. Caroline Whitson for her years of service to higher education and to her community. Her work has improved Columbia College and the greater Columbia Metropolitan area. While her public role will be greatly missed, I look forward to her continued good work on behalf of women's education and improving the status of women worldwide.

HONORING CHARLES M. JONES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. DUNCAN of Tennessee. Mr. Speaker: Our Nation recently lost one of its most patriotic Americans, Mr. Charles M. ''Chuck'' Jones, on May 16, 2012. Chuck had been a close friend of mine for many, many years and was one of the finest men I have ever known.

Chuck joined the Navy as a teenager toward the end of World War II and continued his service for 22 years on troop ships and submarines. He served during the Korean Conflict and the 1962 Naval blockade involving the Cuban Missile Crisis, but his service to our Country did not stop here.

Later in his career, Chuck served as the Veterans Service Officer for Knox County, Tennessee, from 1985 to 2012. He was involved in various military organizations over the years and helped spearhead the movement to bring to our area what is now known as the Ben Atchley State Veterans Home, which opened in 2007. In fact, a road near the Veterans Home was renamed in his honor and will be known from hereafter as Chuck Jones Drive.

Along with his exemplary military career and outstanding work in our community, Chuck Jones had a profound impact on my staff and me personally. My Knoxville Office Manager, Jenny Stansberry, worked closely with Chuck on Veterans issues, and I echo her sentiments.

After his passing, she said:

> I feel very fortunate to have worked so closely with a man whom I admired tremendously. His accomplishments in serving our Country are only outdone by the character and integrity Chuck displayed every day of his life. I will miss our working relationship, but more than that I will miss our friendship.

Mr. Speaker, I urge my Colleagues and other readers of the RECORD to join me in celebrating the remarkable life of Chuck Jones. He was truly a great American and I feel this Country is certainly a better place because of his life.

A TRIBUTE TO PAUL B. MITCHELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Pastor Paul B. Mitchell, senior Pastor and visionary for Changing Lives Christian Center in the East New York section of Brooklyn, NY.

Pastor Mitchell was born in Kingston, Jamaica and is the sixth of seven sons to his parents Alfred and Myrtle Mitchell. Pastor Mitchell and his family migrated to United States in 1971. He can recall at the very young age of six, his parent's diligence and tireless work effort to provide for him and his brothers. Admiring their work ethic, determination and zeal to make a happy home for the family was the motivation needed to fuel and fulfill the calling on his own life.

Pastor Mitchell served as a successful banker for over fourteen years, working with well-known institutions like JP Morgan Chase, First Card and EAB were fundamental in preparing him to take on the leadership role that he now holds today. On January 1, 2003, Pastor Mitchell was called to serve a new role, as a Pastor.

In addition to his work with his congregation in the East New York section of Brooklyn, Pastor Mitchell is known all over the Tri-State area through radio and TV. Currently, he can be heard on WLIB 1190 AM every Sunday morning and can also be viewed on BCAT Television, Manhattan TV, and on Trinity Broadcasting Network (T.B.N). Pastor Mitchell ends all of his sermons with this phrase, ''if you work the word the word will work for you.'' Truly the ''Change Your Life'' Broadcast is changing lives through the taught word of God.

Pastor Mitchell ministers directly to the hurts, issues and challenges that people face in a very practical and relevant way. He believes that the human spirit, which houses the purpose for which we've all been created, must be nurtured naturally and spiritually. He believes that everyone is intrinsically designed with a gift that has the power to propel them into their destiny. The goal of the Changing Lives Christian Center is to meet each person at the point of their need and equip him or her for success, by teaching them how to live successful Christ centered lives. Pastor Mitchell is a man of integrity and uprightness. He's a giver of himself. Most importantly he is a man of God that seeks to honor and obey God in all his ways.

Pastor Mitchell is a loving and devoted husband and friend to his wife Yasmin of fifteen years. He is a gentle, loving and encouraging Pastor to his people. He is a dedicated and loving son to both his parents, Myrtle, 77, and Alfred, 88.

Mr. Speaker, I would like to recognize Pastor Paul B. Mitchell for his service as Pastor of the Changing Lives Christian Center in East New York, Brooklyn.

HONORING CAPTAIN FRANCIS GARY POWERS

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Captain Francis Gary Powers, a loyal, devoted citizen of the United States, who was posthumously awarded the Silver Star last week.

A native of Virginia's Ninth Congressional District, Captain Powers grew up in Pound, Virginia. According to the official award citation, from May 1, 1960 to February 10, 1962, Captain Powers served in connection with military operations against an armed enemy of the United States. While assigned to the Joint U.S. Air Force, Central Intelligence Agency (CIA), U–2 Reconnaissance Squadron, Detachment 10–10, Captain Powers was held captive in solitary confinement in the infamous Lubyanka Prison in Moscow after his U–2 aircraft had been shot down by a Soviet surface to air missile.

For almost 107 days, Captain Powers endured interrogations, harassment, and unmentionable hardships on a continuous basis by numerous top Soviet Secret Police interrogating teams. Although greatly weakened physically by the lack of food, denial of sleep and the mental rigors of constant interrogation, Captain Powers steadfastly refused all attempts to give sensitive defense information or be exploited for propaganda purposes. Captain Powers resisted all Soviet efforts through cajolery, trickery, and threats of death to obtain the information they sought.

Captain Powers was subjected to a trial and was sentenced to an additional 542 days of captivity in Vladimir Prison before finally being released to the United States in 1962. As a result of his unconquerable spirit, exceptional loyalty, and continuous heroic actions, Russian intelligence gained no vital information from him.

For his sustained courage in an exceptionally hostile environment, Captain Powers was publicly recognized by the Director of the CIA and the Senate Armed Services Committee. By his gallantry and devotion to duty in the dedication of his service to his country, Captain Powers has reflected great credit upon himself and the United States Air Force.

It is with great admiration, respect, and appreciation that I stand before you to honor such a courageous American. I know I speak for so many when I say, we're proud of our native son, Captain Francis Gary Powers.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. HURT. Mr. Speaker, I was not present for rollcall vote No. 383 on agreeing to the DeFazio Amendment to H.R. 2578. Had I been present, I would have voted ''no.''

RECOGNIZING CAMELOT ELEMENTARY FOR BEING NAMED A GREEN RIBBON SCHOOL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Camelot Elementary School, in Auburn, Washington, for being named a Green Ribbon School. This honor, awarded by the U.S. Department of Education, is given to schools participating in activities to promote and encourage a healthy and environmentally sustainable learning environment.

Students and staff at Camelot Elementary have taken a wide variety of steps toward reducing energy consumption. Since 2007, the school has reduced energy usage by 50 percent. They replaced light bulbs, removed personal appliances, and placed reminders on light switches and computers. Teachers and students use green checklists in every classroom to remind each other about ways to decrease energy consumption and waste.

To address the threatened salmon population in Washington State, students raised salmon in classrooms to release into local streams. Students also published a newspaper with information and resources about conservation. To decrease the use of plastic bottles, the school organized a fundraiser for reusable water bottles.

In addition to becoming good stewards of the Earth, staff, students, and parents are taking steps to improve health and nutrition. The school raised money from the community to build a community garden on the school grounds and the school follows the United States Department of Agriculture standards to make sure students have balanced meals. Nearly 60 percent of the student body walks or bikes to school. On the weekends, the school and the Parent-Teacher Association send backpacks filled with healthy foods home with disadvantaged students.

Mr. Speaker, it is with great pleasure that I congratulate the students, staff, and parents from Camelot Elementary. The steps they are taking to reduce energy consumption, improve nutrition, and protect our environment and resources will continue to benefit our community for many years to come. I hope many other schools follow Camelot Elementary's example.

A TRIBUTE TO LEROY SAWYER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Mr. Leroy Sawyer, a man who has spent much of his life working for the public good.

Mr. Leroy Sawyer was born to William and Georgina Sawyer. He graduated from Stuyvesant High School with a Science Major, a Math Minor Diploma, and lettering in baseball.

Mr. Sawyer rose quickly as a member of the New York City Police Department. Though not graduating from the Academy he was placed in ''plainclothes'' and promoted to Detective

after his third year on the job. He was only twenty-four years old.

Mr. Sawyer embodies the term ambitious. He has owned three taverns in Brooklyn, and managed five taverns in Manhattan include the ''Spotlight Bar'' next to the Apollo Theater. He's owned four Laundromats, liquor stores, an office supply store, and scores of houses in Brooklyn.

Mr. Sawyer is also very active in the community; he came out of retirement, and presently serves as my community liaison for the 10th Congressional District. He has been a member of the Board of Managers at the North Brooklyn YMCA for over twenty years, serving as chairman for ten of those. In addition, he is a Founding member of the Board of Directors of the Boys and Girls Club of Eufaula, Alabama and a lifetime member of the NAACP.

Mr. Sawyer is married to Rosa Beatrice and together they have two children, Lisa and William, and four grandchildren, Tyra, Tammara, Leasia and Karima.

Mr. Sawyer believes that we all have an opportunity to succeed in life. He believes we should not be afraid to follow our dreams. He certainly followed his own advice and is now enjoying the sweet fruits of his labor. Mr. Sawyer and his wife currently split their time between homes in Brooklyn, New York and Eufaula, Alabama.

Mr. Speaker, I would like to recognize Leroy Sawyer for his unceasing ambition in life, as well as his commitment and leadership in his community.

HONORING STEVEN ANDREW MULLINS

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in honor of Steven Andrew Mullins, a devoted businessman and member of the Salem and greater Roanoke Valley communities, who passed away Saturday, June 9th at the age of 62.

Born on November 8, 1949, Steven was an athlete, student, and great friend to those around him. Everyone seemed to know Steve or know of him. In 1968, he graduated from Andrew Lewis High School, and then went on to obtain a Business Degree from the University of Georgia in 1973.

His first attempt at running a small business came in 1973 in Salem, VA when he and his father, Harold, opened Steve's Famous Hot Dogs with only $500 in initial capital. Doing what he loved most, serving his community, Steve's business exploded with success and spread throughout the region to 17 different locations.

Later, Steve helped open Famous Anthony's in 1986. These business ventures helped Steve discover his interest in real estate, and he eventually became known as one of the best commercial realtors in the Roanoke Valley.

Despite all of Steve's business success, his brother Brad found only one accolade in his brother's lock box. It was a printout of the motion Steve made to form Salem City Schools. At the time, the schools were part of Roanoke County schools, so—as a member of the Salem City School Board—Steve made the motion to form Salem's independent school district. Described by many as a man with a passion that is hard to understand, this is just another example of Steve wanting to do well for his community.

My thoughts and prayers go out to Steve's family and loved ones. His love for his family, neighbors, community, and contributions will always be remembered and cherished in Salem and throughout the Roanoke Valley.

IN SUPPORT OF WORLD, REFUGEE DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise in support of World Refugee Day. Across the globe approximately 43.7 million people have been displaced after being forced to flee their homes due to the threat of persecution, violence and conflict. The majority of these people are forced to live in extreme poverty and endure unspeakable conditions.

This is a day where we can honor the courage and strength of those that have lost everything, through no fault of their own. Many have had to make the terrifying decision of risking their lives, and their families lives by staying in a conflict stricken area, or leaving their home, families and possessions behind in an attempt to find safer conditions.

The United Nations High Commissioner for Refugees provides lifesaving assistance and protection to 33.7 million of those displaced, but even this is not enough. Women and children in camps experience high levels of rape and assault, and there is rarely enough food to go around. Health conditions in these camps are often extremely poor and disease runs rampant.

Mr. Speaker, the United States has taken in countless numbers of refugees in our history. They have become an essential part of the fabric of our society, but we can still do more. This is why I am a co-sponsor of H.R 690, a resolution that recognizes America's positive impact on the international refugee community, but calls for important changes to be made to H.R. 2185, the Refugee Protection Act of 2011.

These changes would eliminate the 1-year filing deadline for asylum applications that puts at risk thousands of people each year, create a path to legal citizenship and ensure that victims of persecution are not inadvertently forced back to the countries they fled to begin with.

Mr. Speaker, this is a day to remember that we are the lucky ones. We live in the greatest country in the world where freedom of belief, speech, and press amongst others are God given rights, not privileges. As a member of the Congressional Human Rights Caucus I fully support the efforts of the UNHCR and H.R. 690 to try and make that a reality for all, regardless of nationality.

Today I rise to recognize all those living in poverty stricken refugee camps because it is safer than going home, and those all those who dream of returning to the land of their fathers, but are unable to do so. I ask my colleagues to support H.R. 690, and I support the honorable efforts of World Refugee Day.

INTRODUCTION OF A BILL TO AMEND TITLE IV OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 TO PROVIDE FOR A GUARANTEE BY THE PENSION BENEFIT GUARANTY CORPORATION FOR QUALIFIED PRERETIREMENT SURVIVOR ANNUITIES UNDER INSOLVENT OR TERMINATED MULTIEMPLOYER PENSION PLANS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. PETRI. Mr. Speaker, today I am introducing a bill to rectify an inequity regarding the benefits provided to surviving spouses through the Pension Benefit Guaranty Corporation (PBGC). I am pleased to be joined by Rep. ROB ANDREWS in this effort.

PBGC provides pre-retirement survivor coverage, which provides a benefit to the surviving spouse of a pension participant who dies before retirement. However, in the case of a multiemployer pension plan turned over to PBGC, this benefit is guaranteed only if the plan participant dies before the plan is turned over. For single-employer plans the benefit is guaranteed regardless of when the participant dies.

The PBGC web site acknowledges this discrepancy, stating ''. . . For the most part, the PBGC guarantees the same type of benefits for multiemployer pension plans as for benefits in the single-employer program, with the exception that preretirement survivor annuities are forfeitable in multiemployer plans if the participant has not died as of the termination date.''

The debate over how to best provide income security for older Americans will continue for some time. However, in the meantime, it is unconscionable that a widow or widower would be denied the modest benefits provided under the PBGC multiemployer plan simply because his or her spouse did not die before the plan was turned over to the PBGC.

This discrepancy appears inadvertent and deserves to be corrected by Congress. I ask my colleagues for their support of this legislation so we can address this issue quickly.

INTRODUCTION OF A RESOLUTION TO COMMEMORATE THE 40TH ANNIVERSARY OF TITLE IX

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. MALONEY. Mr. Speaker, on the 40th Anniversary of Title IX, I can clearly recall my youth when I and my female classmates didn't participate in sports simply because there weren't any sports for girls to play.

Many believe that Title IX applies only to athletics. While it's true that Title IX has literally changed the playing field for women in sports, this landmark legislation has also created opportunities for women in math, law,

science, and other fields where women and girls have historically faced considerable barriers to access and involvement.

Prior to Title IX, sex discrimination was rampant. Many colleges limited the number of women by requiring higher grades and test scores than men, pregnant students were frequently expelled from high schools, and athletic programs for females were virtually nonexistent.

Today, women comprise over half of undergraduate students, roughly half of students in medical and law schools, and girl's participation in high school sports has increased tenfold.

To commemorate this landmark legislation, I am introducing a Resolution to Commemorate the 40th Anniversary of Title IX along with Reps. GWEN MOORE, MARCIA FUDGE, ELEANOR HOLMES NORTON, BARBARA LEE, FREDERICA WILSON, BETTY MCCOLLUM, LAURA RICHARDSON, EDOLPHUS TOWNS, RUSS CARNAHAN, LYNN WOOLSEY, JIM MCDERMOTT and JIM MCGOVERN. The countless girls and women that have benefited from Title IX are a testament to the importance of gender fairness and the obstacles girls and women still face in overcoming the wage gap, sexual harassment and shattering ceilings in lines of work that still favor men.

It's my great hope that we will use this momentous occasion to affirm the equal treatment of men and women and boys and girls and endeavor to work towards a time when women and girls can achieve true equality in athletics, education, and employment.

HONORING UNITED WAY'S 125TH ANNIVERSARY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Pennsylvania's First District Chapter of United Way, in honor of the nonprofit's Annual Day of Action and 125th anniversary.

In 125 years, United Way has become the world's largest privately supported nonprofit dedicated to combating social welfare issues in cities across the country. The organization now boasts nearly 1,800 community-based United Way chapters in 41 countries, raising more than $5 billion dollars annually. The non profit's efforts have translated into a nationwide campaign to create programs that foster healthy children, families and communities.

United Way and its partners are a leading community impact organization as they increase public awareness of social welfare issues affecting our nation. Dedicated to improving education, income stability and healthy lives, the organization has relentlessly challenged the system to create better opportunities for all. United Way's ability to make connections between individuals and government agencies, have made it easier to address the pressing needs of local communities.

Thousands of individuals across the country will participate in United Ways Annual Day of Action to advance the common good by creating strategies to improve education, income and health. More than 125 years later, United Way still honors its original mission that focuses on utilizing the resources of local communities to make a difference in people's lives.

I ask that you and my other distinguished colleagues join me in honoring the First District Chapter of United Way for their commitment to improving the lives of families and communities of millions of people in Philadelphia and beyond.

RECOGNIZING THE 100TH ANNIVERSARY OF THE GIRL SCOUTS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the 100th Anniversary of the Girl Scouts of the United States of America and the designation of 2012 as the Year of the Girl.

I. 1912, Daisy Low began the Girl Scouts Movement with only 18 girls. Low's mission was to give girls the opportunity to develop skills in self-reliance and resourcefulness that will help them as professional women and citizens.

Over the years, more than 50 million girls and women have participated in the Girl Scouts, giving them the tools to lead with courage, confidence and character. Some of the most accomplished women in public service, business, science, education and the arts are alumnae of the Girl Scouts.

Today, Girl Scouts of the USA is developing more programs to help girls become more involved in Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship. Across the country, Girl Scouts dedicate over 70 million hours of service to their communities annually. Girls who achieve their Gold Award, the highest achievement a Girl Scout can earn, take extraordinary steps to solve a problem and make a lasting impact on their community.

Mr. Speaker, it is with great pleasure that I honor the great accomplishment of the Girl Scouts of the USA. I know today's Girl Scouts will be part of the next generation of women leaders in our country.

HONORING DIANE NUNN FOR SERVICE TO CALIFORNIA

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. BASS of California. Mr. Speaker, today I honor a remarkable constituent of California, Diane Nunn, for receiving the First Annual Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change. Ms. Nunn is characterized by her leadership, humility, and her deep driving compassion for the lives of families and children in California.

Ms. Nunn was recognized for this award because of her lifetime commitment to improving the lives of families and children in California as a teacher and through her work at the Administrative Office of the Courts.

Ms. Nunn joined the Administrative Office of the Courts in 1986 as an attorney in private practice with an emphasis on family and criminal law, including domestic violence prevention and intervention. Since 2000, Ms. Nunn has been the Division Director of the Center for Families, Children & the Courts, and the Administrative Office of the Courts. During her time in this office, Ms. Nunn also served as a juvenile court referee for the Superior Court of Los Angeles and has published influential written material for her field.

Mr. Speaker, I am proud to have such a pioneering and inspirational community leader like Diane Nunn in my home state of California and I congratulate her on the receipt of this award.

RECOGNIZING STAFF SERGEANT MITCHELL CORBIN

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. OLSON. Mr. Speaker, I rise today to recognize Staff Sergeant Mitchell Corbin of the Texas Air National Guard for his immense bravery and heroism. After Houston, Texas resident Marie Decker's car crashed and flipped on its side on Beltway 8, Corbin saved her life by pulling her out of the vehicle moments before it caught on fire. Corbin put his own safety in jeopardy to help a stranger. He is a true hero.

When Decker's vehicle crashed, Corbin, who was traveling with a friend, pulled over to help. After multiple attempts to get Decker out of the car, Corbin used a fire extinguisher that a bystander brought to the scene to break the passenger window. He then pulled Decker to safety moments before the vehicle burst into flames.

Corbin joined the Texas Air National Guard in 2005 and is a technician for the 147th Reconnaissance Wing, located at Ellington Field Joint Reserve Base in Houston. Using his military skills, Corbin provided first aid to Decker and made sure she was safe until paramedics arrived. Decker suffered a concussion and a broken heel in the crash, but her life was saved because of Corbin.

Staff Sergeant Mitchell Corbin exhibited true military bravery on behalf of a stranger. His actions are a tremendous source of pride for our community and our nation. On behalf of the 22nd Congressional District of Texas, I thank him for his incredible valor.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $15,784,676,619,110.62. We've added $5,157,799,570,197.54 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1782, the Great Seal of the United States was adopted. This seal represents the freedom that we as Americans so

cherish. Let us not relinquish the freedom depicted by our seal by shackling ourselves to the national debt.

A TRIBUTE TO DR. LAWRENCE E. GARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Lawrence E. Gary, Ph.D., LICSW, on the occasion of his retirement as a full professor from Howard University School of Social Work.

Dr. Gary has enjoyed a long and distinguished career as a scholar, researcher, educator, author, administrator, and clinical counselor spanning more than half a century. He is recognized as one of the nation's preeminent scholars on the impact of mental health issues on African American males and African American families. Dr. Gary received his Bachelor of Science degree with high honors from Tuskegee University and earned his Master of Public Administration degree, Master of Social Work degree, and Ph.D. from the University of Michigan. Dr. Gary has received appointments at the School of Social Work at the University of Michigan and Howard University School of Social Work and was the Samuel S. Wurtzel Professor at Virginia Commonwealth University School of Social Work.

Dr. Gary has received funding for research totaling more than $8 million, authored and published hundreds of scholarly articles and papers, and has presented lectures at more than 50 universities and colleges throughout the United States and in South Africa. He has provided consultation to scores of public and private entities in the areas of mental health and substance abuse.

Dr. Gary is a devout Christian and has been a devoted member of the Saint Paul African Methodist Church in Washington, DC where he has provided exemplary leadership as a servant leader on the Board of Trustees and the Steward Board for several decades. He is a devoted husband to Dr. Robenia Gary and father to three children: Lisa, Andre and Jason.

Dr. Gary received the 2002 Distinguished Alumni Service Award from the Alumni Association at the University of Michigan, the 2001 Distinguished Alumni Award from the School of Social Work at the University of Michigan, the 2001 Scholarly Contribution to Mankind Award from Alpha Phi Alpha Fraternity, inc., as well as awards and distinction from numerous organizations, and is listed in Who's Who in America and Who's Who in the World.

Mr. Speaker, I would like to recognize the outstanding contributions Dr. Lawrence E. Gary has made to the social work profession and to the well-being of citizens of the United States of America.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Dr. Lawrence E. Gary.

A TRIBUTE IN HONOR OF THE LIFE OF NANCY TAKAHASHI HATAMIYA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the tragically abbreviated life of an extraordinary woman, Nancy Takahashi Hatamiya, who passed on May 15, 2012, at the age of 52. She was a woman of integrity, a great professional, a passionate advocate for human rights, a true and loyal friend, an exceptional mother and a devoted wife. She will be missed by everyone who was privileged to know her, and I count myself among those so blessed.

Nancy Hatamiya was born in Rome, Italy, lived in Pakistan as a child, attended elementary and junior high school in Washington, D.C., and graduated from the Jakarta International School before attending Stanford University, where she studied architecture and urban design. She became a Coro Foundation Fellow and it was from Coro that she was assigned to my 1982 campaign for the San Mateo County Board of Supervisors as an aide. After winning the election, Nancy served as my capable Administrative Assistant for four years. She went on to serve as an advisor to President Clinton, Vice President Gore, Defense Secretary William Cohen, and Assemblyman John Vasconcellos. She was a senior advisor at Manatt, Phelps and Phillips, and with her husband Lon, formed the Hatamiya Group, an economic, strategic and communications firm. She proudly served as a member of the Board of Directors of the California Council for the Humanities for nine years and as the Board's Chair. Her accomplishments were many, and her career was a most distinguished one.

The center of Nancy's life was her family. She adored her sons, Jon and George, and reveled in all of their activities. She was their most ardent supporter and biggest booster. She had a team of her own. From bands to baseball, she was there for them. Just days after Nancy died, her son George played in a baseball game at Sacramento City College. He said,

> 'Something allows us to fight adversity. My Mom loved watching us play. We were her team. She was a role model for so many, especially to my older brother (Jon) and me. She talked about education, music, sports. She wanted the best for us.'

Just a week before she died, Nancy wrote the following words:

> I am convinced that it is the white, healing light, healing thoughts, and prayers that are keeping me uplifted. I feel my role is to appreciate every moment in response to the universal support you are giving me. [. . .] Every visit literally helps save my life and there is nothing more precious than being alive!

Mr. Speaker, I ask the entire House of Representatives to join me in extending our deepest sympathy to Nancy Hatamiya's beloved husband Lon, her sons Jon and George, her sister Tina Takahashi, her brother Joseph Takahashi, and to all those who were part of her large community of friends. Nancy's life is one of an accomplished, exceptional citizen. Her passion for public service, her abiding devotion to her community, her love of our country and her service to it, have inspired everyone who knew her. She deepened our patriotism, and made us better individuals because of her shining example of a life lived exceedingly well.

HONORING DR. WILLIAM S. KNOWLES, NOBEL PRIZE WINNING PHYSICIAN FROM CHESTERFIELD, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. AKIN. Mr. Speaker, I rise today in honor of the late Dr. William S. Knowles.

Dr. Knowles of Chesterfield, MO passed away on June 13 at the age of 95, but not before contributing something of significant value to the world. In the 1960's Dr. Knowles began working as a chemist at Monsanto Co. in St. Louis. After years of research he and his colleagues were able to formulate a process that produces L-Dopa, a molecule that effectively limits the tremors associated with Parkinson's disease. For his successful efforts, in 2001 he was awarded the Nobel Prize in chemistry for having helped open a completely new field of research.

Though he is no longer with us today, Dr. Knowles' legacy lives on. With his discovery, the nearly 500,000 Americans who are afflicted with Parkinson's disease are now able to better treat their symptoms. They and their loved ones are able to live richer, fuller lives than was previously thought possible.

Dr. William Knowles and his research represent the thoughtful innovation that Missouri has to offer the world. His ingenuity and dedication to his field, and the people he has helped, will long be remembered and recognized as an honorable service. It is without question that Dr. Knowles helped make this world a better place. I ask my colleagues to join me in recognition of his contributions.

SGT. WARREN WATTS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. TIPTON. Mr. Speaker, I rise today to recognize Sgt. Warren Watts of Pueblo, Colorado. Sgt. Watts was a highly respected and distinguished 18-year veteran of the Pueblo County Sheriff's Department, who tragically passed away last Saturday at the age of 53, after falling ill during his routine morning jog.

One of Pueblo County's finest, Sgt. Watts spent much of his career in patrol and investigations. He was also the commander of the SWAT unit, and served for two years with the Federal Bureau of Investigation's Joint Terrorism Task Force. After years of outstanding service he was appointed to the position of Inspector of Internal Affairs.

Sgt. Watts was recognized for his professionalism and commitment to the people of Pueblo County when he received the Medal of Valor in 2004. Sgt. Warren Watt's was a devoted husband to his wife of 32 years, Lori,

and father to his daughters, Nicole and Brittany.

Mr. Speaker, it is an honor to recognize Sgt. Warren Watts for his great service to the people of Pueblo County. His loss is mourned by many and he will be sadly missed.

TRIBUTE TO COLONEL ROBERT D. PETERSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the accomplishments of Colonel Robert D. Peterson, an outstanding West Virginian who served in our nation's military. Col. Peterson is responsible for overseeing the 300 navigable miles of the Ohio River basin. Col. Peterson employs over 800 staff members to maintain 35 reservoirs, and nine locks and dams. I want to personally congratulate Col. Peterson for his continued success.

Col. Robert D. Peterson is an outstanding soldier, friend, husband and father. He is a 1985 graduate from the prestigious academy of West Point, graduating with a Bachelors of Science and from the U.S. Army War College with a Masters Degree in Strategic Studies. Col. Peterson was awarded the Bronze Star, three Army Commendation Medals, two Army Achievement Medals, the Armed Forces Expeditionary Medal, Master Parachutist Badge, and the Bronze Order of the deFleury Medal.

The awards of Col. Peterson are just a fraction of what he has truly accomplished. Col. Peterson has successfully managed 35 flood projects that prevented over $11.3 billion in damages while allowing over 30 million visitors to support these regions. In the Huntington District, he has made the most of 3,000 volunteers, doing over $2 million worth of service. He has also been responsible for 94 tons of commercial traffic with 35,000 lockages valuing at 18.6 billion dollars. He has issued 800 permits for mining, highway construction, flood emergency and more. Of these permits he was responsible for placing the Boy Scout Jamboree within our beautiful state of West Virginia. He has worked and encouraged the support for projects overseas within Afghanistan and Iraq. Col. Peterson's efforts have allowed these regions to thrive.

Col. Peterson's work has greatly enhanced the state of West Virginia and the world around him. Congratulations to Col. Peterson on his numerous accomplishments.

IN RECOGNITION OF THE INTERNATIONAL SERVICES CENTER OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recognize the International Services Center of Cleveland, Ohio, which is observing World Refugee Day on June 20, 2012, with an evening of international food, music, friendship, and celebration of all refugees who call Northeast Ohio "home."

The International Services Center (ISC) was founded in 1916. The ISC settles refugees through the U.S. Committee for Refugees and Immigrants (USCRI), of which it is a partner agency. Thousands of refugees are brought to the United States every year because they cannot return to their home countries and do not enjoy basic rights in the countries where they sought refuge. Hundreds are resettled in Ohio.

The International Services Center helps these refugees integrate quickly into the Greater Cleveland community by providing them with the tools of self-reliance: housing, job placement, employment skills, clothing, medical attention, education, English-language classes, and community orientation. The ISC offers other services as well, including immigration consultation and representation, interpretation and translation, citizenship preparation, acculturation classes, anti-trafficking, and urban agriculture for entrepreneurship.

The International Services Center has helped resettle 106 refugees in the past year alone. Since the office opened in 1916, more than 13,000 refugees from many countries have embarked on a path to reach their full potential and enjoy safety, security, and a second chance in life.

World Refugee Day is dedicated to raising awareness of the situation of refugees domestically and throughout the world. Refugees are a testament to the United States' long, proud history as a sanctuary for those who seek lives free from violence and oppression. World Refugee Day is an opportunity for the entire Cleveland-area community to come together to celebrate the contributions of our friends and neighbors who are immigrants and refugees who bring great diversity to enrich the Northeast Ohio region.

Mr. Speaker and colleagues, please join me in celebrating World Refugee Day and acknowledging the important work of Cleveland's International Services Center.

PERSONAL EXPLANATION

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. ROBY. Mr. Speaker, on Wednesday, May 30, 2012 and part of the day on Thursday, May 31, 2012, I was absent from Washington D.C. due to the funeral of a close friend of the family that I was attending.

If I had been present, I would have voted as the following on May 30, 2012:

Rollcall 294 on motion to suspend the rules and pass, as amended H.R. 5651, the Prescription Drug User Fee Amendment, I would have voted Aye.

Rollcall 295 on motion to suspend the rules and pass, as amended H.R. 4201, the Servicemember Family Protection Act, I would have voted Aye.

Rollcall 296 on motion to suspend the rules and pass, as amended H.R. 915, the Jamie Zapata Border Enforcement Security Task Force Act, I would have voted Aye.

If I had been present, I would have voted as the following on May 31, 2012:

Rollcall 297 on ordering the previous question on H. Res. 667, I would have voted Aye.

Rollcall 298 on agreeing to H. Res. 667, I would have voted Aye.

Rollcall 299 on motion to suspend the rules and pass, as amended H.R. 3541 Prenatal Non-discrimination Act of 2012, I would have voted Aye.

Rollcall 300, on motion to recommit with instructions to H.R. 5743, I would have voted Nay.

Rollcall 301, on passage of H.R. 5743, I would have vote Aye.

RECOGNIZING THE 5TH MARINE REGIMENT

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize the 5th Marine Regiment and Regimental Combat Team 5. The 5th Marine Regiment was activated in 1917 during World War I as the United States made preparations for deployment to France, where the Regiment won the moniker the "Fighting Fifth." The Regiment has served in every major U.S. military engagement since World War I, most recently serving in Iraq and Afghanistan.

The 5th Marine Regiment, deployed to Afghanistan in 2011 as Regimental Combat Team 5, has spent the last seven months in southern Helmand province serving in support of Operation Enduring Freedom. Based out of Camp Dwyer, the Marines of Regimental Combat Team 5 are conducting operations and training Afghan forces in the Marjah, Garmsir, and Nawa districts.

As a nation, we are proud of their courageous service and selfless dedication to defending the ideas that framed our Constitution and continue to sustain our democratic republic. There is no greater debt than that owed by people of this country to those who place their lives on the line for our nation.

Our thoughts and prayers are with Regimental Combat Team 5 as they complete their deployment, and with their families as they eagerly await the safe return of the brave Marines and sailors.

CAPTAIN STANCIL GEORGE "STAN" JONES

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Captain Stancil George "Stan" Jones who passed away on June 17, 2012. Captain Jones was a Los Angeles Fire Department (LAFD) Captain who spent more than 55½ years serving the citizens and the communities of Los Angeles. He was the longest serving firefighter in the history of the United States.

The last 37 years of his career were at fire stations serving the communities of San Pedro and Wilmington, where he served at Fire Stations 49, 53, 112 and 38. In his honor, there is a monument outside San Pedro's Fire Station 112, where Stan spent many years. The towering column engraved with his picture overlooks the newly named Stancil G. Jones Fire Plaza.

Stan Jones was the second of three children and was born on August 3, 1926 to Sadie and Stancil Jones in Los Angeles. He graduated from Mt. Carmel High School in Los Angeles in 1944. Shortly after graduation, he enlisted in the U.S. Navy. Stan trained as a radar technician and while stationed on Guam Island repaired and refurbished the electronics of many ships. Stan was awarded the World War II Victory Medal, American Area Campaign Medal and the Asiatic-Pacific Area Campaign Medal. Upon his honorable discharge, he returned home and enrolled at Northrop Aeronautical Institute.

He entered the LAFD on November 1, 1948, where he served for 55 ½ years, a tenure of service unprecedented to this day. He was promoted to Auto-Fireman, Engineer and Fire Captain, attaining 43 years of seniority as a Captain. Stan retired from the LAFD on May 14, 2004.

Stan responded to some of Los Angeles' most historical fires and disasters, including the 1961 Bel-Air Fire, the Sansinena tanker ship explosion and fire, the Mandeville Canyon Fire, and the Northridge earthquake disaster.

Stan was a caring man actively involved in the raising of his children. He provided support and guidance for all his children, right to the last remaining days of his life. He was also quite the runner, winning events in high school track, the Firemen's Olympics and the World Senior Olympics.

I extend my deepest condolences to Stan's wife, Mary; his sons, Dory, Stancil (George) III, William, Gregory, Jeffery, John and Westlie; five daughters, Janine, Mary, Elizabeth, Stacey, and Laura; two step children, Sheila and Rob; and his 40 grandchildren and 11 great-grandchildren.

He will be dearly missed by his family and friends.

TOBYHANNA ARMY DEPOT

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. BARLETTA. Mr. Speaker, I rise to honor the Tobyhanna Army Depot, which will celebrate its 100th anniversary on June 23, 2012.

in the summer of 1912, the Army arrived in Tobyhanna, PA and established a temporary artillery training camp under Major Charles P. Summerall, Commander of the 3rd Field Artillery at Fort Myer, Virginia. Based on the camp's success, Congress authorized the Army to purchase land to create a permanent camp in 1913. Since then, it has been a military testing facility, a prisoner-of-war camp, and, since 1953, an Army facility that repairs communications equipment for all branches of the military.

Today, Tobyhanna Army Depot is the largest full-service electronics maintenance facility within the U.S. Department of Defense. With a regional economic impact of an estimated $4.4 billion, Tobyhanna is northeastern Pennsylvania's largest employer with more than 5,400 employees. In addition, Tobyhanna Army Depot employs an additional 300 personnel who permanently work at Forward Repair Activities and its presence alone creates 19,300 regional jobs.

Mr. Speaker, for the last 100 years, the Tobyhanna Army Depot has proudly served the citizens of Northeastern Pennsylvania and the United States. Therefore, I commend the Tobyhanna Army Depot and all those personnel who have faithfully served their community and the country.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Kristopher A. Eagle for achieving the rank of Eagle Scout.

For his Eagle Scout project, Kristopher constructed an enclosure to house a monitor lizard for the C.A.R.E Foundation. To fund his project, Kristopher held a car wash, bake sale, and a yard sale, investing a total of 360 hours into the project. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Kristopher has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

ON THE RETIREMENT OF PULASKI TECHNICAL COLLEGE PRESIDENT, DR. DAN F. BAKKE

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to offer my congratulations to Pulaski Technical College president, Dr. Dan F. Bakke, on the occasion of his retirement and to recognize his contribution to my home state of Arkansas.

In his twelve years at the helm of the college, Dan focused on improving the quality and accessibility of education at Pulaski Tech.

When he became president in 2000, Pulaski Tech's enrollment was only 4,300 students, and, today, as he leaves, the college has an enrollment of nearly 12,000 students.

Not only did he help triple the size of the college's enrollment, he oversaw its expansion from four locations in Pulaski County to seven locations in Pulaski and Saline Counties.

Through this expansion, Pulaski Tech was able to provide a quality education to thousands who otherwise might not have had the chance to attend college. This is a remarkable accomplishment and one that has had a positive impact on job opportunities across Arkansas.

Additionally, Pulaski Tech is home to the Business and Industry Center, which provides customized training for more than 200 companies in central Arkansas. At this center, students obtain training in cutting-edge industries to become qualified for job opportunities coming online each day.

Pulaski Tech continues to graduate well-prepared and well-educated adults equipped with the skills and knowledge necessary to succeed in today's job market.

Dan leaves behind a legacy of accomplishment, achievement, and success at Pulaski Technical College along with a record of having improved the lives of thousands of students.

I ask my colleagues to join me in congratulating Dan on his retirement and wishing him and his wife, Jane, well on their new journey.

RECOGNIZING KENNY RICHARDS, RECIPIENT OF THE NATIONAL ZAK HOLLIS YOUTH ACHIEVEMENT AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Kenny Richards, the 2012 recipient of the national annual Zak Hollis Youth Achievement Award presented by the National Tourette Syndrome Association. The award honors youth who display a great commitment to helping those with Tourette Syndrome (TS) and who have notable achievements in their daily lives.

Kenny, an eighth-grader from Hudtloff Middle School in Lakewood, WA, was recently named the Washington and Oregon representative for the National Tourette Syndrome Association Youth Ambassador Training. Kenny, who lives with TS, visits schools and clubs to teach his peers about the neurological disorder. Kenny also serves as an ambassador for TS by meeting with teachers, school administrators, and Members of Congress, including myself, about policies that would best serve young people with TS.

In addition to serving as an ambassador for young people with Tourette Syndrome, Kenny also advocates for all special-needs children. He understands the challenges of growing up with a special need and wants to make sure that all children are accepted and given an opportunity to thrive.

Because he has the firsthand experience of growing up with a younger brother who is on the autism spectrum, Kenny and his mother started a monthly support group for children with TS and autism. About 25 participants attend monthly to have a safe space to discuss their experiences.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Kenny Richards for winning the Zak Hollis Youth Achievement Award. He is a strong advocate for young people with Tourette Syndrome and special-needs, and a role model for all who strive toward the acceptance of all children.

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2012

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I rise to speak in support of Congressman WALZ's Motion to Instruct Conferees on H.R. 4348, the surface transportation reauthorization bill. This motion would instruct conferees to resolve all issues and file a conference report no later than Friday, June 22nd. June 22nd is exactly 100 days since the Senate passed its bipartisan surface transportation bill by an overwhelming vote of 74–22. As a conferee to the transportation bill, I support this motion as we simply cannot afford to further delay this critical legislation.

This conference process has been bogged down by House GOP conferees, who are obstructing the process and standing in the way of the jobs that would be created by passage of this bill. We are in the height of the summer construction season, and without a transportation bill, we are wasting an opportunity to spur our manufacturing sector and get those in the construction industry back to work.

Mr. Speaker, if House Republican conferees are going to stand in the way of a conference report, I ask that you call up S. 1813, the Senate-passed MAP–21. We do not need another piecemeal extension. We need a comprehensive reauthorization.

IN HONOR OF MARION SANDLER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. STARK. Mr. Speaker, I rise today to honor the memory of my dear friend, Marion Sandler. A great American, philanthropist, and Democrat; Mrs. Sandler passed away at her home on Friday, June 1, 2012 at the age of 81. She is survived by her devoted husband of 51 years, Herb Sandler, their two children and two grandchildren. Marion's life exemplified the American dream; working hard, breaking down barriers and climbing the corporate ladder to success, earning the distinction as the first and longest serving woman chief executive officer in the United States. Mrs. Sandler and her husband would use their accomplishments to advance philanthropic causes and promote democracy. The Sandlers have made a commitment to the Giving Pledge, a charity where the participants pledge to give away the majority of their wealth to philanthropy.

Marion was born on October 17, 1930 in Biddleford, Maine, to immigrant parents whom ran a hardware store. She graduated from Wellesley College; and pursued her business interest at the Harvard-Radcliffe business administration program before earning an MBA from New York University. In 1955, Marion landed a job with Dominick & Dominick as their first female executive. She would stay on Wall Street for several more years before meeting her husband, Herb Sandler, and heading west, to San Francisco in 1961. I first met the Sandlers in 1963. When they offered to buy my Beacon Savings and Loan in Antioch, CA. Together, Marion and Herb purchased Golden West Savings and Loan. Starting with just two branches and twenty-six employees, the company eventually grew to 11,000 employees and 285 branches. I should have developed a partnership with them when I had the chance.

In the late 1980's the couple began seeking out philanthropic causes to support. Their search was methodical and they were adamant that whatever organization they supported was properly run and managed by people who would keep it that way. When they weren't satisfied with their options, they created their own non-profits. The Sandlers cofounded the American Asthma Foundation, the Center for American Progress, Center for Responsible Lending, ProPublica, and the Sandler Center for Basic Research in Parasitic Disease. They also generously contributed to organizations involved in medical research, the environmental protection, human rights, and civil liberties through the Sandler Foundation.

I invite my colleagues to join me in remembering Marion Sandler who has contributed so much to helping others through her philanthropy. Hers is a story of breaking down barriers and achieving success in a male dominated industry as well as living up to a high standard of excellence. Mrs. Sandler was a wonderful woman with enormous compassion for those in need. She will be missed.

TRIBUTE TO NICHOLAS KATZENBACH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. HOLT. Mr. Speaker, I rise to draw the attention of this body to the passing of Nicholas Katzenbach in the past month and to recognize the life and career of one of the most noteworthy public servants of our time. Anyone who lived through the 1960's, the civil rights movement, and the Vietnam era in American politics will remember the name of Nicholas Katzenbach. However, because Nick was more interested in promoting liberty and justice than promoting himself and because he worked to help more famous people succeed—John Kennedy, Bobby Kennedy, Lyndon Johnson, Bill Clinton, among others—many people may not know as much as they should about this great American.

U.S. Attorney General, Under Secretary of State, author of and political strategist for the principal legislation on civil rights, international envoy, decorated war hero and prisoner of war, he was directly involved in many of the major developments and events of our government during the Kennedy and Johnson years. Coming out of a distinguished lineage and an upbringing of privilege and accomplishment—Phillips Exeter, Princeton University, Balliol College on a Rhodes Scholarship, Yale Law School and editor of the Yale Law Journal—he became a forceful activist for civil rights and equality of opportunity for all Americans and a determined advocate for an anti-imperialist posture with respect to other countries. Anyone who observed Nick's confrontation with Mississippi Governor Ross Barnett in 1962 to force the enrollment of the first African American James Meredith at Ole Miss or his confrontation with Alabama Governor George Wallace in 1963 to force the enrollment of Vivian Malone and James Hood at the University of Alabama will not forget his commanding stature, his coolness and courage, and above all his obvious commitment to equal justice under law. In those situations Nick Katzenbach embodied by himself our national dignity and the authority of our government even more than the Federal Marshalls or the National Guard flanking him.

Nick Katzenbach moved in the circles of the most powerful, where he became a master of our governmental mechanisms, yet he never forgot the purpose of power—to realize the hopes and aspirations of the people. He applied his impressive intellect to argue the law at the loftiest levels, yet never lowered his respect for the powerless whom the law is to protect. He recognized that the sharecropper or the Vietnamese rice farmer was as entitled to full respect as the banker or magnate. For years with unfailing determination he worked to extricate the United States from the Vietnam War, although unappreciated by the antiwar activists. He gave up his own vacations and holidays to work to defuse one after another domestic or international crisis or to bring prisoners home from foreign counties to the United States in time for Christmas.

Despite his many accomplishments, and despite the real progress he brought to many areas of our society, his sense of duty and devotion to our country's founding democratic ideals were so great that he carried a lifelong disappointment that he and all the powerful, talented people with whom he worked still fell short of providing liberty and justice for all. The lingering harmful effect of race in our system of justice, our schools, and our economy weighed on him to the end. He lamented the crass and inglorious behavior that we see in so many public officials. I am sure Nicholas Katzenbach believed that all public officials, of course, should be as dignified, capable, and dedicated as he. Mr. Speaker, we should wish it were so.

RUSSIA PNTR

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2012

Mr. SESSIONS. Mr. Speaker, I rise today to discuss Russia's accession to the World Trade Organization (WTO) and the case for congressional approval of Permanent Normal Trade Relations (PNTR) with Russia who is set to join the WTO later this summer. As a result of their accession into the WTO Russia will be required to open up its market and comply with the rules and regulations of the WTO. However, the U.S. will not receive any of these benefits until Congress grants Russia Permanent Normal Trade Relations (PNTR). Any delay in granting Russia PNTR will cause U.S employers, workers, farmers, and ranchers to lose ground to their competitors in other countries.

Establishing PNTR will provide a much-needed boost to the U.S. economy, doubling exports to Russia in just five years and helping create jobs across every economic sector

especially in manufacturing, services, and agriculture. With the world's 9th largest economy, a population of 142 million, and a large and growing middle class, Russia holds outstanding potential for U.S. companies and workers to export more goods and services. My home state of Texas is the top exporter to Russia among U.S. states, with its exports to Russia growing faster than its exports to the rest of the world. Specifically, Texas exported $1.6 billion worth of goods to Russia in 2011, which directly supported an estimated 4,100 jobs.

With those key stats in mind, I'd like to draw attention to some success stories of Texas companies active in the Russian market. First, Atlas Copco Drilling Solutions, based in Garland, exported more than $4 million worth of heavy drilling equipment to customers in the Russia energy sector in 2010. Secondly, ExxonMobil Corporation has partnered with Rosneft, Russia's largest oil company, to develop oil resources in the Arctic, the Black Sea and Siberia. ExxonMobil also leads the development of the Sakhalin-1 oil and gas field project in Russia's Far East, where the company has employed its proprietary drilling technology to safely drill to record depths and optimize the project's output. Lastly, Irving based Fluor Corporation has provided engineering, procurement, and construction management for ExxonMobil's Sakhalin-1 operations.

Until Congress passes PNTR with Russia, our foreign competitors—but not the United States—will be able to use WTO mechanisms to enforce Russia's commitments for their companies and workers. PNTR is the only way for Congress to ensure that U.S. companies and workers get equal protection and can lock-in the benefits of Russia's WTO accession agreement. The bottom line is simple: Russian PNTR will lead to more U.S. exports and more American jobs.

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, June 21, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 26

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine empowering and protecting servicemembers, veterans and their families in the consumer financial marketplace, focusing on a status update.

SD–538

Judiciary

To hold hearings to examine S. 1994, to prohibit deceptive practices in Federal elections.

SD–226

2:15 p.m.

Foreign Relations

Business meeting to consider S. 1039, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation.

S–116, Capitol

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 27

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

Judiciary

To hold hearings to examine certain nominations.

SD–226

Veterans' Affairs

To hold hearings to examine health and benefits legislation.

SR–418

10:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Derek J. Mitchell, of Connecticut, to be Ambassador to the Union of Burma, Department of State.

SD–419

3 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1897, to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, S. 2158, to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, S. 2229, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, S. 2267, to reauthorize the Hudson Valley National Heritage Area, S. 2272, to designate a mountain in the State of Alaska as Mount Denali, S. 2273, to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station, S. 2286, to amend the Wild and Scenic Rivers Act to designate certain segments of the Farmington River and Salmon Brook in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 2316, to designate the Salt Pond Visitor Center at the Cape Cod National Seashore as the ''Thomas P. O'Neill, Jr. Salt Pond Visitor Center'', S. 2324, to amend the Wild and Scenic Rivers Act to designate a segment of the Neches River in the State of Texas for potential addition to the National Wild and Scenic River System, S. 2372, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, S. 3300, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and S. 3078, to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the United States on June 6, 1944, the morning of D–Day.

SD–366

JUNE 28

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine innovative non-federal programs for financing energy efficient building retrofits.

SD–366

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

Room to be announced

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4313–S4377

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 3315–3324, and S. Res. 500–502. **Page S4368**

Measures Reported:

S. Res. 385, condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy, and with an amended preamble.

S. Res. 402, condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 429, supporting the goals and ideals of World Malaria Day.

S. Res. 473, commending Rotary International and others for their efforts to prevent and eradicate polio. **Page S4366**

Measures Passed:

Celebrating the Accomplishments of Title IX: Senate agreed to S. Res. 500, celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of equal educational opportunities for all women and girls. **Pages S4375–76**

National Men's Health Week: Senate agreed to S. Res. 501, supporting National Men's Health Week. **Page S4376**

150th Anniversary of the Signing of the First Morrill Act: Senate agreed to S. Res. 502, celebrating the 150th anniversary of the signing of the First Morrill Act. **Pages S4376–77**

Measures Considered:

Flood Insurance Reform and Modernization Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund. **Page S4313**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 22, 2012. **Pages S4313–14**

Boiler MACT/EPA: Committee on Environment and Public Works was discharged from further consideration of the joint resolution pursuant to 5 U.S.C. 802 (c) on June 19, 2012, and Senate began consideration of the motion to proceed to consideration of S.J. Res. 37, to disapprove a rule promulgated by the Administrator of the Environmental Protection Agency relating to emission standards for certain steam generating units. **Pages S4314–34**

During consideration of this measure today, Senate also took the following action:

By 46 yeas to 53 nays (Vote No. 139), Senate did not agree to the motion to proceed to consideration of the joint resolution. **Page S4334**

Agriculture Reform, Food, and Jobs Act—Agreement: Senate continued consideration of S. 3240, to reauthorize agricultural programs through 2017, taking action on the following amendments proposed thereto: **Page S4334**

Adopted:

Manchin/Ayotte Amendment No. 2345, to require national dietary guidelines for pregnant women and children from birth until the age of 2. **Page S4334**

By 63 yeas to 36 nays (Vote No. 140), Merkley Amendment No. 2382, to require the Federal Crop Insurance Corporation to provide crop insurance for organic crops under similar terms and conditions to crop insurance provided for other crops. **pages S4334–35**

By 63 yeas to 36 nays (Vote No. 143), Coburn Amendment No. 2293, to limit subsidies for millionaires. **Pages S4336–38**

Stabenow/Snowe Amendment No. 2453, to provide assistance for certain losses. **Page S4338**

By 59 yeas to 40 nays (Vote No. 144), Kerry/Lugar Amendment No. 2454, to prohibit assistance to North Korea under title II of the Food for Peace Act unless the President issues a national interest waiver. **Pages S4338–39**

By 77 yeas to 22 nays (Vote No. 146), Udall (CO) Amendment No. 2295, to increase the amounts authorized to be appropriated for the designation of treatment areas. **Pages S4339–40**

Warner Modified Amendment No. 2457, to improve access to broadband telecommunication services in rural areas. **Pages S4341–43**

Stabenow (for Schumer) Amendment No. 2427, to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities. **Page S4344**

Wyden Amendment No. 2388, to modify a provision relating to purchases of locally produced foods. **Pages S4344–45**

Boozman Amendment No. 2355, to support the dissemination of objective and scholarly agricultural and food law research and information. **Page S4345**

Wyden Amendment No. 2442, to establish a pilot loan program to support healthy foods for the hungry. **Pages S4345–46**

Leahy Amendment No. 2204, to support the State Rural Development Partnership. **Pages S4346–48**

Nelson (NE) Amendment No. 2242, to amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act. **Page S4348**

Klobuchar Amendment No. 2299, to require the Secretary of Agriculture and Secretary of Transportation to conduct a study on rural transportation issues. **Page S4350**

Stabenow (for Ayotte) Amendment No. 2195, to require a GAO report on crop insurance fraud. **Page S4351**

Stabenow (for Blunt) Amendment No. 2246, to assist military veterans in agricultural occupations. **Page S4351**

Stabenow (for Moran) Amendment No. 2403, to increase the minimum level of nonemergency food assistance. **Page S4351**

Stabenow (for Moran) Amendment No. 2443, to improve farm safety at the local level. **Page S4351**

Carper/Boozman Amendment No. 2287, to modify a provision relating to high-priority research and extension initiatives. **Pages S4351–52**

Sanders Amendment No. 2254, to improve the community wood energy program. **Pages S4352–53**

By 88 yeas to 11 nays (Vote No. 154), Vitter/Blumenthal Modified Amendment No. 2363, to ensure that extras in films and television who bring personal, common domesticated household pets do not face unnecessary regulations and to prohibit attendance at an animal fighting venture. (A unanimous-consent agreement was reached providing that the amendment, having achieved 60 affirmatives votes, be agreed to.) **Pages S4351, S4353**

By 52 yeas to 47 nays (Vote No. 155), Chambliss Amendment No. 2438, to establish highly erodible land and wetland conservation compliance requirements for the Federal crop insurance program. **Pages S4353–54**

By 66 yeas to 33 nays (Vote No. 157), Coburn/Durbin Amendment No. 2439, to limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation. **Pages S4355–56**

Chambliss/Isakson Amendment No. 2340, to move the sugar import quota adjustment date forward in the crop year. **Page S4356**

Stabenow (for Bennet/Crapo) Amendment No. 2202, to improve agricultural land easements. **Pages S4357–59**

Rejected:

By 44 yeas to 55 nays (Vote No. 141), DeMint Amendment No. 2273, to eliminate the authority of the Secretary to increase the amount of grants provided to eligible entities relating to providing access to broadband telecommunications services in rural areas. **Pages S4335–36**

By 30 yeas to 69 nays (Vote No. 142), Coburn Amendment No. 2289, to reduce funding for the market access program and to prohibit the use of funds for reality television shows, wine tastings, animal spa products, and cat or dog food. **Page S4336**

By 43 yeas to 56 nays (Vote No. 145), Kyl Amendment No. 2354, to prohibit assistance to North Korea under title II of the Food for Peace Act. **Page S4339**

By 21 yeas to 77 nays (Vote No. 147), Lee Amendment No. 2313, to repeal the forest legacy program. **Pages S4340–41**

By 15 yeas to 84 nays (Vote No. 148), Lee Amendment No. 2314, to repeal the conservation stewardship program and the conservation reserve program. **Pages S4343–44**

By 35 yeas to 63 nays, 1 responding present (Vote No. 149), Boozman Modified Amendment No. 2360, to provide for emergency food assistance. **Page S4346**

By 36 yeas to 63 nays (Vote No. 150), Toomey Amendment No. 2226, to eliminate biorefinery, renewable chemical, and biobased product manufacturing assistance. **Page S4348**

By 46 yeas to 53 nays (Vote No. 151), Toomey Amendment No. 2433, to reform the sugar program. **Pages S4348–50**

By 29 yeas to 70 nays (Vote No. 152), Lee Motion to Recommit the bill to the Committee on Agriculture, Nutrition and Forestry, with instructions to report the same back to the Senate with a reduction in spending to 2008 levels so that overall spending shall not exceed $714,247,000,000. **Pages S4350–51**

By 40 yeas to 59 nays (Vote No. 153), Johnson (WI) Motion to Recommit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report the same back to the Senate after removing the title relating to nutrition and to report to the Senate as a separate bill the title related to nutrition. **Page S4352**

By 44 yeas to 55 nays (Vote No. 156), Thune Amendment No. 2437, to limit the amount of premium subsidy provided by the Federal Crop Insurance Corporation on behalf of any person or legal entity with an average adjusted gross income in excess of $750,000, with a delayed application of the limitation until completion of a study on the effects of the limitation. **Pages S4354–55**

Chambliss Amendment No. 2432, to repeal mandatory funding for the farmers market and local food promotion program. **Page S4357**

A unanimous-consent agreement was reached providing for further consideration of the bill and the votes on the remaining amendments to the bill, at 11 a.m., on Thursday, June 21, 2012. **Page S4377**

Nominations Received: Senate received the following nominations:

Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy.

David Masumoto, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

A routine list in the Foreign Service. **Page S4377**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2019, which was sent to the Senate on April 16, 2012. **Page S4377**

Messages from the House: **Page S4363**

Measures Referred: **Page S4363**

Enrolled Bills Presented: **Page S4363**

Executive Communications: **Pages S4363–66**

Executive Reports of Committees: **Pages S4366–68**

Additional Cosponsors: **Pages S4368–70**

Statements on Introduced Bills/Resolutions: **Pages S4370–75**

Additional Statements: **Pages S4362–63**

Notices of Intent: **Page S4375**

Authorities for Committees to Meet: **Page S4375**

Record Votes: Nineteen record votes were taken today. (Total—157) **Pages S4334–36, S4338–40, S4344, S4346, S4348, S4350–56**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:15 p.m., until 10:30 a.m. on Thursday, June 21, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4377.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of William B. Pollard III, of New York, and Scott L. Silliman, of North Carolina, both to be a Judge of the United States Court of Military Commission Review, both of the Department of Defense, and 2,595 nominations in the Army, Navy, Air Force and Marine Corps.

INITIAL PUBLIC OFFERING PROCESS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the initial public offering process, focusing on ordinary investors, after receiving testimony from Ann E. Sherman, DePaul University, Chicago, Illinois; Joel H. Trotter, Latham and Watkins LLP, Washington, D.C.; Lise Buyer, Class V Group, LLC, Portola Valley, California; and Ilan Moscovitz, The Motley Fool, Alexandria, Virginia.

COMMERCIAL SPACE

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine risks, opportunities, and oversight of commercial space, focusing on industry trends, government challenges, and international competitiveness issues, after receiving testimony from William H. Gerstenmaier, Associate Administrator for Human Exploration and Operations, National Aeronautics and Space Administration; Colonel Pamela Melroy, USAF (Ret.), Director, Field Operations, Federal Aviation Administration Commercial Space

Transportation, Department of Transportation; Gerald L. Dillingham, Director, Physical Infrastructure Issues, Government Accountability Office; Mike N. Gold, Bigelow Aerospace, Chevy Chase, Maryland; and Captain Michael Lopez-Alegria, USN (Ret.), Commercial Spaceflight Federation, Washington, D.C.

PATENT AND TRADEMARK OFFICE

Committee on the Judiciary: Committee concluded an oversight hearing to examine the United States Patent and Trademark Office, focusing on implementation of the Leahy-Smith ''America Invents Act'' and international harmonizing efforts, after receiving testimony from David J. Kappos, Under Secretary of Commerce for Intellectual Property, and Director, United States Patent and Trademark Office.

HOLOCAUST-ERA CLAIMS IN THE 21ST CENTURY

Committee on the Judiciary: Committee concluded a hearing to examine Holocaust-era claims in the 21st century, including S. 634, to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons, and S. 466, to provide for the restoration of legal rights for claimants under holocaust-era insurance policies, after receiving testimony from Maryland Delegate Samuel I. Rosenberg, and Leo Bretholz, Coalition for Holocaust Rail Justice, both of Baltimore, Maryland; Edward T. Swaine, George Washington University Law School, Washington, D.C.; J.D. Bindenagel, DePaul University, Chicago, Illinois; and Renee Firestone, Los Angeles, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 5974–5985; and 3 resolutions, H. Res. 694–696 were introduced. **Page H3914**

Additional Cosponsors: **Pages H3915–16**

Reports Filed: Reports were filed today as follows:

H.R. 5972, making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (H. Rept. 112–541);

H.R. 5973, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes (H. Rept. 112–542);

Activities and Summary Report of the Committee on the Budget Third Quarter 112th Congress (H. Rept. 112–543); and

H.R. 4264, to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes (H. Rept. 112–544). **Page H3914**

Speaker: Read a letter from the Speaker wherein he appointed Representative McClintock to act as Speaker pro tempore for today. **Page H3809**

Recess: The House recessed at 10:12 a.m. and reconvened at 12 noon. **Page H3810**

Chaplain: The prayer was offered by the guest chaplain, Reverend Richard Haynes, Salem Missionary Baptist Church, Lilburn, Georgia. **Page H3810**

Motion to Instruct Conferees: The House agreed to the Walz (MN) motion to instruct conferees on H.R. 4348 by a yea-and-nay vote of 386 yeas to 34 nays with 1 answering ''present,'' Roll No. 391. The motion was debated yesterday, June 19th. **Page H3824**

Notice of Intent to Offer Motion: Representative Hoyer announced his intent to offer a motion to instruct conferees on H.R. 4348. **Page H3824**

Notice of Intent to Offer Motion: Representative Black announced her intent to offer a motion to instruct conferees on H.R. 4348. **Page H3824**

Suspension: The House agreed to suspend the rules and pass the following measure:

Food and Drug Administration Safety and Innovation Act: S. 3187, amended, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices and to establish user-fee programs for generic drugs and biosimilars.

Pages H3825–68

Motion to Instruct Conferees: The House debated the McKinley motion to instruct conferees on H.R. 4348. Further proceedings were postponed.

Page H3868

Strategic Energy Production Act of 2012: The House began consideration of H.R. 4480, to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve. Further proceedings were postponed.

Pages H3814–24, H3875–H3912

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–24 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. **Page H3890**

Agreed to:

McKinley amendment (No. 5 printed in H. Rept. 112–540) that requires the consultation and input of the National Energy Technology Laboratory (NETL) under the Transportation Fuels Regulatory Committee within Title II of the legislation. NETL will work with the Committee to analyze and report on the impacts of the rules and actions of the EPA on our nation's gasoline, diesel fuel, and natural gas prices; **Page H3898**

McKinley amendment (No. 6 printed in H. Rept. 112–540) that requires under section 203 of the bill to conduct an analysis relating to any other matters that affect the growth, stability, and sustainability of the nation's oil and gas industries, particularly relating to that of other nations. Requires the Committee to look at the actions, or inactions, of other nations' regulations, enforcements, and matters relating to the oil and gas industry, and how they have either helped positively or negatively towards the oil and gas industries in those other nations; and

Pages H3898–99

Terry amendment (No. 10 printed in H. Rept. 112–540) that gives the EPA the ability to waive certain fuel requirements in a geographic area, when there is a problem with distribution or delivery of fuel or fuel additives, for a period of 20 days, which could also be extended for another 20 days if the conditions exist. Directs the EPA and Department of Energy to conduct the Fuel Harmonization Study required by the Energy Policy Act of 2005 by June 2014. **Pages H3902–04**

Rejected:

Polis amendment (No. 2 printed in H. Rept. 112–540) that sought to exclude hydraulic fracturing activities within 1,000 feet of a primary or secondary school and **Pages H3896–97**

Quigley amendment (No. 4 printed in H. Rept. 112–540) that sought to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes. **Pages H3897–98**

Proceedings Postponed:

Hastings (WA) Manager's amendment (No. 1 printed in H. Rept. 112–540) that seeks to make technical corrections, eliminate the designation of the Colville River as an Aquatic Resource of National Importance, and require additional right of ways planned into and out of the National Petroleum Reserve Alaska; **Pages H3895–96**

Waxman amendment (No. 7 printed in H. Rept. 112–540) that seeks to provide that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health; **Pages H3899–H3900**

Connolly amendment (No. 8 printed in H. Rept. 112–540) that seeks to define the term ''public health'' in the Clean Air Act; **Page H3901**

Gene Green (TX) amendment (No. 9 printed in H. Rept. 112–540) that seeks to strike section 206 of the bill, which would require the consideration of feasibility and costs in revising or supplementing national ambient air quality standards for ozone;

Pages H3901–02

Rush amendment (No. 11 printed in H. Rept. 112–540) that seeks to provide that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years; **Pages H3904–05**

Holt amendment (No. 12 printed in H. Rept. 112–540) that seeks to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold; **Pages H3905–06**

Connolly amendment (No. 13 printed in H. Rept. 112–540) that seeks to clarify that the section requiring a $5,000 protest fee shall not infringe upon

the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances; **Pages H3906–07**

Amodei amendment (No. 14 printed in H. Rept. 112–540) that seeks to prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management (BLM) to the Office of Surface Mining, Reclamation and Enforcement (OSM); **Pages H3907–09**

Markey amendment (No. 15 printed in H. Rept. 112–540) that seeks to prohibit oil and gas produced under new leases authorized by this legislation from being exported to foreign countries; **Pages H3909–10**

Landry amendment (No. 16 printed in H. Rept. 112–540) that seeks to raise the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from $500 million to $750 million; and **Pages H3910–11**

Rigell amendment (No. 17 printed in H. Rept. 112–540) that seeks to require the Secretary of the Interior to include Outer Continental Shelf (OCS) Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations. **Pages H3911–12**

H. Res. 691, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 245 yeas to 178 nays, Roll No. 390, after the previous question was ordered by a recorded vote of 242 ayes to 183 noes, Roll No. 389. **Pages H3814–24**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow. **Page H3912**

Senate Message: Message received from the Senate today appears on page H3810.

Senate Referral: S. 3314 is held at the desk. **Page H3810**

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H3822–23, H3823–24, H3824. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:25 p.m.

Committee Meetings

MISCELLANEOUS MEASURE

Committee on Appropriations: Full Committee held a markup of Financial Services Appropriations Bill, FY 2013. The bill was ordered reported, as amended.

MISCELLANEOUS MEASURE

Subcommittee on Interior, Environment, and Related Agencies, markup of Interior, Environment, and Related Agencies Appropriations Bill, FY 2013. The bill was forwarded, without amendment.

ADDRESSING THE IRANIAN NUCLEAR CHALLENGE: UNDERSTANDING THE MILITARY OPTIONS

Committee on Armed Services: Full Committee held a hearing on Addressing the Iranian Nuclear Challenge: Understanding the Military Options. Testimony was heard from public witnesses.

AFGHAN NATIONAL SECURITY FORCES: RESOURCES, STRATEGY, AND TIMETABLE FOR SECURITY LEAD TRANSITIONS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Afghan National Security Forces: Resources, Strategy, and Timetable for Security Lead Transitions. Testimony was heard from David S. Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan and Central Asia; and Major General Stephen Townsend, USA, Director, Pakistan/Afghanistan Coordination Cell, The Joint Staff.

ASSESSING THE CHALLENGES FACING MULTIEMPLOYER PENSION PLANS

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Assessing the Challenges Facing Multiemployer Pension Plans''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Full Committee completed markup of H.R. 5859, to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; H.R. 5865, the ''American Manufacturing Competitiveness Act of 2012''; H.R. 4273, the ''Resolving Environmental and Grid Reliability Conflicts Act of 2012''; H.R. 5892, the ''Hydropower Regulatory Efficiency Act of 2012''; H. Con. Res. 127, providing for the acceptance of a statue of Gerald R. Ford from the people of Michigan for placement in the United States Capitol; and Semi-Annual Committee Activity Report. The following measures and report were ordered reported, without amendment: H.R. 5865;

H.R. 5892; H. Con. 127; and the Semi-Annual Committee Activity Report. The following measures were ordered reported, as amended: H.R. 5859 and H.R. 4273.

MARKET STRUCTURE: ENSURING ORDERLY, EFFICIENT, INNOVATIVE AND COMPETITIVE MARKETS FOR ISSUERS AND INVESTORS

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled ''Market Structure: Ensuring Orderly, Efficient, Innovative and Competitive Markets for Issuers and Investors''. Testimony was heard from public witnesses.

MORTGAGE DISCLOSURES: HOW DO WE CUT RED TAPE FOR CONSUMERS AND SMALL BUSINESSES

Subcommittee on Insurance, Housing and Community Opportunity held a hearing, ''Mortgage Disclosures: How Do We Cut Red Tape for Consumers and Small Businesses?''. Testimony was heard from public witnesses.

REFLECTIONS ON THE REVOLUTION IN EGYPT, PART II

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing entitled ''Reflections on the Revolution in Egypt, Part II''. Testimony was heard from public witnesses.

AFRICAN GROWTH AND OPPORTUNITY ACT: ENSURING SUCCESS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade, and Subcommittee on Africa, Global Health, and Human Rights, joint subcommittee hearing entitled ''The African Growth and Opportunity Act: Ensuring Success''. Testimony was heard from public witnesses.

AMERICAN MUSLIM RESPONSE TO HEARINGS ON RADICALIZATION WITHIN THEIR COMMUNITY

Committee on Homeland Security: Full Committee held a hearing entitled ''The American Muslim Response to Hearings on Radicalization within their Community''. Testimony was heard from public witnesses.

DRUG ENFORCEMENT ADMINISTRATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''The Drug Enforcement Administration''. Testimony was heard from Michele M. Leonhart, Administrator, Drug Enforcement Administration, Department of Justice.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 2899, the ''Chinese Media Reciprocity Act of 2011''. Testimony was heard from Representative Rohrabacher; and public witnesses.

MISCELLANEOUS MEASURE

Committee on Oversight and Government Reform: Full Committee held a markup to consider a report holding Attorney General Eric Holder in contempt of Congress for his failure to produce documents specified in the Committee's October 12, 2011 subpoena. The report of contempt was ordered reported, as amended.

EXAMINING PRIORITIES AND EFFECTIVENESS OF THE NATION'S SCIENCE POLICIES

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''Examining Priorities and Effectiveness of the Nation's Science Policies''. Testimony was heard from John P. Holdren, Assistant to the President for Science and Technology and Director, Office of Science and Technology Policy.

LEGISLATIVE MEASURES

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the following measures: H.R. 2985, the ''Veteran's I.D. Card Act''; H.R. 3730, the ''Veterans Data Breach Timely Notification Act''; H.R. 4481, the ''Veterans Affairs Employee Accountability Act''; and H.R. 5948 the, ''Veterans Fiduciary Reform Act of 2012''. Testimony was heard from Representative Akin; Dave McLenachen, Director of Pension and Fiduciary Service, Department of Veterans Affairs; and public witnesses.

RUSSIA'S ACCESSION TO THE WORLD TRADE ORGANIZATION AND GRANTING RUSSIA PERMANENT NORMAL TRADE RELATIONS

Committee on Ways and Means: Full Committee held a hearing entitled ''Russia's Accession to the World Trade Organization and Granting Russia Permanent Normal Trade Relations''. Testimony was heard from Ambassador Ron Kirk, United States Trade Representative; Ambassador William Burns, Deputy Secretary, United States Department of State; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 21, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine Department of Defense programs and policies to support military families with special needs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, 2:30 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine perspectives on money market mutual fund reforms, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration, Department of Transportation, 10 a.m., SR–253.

Committee on Environment and Public Works: business meeting to consider H.R. 1160, to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, S. 1324, to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, S. 1201, to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, S. 2018, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, S. 3264, to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, S. 2104, to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act, S. 3304, to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the ''William Jefferson Clinton Federal Building'', to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building'', and to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the ''Eliot Ness ATF Building'', H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse'', S. 3311, to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse'', the nominations of Allison M. Macfarlane, of Maryland, and Kristine L. Svinicki, of Virginia, both to be a Member of the Nuclear Regulatory Commission, and a proposed resolution relating to the General Services Administration, Time to be announced, Room to be announced.

Committee on Finance: to hold hearings to examine Russia's World Trade Organization (WTO) accession, focusing on the Administration's views on the implications for the United States, 9:45 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine implementation of the New Start Treaty, and related matters, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine an update on Olmstead enforcement, focusing on using the Americans with Disabilities Act (ADA) to promote community integration, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Katherine C. Tobin, of New York, and James C. Miller III, of Virginia, both to be a Governor of the United States Postal Service, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine security clearance reform, focusing on sustaining progress for the future, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 250, to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, S. 285, for the relief of Sopuruchi Chukwueke, S. 1744, to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons, and the nominations of Brian J. Davis, to be United States District Judge for the Middle District of Florida, Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, to be United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, Grande Lum, of California, to be Director, Community Relations Service, and Jamie A. Hainsworth, to be United States Marshal for the District of Rhode Island, John S. Leonardo, to be United States Attorney for the District of Arizona, Patrick A. Miles, Jr., to be United States Attorney for the Western District of Michigan, and Danny Chappelle Williams, Sr., to be United States Attorney for the Northern District of Oklahoma, all of the Department of Justice, 10 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the Universal Music Group/EMI merger and the future of online music, 1:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing entitled ''Mismanagement of Appropriated Funds within the National Weather Service'', 9:30 a.m., H–309 Capitol.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''The National Institutes of Health—A Review of Its Reforms, Priorities, and Progress'', 9:30 a.m., 2123 Rayburn.

Subcommittee on Environment and the Economy, hearing entitled ''Electronic Submission of Hazardous Waste Manifests—Modernizing for the 21st Century'', 10:15 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Safe and Fair Supervision of Money Services Businesses'', 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight Investigations and Management, hearing entitled ''U.S.-Caribbean Border: Open Road for Drug Traffickers and Terrorists'', 9 a.m., 311 Cannon.

Committee on Rules, Full Committee, hearing on H.R. 5972, the ''Departments of Transportation, and Housing and Urban Development and Related Agencies Appropriations Act, 2013''; and H.R. 5973, the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2013'', 11 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Energy and Environment, hearing entitled ''Department of Energy User Facilities: Utilizing the Tools of Science to Drive Innovation through Fundamental Research'', 9:30 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations, Oversight and Regulations, hearing entitled ''Small Business Lending: Perspectives from the Private Sector'', 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on the following measures: H.R. 4115, the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2012''; H.R. 4740, the ''Fairness for Military Homeowners Act of 2012''; H.R. 3860, the ''Help Veterans Return to Work Act''; and H.R. 5747, the ''Military Family Home Protection Act'', 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, hearing entitled ''The 2012 Annual Report of the Social Security Board of Trustees'', 9 a.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 9 a.m., HVC–304, Capitol. This is a closed hearing.

Next Meeting of the SENATE

10:30 a.m., Thursday, June 21

Senate Chamber

Program for Thursday: The Majority Leader will be recognized. At 11 a.m., Senate will continue consideration of S. 3240, Agriculture Reform, Food, and Jobs Act and resume votes on or in relation to the remaining amendments and final passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, June 21

House Chamber

Program for Thursday: Complete consideration of H.R. 4480—Strategic Energy Production Act of 2012.

Extensions of Remarks, as inserted in this issue

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