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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, August 1, 2012.

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

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

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

WASHINGTON, DC, July 31, 2012.

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

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

I thank the people of Kentucky’s Fourth District for the honor of serving as their Congressman over the last eight years. When I was a Cadet at West Point, I internalized the words of the U.S. Military Academy’s motto, “Duty, Honor, Country.” Next, I learned that success was based on honoring God, Family, and Work, in that order. In December 2011, I decided that in order to honor those values, I needed to retire from Congressional service so I could more effectively serve my family as a husband and father. Those priorities continue to guide my decisions. Recently, a family health issue has developed that will demand significantly more of my time to assist. As a result, I cannot continue to effectively fulfill my obligations to both my office and my family. Family must and will come first.

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

Sincerely,

GEOFF DAVIS,  
Member of Congress.

REPORT IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE LAURA RICHARDSON

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

MORNING-HOUR DEBATE

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

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

RECOGNIZING STEVE LATOURETTE

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

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

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.
You often hear a person say they don’t always agree with somebody but they respect them. With Steve LaTourette, that’s true. Despite being in different political parties, I deeply respect and appreciate Steve’s forthright opinions.

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

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

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

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

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

Some Members of Congress gain a little notoriety by virtue of vision or policy. Usually we get it by being out-rageous and stark. Perhaps we are known at home and for groups that have interests that we work with, but the vast majority of us wouldn’t recognize more than “March of Error” on the larger stage of American national politics.

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

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

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

OLYMPIAN RACHEL BOOTSMA MAKES MINNESOTA PROUD

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

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

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

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

Go, Team USA.

DREAM ACT BECOMING A REALITY

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

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

Right now, we have reasons to celebrate because, shortly, the Department of Homeland Security and the White House are scheduled to announce guidelines on the application process for DREAM Act-eligible immigrants to defer deportation and get work permits so they can apply for their work permits and come out of the shadows and get deferred action from deportation.

On August 15, Mr. Speaker, we will have the resources necessary to thousands of young people that we expect will attend equality. It’s a day of long-overdue fairness for our young people, and I want to encourage every young person to miss this opportunity.

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

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

I say to my friends today: Be careful.

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

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

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

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

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

On August 15, across America, thousands of honest, hardworking, law-abiding DREAM Act-eligible youth immigrants should be celebrating by lining up and taking that historic step toward equality. It’s a day of long-overdue fairness for our young people, and I want to encourage every young person to miss this opportunity.

I want our young DREAMers to demonstrate to America on August 15 what
Chair recognizes the gentleman from Texas, Mr. RAHALL, for 5 minutes.

Mr. RAHALL. Mr. Speaker, I rise today in America's legislative action on a widespread public health crisis. I want to thank, first of all, my colleagues, especially my good neighbor and chairman of the House Appropriations Committee, the gentleman from Kentucky, Mr. HAL ROGERS, Congresswoman MARY BONO MACK, and Congressmen STEVE LYNCH and BILL KEATING—whom you'll hear from in a moment—all tremendous leaders in our fight to stop this epidemic.

The CDC has confirmed what local leaders and professionals across the board have been struggling with daily: prescription drug abuse is a national epidemic—a term the CDC does not use lightly. It is no longer a silent epidemic. It can be seen at any hour of any day on street corners and in school yards. Every day, there are new stories reporting overdoses, deaths, accidents, and tragedies of families torn apart by the vicious cycle of prescription drug abuse. And the cycle is certainly vicious.

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

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

We know that there is no single answer, no single action, and no silver bullet in the fight against prescription drug abuse. I've met many times with our communities to fight back against prescription drug abuse. We must strengthen drug diversion, community organization and with an acute understanding of the enormity of the challenge before us. The future of our families and children and the entire health and well-being of our communities to our Nation depend on us.

PRESERVATION DRUG ABUSE

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

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

The Office of National Drug Control Policy in the White House has identified prescription drugs as our Nation's fastest growing drug problem, easily eclipsing cocaine and heroin abuse. As has been said, the national Centers for
Disease Control has said that prescription drug abuse is now a national epidemic. In 2010, 254 million prescriptions for opioids were filled in this country. That’s enough painkillers to medicate every American adult around the clock for a month.

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

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

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

I’ve met single moms struggling to get through drug court and employers who can’t string together a clean workforce without the police. We’ve lost grandfathers, police officers, children, brothers and sisters, husbands and wives.

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

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

Congressman Frank Wolf of Virginia and I have implored FDA to make the right decisions. Now, OxyContin’s a wonderful drug, but it’s also a very addictive drug when not used in the prescribed way.

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

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

In 2007, the manufacturer of this drug, Purdue Pharma, was found criminally liable for deliberately misbranding their product. After paying an unprecedented $630 million penalty, Purdue voluntarily removed the original formulation of OxyContin from the market—and reissued the drug with a formulation which is much more difficult to abuse.

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

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

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

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

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

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

VERIFYING OFFICIAL TOTALS FOR ELECTIONS ACT

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

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

Electronic voting machines are vulnerable to poor design and tampering, and there is currently no way to verify the accuracy of an electronic vote count. The VOTE Act will ensure the integrity of our voting machines by requiring that the source code, or blueprint, of the e-voting system be stored in the National Software Reference Library, which will allow auditors to compare that code with the actual machine to determine if there has been any improper activity. This is an urgent problem, and the VOTE Act is the solution.

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

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

I call on all of my colleagues to support the VOTE Act, and I invite Members from both sides of the aisle, Democrats and Republicans, to cosponsor this bill. Protecting the vote and the integrity
of the voting process is not a partisan issue, but an issue that is important to all citizens and vital to the strength of America.

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

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

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

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

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

Rest with the Lord, my friend.

KNOW BEFORE YOU OWE ACT
The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Pennsylvania (Ms. SCHWARTZ) for 5 minutes.

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

One of the biggest decisions facing students and college graduates is not just the amounts they borrow but who their lenders will be and whether they will be private lenders or Federal loans. Federal loans are simply a better deal. They offer lower, fixed interest rates, consumer protections and manageable repayment options. Private student loans, on the other hand, typically have uncapitalized, variable rates, hefty fees and few consumer protections. From 2001 to 2006, the private student loan market went from $2 billion to $12 billion. Lenders loosened underwriting standards and often cut school financial aid offices out of the process.

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

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

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

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

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

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

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

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

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

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

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

Currently, tamper-resistant mechanisms are in use for some drugs, but this bill is the first of its kind Federal legislation to put a clear pathway for others to come to market. The process outlined in the bill applies both to brand name and generic drugs, both to time-release and to immediate-release pills. Initially, we will incentivize the voluntary development of tamper-resistant processes. Then, in time, they’ll be required. This bill is not a silver bullet by any stretch of the imagination, but
it is a very important piece in preventing new users from abusing painkillers and safeguarding against overdose. Just as seatbelts and airbags in cars cannot prevent all car accidents, tamper-resistant formulations will not prevent all instances of drug abuse, but it is one of the keys to protecting vulnerable populations like the adolescents I have spoken about.

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

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

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

PRESCRIPTION DRUG ABUSE IN AMERICA

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

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

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

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

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

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

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

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

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

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

THE VICTIMS OF COLUMBINE

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

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

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

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

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

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

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

We’re suffering in Colorado right now. It’s a beautiful State. It is a wonderful place. We’ve had two very difficult, tragic moments. And in these last 10 days, Mr. Speaker, I have had a chance to go to five funerals and visit with some people in the hospital. I want us to remember the names of the people that were killed 10 days ago: Jonathan Blunk, Alexander Jonathan (AJ) Bolk, Staff Sergeant Jesse Childress, Gordon Cowden, Jessica Ghawi, Petty Officer 3rd Class John Larimer, Matthew McNell, Michelle Medek, Veronica Moser, Alex Sullivan, Alex Teves, Rebecca Wingo.

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

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

So beginning with the Aurora police force and the firefighters from Aurora, there were tremendous acts of courage that saved lives, that saved people from bleeding to death. We saw in our medical teams a coordination of efforts, the likes of which none of us
RECOGNIZING THE LIFE AND LEGACY OF PROFESSOR THELMA McWILLIAMS GLASS

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

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

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

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

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

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

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

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

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

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

The success of the Montgomery boycott pushed the civil rights movement into full force, as African Americans were inspired by the South for the first time in a generation and campaigns against racial inequality and ultimately led to the signing of the Voting Rights Act in 1965 by President Lyndon B. Johnson.

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

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

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

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

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

Mr. HOYER. Mr. Speaker, this week’s middle class tax cut debate is unfortunately an unnecessary sequel to Dr. Martin Luther King Jr.’s march on Washington. The passage of the payroll tax cut is a victory — or a defeat — depending on who you ask. Republicans campaigned on a pledge to seek bipartisan solutions to our pressing challenges, but when faced
with a bipartisan agreement in December of last year, they chose to walk away. Unfortunately, they appear ready to do so again. When it comes to extending tax cuts to the middle class, Democrats and Republicans agree; both believe we ought to do so. So we have agreement. Then there has been reflected in a Senate-passed bill, Mr. Speaker, as you know.

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

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

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

Republicans’ plan of tax cuts for the wealthy hasn’t worked before, and it won’t work now. Under President Reagan and both Presidents Bush, deficits climbed. Democrats want to return to the successful policies we had under President Clinton, when we had the most successful economy, 4 years of balanced budgets, and 4 years in which we did not increase the national debt. I say to my friends on the Republican side of the aisle, Mr. Speaker, we’ve had many opportunities to work together this year to address our challenges, but each time our Republican colleagues have walked away. In doing so, they broke a balanced budget solution to deficits. And we could be voting today on a tax cut extension for 100 percent of Americans who make up to $200,000. Or, if they're a couple, $250,000. But in each case, Mr. Speaker, Republicans moved not towards the center but to the right to placate the extreme wing within their party.

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

I have to say that I am frustrated by how much we—I mean the Republican Party—are willing to give deferential treatment to our extreme members. I mean, the moment of history.

The gentleman from New York went on to say:

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

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

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

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

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

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

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

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

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

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

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

Speaker Gingrich went on:

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

And he concluded:

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

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

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

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

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

It can be a good thing that would be for America, for the American people, and for the American economy. Let’s work together. America expects us to do that, and that’s what we ought to do.
declares the House in recess until noon today.

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

\[ \text{AFTER RECESS} \]

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

\[ \text{PRAYER} \]

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

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

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

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

In the name of my Lord Jesus, I pray. Amen.

\[ \text{THE JOURNAL} \]

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.

\[ \text{PLEDGE OF ALLEGIANCE} \]

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

Mr. PERLMUTTER led the Pledge of Allegiance as follows:

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

\[ \text{WELCOMING REVEREND MICHAEL CATT} \]

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

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

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

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

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

\[ \text{ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE} \]

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

\[ \text{THE POWER TO TAX IS THE POWER TO DESTROY} \]

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

Mr. POE of Texas. Madam Speaker, let the countdown begin. Come January 1, the President and the Democrats plan to raise taxes on hard-working families and small businesses. That’s right. Instead of relying in their out-of-control spending, the President wants all Americans to hand over even more of their hard-earned money to the Federal Government. It’s not smart to raise taxes ever, and certainly not in a struggling economy.

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

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

\[ \text{DONT FORGET THE LITTLE PEOPLE} \]

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

Ms. HOCHUL. Madam Speaker, “Don’t forget the little people.” That’s what a gentleman said as he grabbed my hand and looked into my eyes at the Sanborn Farm Museum French toast breakfast on Saturday morning.

“Don’t forget the little people.” Who are these little people? I’ll tell you right now, these are millions of moms and dads sitting at their dinner table tonight trying to cover their worried expression from their kids as they look over their family finances, wondering whether Congress is going to step up to the plate and give them the tax break they so desperately deserve.

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

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

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

\[ \text{STOP THE TAX HIKES} \]

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

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

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

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

BUFFALO-NIAGARA AND THE URBAN AREA SECURITY INITIATIVE PROGRAM

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

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

BUFFALO-NIAGARA AND THE URBAN AREA SECURITY INITIATIVE PROGRAM

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

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

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

MIDDLE CLASS TAX CUT

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

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

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

NEW PREVENTIVE SERVICES FOR WOMEN

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

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

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

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

So even though we’ve had a tough summer, there are a lot of bright things and a lot of bright people in Colorado, and it’s going to be better from here on out.
Mr. BACA. Madam Speaker, this Monday, Colton Joint Unified School District held a dedication ceremony for the new Joe Baca Middle School in Bloomington, California. Next week, 800 students from the surrounding community in Bloomington and Rialto will begin classes there.

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

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

LET PEOPLE VOTE ALREADY

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

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

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

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

WOMEN’S HEALTH

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

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

Starting today, women across the country will have access to essential preventive health care without copay-ments or deductibles. Women who were effectively barred from these services because of the cost will now be able to receive annual visits, testing for diseases like HPV and HIV, breast feeding support and education, domestic violence counseling, and contraceptives. This is an important step in lowering our country’s health care costs and making sure that women have sufficient access to preventive health care.

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

SEQUESTRATION

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

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

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

AMERICA NEEDS A FARM BILL

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

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

Is it a budget issue? Yes. Is that an excuse for Congress to duck its responsibility? No. Are there contentious issues? Yes.

Some on the other side want to cut commodity programs. Give them a shot. Let them bring an amendment. My colleague, ROSA DELAURO, thinks we ought to restore all funding for nutrition. I agree. Give her a shot. Congress must do its job. It must bring a farm bill to the floor for a vote so that each and every one of us is held to account to our constituents.

WOMEN’S PREVENTIVE HEALTH

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

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

That is why I am so pleased to see this change, thanks to the Affordable Care Act. More lifesaving preventive services will begin to be covered for women all over the country. Last year, 51 million Americans with private health insurance gained access to preventive services without cost sharing, including over 700,000 in my State of Connecticut.

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

A report in 2009 found that more than half of American women delayed or avoided necessary care because they could not afford it. This is why we passed the Affordable Care Act. Let’s help Americans get quality care. Let’s save lives.

MIDDLE CLASS TAX CUTS

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

Ms. MCCOLLUM. Madam Speaker, House Democrats and President Obama are fighting for families by working to extend middle class tax cuts that will benefit 90 percent of Americans. Our plan will put $2,000 in the pockets of an average family next year. That’s money that can be spent by your family on your family’s needs. That money will help Minnesota businesses grow and hire employees in St. Paul, Roseville, and Oakdale.

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

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

The American economy is strong when American middle class is strong. I urge support for middle class tax cuts.

I urge support for middle class tax cuts.

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

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

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

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

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

Sincerely,

FRANK GUINTA, Member of Congress.

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

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

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

Sincerely,

FRANK GUINTA, Member of Congress.

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

There was no objection.

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

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

The Clerk read the resolution, as follows:

H. Res. 763

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

COMMITTEE ON FINANCIAL SERVICES.

Mr. Guinta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

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

The Clerk read the resolution, as follows:

H. Res. 747

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

Sec. 2. Upon adoption of this resolution it shall be in order in consideration in the House the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes. All points of order against consideration of the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.
the report of the Committee on Rules accompanying this resolution, if offered by Representative Levin of Michigan or his designee, which shall be in order without intervention of the Chair, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; period to recommence with or without instructions.

SEC. 3. On any legislative day during the period from August 3, 2012, through September 30, 2012,

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

(b) no point of order shall be debatable for any time during the period aden by action of the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Speaker in declaring the adjournment; and

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

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

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

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

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

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

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

The SPEAKER pro tempore.

The gentleman from South Carolina is recognized for 1 hour.

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

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. SCOTT of South Carolina.

Mr. Speaker, I would like to announce unanimously that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore.

Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 51 provides for a structured rule for consideration of H.R. 8, a bill to extend the current tax rates for all Americans for 1 year; a structured rule for consideration of H.R. 6169, which provides a legislative path for true tax reform; and for other tools allowing the House to finish its business and continue to operate during the August district work period.

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

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

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

And here is the interesting fact, Madam Speaker, when we hear the talk about taxing the millionaires and the billionaires, here is the new definition: of those 9 million senior citizens who have dividend income, 68 percent of them have an income of less than $100,000; 185 percent of them have an income of less than $250,000. But my friends on the left would categorize these folks as a member of the rich, with their tax cuts being expired at the end of this year.

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

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

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

Mr. SCOTT of South Carolina.

In spite of the results of all the surveys—yesterday we had a survey done in my district that said that 61 percent of folks would like to see the 2001 and 2009—and, oh, by the way, 85 Members of the Democrats voted for these exact same tax cuts to stay in place in 2010. It was good in 2010; it’s still good right now. Sixty-one percent of folks say let’s extend these tax cuts for all Americans, and let’s keep those 710,000 Americans who would lose their jobs employed.

But in addition to that, the environment that we’re working in right now matters; it matters significantly. Because we have over 41 months—over 41 months—Madam Speaker, we realize that the time for political points should be over; that my colleagues would come together today and realize that the time for trying to divide Americans is over; that we would come together today, Madam Speaker, and realize that the time for punishing success is over.

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

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

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

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

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

Unfortunately, despite agreeing with the tax cuts proposed in our bill, our colleagues on the other side of the aisle are standing in the way of the tax cut becoming law. Instead of passing a commonsense tax cut, the majority is demanding that any tax cut for the middle class be accompanied by an additional tax cut for the richest 2 percent. Their proposal is based upon the tax cuts passed in 2001 and 2003—and, oh, by the way, 85 Members of the Democrats voted for these exact same tax cuts to stay in place in 2010. It was good in 2010; it’s still good right now. Sixty-one percent of folks say let’s extend these tax cuts for all Americans, and let’s keep those 710,000 Americans who would lose their jobs employed.

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Unfortunately, despite agreeing with the tax cuts proposed in our bill, our colleagues on the other side of the aisle are standing in the way of the tax cut becoming law. Instead of passing a commonsense tax cut, the majority is demanding that any tax cut for the middle class be accompanied by an additional tax cut for the richest 2 percent. Their proposal is based upon the
disproved theory of trickle-down economics—a failed economic theory that has led to record inequality and a broken Tax Code that is riddled with loopholes and giveaways to the wealthy.

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

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

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

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

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

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

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

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

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

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

Indeed, the President has already said that he will veto the majority’s proposal if it ever reaches his desk.

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

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

I reserve the balance of my time.

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

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

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

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

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina, Mr. Trey Gowdy.

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

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

And we’re intrigued at the number of our colleagues who, not 18 months ago, decided it would be bad economics to raise taxes on any American, which leads me to wonder, were the rules not fair 18 months ago? I know that’s the minority’s strategy of holding middle class tax cuts hostage in exchange for the money they want to transfer to the people to play by the rules and everybody should pay their fair share.

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

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

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

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

And then it dawned on me, Madam Speaker. It dawned on me while I was...
I rise in opposition to the House majority’s tax plan that it would do worse for 25 million middle class and working families, people with incomes below $250,000. Their taxes would go up by $1,000 each.

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

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

The Washington Post said, and I quote, “Republicans want to raise taxes on the poor, Why? Why do you have to pay for an over $160,000 tax break for millionaires.

The plan would slash the Child Tax Credit, taking an average of $854 away from nearly 9 million families, pushing 2 million children back into poverty.

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

Ms. DELAUNO. I rise in opposition to the House majority’s tax plan that it would do worse for 25 million middle class and working families, people with incomes below $250,000. Their taxes would go up by $1,000 each.

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

Ms. DELAUNO. I yield the gentleman another minute.

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

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

And quite frankly, that’s what they’re doing again today. And this time, it is about tax relief for working families and for middle class families. The Washington Post said, let us take up that Senate tax reform, let’s raise the other side of the aisle, which always is trying to bring this body and this country to the precipice.

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

Mr. SCOTT of South Carolina. I yield the gentleman from Florida, Mr. Rich NUGENT, the sheriff.

Mr. NUGENT. I thank my friend. It would be very important issue.

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

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

When I brought these small businesses up at the Rules Committee last night, my colleagues on the other side of the aisle responded to me and my questions by coming back with statistics, things that don’t really matter much to anybody. Yet, when I talked to the real people, not some statistics, that somebody in some Washington think tank came up with. These are real people, real job creators in America. We are talking now about stifling that at a time when job growth in America is anemic at best. The job creators are being pushed out of the reach of real Americans.

Mr. NUGENT. It would be very important issue.

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

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

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

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

Mr. NUGENT. I yield the gentleman another 30 seconds.

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

Ms. DELAUNO. I yield the gentlewoman another 30 seconds.

Mr. NUGENT. I thank my friend. H.R. 8 will prevent real hardworking Americans from getting hit with history’s largest tax increase. We have an obligation to make sure that we do this. If we extend it for a year, it gives us the opportunity. It has been decades since we have had real tax reform. The time to pass a tax reform, through regular order, has the opportunity to have input from both Democrats and Republicans alike—experts in the
field—to talk about how we craft tax policies that are going to carry us through the next decade.

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

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

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

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

We talk about job creation. This is about job creation. This is about sustaining the current jobs that we have and about allowing American businesses and entrepreneurs to create more jobs. This is real America. These are businesses in my district.

Ms. SLAUGHTER. The real issue here today is: Are we going to continue something that we know utterly failed? More than 20 committee hearings already on this deal was made with corporations that we would cut the tax rate and that they would produce jobs. We didn't get the jobs. Half of it didn't work. Why would a country as intelligent as ours want to continue that failed policy? We are at a critical crossroads here, and we had better this time get it right.

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

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

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

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

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

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

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

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

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

He said:

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

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

Here is what he said:

We did that in December. Thanks to the tax cuts that we passed, Americans' paychecks are bigger today. Business can afford to invest. And when businesses invest, they take action. Companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it. So let's change it.

What you do does not change it. What you do does not change it. What you do does not change it. What you do does not change it. What you do does not change it. What you do does not change it.

Mr. SCOTT of South Carolina. Standing right here in this Chamber 10 feet behind me this year, the President said this:

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

With that, I thank my friend from South Carolina.

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

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

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, Americans who served on the school board or a parents council or the board of trustees, their fire company, that have ever had a dispute about what to do now that one of the ways to resolve the dispute is to listen, let's take the things that we agree on and do them, and set aside the things in which we disagree and argue about them later. But let's agree...
on the things we can do and get them done. I think virtually every Member of this Chamber agrees that if a family makes less than a quarter of a million dollars a year, their taxes should not go up. Let's pass a bill that says that and then move on to the things on which we disagree.

Here is one of the things that we disagree on: The majority’s bill that’s on the floor would extend 25 million Americans, and they are some of the Americans who least merit and deserve a tax increase. For example, an E4 corporal in the Marine Corps with 4 years of service, married and with two children sees his taxes go up by $448 a year under the Republican bill. Under the Democratic bill, that Marine’s taxes do not go up. A military police sergeant, an E5 in the Air Force, who has 8 years of service, with a spouse and three young children would see a tax increase of $2,390 a year under H.R. 8. How could this be?

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

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

Ms. SLAUGHTER. I will be happy to yield an additional 30 seconds to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I'm pleased to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. ANDREWS. The Democratic bill preserves these tax rules for working families, including members of the military; the Republican bill does not. So I would urge my friends on both sides of the aisle to do the following: Let’s oppose the rule that’s on the floor, which gives us a chance to amend the bill. When we amend the bill, let’s cancel out the tax increase on the Air Force sergeant of $1,118 and let’s cancel out the tax increase on the Marine corporal of $448.

Vote “no.”

[From the Center for American Progress, August 1, 2012]

HOUSE REPUBLICAN TAX BILL LEAVES SOME MILITARY FAMILIES BEHIND

MILITARY FAMILIES WITH MODERATE INCOMES COULD loose IMPORTANT TAX CREDITS

(by Seth Hanlon)

The House of Representatives today is scheduled to vote on a House Republican proposal (H.R. 8) that purportedly extends all tax cuts but actually raises taxes on about 25 million families by reducing certain tax credits.

The 25 million families include middle-class families and students who currently benefit from a tax credit for college expenses. Other tax payments raising children on modest incomes who are helped by the child tax credit and earned income tax credit. Some, as illustrated below, are members of the military and their families.

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

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

In 2009, President Barack Obama signed into law improvements to the earned income tax credit—an important tax credit that boosts the earnings of low- and moderate-income workers. In 2009, 211,000 military families benefited from the earned income tax credit.

One of the 2009 improvements reduced the tax credit’s so-called marriage penalty by allowing the tax credit at higher income levels for families that file joint tax returns:

H.R. 8 would let that provision expire, increasing the marriage penalty and thus reducing the credit for married couples in the phaseout range.

With military basic pay of $27,660 (and assuming no other household income), this Marine Corporal’s family is affected by the worsened marriage penalty under H.R. 8. As a result, the family’s tax credit would be reduced by $3,878 compared to the current tax rules, the Senate-passed bill, and the House Democratic alternative.

Here are the details:

Marine corporal (E4), four years’ service, married with two children:

Military basic pay: $27,660
Earned income tax credit under current tax policy and the Senate-passed bill: $4,329
Earned income tax credit under H.R. 8: $3,878

Tax increase under H.R. 8: $448

A military police sergeant (E5) in the Air Force with eight years’ service, with a spouse and three young children at home, would see a tax increase of $1,118 under H.R. 8. Another provision enacted in 2009 boosted the value of the earned income tax credit for families with three or more children, reflecting the fact that these families have a higher cost of living. H.R. 8 would let this provision expire, so that families with three or more children get the same-sized tax credit as families with two children.

With basic pay of $34,723, this sergeant’s family would be affected by both the earned income tax credit and the worsened marriage penalty under H.R. 8. And the reduced credit for families with three or more children. In total, the family’s earned income tax credit would be cut by $2,390 under H.R. 8.

Under the Senate-passed bill and the House Democratic alternative, it would not be cut. Here are the details:

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

Basic pay: $34,723
Earned income tax credit under current tax policy and the Senate-passed bill: $3,508
Earned income tax credit under H.R. 8: $3,290

Tax increase under H.R. 8: $2,390

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

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

With basic pay of an estimated $18,196 in 2013, the Army private’s family’s income is too low to owe federal income tax because of the standard deduction and personal exemptions. Under H.R. 8, the family would only be able to claim a partial child tax credit, limited to $273. In contrast, under the Senate-passed bill and the House Democratic alternative, the family could claim the full $1,000 credit for its child. Here are the details:

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

Basic pay: $18,196

Child tax credit under current tax policy and the Senate-passed bill: $1,000
Child tax credit under H.R. 8: $273

Tax increase: $727

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

In all, the House Republican plan raises taxes on about 25 million families, including 18 million families with children (constituting 37 percent of all families with children).

By contrast, all 98 percent of families with incomes under $200,000 (for singles) would see no tax increase under the Democratic bill, and the 2 percent of Americans with higher incomes will keep tax cuts on their income up to $500,000.

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

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

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

Mr. WELCH. I thank the gentlelady.
low-income and middle Americans. That’s why we sustain the tax breaks that we’ve had in place since the Bush tax cuts were passed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We always hear talk about tax reform, but the only solution my colleagues on the other side of the aisle have to offer is an extension of the extreme policies that saddled the debt and contributed to the current state of the economy. My Republican colleagues say their plan will create jobs. If that’s true, why didn’t it work during the Bush administration when we lost millions?

The Republican philosophy always seems to be to privatize the services and give the back door to the middle class.

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

Today it’s somebody who makes $1 million—rock stars, business tycoons, bankers. They can afford to pay it. They’re not spending that money. We need Americans who spend their money to stimulate our economy.

Mr. LATOURETTE of Ohio, a Republican, announced he wasn’t going to run for re-election because he was for revenue, which is Grover Norquist’s pledge that most of the Republicans have signed. And because he was for revenue, which is what the Democrat plan is, in taxing the wealthiest and most financially blessed in this country, he gave up because he said, you couldn’t get things done. That’s a failure.

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

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

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

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

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

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

On the Republican side, we call that the Job Prevention and Recession Plan. That will activate our economy.

I thank the gentleman from New York for yielding the time.
Ranking Member Slaughter is managing this bill. I rise in great opposition to H.R. 8, but in enthusiastic support for H.R. 15. This is a gift to America's women, working women, mothers.

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

Then, of course, the child tax credit. What a boon for working mothers and others who need that desperate relief. And then, of course, the marriage tax relief. EITC, if you come from the Gulf region, we were saved by the earned income tax credit for Hurricane Katrina victims. It's wonderful to get an extra bit of relief to carry them through. The higher education tax credit. The adoption tax credit. And as I indicated, the child care tax credit. A tax credit, as well, for expensing in small businesses. What are my colleagues and my friends on the other side talking about? A job-killling, economy-killling, deficit-busting H.R. 8 is not the way to go.

So I am enthusiastically here to tell the women of America that this is a vote for you today. Those women who get up every day, who design a way to make a living when there is no job—these women, along with men, who have come into understanding what small business can do for America. I'm excited because I consider the 18th Congressional District to be a host of small businesses. Everywhere I go, individuals are talking about their small businesses.

There is a rule pro tempore. The time of the gentlewoman has expired. Ms. Slaughter. I yield the gentlewoman an additional 10 seconds.

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

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

Madam Speaker. I rise in strong opposition to H.R. 8 and H.R. 6169, and ask my colleagues on both sides of the aisle to come together in support of regular order for any proposed tax legislation, whether it comes to the House floor today, tomorrow, or next year. The Rule before us is structured and I note that is titled H. Res. 747, but unlike the jetliners that we Americans use every day, this bill and the Rule are not yet ready for take-off. House Republicans released a proposal, H.R. 6169, that would relax some of Congress's normal procedural rules in order to enact an overhaul of the tax code—so long as the tax overhaul meets the objectives laid out in the House budget plan authored by House Budget Committee Chairman Paul Ryan.

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

I couldn't agree more with Chairman DREIER but by putting a stranglehold on the tax reform process before we even begin is tantamount to forcing debate on any tax reform bill while potentially limiting input. H.R. 6169 lays out several components that the tax overhaul legislation must have in order to be passed through the easier legislative procedure.

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

The required components of the tax overhaul include:

- replacing the personal income tax rates with just two rates, 10 percent and 25 percent (or less)
- repeal of the Alternative Minimum Tax, AMT
- reducing the statutory corporate income tax rate to 25 percent (or less)
- adoption of a “territorial” tax system (exempting offshore profits of corporations from U.S. taxes)
- collecting revenue equal to between 18 and 19 percent of GDP

The “findings” section of the bill states that revenue will “rise to 21.2 percent of GDP under current law,” meaning its proposed revenue target of between 18 and 19 percent of GDP is an explicit cut in revenue. Like the Republican Plan, the bill introduced by my colleagues Ways and Means Chairman Camp and Rules Committee Chair DREIER, does not say which tax loopholes and tax subsidies should be closed to ensure that the tax system still collects revenue equaling between 18 and 19 percent of GDP even after the plan’s steep rate reductions and the repeal of the AMT are in effect.

My sense is that even if those with incomes exceeding $1 million were forced to give up all the tax expenditures Ryan could possibly want to take away from them—all their itemized deductions, tax credits, the exclusion for employer-provided health insurance and the deduction for health insurance for the self-employed—even then the net result for these taxpayers would be an average income tax cut of $167,000 in 2014.

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

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

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

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

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

I feel like we have been down this path before and I recall many of my colleagues staking a claim to fiscal responsibility. Well, I ask in all sincerity, which bill is more fiscally responsible: H.R. 8, which blows a hole in the deficit, or H.R. 15, the Democratic alternative which keeps the Bush Tax rates in place for the people who truly need tax relief. This is the same Republican Congress which has asked for a balanced budget amendment. It has codified the Joint Select Committee on Deficit Reduction, which is possibly unconstitutional, and has had no impact on jobs and the unemployment problem. Yet today they want us to vote on a tax increase for the top 2 percent. This illustrates what happens when Congress does not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

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

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

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

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

Unlike those provisions contained in which benefit America's struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon...
the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a 2-year extension of Bush-era tax cuts for the wealthiest 2 percent of Americans while keeping their estate tax rate at 35 percent on estates valued at more than $10 Million for individuals and more than $20 Million for couples.

These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our struggling economy or for educators with little or no classroom budget. According to a 2006 National Education Association Study, teachers spend an average of $493 out of pocket on school supplies for their own classrooms.

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

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

Our children should not have to suffer because our teachers are given a Hobson's Choice, forced to choose between using their own finances to effectively teach a class or choosing to use their above-the-line deduction for classroom expenses of up to $250 instead.

For their own classrooms.

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

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

- The estates of 99.7 percent of Americans who die would owe no estate tax at all in 2013. Only the estates of the wealthiest 0.29 percent of Americans who die—about 7,450 people nationwide in 2013—would owe any tax.
- Moreover, under the 2009 rules, the small number of estates that were taxable would face an average effective tax rate of 19.1 percent, far below the statutory estate-tax rate of 45 percent. In other words, 81 percent of the value of these estates would remain after the tax, on average. An estate tax that exempts the estates of 997 of every 1,000 people who die and leaves in place an average of 81 percent of the very wealthiest estates is hardly a confiscatory or oppressive tax.
- Moreover, only 60 small farm and business estates in the entire country would owe any estate tax in 2013, under a reinstatement of the 2009 estate tax rules.

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

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

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

The expiration of the Bush Tax Cuts, the end of the recently extended Payroll Tax Cut, and increases in capital gains and dividends tax will shock the conscience and wallets of the American people. That is why Congress needs to enact bipartisan legislation that
helps lower the deficit but does not wreak havoc on the financial soil of the middle class.

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

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

H.R. 8 unfortunately is not ready for prime time.

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

To: Members of the U.S. House of Representatives,
Re: Small business support for ending the extra Bush tax cuts for the top 2 percent.

Dear Representative: As small business owners, we urge you to end the special Bush-era tax breaks for the richest income earners, or household income over $250,000 a year. This is the right thing to do for small businesses, our local economies, and America.

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

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

Furthermore, the “trickle down” theory used to justify extra tax cuts at the top simply doesn’t work. When the Congressional Budget Office examined close to a dozen options to jumpstart economic activity and job creation in early 2010, it found that extending special tax breaks for the richest Americans would be a wash. Any of these options would create jobs and boosting the economy.

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

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

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

Sincerely,
Charles Carter, Boy Genius World Productions, Redmond, WA; William Wallin, Wallin Mental Medical, Richmond, CA; Penny Shaw, Financial Af-
Mr. KING. I thank the gentleman from Iowa, Mr. STEVE KING.

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

Mr. SCOTT of South Carolina. To consumption. Let America grow, let he gets his share, and then he puts it in the Federal Government has a first lien on the fair tax because the American people understand this—right now, the Fair Tax having lost that debate. I don't ever re-

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

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

I am looking forward to an open de-

And I have done that now since about 1980. And even though I have lost a couple of debates with my wife and some with my family, and even one or two with my staff, I’ve never lost a debate on the fair tax because the American people understand this—right now, the Federal Government has a first lien on the legitimate proposals that would come for real tax reform will be in

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

I remember the inspiration that came when Billy Tauzin and Dick Armey went around the country and debated tax reform between the flat tax and the Fair Tax. I don’t favor it says to me, as I look at this rule, that the legitimate proposals that would come for real tax reform will be in

I have made the pledge that I would

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

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

I am looking forward to an open de-

And I have done that now since about 1980. And even though I have lost a couple of debates with my wife and some with my family, and even one or two with my staff, I’ve never lost a debate on the fair tax because the American people understand this—right now, the Federal Government has a first lien on the legitimate proposals that would come for real tax reform will be in

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

I remember the inspiration that came when Billy Tauzin and Dick Armey went around the country and debated tax reform between the flat tax and the Fair Tax. I don’t favor it says to me, as I look at this rule, that the legitimate proposals that would come for real tax reform will be in

I have made the pledge that I would
Mr. SCOTT of South Carolina. I have one.

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

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

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

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

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

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

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

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

The Senate-passed tax cuts are a simple and fair extension of tax cuts that will directly benefit the middle class. It was quite wonderful to see the Senate of the United States do the sensible thing and say that everyone making $250,000 and under would receive a tax cut. Unfortunately, our colleagues on the other side of the aisle are the only ones standing in the way of the tax cut becoming law. Their flawed alternative proposal demands a pro rata middle class tax cut be accompanied by an additional tax cut for the richest 2 percent. Such a proposal would be and has been a fiscal disaster. It would explode the Nation’s deficit, fail to create jobs, and perpetuate the record of inequality facing our Nation.

The oft-repeated premise that we need to protect job creators—who haven’t created new jobs—with lower corporate taxes and lower taxes for the wealthy should be put to bed. It has been thoroughly and convincingly disproven. Instead of protecting tax loopholes for corporations that ship jobs overseas and serving the wealthy at the expense of the middle class, we should be making the Tax Code more simple and fair and asking everyone just to pay their fair share. Our proposed middle class tax cut would be a great first step towards doing just that.

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

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

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

Madam Speaker, I ask unanimous consent to put the amendment and other material in the RECORD immediately prior to the vote. The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection. Ms. SLAUGHTER. I yield back the balance of my time.

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

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

Madam Speaker, with unemployment for the 41st month over 8 percent, with unemployment in south Atlanta over 9.4 percent, I would suggest, Madam Speaker, now is not the time to engineer fairness. We believe everybody deserves a tax decrease.

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

AMENDMENT OFFERED BY MR. SCOTT OF SOUTH CAROLINA

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

Mr. SCOTT of South Carolina. Madam Speaker, pro tempore. The Clerk will report the amendment. The Clerk reads as follows:

Add the following new section:

SNC. 10. (a) In the engrossment of H. R. 6169, as passed by the House, as new matter at the end of H. R. 6169:

(1) The title of H. R. 6169 shall be changed to reflect the addition of H. R. 6169, as passed by the House, to the engrossment;

(2) assign appropriate designations to provisions within the engrossment;

(3) conform provisions for short titles within the engrossment;

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

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

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

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

AN AMENDMENT TO H. RES. 747 OFFERED BY MR. SCOTT OF SOUTH CAROLINA

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

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

(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 a vote about the procedural question of whether or not to order 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, 398-311), 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 sufficient to vote on whether to proceed to an immediate adoption of the amendment. [Judi] 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 subsection titled “Amending Special Rules” states: a refusal of Representatives, the subchapter titled amendment.''

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The SPEAKER pro tempore. The ayes appeared to have it. The amendment was agreed to. So the amendment was announced as above recorded. The SPEAKER pro tempore. The question is on the resolution, as amended. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

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

CORRECTING THE ENROLLMENT OF H.R. 1627

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

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. Con. Res. 55

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

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

The rotunda of the Capitol is authorized to be used on September 19, 2012, for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma, and for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. RES. 135

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

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

Sec. 1. Short title; table of contents.

(a) Short Title.—This Act may be cited as the “Iran Threat Reduction and Syria Human Rights Act of 2012”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Use of rotunda for presentation of Congressional Gold Medal to Daw Aung San Suu Kyi.

Sec. 2. Definitions.

Sec. 201. Expansion of sanctions with respect to the energy sector of Iran.

Sec. 202. Imposition of sanctions with respect to transportation of crude oil from Iran and evasion of sanctions by shipping companies.

Sec. 203. Expansion of sanctions with respect to development by Iran of weapons of mass destruction.

Sec. 204. Expansion of sanctions available under the Iran Sanctions Act of 1996.

Sec. 205. Modification of waiver standard under the Iran Sanctions Act of 1996.

Sec. 206. Briefings on implementation of the Iran Sanctions Act of 1996.

Sec. 207. Expansion of definitions under the Iran Sanctions Act of 1996.

Sec. 208. Sense of Congress on energy sector of Iran.

Subtitle B—Additional Measures Relating to Iran

Sec. 211. Imposition of sanctions with respect to the provision of vessels or shipping services to transport certain goods related to proliferation or terrorism activities to Iran.

Sec. 212. Imposition of sanctions with respect to provision of underwriting services or insurance or reinsurance for the National Iranian Oil Company or the National Iranian Tanker Company.

Sec. 213. Imposition of sanctions with respect to purchase, acquisition, or facilitation of the issuance of Iranian sovereign debt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 304. Rule of construction.

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

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

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

TITLE IV—MEASURES RELATING TO HUMAN RIGHTS ABUSES IN IRAN

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

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

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

Sec. 403. Imposition of sanctions with respect to persons who engage in censorship or journalist harassment activities against citizens of Iran.

Subtitle B—Additional Measures to Promote Human Rights

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


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

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

Sec. 415. Statement of policy on political prisoners.

TITLE V—MISCELLANEOUS

Sec. 501. Exclusion of citizens of Iran seeking to obtain U.S. visas.

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

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


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

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

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

TITLE VI—GENERAL PROVISIONS

Sec. 601. Implementation; penalties.

Sec. 602. Applicability to certain intelligence activities.

Sec. 603. Application to certain natural gas projects.

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

Sec. 605. Termination.

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

Sec. 701. Short title.

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

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

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

Sec. 705. Waiver.

Sec. 706. Termination.

SECTION 2. DEFINITIONS.

Except as otherwise specifically provided, in this Act—

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

(2) FINANCIAL TRANSACTION.—The term “fi nancial transaction” means any transfer of value involving a financial institution, including the transfer of foreign currency,黄金, or other precious metals, swaps, or precious metals, including gold, silver, platinum, and palladium.

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

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

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

(1) prompt enforcement of the current multil ateral sanctions regime with respect to Iran;

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

(A) intensified monitoring by the President and the designees of the President, including the Secretary of the Treasury, the Secretary of State, and senior officials in the intelligence community (as defined in section 14 of the National Security Act of 1947 (50 U.S.C. 401a(4)), as appropriate;

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

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

(D) expanded cooperation with international sanctions enforcement efforts;

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

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

(B) the provision of insurance and reinsur ance services to Iran;

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

(D) those Iranian financial institutions not yet designated for the imposition of sanctions.
that may be acting as intermediaries for Iranian financial institutions that are designated for the imposition of sanctions; and

(4) a focus on countering Iran’s efforts to evade sanctions,

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

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

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

SEC. 102. DIPLOMATIC EFFORTS TO EXPAND MULTILATERAL SanCTIONS REGIME.

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

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

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

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

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

(B) expand the range of sanctions imposed with respect to Iran by allies of the United States;

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

(4) developing additional initiatives to—

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

(B) assist countries that purchase or otherwise obtain crude oil or petroleum products from Iran to eliminate their dependence on crude oil and petroleum products from Iran; and

(5) eliminating the revenue generated by the Government of Iran from the sale of petrochemical products produced in Iran to other countries.

(b) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful that includes—

(1) an identification of the countries that have agreed to impose sanctions or take other measures to further the policy set forth in subsection (a)

(2) the extent of the implementation and enforcement of those sanctions or other measures by those countries;

(3) any efforts the President uses to determine whether a country has significantly reduced its crude oil purchases from Iran pursuant to section 1245(d)(4)(D) of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 504, including considerations of reductions both in terms of volume and price;

(4) an identification of the countries that have not agreed to impose such sanctions or measures, including such countries granted exceptions for significant reductions in crude oil purchases pursuant to section 1245(d)(4)(D); and

(5) recommendations for additional measures that the United States could take to further diplomatic efforts described in subsection (a); and

(6) the implementation and enforcement of sanctions imposed with respect to Iran by the World Trade Organization or its predecessor organization.

TITLE II—EXPANSION OF SANCTIONS RELATING TO THE ENERGY SECTOR OF IRAN AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION BY IRAN

Subtitle A—Expansion of the Iran Sanctions Act of 1996

SEC. 201. EXPANSION OF SANCTIONS WITH RESPECT TO THE ENERGY SECTOR OF IRAN.

Section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) in the subsection heading, by striking “VIRTUALLY ALL” and inserting “THE PRODUCTS OF THE IRANIAN OIL INDUSTRY WOULD BE RESTRICTED TO ‘IRAN’”;

(2) in paragraph (1) (A)—

(1) by striking “3 or more” and inserting “5 or more”;

(B) by striking “the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010” and inserting “the Iran Threat Reduction and Syria Human Rights Act of 2012”;

(3) in paragraph (2)—

(A) by striking “(B)” and inserting “(A)”;

(B) by striking “the Iran Threat Reduction and Syria Human Rights Act of 2012”;

(4) in paragraph (3)—

(1) by striking “(ii)” and inserting “(i)”;

(2) by striking “$1,000,000 or more” and inserting “$5,000,000 or more”;

(B) goods, services, technology, or support by the Government of Iran for—

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

(ii) the activities of financial institutions or other business or government agencies, for the purpose of

(iii) support by the Government of Iran for—

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

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO PETROLEUM RESOURCES AND REFINED PETROLEUM PRODUCTS IN IRAN.

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, sells, leases, or provides to Iran goods, services, technology, or support described in subparagraph (B) or (C). (B) GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran’s ability to develop petroleum resources in Iran.

(C) SHORT TITLE.—Title II of the Iran Sanctions Act of 1996, as amended by this Act, is further amended by adding at the end the following:

“SEC. 6(a).—(1) an identification of the countries that have previously available to Iran that could directly and significantly contribute to the maintenance or enhancement of Iran’s ability to develop petroleum resources in Iran;

(2) an identification of the countries that have previously available to Iran that could directly and significantly contribute to the maintenance or enhancement of Iran’s ability to develop petroleum resources in Iran and Syria Human Rights Act of 2012;

(3) the criteria the President uses to determine whether a country has significantly reduced its crude oil purchases from Iran pursuant to section 1245(d)(4)(D) of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 504, including considerations of reductions both in terms of volume and price; and

(4) an identification of the countries that have not agreed to impose such sanctions or measures, including such countries granted exceptions for significant reductions in crude oil purchases pursuant to section 1245(d)(4)(D).” (f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and the President shall take such appropriate action as necessary to ensure that this section is fully effective on the date of the enactment of this Act, and any actions taken under this section shall be permanent in nature.

SEC. 203. PROHIBITION ON JOINT VENTURES RELATING TO THE ENERGY SECTOR OF IRAN.

(A) IN GENERAL.—Section 5(a) of the Iran Sanctions Act of 1996, as amended by section 201, is further amended by adding at the end the following:

“(4) JOINT VENTURES WITH IRAN RELATING TO THE ENERGY SECTOR OF IRAN.

(B) GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran’s ability to develop petroleum resources in Iran.

(C) APPLICABILITY.—Subparagraph (A) shall not apply with respect to participation in a joint venture established on or after January 1, 2002, and on or before the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, if the person participating in the joint venture terminates that participation on or before the date that is 180 days after such date of enactment. (D) SUPPORT FOR THE DEVELOPMENT OF PETROLEUM RESOURCES AND REFINED PETROLEUM PRODUCTS IN IRAN.

(1) any of which has a fair market value of $1,000,000 or more; or

(2) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, OR SUPPORT DESCRIBED.—Goods, services, technology, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the maintenance or enhancement of Iran’s ability to develop petroleum resources in Iran.

(E) ENFORCEMENT.—The Secretary of State shall, to the extent possible, coordinate with the Secretary of the Treasury to enforce this subsection with respect to actions pursuant to this subsection. (F) REPORTS.—Not less than 30 days after the date of the enactment of this Act, the President shall provide to the Committees on Appropriations of the House of Representatives and the Senate an estimate of the extent to which sanctions imposed under this section are being taken into account in making decisions, including any decisions of the United States to provide assistance, professional services, training, or other support to countries outside of Iran, to ensure that such providers are not participating in, facilitating, or indirectly, the evasion of the sanctions regime with respect to Iran or violations of the human rights of the people of Iran; and

(G) OTHER AUTHORITY.—Nothing in this section shall affect any other authority of the United States to impose or enforce sanctions against Iran, including the United Nations Security Council sanctions regime.”
“(7) TRANSPORTATION OF CRUDE OIL FROM IRAN.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that—

(i) the person is controlling beneficial owner, or otherwise owns, operates, or controls a vessel, ship, aircraft, or insures, a vessel that, on or after the date that is 90 days after the date of the enactment of this Act, the Iran Threat Reduction and Syria Human Rights Act of 2012, was used to transport crude oil from Iran to another country; and

(ii) in the case of a person that is a controlling beneficial owner of the vessel, the person had actual knowledge the vessel was so used;

(B) APPLICABILITY OF SANCTIONS.—

(i) In GENERAL.—Except as provided in clause (ii), subparagraph (A) shall apply with respect to the transportation of crude oil from Iran only if a determination of the President under paragraph (3)(B) of section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that there is a sufficient supply of petroleum and petroleum products produced in countries other than Iran to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect at the time of the transportation of crude oil.

(ii) EXCEPTION FOR CERTAIN COUNTRIES.—Subparagraph (A) shall not apply with respect to the transportation of crude oil from Iran by a country to which the exception under paragraph (4)(D) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996, as added by this Act, is in effect at the time of the transportation of the crude oil.

(B) CONCEALING IRANIAN ORIGIN OF CRUDE OIL AND REFINED PETROLEUM PRODUCTS.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person is a controlling beneficial owner, or otherwise owns, operates, or controls, a vessel, ship, aircraft, or insures, a vessel that, on or after the date that is 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, is used to transport crude oil or refined petroleum products from Iran in a manner for which sanctions may be imposed under either such paragraph.

(B) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe such regulations or guidelines as are necessary to implement subparagraphs (A) and (B) of such paragraph (8).

SEC. 203. EXPANSION OF SANCTIONS WITH RESPECT TO DEVELOPMENT BY IRAN OF WEAPONS OF MASS DESTRUCTION.

(A) IN GENERAL.—Section 5(b) of the Iran Sanctions Act of 1996 (as added by Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

(i) EXPORTS, TRANSFERS, AND TRANSPORTATIONS.—Except as provided in subsection (f), the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person—

(A) on or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, exported or transferred, or conspired, assisted, or participated in the transportation of, any goods, services, technology, or other items to any other person; and

(B) knew or should have known that—

(i) the export, transfer, or transportation of the goods, services, technology, or other items would likely result in another person exporting, transshipping, transshipping, or otherwise providing assistance, services, technology, or other items to Iran; and

(ii) the export, transfer, or transportation of the goods, services, technology, or other items to Iran would contribute materially to the ability of Iran to—

(I) acquire or develop nuclear, chemical, or biological weapons or related technologies; or

(II) acquire or develop destabilizing numbers and types of advanced conventional weapons.

(B) PROHIBITION.—Subject to such regulations as the President may prescribe and in addition to the sanctions imposed under subparagraph (A), the President may prohibit a vessel, ship, aircraft, or insures, or any part thereof, for which a person, including a controlling beneficial owner, with respect to which the President has imposed sanctions under that subparagraph and that was used or operated for which a person, including a controlling beneficial owner, with respect to which the President imposed those sanctions from landing at a port in the United States for a period of not more than 2 years after the date on which the President imposed those sanctions.

(C) VESSELS IDENTIFIED BY THE OFFICE OF FOREIGN ASSETS CONTROL.—For purposes of subparagraph (A), a vessel shall be deemed to have actual knowledge that a vessel is owned, operated, or controlled by the Government of Iran or an entity specified in clause (ii) of this subparagraph (A) if—

(i) the owner, operator, or controller, as the case may be, fails to disclose that the vessel is owned, operated, or controlled by—

(I) the Government of Iran;

(II) an entity incorporated in Iran or subject to the jurisdiction of the Government of Iran; or

(III) a person acting on behalf of or at the direction of, or owned or controlled by, the Government of Iran or an entity described in item (bb) or (cc) of paragraph (3); and

(ii) the vessel is operated by—

(I) a vessel that is owned, operated, or controlled by a person that provides underwriting services or insurance or reinsurance for the transportation of crude oil or refined petroleum products from Iran in a manner for which sanctions may be imposed under either such paragraph; or

(III) in the case of a vessel in which the Government of Iran or a person that otherwise owns, operates, or controls, or insures, the vessel, the person knew or should have known the vessel was so used.

(D) DEFINITION OF IRANIAN ORIGIN.—For purposes of subparagraph (A), the term ‘‘Iranian origin’’ means—

(I) with respect to crude oil, that the crude oil was extracted in Iran; and

(ii) with respect to a refined petroleum product, that the refined petroleum product was produced or refined in Iran.

(E) EXCEPTION FOR PROVISION OF UNDERWRITING SERVICES AND INSURANCE AND REINSURANCE.—The President shall prescribe such regulations or guidelines as are necessary to implement subsection (b)(1) of such paragraph (8).

(F) APPLICABILITY OF SANCTIONS.—Subparagraph (A) shall not apply with respect to transportation in a joint venture established before the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012 if the person participating in the joint venture that participated, on or after the date that is 180 days after such date of enactment.

(G) CONFORMING AMENDMENTS.—The Iran Sanctions Act of 1996, as amended by this section and sections 201 and 202, is further amended—

(1) in section 5—

(A) in paragraph (3) of subsection (b), as redesignated by subsection (a)(1) of this section—

(i) by striking paragraph (1) and inserting ‘‘paragraph (1) or (2);’’ and

(ii) by striking ‘‘the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010’’ and inserting ‘‘the Iran Threat Reduction and Syria Human Rights Act of 2012’’; and

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ‘‘subsections (a) and (b)(I)’’ and inserting ‘‘subsections (a) and (b)(II)’’; and

(ii) by striking ‘‘(A) under section (b)’’ and inserting ‘‘(B) under section (b)’’.

(2) in paragraph (4)—

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

(i) the President shall impose 5 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person—

(A) on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010; and

(B) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ‘‘subsections (a) and (b)(II)’’ and inserting ‘‘subsections (a) and (b)(I)’’; and

(ii) by striking ‘‘the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010’’ and inserting ‘‘the Iran Threat Reduction and Syria Human Rights Act of 2012’’; and

SEC. 204. EXPANSION OF SANCTIONS AVAILABLE UNDER THE IRAN SANCTIONS ACT OF 1996.

(A) IN GENERAL.—Section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—
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SEC. 212. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR THE NATIONAL IRANIAN OIL COMPANY OR THE NATIONAL IRANIAN TANKER COMPANY.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of the enactment of this Act, the President shall impose the same or a successor entity to either such company.

(b) EXCEPTIONS.—

(1) UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President is authorized not to impose sanctions under subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not provide underwriting services or insurance or reinsurance for the National Iranian Oil Company, the National Iranian Tanker Company, or a successor entity to either such company.

(c) DEFINITIONS.—In this section:

(1) MEDICINE.—The term ‘‘medicine’’ has the meaning given to that term by section 11 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(B)).

(2) MEDICAL DEVICE.—The term ‘‘medical device’’ has the meaning given the term ‘‘device’’ in section 210 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) MEDICINE.—The term ‘‘medicine’’ has the meaning given the term ‘‘drug’’ in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(d) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

(1) Subsection (c) of section 4.

(2) Subsections (c), (d), and (j) of section 5.

(3) Section 8.

(4) Section 9.

(5) Section 11.

(6) Section 12.

(7) Subsection (b) of section 13.

(8) Subsection (c) of section 14.

SEC. 213. IMPOSITION OF SANCTIONS WITH RESPECT TO PURCHASE, SUBSCRIPTION FOR, OR ACQUISITION OF THE ISSUANCE OF IRANIAN SOVEREIGN DEBT.

(a) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996, as amended by section 204, with respect to a person if the President determines knowingly on or after the date of the enactment of this Act, purchases, subscribes to, or facilitates the issuance of—

(1) sovereign debt of the Government of Iran issued on or after such date of enactment, including governmental bonds; or

(2) debt of any entity owned or controlled by the Government of Iran issued on or after such date of enactment, including bonds.

(b) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996:

(1) Subsection (c) of section 4.

(2) Subsections (c), (d), and (j) of section 5.

(3) Section 8.

(4) Section 9.

(5) Section 11.

(6) Section 12.

(7) Subsection (b) of section 13.

(8) Subsection (c) of section 14.

SEC. 214. IMPOSITION OF SANCTIONS WITH RESPECT TO SUBSIDIARIES AND AGENTS OF PERSONS SANCTIONED BY UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.

(a) IN GENERAL.—Section 104(c)(2)(B) of the Comprehensive Iranian Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(B)) is amended—

(1) by striking ‘‘of a person subject’’ and inserting ‘‘a person subject’’; and

(2) in clause (i), as designated by paragraph (1), by striking the semicolon and inserting ‘‘;’’.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such regulations as are necessary to carry out the amendments made by subsection (a).

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains a detailed description of—

‘‘(A) the effect of the regulations prescribed under section 104(c)(1) on the financial system of Iran and capital flows to and from Iran; and

‘‘(B) the ways in which funds move into and out of financial institutions described in section 104(c)(1), with specific attention to the use of other Iranian financial institutions and other foreign financial institutions to receive and transfer funds for financial institutions described in that section.

(2) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term ‘‘financial institution’’ means a financial institution including a foreign branch of such an institution.

(2) FOREIGN FINANCIAL INSTITUTION.—The term ‘‘foreign financial institution’’ has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(c)(2).

(3) IRANIAN FINANCIAL INSTITUTION.—The term ‘‘Iranian financial institution’’ has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(c)(2).

SEC. 215. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH PERSONS SPECIFICALLY DESIGNATED FOR CERTAIN ACTIVITIES RELATED TO TERRORISM OR PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—Section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)) is amended in the matter preceding clause (I) by striking ‘‘financial institution’’ and inserting ‘‘person’’.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall make such regulations as are necessary to carry out the amendments made by subsection (a).

SEC. 216. EXPANSION OF, AND REPORTS ON, MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN ACTIVITIES RELATING TO IRAN.

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 104 the following:

‘‘SEC. 104A. EXPANSION OF, AND REPORTS ON, MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN ACTIVITIES RELATING TO IRAN.

‘‘(a) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the Secretary of the Treasury shall revise the regulations prescribed under section 104(c)(1) to apply to a foreign financial institution described in subsection (b) to the same extent and in the same manner as those regulations apply to a foreign financial institution that the Secretary of the Treasury finds knowingly engages in an activity described in section 104(c)(2).

‘‘(b) FOREIGN FINANCIAL INSTITUTIONS DESCRIBED.—A foreign financial institution described in this subsection is a foreign financial institution, including an Iranian financial institution, that the Secretary of the Treasury finds—

‘‘(1) knowingly facilitates, or participates in, any activity described in, or acts on behalf of or at the direction of, or as an intermediary for, or otherwise assists, another person with respect to the authority;

‘‘(2) attempts or conspires to facilitate or participate in such an activity; or

‘‘(3) is owned or controlled by a foreign financial institution that the Secretary finds knowingly engages in such an activity.

‘‘(c) REPORTS REQUIRED.—

‘‘(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains a detailed description of—

‘‘(A) the effect of the regulations prescribed under section 104(c)(1) on the financial system of Iran and capital flows to and from Iran; and

‘‘(B) the ways in which funds move into and out of financial institutions described in section 104(c)(1), with specific attention to the use of other Iranian financial institutions and other foreign financial institutions to receive and transfer funds for financial institutions described in that section.

‘‘(2) FORM OF REPORT.—Each report submitted under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) DEFINITIONS.—In this section:

(1) FINANCIAL INSTITUTION.—The term ‘‘financial institution’’ means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (R), or (Y) of section 3312(g)(2) of title 31, United States Code.

(2) FOREIGN FINANCIAL INSTITUTION.—The term ‘‘foreign financial institution’’ has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(c)(2).

(3) IRANIAN FINANCIAL INSTITUTION.—The term ‘‘Iranian financial institution’’ means—

‘‘(A) a financial institution organized under the law of Iran or any jurisdiction within Iran, including a foreign branch of such an institution;

‘‘(B) a financial institution located in Iran; or

‘‘(C) an institution in Iran, including a financial institution located in Iran, owned or controlled by the Government of Iran; and
(D) a financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).''.

(b) CLERICAL AMENDMENT.—The table of contents and the list of illustrative provisions for this title in subchapter III of chapter 1 of the United States Code, and the list of illustrative provisions for section 104 of that chapter, are amended by striking the matter after "SEC. 104. RIGHTS TO INVE.

SEC. 217. CONTINUATION OF EFFECT OF SANCTIONS WITH RESPECT TO THE GOVERNM

(a) SANCTIONS RELATING TO BLOCKING OF PROPERTY OF THE GOVERNMENT OF IRAN AND I

(b) SANCTIONS RELATING TO FOREIGN SANCTIONS.

(1) IN GENERAL.—The President shall submit to Congress a certification that describes in subsection (b), the President shall submit to the appropriate congressional committees the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

(c) CONTINUATION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.—In addi

(d) CERTIFICATION DESCRIBED.—(1) A certification described in this subsection is the certification of the President to Congress that the Central Bank of Iran is not—

(2) SUBMISSION TO CONGRESS.—(I) The President shall submit to Congress a certification described in subsection (b), the President shall submit to the appropriate congressional committees the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501(a)).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to order the suspension of transactions, and the imposition of sanctions with respect to foreign financial transactions for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

SEC. 218. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOR-

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ‘entity’ means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ‘own or control’ means, with respect to—

(a) to hold more than 50 percent of the equity interest by vote or value in the entity;

(b) to hold a majority of seats on the board of directors; or

(c) to otherwise control the actions, policies, or personnel decisions of the entity.

(b) PROHIBITION.—Not later than 60 days after the date of the enactment of this Act, the President shall prohibit an entity owned or controlled by a United States person and established or maintained outside the United States from knowingly engaging in a transaction directly or indirectly with the Government of Iran or any person subject to the jurisdiction of the Government of Iran that would be prohibited by an order of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) if the transaction were engaged in by a United States person or in the United States.

(c) CIVIL PENALTY.—The civil penalties provided for in section 206 of the International Economic Emergency Powers Act (50 U.S.C. 1705(f)) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of any order or regulation issued to implement subsection (b).

(d) APPLICABILITY.—Subsection (c) shall not apply with respect to a transaction described in subsection (b) by an entity owned or controlled by a United States person and established or maintained outside the United States without the direct or indirect involvement of a principal of the United States person.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to order the suspension of transactions and the imposition of sanctions with respect to foreign financial transactions for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).
SEC. 220. REPORTS ON, AND AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO, THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO THE CENTRAL BANK OF IRAN OR GROUPS OF FINANCIAL INSTITUTIONS SANCTIONED BY THE UNITED STATES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) providers of specialized financial messaging services are a critical link to the international financial system; and

(2) the European Union is to be commended for strengthening the multilateral sanctions regime against Iran by deciding that specialized financial messaging services may not be provided to the Central Bank of Iran and other sanctioned Iranian financial institutions by persons subject to the jurisdiction of the European Union.

(b) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report that contains—

(A) a list of the names of the financial institutions described in paragraph (2) that were produced or refined to Iran during the period specified in the report or any other period that the President determines justify the extension of that period;

(B) a list of the names of the financial institutions described in paragraph (2) that were produced or refined to Iran during the period specified in the report that are no longer producing or refining to Iran during that period; and

(C) a list of the names of the financial institutions described in paragraph (2) were produced or refined to Iran during the period specified in the report that are no longer producing or refining to Iran during that period.

(2) REPORTS.—(A) Unless the Secretary determines that a continuation of the reports is not necessary to further the purposes of this Act, the Secretary shall provide the reports required by this section—

(i) at least annually thereafter, the President shall publish a report containing the matters identified under such governing foreign law for purposes of that sanctions regime;

(ii) the Secretary determines that—

(I) the group is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(ii) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitating of direct or indirect access to such specialized financial messaging services through intermediary financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(B) a detailed assessment of the status of efforts by the Secretary to end the direct provision of such services to, and the enabling or facilitating of direct or indirect access to such messaging services for, the Central Bank of Iran or any financial institution described in that section.

(2) ENABLING OR FACILITATING OF ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.—For purposes of paragraph (1) and subsection (c), enabling or facilitating direct or indirect access to specialized financial messaging services for the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)), and

(A) the person is subject to a sanctions regime under its governing foreign law that requires it to eliminate the knowing provision of such financial messaging services to, and the knowing enabling and facilitating of direct or indirect access to such financial messaging services for—

(i) the Central Bank of Iran; and

(ii) a group of Iranian financial institutions identified under foreign law for purposes of such sanctions regime, the President determines that—

(1) the activity is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(2) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such financial messaging services to, and the knowing enabling and facilitating of direct or indirect access to such financial messaging services for, the Central Bank of Iran or any financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

SEC. 221. IDENTIFICATION OF, AND IMMIGRATION RESTRICTIONS ON, SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN AND THEIR FAMILY MEMBERS.

(a) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Committees shall submit to the appropriate congressional committees a report that contains—

(1) a list of the names of the individuals identified under such governing foreign law for purposes of that sanctions regime if the President determines that—

(I) the group is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(ii) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such messaging services to, and the knowing enabling and facilitating of direct or indirect access to such messaging services for, the Central Bank of Iran or any financial institution described in that section.

(2) ENABLING OR FACILITATING OF ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES THROUGH INTERMEDIARY FINANCIAL INSTITUTIONS.—For purposes of paragraph (1) and subsection (c), enabling or facilitating direct or indirect access to specialized financial messaging services for the Central Bank of Iran or a financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)), and

(a) the person is subject to a sanctions regime under its governing foreign law that requires it to eliminate the knowing provision of such financial messaging services to, and the knowing enabling and facilitating of direct or indirect access to such financial messaging services for—

(i) the Central Bank of Iran; and

(ii) a group of Iranian financial institutions identified under foreign law for purposes of such sanctions regime, the President determines that—

(1) the activity is substantially similar to the group of financial institutions described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(c)(2)(E)(ii)); and

(2) the differences between those groups of financial institutions do not adversely affect the national interest of the United States; and

(B) the person has, pursuant to that sanctions regime, terminated the knowing provision of such financial messaging services to, and the knowing enabling and facilitating of direct or indirect access to such financial messaging services for, the Central Bank of Iran or any financial institution described in section 104(c)(2)(E)(ii) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

(a) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall publish a list of each individual the President determines is—

(1) a senior official of the Government of Iran described in subsection (b) that is involved in—

(A) illicit nuclear activities or proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) support for international terrorism; or

(C) commission of serious human rights abuses against citizens of Iran or their family members;

or

(2) a family member of such an official.

(b) SENIOR OFFICIALS OF THE GOVERNMENT OF IRAN DESCRIBED.—A senior official of the Government of Iran described in this subsection is any senior official of that Government, including—

(1) the Supreme Leader of Iran;

(2) the President of Iran;

(3) a member of the Cabinet of the Government of Iran;

(4) a member of the Assembly of Experts;

(5) a senior member of the Intelligence Ministry of Iran; or

(6) a senior member of Iran’s Revolutionary Guard Corps, including a senior member of a paramilitary organization such as Ansar-e-Heszbollah or Basiji-e Motaz’afin.

(c) EXCLUSION FROM UNITED STATES.—Except as provided in subsection (a), the Secretary of Homeland Security shall exclude from the United States any alien who is on the list required by subsection (a).

(d) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (a) shall not apply with respect to the admission or residence of any alien who is a member of the United Nations Headquarters Agreement.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the one-year period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

SEC. 223. GOVERNMENT ACCOUNTABILITY OF FOREIGN ENTITIES THAT INVEST IN THE ENERGY SECTOR OF IRAN OR EXPORT REFINED PETROLEUM PRODUCTS TO IRAN.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall provide the appropriate congressional committees a report that contains—

(i) entities that exported gasoline and other refined petroleum products to Iran;

(ii) entities involved in providing refined petroleum products to Iran, including—

(A) entities that provided shipping services to transport refined petroleum products to Iran; and

(B) entities that provided insurance or reinsurance for shipments of refined petroleum products to Iran; and

(iii) entities involved in commercial transactions of any kind, including joint ventures anywhere in the world, with Iranian energy companies; and

(iv) identifying the countries in which gasoline and other refined petroleum products exported to Iran during the period specified in paragraph (2) were produced or refined.

(2) PERIOD SPECIFIED.—The period specified in this paragraph is the period beginning on January 1, 2009, and ending on the date that is 150 days after the date of the enactment of this Act.

(b) UPDATED REPORT.—Not later than one year after the date of the report required by subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the one-year period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

SEC. 224. REPORTING ON THE IMPORTATION AND EXPORTATION FROM IRAN OF CHEMICALS, CHEMICALS OF THE GROUP OF CHEMICALS UNDER SANCTIONS, AND REFINED PETROLEUM PRODUCTS.

Section 110(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8532) is amended by striking "a report containing the matters" and all that follows through the period at the end and...
inserting the following: ‘‘a report, covering the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section, shall be submitted in unclassified form but may contain a classified annex.’’

SEC. 302. IDENTIFICATION OF, AND IMPOSITION OF SANCTIONS WITH RESPECT TO, PERSONS THAT SUPPORT OR CONDUCT CERTAIN TRANSACTIONS WITH IRAN’S REVOLUTIONARY GUARD CORPS OR OTHER SANCTIONED PERSONS.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and as appropriate, the President shall—

(A) identify foreign persons that are officials, agents, or affiliates of Iran’s Revolutionary Guard Corps; and

(B) submits to the appropriate congressional committees a report that—

(i) identifies the foreign person with respect to which the waiver applies; and

(ii) sets forth the reasons for the determination.

(2) FORM OF REPORT.—A report submitted under paragraph (1)(B) shall be submitted in unclassified form but may contain a classified annex.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to remove any sanctions described in this subtitle and subject to paragraph (2), the President may prescribe, including regulatory exceptions under paragraph (1), the term ‘‘transaction’’ includes barter transactions.

(c) SENSITIVE TRANSACTIONS AND ACTIVITIES DESCRIBED.—A sensitive transaction or activity described in this subsection is—

(1) a financial transaction or series of transactions valued at more than $1,000,000 in the aggregate, or series of transactions involving a non-Iranian financial institution;

(2) a transaction to facilitate the manufacture, importation, exportation, or transfer of items described in subparagraph (A) of subsection (d), including—

(A) a sensitive transaction by Iran of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;

(B) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran’s energy sector, including—

(i) a transaction relating to the development of the energy resources of Iran; the exportation of petroleum products from Iran, the importation of refined petroleum to Iran, or the development of refining capacity available to Iran; or

(ii) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515(c))).

(c) TERMINATION.—The President may terminate a sanction imposed with respect to a foreign person pursuant to subsection (b) if the President determines that the person—

(1) engages in the activity for which the sanction was imposed; and

(2) has provided assurances to the President that the person will not engage in any activity described in subsection (a)(1) in the future.

(d) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (b) if the President determines that the person—

(i) is not an official, agent, or affiliate of Iran’s Revolutionary Guard Corps, or any of its officials, agents, or affiliates; or

(ii) is not an affiliate of Iran’s Revolutionary Guard Corps or any of its officials, agents, or affiliates;

(iii) does not otherwise engage in the activity described in subsection (a)(1) in the future.

(e) WAIVER OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (b) if the President determines that the person—

(i) is not a foreign person that is subject to financial sanctions pursuant to section 301(a)(1) or any other provision of this subtitle and subject to paragraph (2), the President shall not be required to make any identification of a foreign person under subsection (a)(1) or any identification or designation of a foreign person under section 301(a) if the President—

(i) determines that doing so would cause damage to the national security of the United States; and

(ii) notifies the appropriate congressional committees of the exercise of the authority provided under this subsection.

(f) APPLICATION OF PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of
the Iran Sanctions Act of 1996, as amended by this Act, apply with respect to the imposition under subsection (b)(1) of sanctions relating to activities described in subsection (a)(1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996: (1) Subsections (c) and (e) of section 4. (2) Subsection (a)(2) of section 5. (3) Section 6. (4) Section 9. (5) Section 11. (6) Section 12. (7) Subsection (b) of section 13. (8) Section 15.

SEC. 303. IDENTIFICATION OF, AND IMPOSITION OF MEASURES WITH RESPECT TO, FOREIGN GOVERNMENT AGENCIES (INCLUDING AGENCY ORGANIZATIONS) AND FOREIGN PERSONS INVOLVED IN TRANSACTIONS WITH CERTAIN IRAN-AFFILIATED PERSONS.

(a) IDENTIFICATION.—(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that identifies each agency of the government of a foreign country (other than Iran) that the President determines knowingly and materially assists Iran with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996: (i) by acting on behalf of or at the direction of, or owned or controlled by, a person described in subparagraph (C) of subsection (a)(2); or (ii) the agency is no longer acting on behalf of or at the direction of, or owned or controlled by, a person described in subparagraph (C) of subsection (a)(2); or (iii) the agency has been identified pursuant to subsection (b) if the President determines that the assistance, except for any credit, financial assistance by any department, agency, or instrumentality of the United States Government, except that this section shall apply with respect to the imposition of the measures have commenced or transactions have been entered into or are in effect on the date of the enactment of this Act, apply with respect to the transactions described in subsection (a) as are carried out on or after the later of—(1) the date that is 45 days after such date of enactment; or (2) the date that is 45 days after a person is designated as described in subparagraph (A) or (B) of subsection (a)(2).

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to limit the authority of the President to designate foreign persons for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

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

SEC. 311. EXPANSION OF PROCUREMENT PROHIBITIONS TO ADDITIONAL MEASURES THAT ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN’S REVOLUTIONARY GUARD CORPS

(a) IN GENERAL.—Section 6(b)(1) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended— (1) by striking ‘‘Not later than 90 days’’ and inserting the following: ‘‘(A) CERTIFICATIONS RELATING TO ACTIVITIES DESCRIBED IN SECTION 5.—Not later than 90 days’’; and (2) by adding at the end the following:

‘‘(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN’S REVOLUTIONARY GUARD CORPS.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the Federal Acquisition Regulation shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not knowingly engage in a significant transaction or transactions with Iran’s Revolutionary Guard Corps or any of its officials, agents, or affiliates the property and interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).’’.

(b) TECHNICAL AND CONFORMING AMENDMENTS.— (1) Subsection (b)(6) of the Iran Sanctions Act of 1996, as amended by subsection (a), is further amended— (A) in subparagraph (A) of paragraph (1), as designated by subsection (a)(1), by striking ‘‘issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 3715);’’ and (B) in paragraph (2)— (i) in subparagraph (A)— (I) by striking ‘‘revision’’ and inserting ‘‘the applicable revision’’; and (II) by striking ‘‘not less than 3 years’’ and inserting ‘‘not less than 2 years’’; and (ii) in subparagraph (B), by striking ‘‘issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421);’’ and (C) in paragraph (3), by striking ‘‘in the national interest’’ and inserting ‘‘to the essential national security interests’’; and (D) by striking paragraph (6) and inserting the following: ‘‘(6) DEFINITIONS.—In this section: (A) EXECUTIVE AGENCY.—The term ‘executive agency’ means an agency having an executive function as defined in section 133 of title 41, United States Code. (B) FEDERAL ACQUISITION REGULATION.—The term ‘Federal Acquisition Regulation’ means the regulation issued pursuant to section 1303(a)(1) of title 41, United States Code.’’.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.
“(B) CERTIFICATIONS RELATING TO TRANSACTIONS WITH IRAN’S REVOLUTIONARY GUARD CORPS.—The revisions to the Federal Acquisition Regulation required under paragraph (1)(B) shall apply to contracts for which solicitations are issued on or after the date that is 120 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Accountability and Divestment Act of 2010 (22 U.S.C. 8513(c)) is amended by striking “section 105 of the Federal Procurement Policy Act (41 U.S.C. 403) and inserting “section 133 of title 41, United States Code”.

SEC. 312. DETERMINATIONS OF WHETHER THE NATIONAL IRANIAN OIL COMPANY AND THE NATIONAL IRANIAN TANKER COMPANY ARE AGENTS OR AFFILIATES OF IRAN’S REVOLUTIONARY GUARD CORPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Iranian Oil Company and the National Iranian Tanker Company are not only owned and controlled by the Government of Iran but that those companies provide significant support to Iran’s Revolutionary Guard Corps and its affiliates.

(b) DETERMINATIONS.—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(g)) is amended by striking “subsection (a) is responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing the commission of serious human rights abuses against officers of their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran. For any such person who is not included in such report, the Secretary of State should describe in the report the reasons why the person was not included, including information on whether sufficient credible evidence of responsibility for such abuses was found.”

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) DEFINITION.—In this subsection, the term ‘appropriate congressional committees’ means—

(a) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(b) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

SEC. 402. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

(a) IN GENERAL.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.) is amended by inserting after section 105 the following:

“SEC. 105A. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO IRAN THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

“(a) IN GENERAL.—The President shall impose sanctions in accordance with subsection (c) with respect to each person on the list required by subsection (b), including—

(1) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) to Iran, any entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran, or any national of Iran for use in or with respect to Iran;

(2) provides services (including services relating to hardware, software, and specialized information, and professional consulting, engineering, and support services) with respect to the transfer of goods or technologies described in subparagraph (C) after such goods or technologies are transferred to any person described in subparagraph (a)(1).

“(b) APPLICABILITY TO CONTRACTS AND OTHER AGREEMENTS.—A person engages in an activity described in this paragraph if the person—

(1) enters into or is party to a contract or other agreement entered into before, on, or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, or

(2) engaging in an activity described in subparagraph (a)(1) without regard to whether the activity is carried out pursuant to a contract or other agreement entered into before, on, or after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012.

“(C) GOODS OR TECHNOLOGIES DESCRIBED.—Goods or technologies described in this subparagraph are goods or technologies that the President determines have knowingly engaged in an activity described in subparagraph (a)(1) with respect to goods or technologies described in subparagraph (B) on or after such date of enactment.”
the Government of Iran or any of such agencies or instrumentalities) to commit serious human rights abuses against the people of Iran, including—

(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code), rubber bullets, police batons, pepper or chemical sprays, stun grenades, electro-shock weapons, tear gas, water cannons, or surveillance technology; or

(ii) sensitive technology (as defined in section 105(c)) with respect to such goods or technology.

Sec. 105A. Imposition of Sanctions with Respect to Persons Who Engage in Censorship or Other Related Activities Against Citizens of Iran.

(a) In General.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

(b) List of Persons Who Engage in Censorship or Other Related Activities Against Citizens of Iran.

(1) In General.—Not later than 90 days after the date of the enactment of the Iran Threat Reduction and Syria Human Rights Act of 2012, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after June 12, 2009, engaged in censorship or other activities with respect to citizens of Iran.

(2) Updates of List.—The President shall submit an updated list to those committees under section 105(b)(2)(A); and

(3) Form of Report; Public Availability.—

(A) each time the President is required to submit an updated list to those committees under section 105(b)(2)(A); and

(B) as new information becomes available.

(c) Application of Sanctions.—

(1) In General.—Subject to paragraph (2), the President shall impose sanctions described in section 105(c) with respect to a person on the list required by subsection (b).

(2) Transfers to Iran’s Revolutionary Guard Corps.—In the case of a person on the list required by subsection (b) for transferring, or facilitating the transfer of, goods or technologies described in subsection (b)(2)(C) to Iran’s Revolutionary Guard Corps, or providing services with respect to such goods or technologies after such goods or technologies are transferred to Iran’s Revolutionary Guard Corps, the President shall—

(A) place such a person described in section 105(c) with respect to the person; and

(B) impose such other sanctions from among the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) as the President determines appropriate.

(d) Amendment.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 contains the following:

(1) any requests involving the exportation or reexportation of goods, technology, or software to Iran shall include a copy of an official

Subtitle B—Additional Measures to Promote Human Rights

Sec. 411. Codification of Sanctions with Respect to Iran, Syria, and Iraq Using Information Technology.

United States sanctions with respect to Iran and Syria provided for in Executive Order 13666 (77 Fed. Reg. 24571), as in effect on the day before the date of the enactment of this Act, shall remain in effect.

(1) with respect to Iran, until the date that is 30 days after the date on which the President submits to Congress the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)); and

(2) with respect to Syria, until the date on which the provisions of and sanctions imposed pursuant to title VII terminate pursuant to section 706.


The Secretary of State shall—

(1) not later than 90 days after the date of the enactment of this Act, issue guidelines to further describe the technologies that may be considered “sensitive technology” for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2019 (22 U.S.C. 8531), with special attention to new forms of sophisticated jamming, monitoring, and surveillance technology relating to mobile telecommunications and the Internet, and publish those guidelines in the Federal Register;

(2) determine the types of technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the list; and

(3) periodically review, but in no case less than once each year, the guidelines and, if necessary, amend the guidelines on the basis of technological developments.

Sec. 413. Expedited Consideration of Requests for Authorization of Certain Human Rights, Humanitarian, and Democracy-Related Activities with Respect to Iran.

(a) Requirement.—The Office of Foreign Assets Control, in consultation with the Department of State, shall establish an expedited process for the consideration of complete requests for authorization to engage in human rights, humanitarian, and democracy-related activities with respect to Iran that are submitted by—

(1) entities receiving funds from the Department of State to engage in the proposed activity;

(2) the Broadcasting Board of Governors; and

(3) other appropriate agencies of the United States Government.

(b) Procedures.—Requests for authorization under subsection (a) shall be submitted to the Office of Foreign Assets Control in conformance with the Office’s regulations, including section 50.801 of title 31, Code of Federal Regulations (as known as the Regulations for the Purpose of Promoting Compliance with the Trade Sanctions, and Penalties Regulations). Applicants shall fully disclose the parties to the transactions as well as describe the activities to be undertaken. License applications involving the exportation or re-exportation of goods, technology, or software to Iran shall include a copy of an official Commodity Classification issued by the Department of Commerce, Bureau of Industry and Security, as part of the license application.

(c) Foreign Policy Review.—The Department of State shall complete a foreign policy review of each request for authorization under subsection (a) not later than 30 days after the request is referred to the Department by the Office of Foreign Assets Control.

(d) License Determinations.—License determinations for complete requests for authorization under subsection (a) shall be made not later than 90 days after receipt by the Office of Foreign Assets Control, with the following exceptions:

(1) Any requests involving the exportation or re-exportation of goods, technology, or software to Iran shall be processed in a
manner consistent with the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484) and other applicable provisions of law.

(2) Any other requests presenting unusual or extraordinary circumstances.

(e) REGULATIONS.—The Secretary of the Treasury, in consultation with the Federal agencies and the appropriate committees of Congress, as appropriate, shall submit to the appropriate congressional committees a comprehensive strategy to—

(1) assist the people of Iran to produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;

(2) support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference by the Government of Iran; (3) increase the capabilities and availability of secure mobile and other communications through connectivity technology among human rights and democracy activists in Iran;

(4) provide resources for data safety training for media and academic and civil society organizations in Iran;

(5) provide accurate and substantive Internet content in local languages in Iran;

(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information and support human rights in Iran;

(7) expand surrogate radio, television, live streaming, and social network communications inside Iran, including—

(A) by expanding Voice of America’s Persian news network and Radio Free Europe/Radio Liberty’s Radio Farda to provide hourly live news update programming and breaking news coverage capability 24 hours a day and 7 days a week;

(B) by assisting telecommunications and software companies that are United States persons to comply with the export licensing requirements of the Treasury Department for the purpose of expanding such communications inside Iran;

(8) expand activities to safely assist and train human rights, civil society, and democracy activists in Iran to operate effectively and securely;

(9) identify and utilize all available resources to overcome attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals;

(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities;

(11) expand access to proxy servers for democracy activists in Iran; and

(12) encourage telecommunications and software companies from facilitating Internet censorship by the Government of Iran.

SEC. 413. STATEMENT OF POLICY ON POLITICAL PRISONERS.

It shall be the policy of the United States—

(1) to support efforts to research and identify prisoners of conscience and cases of human rights abuses in Iran;

(2) to offer refugee status or political asylum in the United States to political dissidents in Iran if requested and consistent with the laws and national security interests of the United States;

(3) to offer to assist, through the United Nations High Commissioner for Refugees, with the relocation of such political prisoners to other countries if requested, as appropriate and with appropriate consideration for the national security interests of the United States; and

(4) to publicly call for the release of Iranian dissidents by name and raise awareness with respect to individual cases of Iranian dissidents and prisoners of conscience, as appropriate and if requested by the dissidents or prisoners themselves or their families.

TITLE V—MISCELLANEOUS

SEC. 501. EXCLUSION OF CITIZENS OF IRAN SEEKING EDUCATION RELATING TO THE NUCLEAR AND ENERGY SECTORS OF IRAN.

(U) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who, as a citizen of Iran that the Secretary of State determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 101(a)(15)(F) of the Immigration and Nationality Act of 1965 (20 U.S.C. 101(a)) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

(b) APPLICABILITY.—Subsection (a) applies with respect to visa applications filed on or after the date of the enactment of this Act.

SEC. 502. INTERESTS IN CERTAIN FINANCIAL ASSETS OF IRAN.

(a) INTERESTS IN BLOCKED ASSETS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any provision of law, including any provision of law relating to sovereign immunity, and preempting any inconsistent provision of State law, a financial asset that is—

(A) held in the United States for a foreign securities intermediary doing business in the United States,

(B) a blocked asset (whether or not subsequently unblocked) that is property described in subsection (b), and

(C) equal in value to a financial asset of Iran, including any asset of the central bank or monetary authority of the Government of Iran or any agency or instrumentality of that Government, that such foreign securities intermediary or a related intermediary holds abroad, shall be subject to execution or attachment in aid of execution in order to satisfy any judgment to the extent of any compensatory damages awarded against Iran for damages for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, or hostage-taking, or the provision of material support or resources for such an act.

(2) COURT REQUIREMENT.—In order to ensure that Iran is held accountable for paying the judgments described in paragraph (1) and in furtherance of the broader goals of this Act to sanction Iran, prior to an award turning over any asset pursuant to execution or attachment in aid of execution with respect to any judgment described in paragraph (1), the court shall determine whether Iran holds equitable title to, or a beneficial interest in, the assets described in subsection (b) and that no other person possesses a constitutionally protected interest in the assets described in subsection (b) under the Fifth Amendment to the Constitution of the United States. To the extent the court determines that a person other than Iran holds equitable title to, or a beneficial interest in, the assets described in subsection (b) (excluding any custodial interest of a foreign securities intermediary or a related intermediary that holds the assets abroad for the benefit of Iran), or (B) a constitutionally protected interest in the assets described in subsection (b), such assets shall be available only for execution or attachment in aid of execution to the extent of (I) a custodial interest of the United States Government for final payment, transfer, or disposition by or to a person subject to the jurisdiction of the United States in connection with a transaction for which the issuance of the license has been specifically required by a provision of law other than the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.); or

(ii) is property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoys equivalent privileges and immunities under the laws of the United States, and is being used exclusively for diplomatic or consular purposes.

(2) FINANCIAL ASSET; SECURITIES INTERMEDIARY.—The terms “financial asset” and “securities intermediary” have the meanings given those terms in the Uniform Commercial Code, but the former includes cash.

(3) IRAN.—The term “Iran” means the Government of Iran, including any branch or agency or monetary authority of that Government and any agency or instrumentality of that Government.

(4) PERSON.—

(A) IN GENERAL.—The term “person” means an individual or entity.

(B) ENTITY.—The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(5) TERRORIST PARTY.—The term “terrorist party” has the meaning given that term in section 201(d) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

(6) UNITED STATES.—The term “United States” includes all territory and waters, continental, or insular, subject to the jurisdiction of the United States.

(7) TECHNICAL CHANGES TO THE FOREIGN SOVEREIGN IMMUNITIES ACT.—

(TITLE 28, UNITED STATES CODE.—Section 1609 of title 28, United States Code, is amended—

(A) in subsection (a)(7), by inserting after “section 1605A” the following: “or section 1605A(a)(7) (as such section was in effect on January 22, 2008)”;

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking “(5), 1605(b), or 1605A” and inserting “(5), 1605(b), or 1605A(a)”;

(II) by striking the period at the end and inserting “,”; and
(ii) by adding after paragraph (2) the following:

“(3) the judgment relates to a claim for which the agency or instrumentality is not immune by virtue of section 1605(a)(7) of this title (as such section was in effect on January 27, 2008), regardless of whether the property is or was involved in the act upon which the suit is based.”

(2) TERRORISM RISK INSURANCE ACT OF 2002—

Section 201(a) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 8513a(a)) is amended by striking “terrorism risk insurance policy” and inserting “financial institution owned or controlled by the financial institution described in clause (ii) conducted or facilitated by a financial institution”.

SEC. 503. TECHNOLOGY TRANSITIONS TO SECTION 1245 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.

(a) EXCEPTION FOR SALES OF AGRICULTURAL COMMODITIES.—

(1) IN GENERAL.—Section 1245(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 8513a(d)(2)) is amended—

(A) in the paragraph heading, by inserting “agricultural commodities,” after “SALES”;

(B) in the text, by inserting “agricultural commodities,” after “sale”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-81; 125 Stat. 1290).

(b) REPORT OF ENERGY INFORMATION ADMINISTRATION.—

(1) IN GENERAL.—Section 1245(d)(4)(A) of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 8513a(d)(4)(A)) is amended—

(A) by striking “60 days after the date the enactment of this Act, the Administrator of the Energy Information Administration shall submit to the President and the appropriate congressional committees a report on the natural gas sector of Iran that includes—”;

(B) by striking “6-month period” and inserting “2-month period”;

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on September 1, 2012.

SEC. 504. EXPANSION OF SANCTIONS UNDER SECTION 1245 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.

(a) IN GENERAL.—Section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a) as amended by section 502, is further amended—

(1) in subsection (d)—

(A) in paragraph (3), by striking “a foreign financial institution owned or controlled by the government of a foreign country, including”;

(B) in paragraph (4)(D)—

(i) by striking “Sanctions imposed” and inserting the following:

“(i) in GENERAL.—Sanctions imposed”;

(ii) by clause (i), as designated by clause (i) of this subparagraph;

(iii) by striking “a foreign financial institution” and inserting “a financial transaction described in section 1245(c)(3) or conducted or facilitated by a foreign financial institution”;

(B) by striking “sanctions regime similar to the sanctions regime imposed with respect to purchases of petroleum and petroleum products from Iran pursuant to section 1245 of the National Defense Authorization Act for Fiscal Year 2012, as amended by sections 503 and 504, or other measures could be applied effectively to exports of natural gas available to those countries; and

(ii) the impact a reduction in exports of natural gas from Iran is or was likely to have on global natural gas supplies and the price of natural gas, especially in countries identified under paragraph (2); and

(iii) whether any information as the Administrator considers appropriate.

(b) REPORT BY PRESIDENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall, relying on information in that report, submit to the appropriate congressional committees a report that includes—

(A) an assessment of—

(i) the extent to which revenues from exports of natural gas from Iran are still enriching the Government of Iran;

(ii) whether the sanctions regime imposed with respect to purchases of petroleum and petroleum products from Iran pursuant to section 1245 of the National Defense Authorization Act for Fiscal Year 2012, as amended by sections 503 and 504, or other measures could be applied effectively to exports of natural gas available to those countries; and

(iii) the geostategic implications of a reduction in exports of natural gas from Iran, including the impact of such a reduction on the countries identified under subsection (a)(2); and

(iv) alternative supplies of natural gas available to those countries; and

(B) the impact a reduction in exports of natural gas from Iran is or was likely to have on global natural gas supplies and the price of natural gas, and the impact, if any, on swap arrangements for natural gas in place between Iran and neighboring countries.

(b) REPORT OF ENERGY INFORMATION ADMINISTRATION.—

(1) IN GENERAL.—The report required by paragraph (1) shall apply with respect to financial transactions conducted or facilitated by a financial institution owned or controlled by the financial institution described in clause (ii) conducted or facilitated by a financial institution.

(2) EFFECTIVE DATE.—The provisions specified in this paragraph shall apply to any act or omission that is 180 days after the date of the enactment of this Act.

SEC. 505. REPORTS ON NATURAL GAS EXPORTS FROM IRAN.

(a) REPORT BY ENERGY INFORMATION ADMINISTRATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Adminis-

(b) EFFECTIVE DATE.—The provisions specified in this paragraph shall apply to any act or omission that is 180 days after the date of the enactment of this Act.

SEC. 603. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this Act or the amendments made by this Act shall apply to the authorized intelligence activities of the United States.

SEC. 604. APPLICATION OF CERTAIN NATURAL GAS PROJECTS.

(a) EXCEPTION FOR CERTAIN NATURAL GAS PROJECTS.—Nothing in this Act or the amendments made by this Act shall apply to any activity relating to a project—

(1) for the development of natural gas and the construction of a pipeline to transport natural gas from Azerbaijan to Turkey and Europe;

(2) that provides to Turkey and countries in Europe energy security, energy independence from the Government of the Russian Federation and other governments with jurisdiction over persons subject to sanctions imposed under this Act or the amendments made by this Act; and

(3) that was initiated before the date of the enactment of this Act.
sharable agreement, or an ancillary agreement necessary to further a production-sharing agreement, entered into with, or a license granted by, the government of a country other than Iran before such the people—
(b) TERMINATION OF EXCEPTION.—
(1) IN GENERAL.—The exception under subsection (a) shall not apply with respect to a project described in paragraph (2) if the President determines, based on credible evidence, that the percentage of the equity interest the project held by or on behalf of such an entity on January 1, 2002; or
(b) an entity described in paragraph (2) has assumed an operational role in the project.
(2) IN GENERAL.—An entity described in this paragraph is—
(a) an entity—
(i) owned or controlled by the Government of Iran;
(ii) registered under section 580.304 of title 31, Code of Federal Regulations (relating to the definition of the government of Iran); or
(iii) organized under the laws of Iran or with the participation or approval of the Government of Iran;
(B) an entity owned or controlled by an entity described in subparagraph (A); or
(C) a successor entity to an entity described in subparagraph (A).
SEC. 604. RULE OF CONSTRUCTION WITH RESPECT TO USE OF FORCE AGAINST IRAN AND SYRIA
Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.
SEC. 605. TERMINATION
(b) AMENDMENT TO TERMINATION DATE OF COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010.—Section 401(a)(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8531(a)(2)) is amended by inserting "3 years after the date on which" before "the enactment of this Act and every 180 days thereafter; and
(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) if the President determines that the list meets the following conditions:
(A) it is a successor entity to an entity on the list;
(B) the person on the list owns or controlled the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list;
(C) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code); and
(D) SENSITIVE TECHNOLOGY DEFINED.—
(A) IN GENERAL.—For purposes of subparagraph (C), the term "sensitive technology" means hardware, software, telecommunications equipment, or any other technology, that is 30 days after the date on which the President determines, based on credible evidence, that the percentage of the equity interest in the project held by or on behalf of such an entity on January 1, 2002; or
(B) an entity described in paragraph (2) has assumed an operational role in the project.
(2) IN GENERAL.—For purposes of subparagraph (A), the term "sensitive technology" means information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)(3)).
(3) SPECIAL RULE FOR TERMINATION OF SANCTIONABLE ACTIVITY.—The President shall not be required to include a person on the list required by paragraph (1) if the President determines that—
(A) the person is no longer engaging in, or has taken significant verifiable steps toward stopping,
(i) the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in an activity described in subsection (b)(2) for which the person was included in the list;
(ii) sensitive technology.
(4) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—
(A) not later than 30 days after the date of the enactment of this Act and every 180 days thereafter; and
(B) as new information becomes available.
(2) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are responsible for or complicit in certain human rights abuses committed against citizens of Syria or their family members, regardless of whether such abuses occurred in Syria.
(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1) if the President determines that the list meets the following conditions:
(A) not later than 30 days after the date of the enactment of this Act and every 180 days thereafter; and
(B) as new information becomes available.
(3) FORM OF REPORT; PUBLIC AVAILABILITY.—
(A) FORM.—The list required by paragraph (1) shall be submitted in an unclassified form but may contain a classified annex.
(B) PUBLIC AVAILABILITY.—The classified annex to the list shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.
(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider data obtained from other countries and nongovernmental organizations, including organizations in Syria, that monitor the human rights abuses of the Government of Syria.
(5) ENDORSEMENT OF REQUEST.—The President shall endorse the request by the President of any country that provides national security assistance to the United States for the President to impose sanctions described in this subsection with respect to any person on the list submitted under subparagraph (B).
SEC. 700. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES
(a) IN GENERAL.—The President shall impose sanctions described in section 702(c) with respect to
(1) each person on the list required by subsection (b); and
(2) any person that—
(A) is a successor entity to a person on the list;
(B) owns or controls a person on the list, if the person that owns or controls the person on the list had actual knowledge or should have known that the person on the list engaged in an activity described in subsection (b)(2) for which the person was included in the list;
(C) owns or controlled by, or under common ownership or control with, the person on the list, if the person owned or controlled by, or under common ownership or control with (as the case may be), the person on the list knowingly engaged in the activity described in subsection (b)(2) for which the person was included in the list;
(b) LIST.—
(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons that are responsible for or complicit in certain human rights abuses committed against citizens of Syria or their family members.
(2) ACTIVITY DESCRIBED.—
(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—
(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) after such date of enactment.
(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.
(2) ACTIVITY DESCRIBED.—
(A) IN GENERAL.—A person engages in an activity described in this paragraph if the person—
(i) transfers, or facilitates the transfer of, goods or technologies described in subparagraph (C) after such date of enactment.
(ii) provides services with respect to goods or technologies described in subparagraph (C) after such goods or technologies are transferred to Syria.
(c) GOODS OR TECHNOLOGIES DESCRIBED.—
Goods or technologies described in this subparagraph are goods or technologies that the President determines are likely to be used by the Government of Syria or any of its agencies or instrumentalities to commit human rights abuses against the people of Syria, including—
(i) firearms or ammunition (as those terms are defined in section 921 of title 18, United States Code); and
(ii) tear gas, water cannons, or surveillance technology; or
(II) to disrupt, monitor, or otherwise restrict speech of the people of Syria.
(iii) Any other significant technology.
(2) IN GENERAL.—For purposes of subparagraph (C)—
(A) the term "sensitive technology" does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)(3)).
(c) IMPLEMENTATION OF ACT.—In implementing this Act, the President shall be guided by the overall national interest of the United States, including the need to ensure the security and prosperity of the United States and its allies and to combat human rights abuses of the Government of Syria.
(d) RULE OF CONSTRUCTION.—This Act shall be implemented in a manner consistent with other laws and policies, to the extent practicable.
SEC. 705. WAIVER.

The President may waive the requirement to include a person on a list required pursuant to section 702, 703, or 704 or to impose sanctions pursuant to any such section if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a report on the reasons for that determination.

SEC. 706. TERMINATION.

(a) GENERAL.—The provisions of this title and any sanctions imposed pursuant to this title shall terminate on the date on which the President submits to the appropriate congressional committees—

(1) the certification described in subsection (b); and

(2) a certification that—

(A) the Government of Syria is democratically elected and representative of the people of Syria; or

(B) a legitimate transitional government of Syria is in place.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification by the President that the Government of Syria—

(1) has unconditionally released all political prisoners;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Syria engaged in peaceful political activity;

(3) has ceased its practice of procuring sensitive technology designed to restrict the free flow of information and communication in Syria, or to disrupt, monitor, or otherwise restrict the right of citizens of Syria to freedom of expression;

(4) has ceased providing support for foreign terrorist organizations and no longer allows such organizations, including Hamas, Hezbollah, and Palestinian Islamic Jihad, to maintain facilities in territory under the control of the Government of Syria; and

(5) has ceased the development and deployment of medium- and long-range surface-to-surface ballistic missiles;

(6) is not pursuing or engaged in the research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, and has provided credible assurances that it will not engage in such activities in the future; and

(7) has agreed to allow the United Nations and other international observers to verify that the Government of Syria is not engaging in such activities and to assess the credibility of the assurances provided by that Government.

(c) SUSPENSION OF SANCTIONS AFTER ELECTION OF DEMOCRATIC GOVERNMENT.—If the President submits to the appropriate congressional committees the certification described in subsection (a)(2), the President may suspend the provisions of this title and any sanctions imposed under this title for not more than 180 days to allow time for a certification described in subsection (b) to be submitted.

The SPEAKER pro tempore. Pursuant to the unanimous consent, the gentleman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. Berman) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that I be allowed to control those 5 minutes.

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

There was no objection.

Mr. Berman. Mr. Speaker, I yield 5 minutes of my time to the gentleman from California, who will do the same.

Mr. Berman. At the point where I am recognized, I will be also seeking unanimous consent for the same kind of referral of time to your control.

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. Berman. At the point where I am recognized, I will be also seeking unanimous consent for the same kind of referral of time to my control.

Mr. KUCINICH. I withdraw my reservation.

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

There was no objection.

General Leave

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to review and consider the report of the Committee on Foreign Affairs on the bill also imposing tough new sanctions on Iran and Libya.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have spoken on this floor many times about the Iranian threat and the need to stop it, but ultimately we will all be judged by a simple question: Did we stop Iran from getting a nuclear weapon capability? If the answer is “no,” if we fail, then nothing else matters.

Mr. Speaker, I yield to the gentleman from California.

Mr. BERMAN. Will the gentleman yield?

Mr. KUCINICH. I yield.

Mr. Speaker, in 1995, the late former Secretary of State, Warren Christopher, said:

In terms of its organization, programs, procurement, and covert activities, Iran is pursuing the classic nuclear weapons vector, which has been followed by almost all states that have recently sought a nuclear capability.

That was in 1995. Secretary Christopher added:

There is no room for complacency.

Congress passed the Iran-Libya Sanctions Act in 1996. That law, now called the Iran Sanctions Act, sought to target Iran’s economic lifeline—its energy sector—and denied Iran financial and diplomatic resources to pursue its nuclear ambitions, to sponsor violent Islamic groups, and to dominate the region.

Mr. Speaker, in 1996, U.S. concerns were not shared by our allies in Europe and Asia, who argued that trade, dialogue, and engagement toward the Iranian regime would succeed in moderating Tehran’s behavior. This allowed the Iranian threat to flourish.

However, Congress continued to develop new legislative countermeasures in the form of the Iran Freedom Support Act of 2006 and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to address these Iranian threats and to hold the regime accountable for its human rights violations, for its state sponsorship of violent extremists, and for its pursuit of a nuclear capability.

We have analyzed Iranian reaction and behavior in response to these new sanctions. We have looked at what steps our allies have undertaken and considered the actions, or the paralysis, of the United Nations. But most importantly, Mr. Speaker, we have intensified our response as the Iranian threat has evolved and grown.

We know that “the price of freedom is eternal vigilance.” But far more than vigilance is needed in this case.
Which brings us to the Iran Threat Reduction and Syria Human Rights Act, which we are considering today. This bipartisan, bicameral agreement seeks to tighten the choke hold on the regime beyond anything that has been done before. It seeks to create a clear capital interest that the American people, through their elected representatives, are fully committed to using every economic and political lever at their disposal to prevent Iran from crossing the nuclear threshold.

Through this bill, we declare that the Iranian energy sector is off limits, and it blacklists any related unauthorized dealings. It will undermine Iran’s ability to repatriate the revenues it receives from the sale of crude oil, depriving Iran of hard currency earnings and funds needed to sustain its nuclear program. It prevents the purchasing of Iranian sovereign debt, thereby further limiting the regime’s ability to finance its illicit programs. It also expands sanctions against Iranian and Syrian officials for human rights abuses, particularly those facilitated by computer and network disruption, monitoring, and hacking.

Yet we should be under no illusions, Mr. Speaker, that this legislation is a magic wand that we wave, and we will resolve the problem overnight. Sanctions have helped to knock the regime off balance. But unless the executive branch fully implements these measures immediately, the regime is likely to regain its footing and further speed up its nuclear march. So let us act now to stop that march.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, the threat posed by the Iranian regime is not just a threat to the United States, or to our allies, or to the Iranian people. The Iranian regime is also a threat to the Syrian people, because of Iran’s close ties and assistance, including weapons that have helped the regime in Syria to slaughter thousands.

Like Iran, Syria is a state sponsor of terrorism that poses a threat to the U.S., to our ally Israel, and to other responsible nations. I hope to be back on the House floor in the near future with the Syria Freedom Support Act to address the totality of the Syrian threat, but today we stand ready to hold the Assad regime accountable for its gross human rights violations.

Today, we seek to ensure that neither of these brutal regimes has access to resources that would enable them to perpetuate their cruelty.

Those allies who, 16 years ago, wanted to engage and continue business as usual with Iran and who, until just a few years ago, were proposing expanded trade agreements with the Assad regime in Syria, have spoken up to take a stand against the threatening activities of these pariah states.

Congress must carry out its responsibility to the American people and overwhelmingly adopt the bicameral, bipartisan agreement we are considering today. I urge the President to quickly sign it into law and immediately and fully implement the sanctions it contains.

Mr. Berman. Mr. Speaker. I am very pleased to yield 2 minutes to the gentleman from Maryland (Mr. Hoyer), a national leader on the issue of non-proliferation and human rights and particularly our efforts to stop Iran’s nuclear weapons program, the Democratic whip of the House.

Mr. HOYER. I thank the gentleman from California for yielding.

First, I want to rise and thank Chairwoman ROS-LEHTINEN for her continuing leadership and focus on this important issue, as she does on so many other issues as well.

Mr. Speaker, let me thank my friend, the gentleman from California and ranking member of the Foreign Affairs Committee, Mr. Berman. His leadership on this issue in Congress is second to none, and I commend him for his work.

This is a bill I expect will pass with overwhelming support in both parties and for good reason. Iran cannot be allowed to develop a nuclear weapon. America’s policy, as President Obama has stated, is prevention, not containment.

We have many tools at our disposal to prevent Iran from obtaining nuclear weapons technology. While President Obama is keeping all options on the table, the best diplomatic tool we have to deter Iran is the sanctions regime his administration has expanded along with our allies in Europe and elsewhere. These sanctions have already had a significant effect, and Iran continues to face the prospect of severe economic repercussions they fail to abandon their nuclear weapons plan.

President Obama deserves credit for his tough stances. The new sanctions in this legislation would impose targeted sanctions on entities conducting business with Iran’s insurance, energy, and shipping sectors. As a result of prohibitions on repatriating oil revenues, these sanctions would deny Iran 80 percent of its hard currency earnings. Iran’s banking sector, including its central bank, is already sanctioned, and all of the Iranian Government’s financial support for terrorism in the region and around the world.

There is no better evidence why this bill is so important than the fact that 2 weeks ago, a terrorist attack in Bulgaria killed six innocent civilians, five of them vacationing Israelis. There have been numerous press reports linking Iran to that attack.

As long as Iran continues to pursue nuclear weapons, call for the destruction of Israel, and provide arms to terror groups like Hamas and Hezbollah, it will face the consequences in the form of sanctions, isolation, and the continuing reality of the option of military action.

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

Mr. Berman. I am pleased to yield the gentleman an additional 30 seconds.

Mr. HOYER. I thank the gentleman.

The United States continues to stand strongly with our ally Israel. And I am proud to have led an effort earlier this year with the majority leader to strengthen U.S.-Israel military and intelligence relations.

I urge all of my colleagues to unite behind this bill, just as we did behind that one. A nuclear-armed Iran is not an option for the Middle East, for the international community, and for the United States.

Mr. Kucinich. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. PAYNE, for his tough stances. The new sanctions in this bill would be better named if we called it “Obsession with Iran Act of 2012” because this is what we continue to be doing—obsess with Iran and the idea that Iran is a threat to our national security.

The Obama administration has expanded along with our allies in Europe and elsewhere sanctions on Iran. We happen to be a Third World nation. We have no significant navy, no air force, no intercontinental ballistic missiles. The IAEA and our CIA say they are not on the verge of a nuclear weapon.

It’s so similar to what we went through in the early part of this last decade where we were beating the war drums to go to war against Iraq. And it was all a facade. There was no danger of Iraq. So this is what we’re doing—being the war drums once again.

Since the bill has come back from the conference, if we are to deal with civil liberties in Syria—we will, I happen to be a civil libertarian. I am very concerned about civil liberties. But let me tell you, this bill is not going to do anything to enhance the civil liberties of the individuals in Syria.

If we were really interested in civil liberties, why wouldn’t we look to ourselves? Why wouldn’t we look to the things we do here? What about our warrantless search under the PATRIOT Act? What about the policy of assassination, assassinating American citizens? What about arrests by the military, the National Defense Authorization Act? What about the drone war? What about the drone warfare that we go on? Do you think we are protecting civil liberties by arbitrarily dropping drones or threatening to drop drones anyplace in the world, with innocent people dying?

If we want to really care about civil liberties in Syria, why don’t we care about the secret prisons we have and the history of torture that we have had in this country?

What about the fact that kill lists are being made by the executive branch of government, and we sit idly by and approve of it by saying nothing, and the American people put up with it, and we march in this direction, marching into a determination to have another war?

When you put sanctions on a country, it’s an act of war, and that is what this is all about. The first thing you do when war breaks out between two
countries is you put sanctions on them. You blockade the country. So this is an act of war.

What would we do if somebody blockade and put sanctions on us and prevented the importation of any product of this country? We would be furious. We would declare war. We would go to war. □ 1440

So we are the antagonists. We’re over there poking our nose and poking our nose in other people’s affairs, just looking for a chance to start another war. First it’s Syria and then Iran. We have too many wars. We need to stop the wars. We don’t have the money to fight these wars any longer.

Ms. ROS-LEHTINEN. Mr. Speaker, I’m pleased to yield 2 minutes to the gentleman from New York (Mr. TURNER), a member of our Committee on Foreign Affairs.

Mr. TURNER of New York. Mr. Speaker, I rise in strong support of H.R. 905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I would like to applaud Chairwoman Ros-Lehtinen’s tireless effort on this legislation that Iran’s terrorist regime does not threaten the security of the United States and our greatest ally in the Middle East, Israel.

I’m sure many of you remember that Iran was found by a Federal court to have been involved in both the 1983 attacks on the marine barracks in Beirut which killed 241 soldiers and the Khobar Towers bombing in Saudi Arabia where a suicide bomber killed 14 airmen. The victims and their families won a judgment in court against the Iranian Government, but have had difficulty enforcing it because Iran could hide behind sovereign immunity.

I introduced H.R. 4070, which is now part of this bill, to change a specific part of Federal law to allow assets seized from the Iranian Government to be allocated to the Beirut and Khobar Towers families to recover the judgments owed to them. It is time that Iran is held accountable for their involvement in the deaths of our soldiers.

I’m proud to say that this provision is truly bipartisan. My colleagues on both sides of the aisle stand together against Iran. By passing this bill today, we offer the victims’ families the justice that they have long been denied.

Mr. BERNER. Mr. Speaker, I rise in support of H. Res. 750, and I yield myself 2 1/2 minutes.

The bill before us today marks a significant step forward in our sanctions effort against the Iranian regime and its illicit nuclear program, the sanctions effort which even Tehran acknowledges is already having a stressful impact on Iran’s economy. I want to commend my colleague, ILEANA ROS-LEHTINEN, for her work on this legislation; and to be the bill’s chief cosponsor in the House.

Building on previous sanctions, this bill adds to what the gentlelady and I set out to do when we introduced it. For example, through further limiting transitions with the Central Bank of Iran, an initiative I originated, this legislation restricts Iran’s ability to repatriate the revenue it receives from its diminishing oil sales. It includes provisions that clamp down on Iran’s oil exports by targeting the National Iranian Oil Company and the National Iranian Tanker Company; and it expands sanctions on Iranian shipping, insurance, and financing in the energy sector.

The bill also increases sanctions on transactions with Iran’s Islamic Revolutionary Guard Corps, the spearhead of Iran’s nuclear proliferation and terrorism effort and the dominant player in the Iranian economy. Further, at my suggestion, this bill now includes a measure which expands CISADA sanctions beyond financial institutions to include more than 200 additional individuals and companies that have been linked to Iran’s nuclear weapons of mass destruction and terrorism programs.

And of critical importance, this bill vastly strengthens sanctions on both Iranian and Syrian human rights abusers. These provisions are very important, but the Iranians should not be fooled into thinking this is the last word on sanctions. Far from it.

Finally, Mr. Speaker, I want to call on the administration to implement the authorities we have given them, fully and without delay. Iran’s nuclear clock is ticking, and time is not on our side. The actions the executive branch took yesterday, including the first-ever CISADA sanctions on foreign banks—more than 2 years after CISADA became law—are a good beginning, but Iran’s nuclear weapons program continues apace. Every day, it is enriching more uranium and at higher levels.

The only hope we have for a peaceful solution is to apply enough pressure to ensure that the nuclear weapons program stops. The bill before us and the actions the administration has taken applies significantly more pressure; but let there be no doubt, there is more we can do and more that we will do if Iran doesn’t end its nuclear weapons program verifiably and completely. We have more work to do.

SPECIALY DESIGNATED NATIONALS AND BLOCKED PERSONS LIST SEARCH (UPDATED: 6/25/2012)

ENTITIES/INDIVIDUALS

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Mr. KUCINICH. I yield myself 1 1⁄2 minutes to the gentleman from California (Mr. SHERMAN), the ranking member of the Subcommittee on Terrorism and Non-proliferation and Trade.

Mr. SHERMAN. I thank the gentleman for yielding.

I want to thank the chairwoman of the Foreign Affairs Committee for her work on this bill and for reaching an agreement with the Senate Banking Committee, and I rise in strong support of this measure.

I especially want to thank the chairman for working with me on title III of this bill, as it reflects several years of our work together. Title III targets the Iran Revolutionary Guard Corps and began its life as H.R. 2379, then designated the Iran Revolutionary Guard Corps Designation Implementation Act, which I introduced along with the chairman in May of 2009.

It provides a mechanism to impose tough secondary sanctions against any person, including foreign companies, that conduct any significant transaction with the IRGC or any of its designated fronts and affiliates. The IRGC, through its shadowy network of front companies and its direct action, has much blood on its hands.

I want to thank the chairman and her staff for including section 303, which applies sanctions to countries and governments—not just companies—that conduct transactions or provide support for the IRGC and for provisions which indicate that if you want to be a Federal contractor, you must certify that you do not do prohibited business with the IRGC.

This bill also includes important provisions I first proposed in the Stop Iran’s Nuclear Weapons Program Act that will provide sanctions against those who lend money to the Iranian government. It includes another provision I authored which will implement sanctions against those firms that give the Iranian Government the technology for surveillance and repression.

This is not the final act, literally or figuratively. What we’ve done so far is not enough to force Iran to abandon its nuclear program. We ought to stay in this fight, and I believe that this legislation may very well significantly enhance pressure on the regime.

The nuclear program is, however, a symptom of the disease rather than the disease itself. A nuclear program is not in and of itself what makes this particular regime so nefarious. Rather, it is the pervasive nature of the regime that makes the nuclear program so dangerous. And there can be no doubt that the regime in Tehran is a blight on the civilized world. It is a threat to our allies and in threats to U.S. global and regional interests.

Questions of rationality aside, the regime would also have the ability to follow through on its repeated threats to eradicate the State of Israel. Iran cannot be allowed to acquire this capability, and I believe that this legislation may very well significantly enhance pressure on the regime.

To speak of the nuclear program independently of the regime which pursues it is to misconstrue this law. Iran’s nuclear program, H.R. 1905 puts significant pressure on the regime, which applies sanctions to countries and companies that conduct transactions with the IRGC.

These provisions impose tough secondary sanctions against any person, including foreign companies, that conduct any significant transaction with the IRGC or any of its designated fronts and affiliates. The IRGC, through its shadowy network of front companies and its direct action, has much blood on its hands.

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undermine human rights in Iran and cripple the accountability of the diplomatic process now underway to prevent a nuclear-armed Iran, pushing the U.S. and Iran closer toward a devastating war.

War is the ultimate human rights violation, and this bill lays the groundwork for war by escalating the scale of economic warfare that could impose on ordinary Iranian citizens. As in the case of the decades of U.S. and U.N. sanctions against Iraq that culminated in a U.S. invasion of that country, the mere existence of sanctions can be as damaging as the sanctions themselves. The sanctions impose costs on the economy of Iran and on ordinary Iranian citizens, who will overwhelmingly bear the brunt of the sanctions. This bill would tie the President’s hands, eroding the little flexibility that Congress normally allows the executive branch to conduct negotiations with Iran and allow for sanctions relief for serious, verifiable Iranian concessions. We are particularly concerned about section 217, which effectively endorses regime change. The provision would prohibit the President from lifting sanctions against the Central Bank of Iran unless Iran agrees to a host of conditions that the Islamic Republic of Iran cannot reasonably be expected to agree to. It would be understandable if Tehran reads such language as further evidence that Iran is not interested in any negotiated agreement but instead only in regime change.

The bill even requires the President to certify that Iran has not enriched uranium, permitted the export, export, or maintain nuclear facilities that could aid Iran’s effort to acquire a nuclear capability, or prevented the Secretary of State from imposing sanctions against Iran’s Central Bank. It appears that Congress is requiring that broad indiscriminate sanctions remain in place unless Iran surrenders its nuclear program entirely, even if it is a verifiably peaceful program. FCNL strongly urges members of Congress to speak out and vote against this broad, indiscriminate, and undemocratic legislation on the House floor today.

I yield 2½ minutes to the gentleman from Texas, Representative Ron Paul. Mr. PAUL. I thank the gentleman for yielding.

I’m still rather impressed with the obsession over a weapon that does not exist and no concern whatsoever about many nuclear weapons that are held by countries that never even joined the nuclear nonproliferation treaty. It’s called for in the debate that Iran should end all its nuclear programs, but they’re permitted to have the nuclear program under the nonproliferation treaty. And the other countries that have weapons, including the countries that hold the weapons that came from the Soviet system, it seems like that would be a much greater danger.

The investigation by either the U.N. or by our CAs has never indicated that they have enriched above 20 percent. And they said they won’t even do it to 20 percent if the West would cooperate and sell them this material. They said, we don’t need it, but we need 20 percent enrichment for nuclear isotopes, medical isotopes. So our resolution, if it prompts them to take up enrichment to 25 percent; 5 percent, of course, is what they’re allowed to do for nuclear energies.

But this idea that we can badger people and then defy the law, what we’re asking them to do, close down their program, is you’re asking them to defy international law. They agreed to this. They have a right to do this under this treaty. And for us to come and say, well, they must quit it. I think it really is very close to an obsession on a country that is incapable of attacking us, or attacking—they don’t have a history of invading their neighboring countries. The last time they were at war was with Iraq, and we begged Iraq to go into Iran.

So I find this very distressing that the obsession continues. I find it very, very upsetting that this vote will, of course, be overwhelmingly in support of correcting the civil liberties of Syria and not the regime that has been up on something that they’re permitted to do. A vote for this, in my opinion, in time will show that it’s just one more step to another war that we don’t need.

We have not been provoked. They are not a threat to our national security, and we should not be doing this. We’ve been doing it too long. For the last 15 years we have been just obsessed with this idea that we go to war and solve all the problems of the world; and at the same time, it is bankrupting us.

I strongly urge a “no” vote on this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I’m pleased to yield 2 minutes to the gentleman from California (Mr. ROYCE), who is the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I want to start here by commending Chairwoman Ros-Lehtinen for this sustained focus on Iran that she has had for many, many years. I also want to thank Ranking Member Berman for the strong pressure that he has put on the regime in Iran, as well.

Recently, we had the administration fighting hard against bipartisan sanctions targeting the Central Bank of Iran. But what I want to point out is that in a bipartisan way here, Congress insisted on, and today the administration touts, the impact of sanctions on Iran’s economy.

Here is the point I’d like to make: we’d be in a much better position if the executive branch, both Republicans and Democrats—right now we have the problem with the Obama administration’s slow-walking this; but had they been more willing to work with Congress to craft tougher sanctions earlier, we’d be in a lot better position right now. The bill’s stepped-up penalties on those cooperating with Iran’s energy and shipping sectors, frankly, that’s the Achilles’ heel that we should be aiming at.

Very importantly, this bill also includes a human rights title to go after those abusing Iran’s citizens. Let’s let Iranians know that we are on their side and we are going to focus on those crimes against humanity and on the brutal suppression of them. It’s a regime that beats and that imprisons. I’ve talked to some of these victims—and that often rapes its own people in
order to try to impose its will. It's a regime that executes political prisoners by the hundreds.

Congress is increasing the pressure. Many of us, certainly the chairman, would like to go further. Iran's centrifuges are spinning, but this progress here requires support.

Mr. BERMAN. Mr. Speaker, I yield ½ minutes to my friend from Florida (Mr. DEUTCH), a member of the Foreign Affairs Committee and the author of the legislation that eliminates Iran's energy sector a zone of proliferation.

Mr. DEUTCH. Mr. Speaker, first, I would like to recognize Chairman ILEANA ROS-LEHTINEN and Ranking Member Howard BERMAN for their extraordinary leadership and their tireless work to bring forward a bipartisan and bicameral bill. I thank you for working with me to include several of my provisions in this legislation, including the Iran Transparency and Accountability Act, a measure that will, for the first time, require companies to disclose their business with Iran on SEC filings and for the first time create a public listing of these disclosures to clearly and definitively let the American people know which companies continue to support the illicit nuclear weapons program of Iran.

Mr. Speaker, the Iran Threat Reduction and Syria Human Rights Act significantly expands sanctions against the Iranian regime and those who, in the final analysis, have turned International opposition, continue to contribute to Iran's quest for nuclear weapons.

This bill sends one clear message to the entire world: if you do virtually any business in the Iranian energy sector—the financial lifeline of this regime's nuclear program—you will be subject to sanctions.

Today, the United States Congress takes U.S. sanctions policy to an unprecedented level. By sending this legislation to the President's desk, Congress can initiate an unprecedented crackdown on the Iranian regime. But our work does not end here. These punishing sanctions are a means to an end; and we cannot, for one moment, take our eye off the endgame—halting Iran's march toward a nuclear weapon.

Again, I thank the chairman and ranking member for their leadership. I urge my colleagues to support this important bill. Now is the time to stand for human rights in Iran and Syria. Now is the time, now is the time to stop Iran from developing nuclear weapons.

Mr. KUCINICH. I would like to include for the RECORD a publication from the International Civil Society Action Network, what the Women Say: Killing Them Softly: The Stark Impact of Sanctions on the Lives of Ordinary Iranians.


The unprecedented, devastating and countervproductive impact of sanctions, coupled with the on-and-off threat of war, is an ever-growing reality in the lives of ordinary Iranians. For the generation of Iranians whose childhood was punctuated by nightly bomb attacks, fear, and eight years of death and destruction resulting from the Iran-Iraq war, the current state of uncertainty, prospects of hardship and unraveling of the lives they rebuilt is overwhelming.

In New York, London, Washington and Brussels, the sanctions wave Central to the case is the notion that only crippling sanctions can slow Iran's nuclear program and bring about change. A number of the sanctions target state institutions and individuals implicated in human rights violations. Regardless of their political leanings, among western leaders, policymakers and ordinary citizens are two of the primary and overwhelming victims. Needless to say, they are skeptical of the women's political rights; they are United Nations, who have been, human rights aspirations of the Iranian population.

It is not uncommon for Iranians in every walk of life to ask what, how much, how long and by whom are the sanctions being inflicted, private enterprise and ordinary citizens. The experiences of women, men, the elderly and the young who lived through the eight years of the Iran-Iraq war are rarely discussed, but that impact is still evident. Though their plight is rarely discussed, women of child bearing age and soldiers exposed to chemical warfare still suffer from complex health. Similarly, the thousands of men handicapped by landmines and war wounds are rarely a topic of conversation. Another long term impact has been the rise of female headed households in part due to war deaths among men.

Throughout the 1980s war years, Iranians also suffered from sanctions and lived under a strict rations policy. But it was a very different society then. Some 50 percent of Iranians lived in rural areas and were largely self-sufficient through domestic agricultural production. The sanctions targeted to key sectors pertaining to military equipment. As a result the public impact was less evident. International trade relations were sustained including with private sector. Today only 29 percent of Iranians live in rural areas. Continued migration to urban areas has led to the expansion of cities and their peripheries. For many of migrants like out their living in the service industry and informal economy on the margins of cities. The sanctions regime is doing most damage to those who are already vulnerable—the urban poor. As the pressures increase, economic class and social divisions are also being exacerbated.

2010 sanctions choking insurance and shipping sectors with implications for public health: Sanctions introduced in the summer of 2010 directly targeted insurance companies that insured Iranian shipping involved in the import and export of products. Despite denials by proponents of the sanctions regime, the colossal scale of sanctions and the availability of foreign-made medicine and other healthcare products to Iranians including vitamins for children and pregnant women; and sanitation implications for serious illnesses including cancer is particularly profound. As one women's rights activists recounted, “foreign made medicine became difficult to find in 2010, and with the intensification of sanctions this trend has continued. Domestically produced drugs, which are dependent on imported ingredients, are also more expensive and difficult to find.” Others echo this experience. “Many Iranians can no longer afford the high cost of cancer treatment drugs that have become unaffordable,” says the female cancer patient. “Family members have to go from one hospital to another to multiple pharmacies to find and then purchase the medicine at high cost and sacrifice in the life of their family members. Patients with poorer prognoses or those who cannot afford it are forgoing treatments and opting for the cheaper treatment. But they don’t burden their families financially.”

Sanctions targeting Iran's oil and gas sector were also intensified in 2010, through limit imports of refined oil products to Iran. In anticipation, the Iranian government initiated a number of steps including ending of subsidies for gasoline, rationing gasoline and increases in refining processes. As a result, the price increase has been significant, with unrationed gasoline...
costing 4000 Rials per liter in 2009 and projected to increase to 8000 Rials in 2012. Free market prices for gasoline are currently at 7000 Rials per liter. Additionally the quality of the fuel is much lower than imports, according to experts.

One significant impact of the increased use of domestically produced gasoline has been a noticeable decline in air quality locally and nationally. In a report released in February, the New York Times reported the connection between the ban on gasoline imports, the push to use domestically produced gasoline and the rapid air quality deterioration: 

"According to e-mails circulated to industry experts . . . Iran's new supply of domestic gasoline has led to a significant rise in air quality deterioration. The data is not public, but experts acknowledge that since the ban on gasoline imports started, air quality in Tehran has significantly improved. . . . The local environment is particularly vulnerable to air pollution, with a high concentration of industrial activity and a lack of public transportation. . . . The increased use of private vehicles has contributed to a significant rise in air pollution levels. . . .

In the same year, Mohsen Nourizad, an Iranian economist, estimated that the increased use of domestically produced gasoline had caused a noticeable decline in air quality. According to Nourizad, the increased use of domestic gasoline has led to a significant rise in air pollution levels. . . .

Women's rights activists and human rights organizations have also expressed concern about the impact of sanctions on women's rights. For example, in a report released in March, Human Rights Watch stated that "The impact of sanctions on women's rights is significant and widespread. Women are bearing the brunt of the sanctions in a number of ways. For example, the increase in unemployment and poverty has led to an increase in child marriage and early marriage. . . .

In addition, the increased cost of living and the imposition of sanctions have led to a significant increase in the cost of healthcare, particularly for women. This has led to a decrease in the quality of healthcare for women, particularly in rural areas. . . .

Conclusion

The impact of sanctions on Iran and its people is significant and widespread. The sanctions have led to a significant increase in the cost of living, particularly for the poor, and have led to a decrease in the quality of education and healthcare. Women are bearing the brunt of the sanctions, particularly in terms of poverty, healthcare, and education. The sanctions have also had a significant impact on the economy, with a decrease in GDP and a significant increase in unemployment.

In conclusion, the impact of sanctions on Iran and its people is significant and widespread. The sanctions have led to a significant increase in the cost of living, particularly for the poor, and have led to a decrease in the quality of education and healthcare. Women are bearing the brunt of the sanctions, particularly in terms of poverty, healthcare, and education. The sanctions have also had a significant impact on the economy, with a decrease in GDP and a significant increase in unemployment. It is important that the international community work together to find a solution to the sanctions crisis in Iran, in order to alleviate the significant impact on the people of Iran.
may quash the force of women’s demands—the next generation’s voices—for progressive change in society at large. As one conservative member of parliament and staunch supporter of women’s participation in the university has put it: “when women can’t travel to far away cities without the permission of their husbands, their expertise has no impact on improving the situation of the country!”

There is also a significant reduction in women’s share of the national budget. In the past, women have always received governmental insurance, but this has been eliminated, while the military budget has doubled for next year.

Downward trends in domestic production, increases male unemployment and violence against women: There are also more insidious effects, difficult to quantify but increasingly evident. The sanctions have caused massive downturns in domestic production. The fledging private sector is unable to import the necessary raw materials for manufacturing. The banking sanctions are causing a virtual standstill in imports and exports by legitimate businesses. Even domestic agriculture will lose its markets.

Meanwhile, with political connections are exploiting the situation often by importing cheaper Chinese products. This downward spiral of domestic violence and family conflicts, as men’s inability to live up to social expectations can lead to depression and attacks on women. Reduction in family income is forcing many women to seek new sources of income. THEIR coping strategies will likely include cutting back on their own health, wellbeing and dietary needs to provide for their dependents. As in other countries, for the most vulnerable, poverty will likely lead to risky survival strategies including child labor and sex work—informer sectors which have expanded in Iran in recent years.

The most vulnerable are at the greatest risk: Afghan refugee women and children: Vulnerable minorities such as Afghan refugees and migrants who have been living in Iran legally and illegally as a result of decades of war and unrest in their own country, are also at great risk.青海, ethnic minorities, and certain remote villages are also particularly affected. For Afghan women and children refugees or Iranian women married to Afghan men and their children who do not have identity cards. The intensification of government crackdowns and forced repatriation programs, against Afghans (including their Iranian wives and children) with illegal status in Iran, is already had a negative impact on the livelihood of these groups, but as the economy has worsened the hostility they face from Iranian society and the government has also increased. Afghan children are targeted with segregation programs in public spaces and are facing increased state and other forms of violence, while their access to education and job opportunities has been severely limited. Comprising a large percent of those employed in the informal sector as household help, street peddlers and in the service industry, Afghan women and girls also house been severely limited. Comprising a large percent of those employed in the informal sector as household help, street peddlers and in the service industry, Afghan women and girls also.

The government, in the aftermath of the disputed 2009 presidential elections, has dramatically increased national security concerns and further diminished the state’s tolerance of dissent internally. Activists are being forced to move underground, in concert with the west to destroy the Islamic Republic. The uncertainty and fear has also affected the public’s receptivity to social activism. It is seen as a secondary issue compared to the urgent realities of poverty and prospect of war.

The sanctions are having a long-term negative impact on the source of societal change in Iran. The urban middle class that has historically played a central role in creating change and promoting progress in Iran are increasingly under pressure. Many non-governmental organizations and charities survive on the basis of voluntary activism and donations. Even these are suffering. Furthermore, many people are retreating from public voluntary work. Even the most committed have less time, as they are working longer hours and facing less freedom to use their economic needs. Moreover with private enterprise in demise, more people will become dependent on the state and thus unable and fearful of engaging in civil activism. Additionally, sanctions and in particular the limitations placed on transfer of funds, has created serious impediments for charity organizations. They cannot afford to expand their activities engaged in health and medical services, education efforts, support for orphans and disadvantaged women and children to carry out their work. Many of these organizations have ceased their activities.

Sanctions are isolating Iranians from international forums: Beyond the economic impact, civil society, including the women’s movement in Iran has been further isolated from their international counterparts, as a result of the sanctions. Security challenges imposed by their own government already threaten to derail regional and international conferences, workshops and other events. But the policies of other governments further complicate their situation. Activists and human rights defenders cannot travel internationally, take considerable amount of time and resources. The new banking sanctions have ended the possibility of financial exchanges, while the falling price of the Rial has increased the financial burden for those activists who want to participate in conferences and training programs. Many have been expelled from universities because of their civil activism. Under these circumstances, with economic hardships and prospects of year after year devastation and the development of sustainable programs to maintain the gains already made and pursues for better rights are increasingly difficult, if not impossible.

Women’s Demands: no sanctions, no war, talk it out! Despite these pressures, the Iranian women’s movement has not been silenced. The call against war, in favor of a negotiated settlement, and an end to sanctions has become a primary issue for many, despite the lack of leadership and resources. They, along with other women’s groups, have issued several statements opposing the possibility of war. Echoing this, in 2011, on the occasion of International Women’s Day, several activists involved in the One Million Signatures Campaign released a statement, noting: “We, a group of women’s rights activists in Iran, are worried about the increasing violence against women and children [that is the result] of the polarized and hostile atmosphere and deadly effect of international politics of tension and violence. As a result of these policies, violence against women and children infiltrates the deepest social, political and familial layers of Iranian society.’’

On March 8, 2012, in honor of International Women’s Day, several activists involved in the Million Signatures Project also recorded video messages opposing war. They reject the official narratives that often pose the problems in the terms of good and evil, the need for an enemy, and call on all sides—including the Iranian regime—to engage in constructive dialogue rather than the rhetoric of war and threats.

Opposition to the international community, particularly the US and European countries

Fundamentally rethink policy on Iran:
1. End the sanctions policy against Iran. Recognize that sanctions as a general rule have a poor record of influencing the behavior of states and in many situations have severely hurt the very nations that are most particularly vulnerable groups and democratic movements. Ninety-nine percent of the current sanctions against Iran are too broad to impact the regime. They have failed to influence the government, instead they target the population.

2. Sanctions are not a substitute for war. They are a step closer to war. Failed sanctions policies have led to tensions that may lead to war. Sanctions have not been a substitute for war. While the US and EU have been strong proponents of the global women, peace and security agenda with the development of priorities and action plans, we are already witnessing the increasing influence of terrorist groups. If this trend continues we will be faced with a weakened Iranian society—at risk of being radicalized and the development of radical terrorist groups for regional security in the medium and long term.

3. Recognize that sanctions weaken society not the state. Iranian society is already witnessing the emergence of radical groups. As one women’s rights activist notes, in countries of this region, including Iran, growing gaps between the rich and poor do not make governments vulnerable, rather they make the population vulnerable to increased radicalization against the West as a way of coping with humiliation. In border areas, where there are already sanctions, we are already witnesses the increasing influence of terrorist groups. Forcing Iranians to move toward a cash economy reduces transparency and fosters corruption.

4. Recognize that sanctions undermine women’s and children’s empowerment. The US and EU have been strong proponents of the global women, peace and security agenda with the development of priorities and action plans for women’s empowerment. But sanctions undermine and contravene these policies. The contradictory nature of US and EU rhetoric, policies and actions increases the sanctions and policy’s suspicion about them, and credence to charges of hypocrisy. On negotiations with the Iranian government:

5. Engage Iran on the full range of issues, including regional security, economic issues, human rights, culture, etc. Incentives, especially those that reduce the hardship of ordinary Iranians, should be put forth to encourage a peaceful settlement to the disputes of the international community with Iran.

6. Creation of civil society in engagement with Iran. Should Iran and the international community reach an agreement that would allow for negotiations and dialogue on a wider set of issues, civil society, including women’s groups, human rights groups and peace activists, should participate.

On immediate steps for redressing the impact of sanctions on ordinary citizens:

7. Do not force an entire nation to adopt nontransparent means of financial transactions. Banking sanctions go that ordinary people are not caught in them. Specifically, adopt measures to facilitate the transfer of funds by ordinary Iranian citizens. The sanctions against the Iranian banking sector have greatly diminished the value of Iranian currency and have a negative effect on currency exchange. Sanctions should not only be lifted, but the price of rent, education, and bread have all increased.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DOLD), an esteemed member of the Committee on Financial Services.

Mr. DOLD. I certainly want to thank the chairwoman for her leadership on this very important issue. I also want to thank the ranking member for his bi-partisan leadership as well.

Mr. Speaker, I believe that a nuclear-armed Iran is actually the greatest threat we have to our own national security here at home. This issue is not a right versus left issue; this is a right versus wrong issue.

Mr. Speaker, this legislation is significant in its seriousness and its scope. Iran and the regime with the country throughout the region and the international community that we should present the Iranian leadership with a choice. If they decide to abandon their nuclear weapons program—which they illicitly concealed for 25 years—if they agree to live under international protocols, then the sanctions that have been imposed will be lifted and we can move forward toward peace and progress. But if they do not, they will most certainly suffer the consequences of a deteriorating economy and problems within their social structure. In the future, we will have to consider the human rights portion of the bill.

I also want to note the significant contributions by Senator MARK KIRK, who has been a consistent champion and leader on the forcefulness of Iran sanctions.

I look forward to this legislation's passage today and implementation with urgency by the administration, and I look to continue to work with my colleagues in Congress on this issue until we can affirm that the Iranian regime is no longer pursuing a nuclear weapons capability.

I urge adoption of this resolution and for the immediate implementation by this administration.

Mr. BERMAN. Mr. Speaker, I’m very pleased to yield 1½ minutes to the gentleman who organized the Iran Working Group 7 or 8 years ago to focus congressional attention on the looming threat of a nuclear Iran, my friend from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chair lady from Florida and my friend from California for recognizing some grave and serious points.

First, they recognize that on the 11th of September of 2001, 19 people armed with airplane tickets and box cutters wreaked havoc on the United States of America. They recognize that a group of people with a small, improvised nuclear device could wreak havoc far worse than that on the Mall that stands in front of this building or on Times Square.

Weapons these days are not just delivered by intercontinental ballistic missiles; they can be delivered by U-Haul trucks or by other means. This is the essential threat of Iranian nuclear proliferation to the United States.

The choice that we face is whether we should take concerted action to prevent that threat or whether we shouldn’t. I commend the chair lady and my friend from California for choosing to unify this Congress, this country and the country with the region with the international community, with the proposition that we should present the Iranian leadership with a choice. If they decide to abandon their nuclear weapons program—which they illicitly concealed for 25 years—if they agree to live under international protocols, then the sanctions that have been imposed will be lifted and we can move forward toward peace and progress. But if they do not, they will most certainly suffer the consequences of a deteriorating economy and problems within their social structure. In the future, we will have to consider the human rights portion of the bill.

We have made our choice to stand united in favor of these strong sanctions. We are presenting the Iranians
Mr. KUCINICH. I yield myself 30 seconds.

Collectively, the provisions in this bill move the goalpost from negotiations over Iran’s nuclear enrichment program to regime change. I just want to point out that any of our country on regime change isn’t all that good. Yes, we knocked out Saddam Hussein under the lie that he had weapons of mass destruction, and now al Qaeda is all over Iraq. So, what are we talking about here? We’re setting the stage for another war where we syphon the revenue out of this country, send it to war machines, can’t meet our own needs. Since when does Iran achieve greater importance than our own country? That’s what I want to know. I want somebody to explain that to me.

I reserve the balance of my time.

Mr. BERNER. Mr. Speaker, could I get another indication of the time remaining?

The SPEAKER pro tempore. The gentleman from California has 4 1⁄2 minutes remaining.

Mr. BERNER. In this case, I’m pleased to yield 1 1⁄2 minutes to the ranking member and the chairwoman of this committee for bringing us together.

I don’t like sanctions, Mr. Speaker, but I rise in strong support of this legislation. I want to say that I understand what sanctions can do to women and children and families. In fact, I’m reminded of a debate on apartheid and sanctions in South Africa. That debate was a question of whether you undermine that nation. But we saw what happened with sanctions when we came together as a Nation to bring down the dastardly structure of apartheid.

Iran, right now today, can stop this legislation by shedding itself of all signs of building a nuclear weapon. The regime change is not by war. This bill does not suggest war. It means that voluntarily, by election, their government can change. But what I believe is most important is that we recognize, having seen that fallen woman bleeding in the street, that human rights abuses are massive. They’re massive in their influence on Iraq, where they’re influencing the treatment of residents of Camp Ashraf. That must stop.

So this legislation is crucial because it impacts the human rights abuses, it indicates that there is no giving on a nuclear weapon, and it gives Iran, right now today, the ability to stop this legislation and sanctions by owning up to eliminating any sign of a nuclear weaponization, treating its people with dignity, and responding to the needs of the people in Camp Ashraf.

I support the legislation enthusiastically.

Mr. KUCINICH. I yield myself 30 seconds.

These sanctions are hurting ordinary people in Iran. I pointed out earlier, sanctions like the price of rent, bread—Americans can understand that—education, all of these things are increasing. And these sanctions then directly undermine Iran’s civil society by giving the regime a chance to crackdown even harder on internal dissent. These sanctions will ensure that those crackdowns continue.

Ordinary Iranians are struggling simply to make ends meet under this sanctions regime that already exists. They cannot afford to suspend the time necessary to participate in social movements which provide basic social services to push for democratic change in their country.

Are these the intended effects that we wish to have on the Iranian people and Iranian Americans?

And if not, passing this kind of a broad, indiscriminate sanctions bill sends the wrong message. If the sanctions imposed on Iraq are any precedent, we know that sanctions are not an effective tool in promoting or supporting domestic democracy movements.

We also know those sanctions did not prevent an unnecessary and wasteful war with Iraq. In effect, the expansion of the broad and indiscriminate sanctions, including this legislation, hurts our ability to negotiate with Iran, imposes long-term harm detrimental to the Iranian people.

I reserve the balance of my time.

Very to the mark, Mr. Speaker, I yield myself such time as I may consume. I have no further requests for time.

And I’d like to just raise a couple of the issues that my friends, Mr. PAUL from Texas and Mr. KUCINICH from Ohio, have put forth in the context of opposition to this bill:

This is not the next step to war. This is the alternative to war. Iran having a nuclear weapon is unacceptable for many, many reasons:

It means the end of the nonproliferation regime:

It means countries all through that part of the world will seek their own nuclear weapons;

It raises the specter of nuclear weapons being passed on to terrorists, and there is nothing in the comments of the regime that could let one relax and think they would never be the first to use those nuclear weapons.

That is unacceptable. Our alternatives are either finding a diplomatic resolution of their nuclear weapons program, the end of that program.
The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. KUCINICH. And how much time does the gentlelady have?

The SPEAKER pro tempore. The gentlelady from Florida has 30 seconds remaining.

Mr. KUCINICH. I yield myself 1 minute.

This legislation also requires the President to impose sanctions on those who are responsible for or are complicit in certain human rights abuses. It falls to acknowledge that our own country and a number of our allies are actively participating and stoking the violence on the ground. Divisions and infighting within the various militias operating on the ground are already occurring. And we also read that al Qaeda’s also been involved in Syria.

So, look, we have to get serious about what America’s purpose is in the world. It’s not to be a heavy foot. It’s not to proliferate wars all over. It’s not to undermine the forward momentum of the world. It’s not to be a heavy foot. It’s not to undermine the forward momentum of the world.

I urge an “aye” vote.

I yield back the balance of my time.

Sanctions are a form of war in this case, and it will lead to war. And remember, we’re not talking about—some time ago we were talking about if Iran would have a nuclear weapon, but then the bar’s been lowered to say nuclear weapon capability. And now the game’s being changed to say not just nuclear weapon capability, but we want regime change as well.

I mean, if this isn’t a prescription for war, then I didn’t participate in the debate in this House of Representatives in October of 2002 warning this Congress, chapter and verse, that Iraq had no weapons of mass destruction, no role with al Qaeda in 9/11, did not have any intention or capability of attacking the United States. This is a version of that we’ve all heard before.

I mean, come on. What are we doing here? Why is this more important than our country?
Middle East, and to the entire international community. Both President Obama and the United States Congress have unequivocally stated that Iran must not be permitted to develop nuclear weapons.

On his visit to the Middle East this week, U.S. House Foreign Affairs Committee Chairman I LEANA ROS-LEHTINEN stated that “sanctions are having a serious impact in terms of the economy in Iran.” Iran is now struggling to conduct international trade, losing markets and trading partners. Its currency has lost over half of its value.

Meanwhile, the administration continues to expand sanctions against Tehran. Earlier this week, President Obama signed an executive order to extend sanctions to anyone, using any method of payment, who purchases Iranian crude oil—preventing Iran from circumventing sanctions by using bartering and other unconventional payment options. It also expanded sanctions on buyers of Iranian petrochemical products, and authorized penalties for entities seeking to evade U.S. sanctions. Also this week, the U.S. Treasury sanctioned the Bank of Kunlun in China and Elaf Islamic Bank in Iran for providing financial services to Iranian banks.

Today, Congress is acting to further tighten the economic noose on the Iranian regime. The bill under consideration today, H.R. 1905, strengthens and expands existing sanctions, banning many commercial activities with Iran’s oil and natural gas sector, including helping Iran ship its oil under the flag of another nation. This bill increases sanctions targeting entities involved with the Iranian Revolutionary Guard Corps and sanctions human rights offenders.

When coupled with existing sanctions, today’s bill represents the strongest-ever effort to financially isolate Iran. This is critical, because we must persuade the Tehran government to abandon its pursuit of nuclear weapons. I strongly support utilizing our entire diplomatic and economic arsenal to ensure that Iran does not develop nuclear weapons.

Today’s bill is a critical step towards increasing pressure on the Iranian government. I urge my colleagues to join me in strongly supporting this legislation.

Mr. REED. Mr. Speaker, I rise today to reaffirm my support for sanctions to be placed upon Iran. Mahmoud Ahmadinejad and Ali Khamenei are once again stressing the proliferation of nuclear weapons and ballistic missiles within Iran’s borders and we must take swift and strong actions against these measures.

Iran is not just a threat to the United States, but to all free countries around the globe. As a country that harbors terrorists, foreign leaders may view Iran as an enabler to its nuclear ambitions and to its patronage of terrorist operations.

I also applaud the inclusion of sanctions against Iran’s energy and petrochemical sectors, as well as sanctions against those who are providing material support to the National Iranian Oil Company, Naftiran Intertrade Company, or the Central Bank of Iran. These measures will help strengthen the existing sanctions regime and bring Iran much closer to ending its heedless quest for nuclear weapons.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of the House amendment to the previous Senate amendment to House Resolution 747, the bill is to be a bipartisan resolution.

I would also like to take a moment to thank the President for his leadership on sanctions on Iran. Yesterday, President Obama signed an Executive Order that imposes new sanctions against Iran’s energy and petrochemical sectors, as well as sanctions against those who are providing material support to the National Iranian Oil Company, Naftiran Intertrade Company, or the Central Bank of Iran. These measures will help strengthen the existing sanctions regime and bring Iran much closer to ending its heedless quest for nuclear weapons.

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 747, I call up the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and for other purposes, and ask for its immediate consideration.

The SPEAKER pro tempore. The question was taken.

The SPEAKER pro tempore. The yeas and nays were ordered.

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

The text of the bill is as follows:

H.R. 8
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Job Protection and Recession Prevention Act of 2012”.
SEC. 2. EXTENSION OF 2001 AND 2003 TAX RELIEF.

(a) EXTENSION OF 2001 TAX RELIEF.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” both places it appears and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) EXTENSION OF 2003 TAX RELIEF.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 3. EXTENSION OF INCREASED SMALL BUSINESS EXPENDING.

(a) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (D) as redesignated by paragraph (4) and inserting “after subparagraph (D) the following new subparagraph:

(1) $100,000 in the case of taxable years beginning in 2013, and

(2) by striking “2012” in paragraph (E) as redesignated by paragraph (1) and inserting “2013”.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended—

(1) by striking “and” at the end of subparagraph (C) as redesignated by paragraph (4) and inserting after subparagraph (C) the following new subparagraph:

(1) $400,000 in the case of taxable years beginning in 2013, and

(2) by striking “2012” in subparagraph (E) as redesignated by paragraph (1) and inserting “2013”.

(c) APPLICATION OF INFLATION ADJUSTMENT.—Section 179(b)(6)(A) of such Code is amended—

(1) by striking “calendar year 2012, the $125,000 and $500,000 amounts in paragraphs (1)(C) and (2)(C)” in the matter preceding clause (i) and inserting “calendar year 2013, the $150,000 and $500,000 amounts in paragraphs (1)(D) and (2)(D)”.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code is amended by striking “2013” and inserting “2014”.

(e) SPECIAL RULE FOR REVOCATION OF ELECTIONS.—Section 179(c)(2) of such Code is amended by striking “2013” and inserting “2014”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 4. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR INDIVIDUALS.

(a) EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—Section 55(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “$72,450” and all that follows through “2011” in subparagraph (A) and inserting “$78,750 in the case of taxable years beginning in 2012 and $85,600 in the case of taxable years beginning in 2013”;

(2) by striking “$47,450” and all that follows through “2011” in subparagraph (B) and inserting “$50,600 in the case of taxable years beginning in 2012 and $55,150 in the case of taxable years beginning in 2013”.

(b) EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—Section 26(a)(2) of such Code is amended—


(2) by striking “2011” in the heading thereof and inserting “2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 5. TREATMENT FOR PAYGO PURPOSES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment in the nature of a substitute printed in part B of House Report 112–641, if offered by the gentleman from Michigan (Mr. LEVIN) or his designee, which shall be considered read and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and the opponent.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 8.

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

There was no objection.

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

I rise today in support of H.R. 8, the Job Protection and Recession Prevention Act. I yield my time to my fellow Republican House colleagues.

The nonpartisan Congressional Budget Office estimates that going over the fiscal cliff could cost America 2 million to 3 million jobs. This would cause small businesses to lose 700,000 jobs. The Republicans’ tax reform path will make the Tax Code simpler and fairer, and it will lead to the creation of more than 1 million jobs in the first year.

What is even worse is that, in their quest to raise taxes on the so-called “wealthy,” several of my Democrat colleagues have made it clear that they are willing to hold 20 million American households hostage by threatening to let all income tax rates rise as scheduled at the end of the year if they don’t get their way. These massive and imminent tax hikes are part of the fiscal cliff, or “jobs cliff” as I often refer to it, that we face at the end of this year.

As this chart illustrates, America is at a crossroads. The question is: Which path will our country take? The Democrats’ path includes tax hikes that will cause small businesses to lose 700,000 jobs. The Republicans’ tax reform path will make the Tax Code simpler and fairer, and it will lead to the creation of more than 1 million jobs in the first year.

I urge my colleagues on the other side of the aisle to reconsider their choice to raise taxes and destroy over 700,000 jobs. Now is not the time to dig the hole we are in any deeper. Instead, Democrats should take the advice of people like President Bill Clinton and former economic adviser to President Obama, Larry Summers, and join Republicans to stop the tax hike, work to strengthen our economy, and get our country back on track.
vague promises about something to be done in the future. The question is: If everybody agrees that we should continue the middle class tax cut, why don’t we come together? The answer is: This. The Senate bill continues all of the tax cuts that are benefitting working people, and the alternative minimum tax, ensuring middle-income taxpayers.

An average family of four with an income of $30,000 could see a tax increase of almost $2,200 a year. The President says he wants to stop the midnight tax hike for some taxpayers, but not all. He claims that he merely wants the wealthy to pay more. The truth is that his tax increase proposal would especially hurt small business owners. As someone who comes from a small business background myself, I understand that many small businesses pay taxes as individuals. Their income includes money that they reinvest in the business to expand and hire more workers. A big tax increase could harm the very businesses we are relying on to create more jobs. In fact, a new study by Ernst & Young suggests that the President’s tax proposal would cost more than 700,000 jobs.

Mr. Speaker, what lane will you choose? I urge the House to pass H.R. 8 and prevent a tax hike for all Americans.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

When you look at Mr. HERGER’s district, he’s standing up to protect 180,000 middle-income families, $2,200; for the millionaire than for middle-income families, $2,200; for the middle-income family hostages be released. Join together for what everybody agrees that we should continue the middle class tax cut, why don’t we come together? This is about whether the Republicans are really too late, that the Republican
tax cut to everybody, including
on their first $250,000 income; 114 million families would see their tax cuts extended in full; 97 percent of small businesses would keep all of their tax cuts, according to the Joint Taxation Committee. Why the heck are we holding this up if everyone agrees that they are enjoying, but you bet your life that to the top tax rate that President Obama is proposing, which would be 28 percent.

All afternoon you are going to hear a lot of things go back and forth, but you won’t hear anyone contradict those numbers and that disparity. Mr. Speaker, because they are true. There is no sense in telling corporations, You get a 28 percent rate, and the top rate for small business is 44 percent. There’s nothing fair about that.

So, if the President’s will were to prevail on this, in other words, if this tax hike goes into place, then the top tax rate for some small businesses would be over 44 percent. Now, contrast that to the top tax rate that President Obama is proposing, which would be 28 percent.

Another argument is that this somehow closes a budget gap and this is deficit reduction, and we’re all about deficit reduction and let’s have at it. Well, a little secret on the deficit reduction is, at best, the most generous estimate is this would take care of—that maybe 7, 8, 9, 10 days of spending, maybe. But who would pay the cost for that? I’ll tell you who pays the cost for that. The job creators and the people that are looking for jobs right now, Mr. Speaker, according to Ernst & Young and others that have looked at this. Some estimates are that it would cost 700,000 jobs.

We have got leading Democrats on the other side of the aisle and from the President of the United States, and one is that people should pay their fair share. Now, that’s an interesting argument. Mr. Speaker, and let’s look at that a little bit closer.

Let’s just thin the herd. There are too many jobs. Let’s just thin the herd. Another argument is that this somehow closes a budget gap and this is deficit reduction, and we’re all about deficit reduction and let’s have at it. Well, a little secret on the deficit reduction is, at best, the most generous estimate is this would take care of—that maybe 7, 8, 9, 10 days of spending, maybe. But who would pay the cost for that? I’ll tell you who pays the cost for that. The job creators and the people that are looking for jobs right now, Mr. Speaker, according to Ernst & Young and others that have looked at this. Some estimates are that it would cost 700,000 jobs.

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right off the cliff, regardless of the outcome.

Well, you know what? That’s ridiculous.

And we have an opportunity here to make some certainty to move to the next year—not to move to the next year just for the sake of another year, but to move to next year to fundamentally reform our tax system, to create a more competitive Tax Code that is broad and wide and wise and well thought out and that does what—that creates the most competitive Tax Code in the world right here in the United States. Mr. Speaker, it could be great. We could have a great Tax Code, but what we’ve got to do is create a year of certainty to move forward.

I urge passage of this.

Mr. LEVIN. I yield myself 15 seconds.

You know, it’s ironical that the gentleman from Illinois minimizes adding $50 billion to the deficit over 10 years, if continued, which is your policy, continued the high income. A trillion dollars, that’s something you just shrug your shoulders at?

I now yield 2 minutes to the gentleman from Oregon, EARL BLUMENAUER, another distinguished member of our committee.

Mr. BLUMENAUER. It is an interesting question: Which lane are we going to choose?

The study that has been offered by our friends on the other side of the aisle is bogus, and I invite people to actually look at it and look at the critiques that have been offered up.

But we’ve had a real-life experiment because those tax rates that are being talked about were exactly what we had in the Clinton years, at which time some of our good friends on the other side of the aisle predicted calamity, job loss, and that the economy would crash. What, in fact, happened is that we created 22 million jobs.

What has happened is that, when they had a chance to experiment with their vision in the Bush years, where they put in place these tax reductions, if they would have worked, what would have happened? Did employment even match what happened in the Clinton years? No. In fact, it was less than 5 percent of what happened in the 8 years of Bill Clinton.

In fact, the Obama administration—after the first few months when it was in office and could be credited with responsibility for the economy—has produced more private sector jobs than the entire Bush administration in 8 years. The job loss that’s gone negative has been slashing in the public sector, primarily teachers and firefighters and police officers at the State and local levels.

Mr. Speaker, the strategy here is to continue punting. My Republican friends are punting on the farm bill. My Republican friends are punting on SGR. They are now proposing a budget solution past the next year because they can’t face up to their own Tea Party extremists, and they’re split.

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

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. That’s what is at stake here.

I would suggest that we take what we ought to be able to agree on, the 98 percent of this tax reduction, agree on that, not punt, give some real certainty, and then have an honest debate about their proposal to increase taxes on the middle class at the expense of being able to provide for the richest of Americans. Let’s have that debate. Let’s not hold people hostage in the short term.

Mr. CAMP. At this time, Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), the distinguished chairman of the Trade Subcommittee.

Mr. BRADY of Texas. Mr. Speaker, I appreciate Chairman CAMP’s leadership on this important issue.

For America, this recovery is the weakest since World War II. It’s dead last. Millions of Americans can’t find work. Millions of Americans have given up looking for work. Businesses along Main Street are struggling. Business confidence is down. This economy is not working, but yet the President has a plan. He gave it to us a couple of weeks ago. He said, I want to raise taxes on small businesses and professionals.

But here is the cost in real terms for our economy: 700,000 more Americans will be kicked to the unemployment line; the economy will grow slower, in fact, it will shrink; paychecks will shrink; there will be less investment in America.

What kind of plan is that for a recovery?

And also, seniors are going to write more checks in capital gains and dividends to Uncle Sam, the dividends they live on. Those dividends will fail to expand less often because of this.

Republicans think there is a different choice for America’s economy. We want to stop the tax hikes. We want to grow this economy by 1 million new jobs. We want to make sure that when you, as a senior, save your whole life, you invest in dividends in a home and land, that you keep it to survive in your retirement years. We want to make sure the death tax doesn’t come back and take your life savings.

Think about this: You work your whole life to build a family-owned farm or business, and when you die, Uncle Sam swoops in and takes more than half of everything you’ve worked a lifetime to earn.

That’s the choice between the Republican plan to stop the tax hikes and grow this economy and the President’s plan to raise taxes and hurt this economy. It is a clear choice. The House is going to act. And more importantly, we’re going to make sure America has the best tax system in the world again so that we can compete and win so that our kids and grandkids have the opportunity for the strongest economy in the world. It’s a clear choice.

Mr. LEVIN. I now yield 2 minutes to the gentleman from the great State of New Jersey (Mr. PASCRELL), another member of our committee.

Mr. PASCRELL. I thank the ranking member.

Mr. Speaker, this bill makes it as clear as day just what the priorities of the majority are. Instead of working with us to shift the tax burden away from the middle class—who haven’t got the luxury of raising taxes—and small businesses, this bill does the exact opposite.

And for you to continue to say that this is going to be a burden across the board on small businesses is delusional. Ninety-seven percent of small businesses won’t be affected by our bill.

To the antitax crusaders, this bill will raise taxes on the middle class—your bill—and working poor—your bill—by an average of $1,000. In New Jersey, this bill will have a $50 billion middle class and working poor families pay more taxes so that 231,400 millionaires can get a bigger tax cut.

It’s as simple as that. You can shake your head all you want; those are the facts. This bill would add almost $1 trillion more to the deficit than the Democratic bill. My Lord, I don’t hear you talk about that. I don’t hear you say that. I wonder why? Just so that 0.3 percent of the taxpayers can get an average tax cut of over $74,000?

At least the last time the Republicans took this shortsighted, trickle-down approach, we had a $3 trillion surplus, thanks to Bill Clinton. In 2008, we were $11 trillion, over $11 trillion in debt. We quite simply can’t afford to give millionaires another tax break and make our children and our grandchildren foot the bill.

The proof is in the pudding. In 2000, when we first tried this supply side voodoo, unemployment was 4.2 percent. By 2008, it had doubled.

Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. PASCRELL. To those Members concerned with tax fairness: today, wealth concentrated with the top 1 percent is at the same level as the period immediately preceding the Great Depression. So you shrink the middle class with your great economic ideas between 2001 and 2008, and what you did was made the rich richer. I salute you if that’s what you think America is about. We are all job creators, not just the rich.

Mr. CAMP. At this time, Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. I thank my friend for yielding, and remind my colleagues that for the last 18 months when we’ve been in the majority, we have focused on jobs. Now, the American people are...
still asking the question: where are the jobs? And that’s why we’ve got over 20 jobs bills now pending over in the United States Senate. And after today, we’ll have another bill sitting over in the Senate that will help create more jobs in America.

Two years ago, the President said we shouldn’t raise taxes in this time of a slow economy. I agreed with the President. The Congress agreed with the President. All of the Republicans and 119 Democrats voted to extend all of the current tax rates. And here we are some 18 months later, economic growth is actually slower than it was when President Obama made those remarks, and yet the President wants to go out and raise the taxes on the so-called rich.

Well, let me tell you who the so-called rich are. About a million of those people who you want to increase taxes on are small business owners, small business owners who pay their business taxes through their personal tax return. I know all about this. I used to be one of them. I had a subchapter S corporation, and whatever the company’s so-called profits were, I had to pay taxes on those, whether I actually got those taxes or not.

So when you look at what the President wants to do, you want to tax a million small business owners. Ernst & Young has come out and made it clear that if you do this, 750,000 jobs are going to be destroyed, at a time when the American people are asking: where are the jobs?

It’s time to put the rhetoric aside. It’s time to put the politics aside. I know we’re in an election year, but my goodness, raising taxes at this point in this economy is a very big mistake. Extend all of the current tax rates, which our bill does, for 1 year, so we’ve got time to revise our Tax Code. Lower rates, fairer rates for all Americans, which workers need to happen. If we’re truly going to make America more competitive. Put more Americans back to work. And bring some of those jobs that have been shipped overseas back home. We all know that we need to revise our Tax Code and reform it from top to bottom. But that’s not going to happen overnight. So extending all of these rates for 1 year will provide certainty. Certainty for whom? Certainty for small business owners, people who can make decisions about what they want to invest in terms of new plant, new equipment, whether they want to hire new employees. This is the most commonsense thing that we can do, and there’s no reason that we shouldn’t.

When we look at the proposal coming from our colleagues across the aisle, it raises taxes on dividends. Probably not a smart thing to do. When you look at senior citizens, many of them who depend on their dividend income, they’re going to get whacked by your proposal. And under your proposal, not only do we tax small business people, but, oh, yeah, the death tax comes back in full force because it fails to address one of the most penalizing parts of our Tax Code.

I believe that the proposal that my colleague Mr. CAMP and his committee have brought forward is a reasonable, responsible approach, and I would urge its pass. I yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Mr. Speaker, I rise in support of this very important legislation.

The administration and congressional Democrats seek to raise taxes on America’s families, small businesses, and job creators. There’s a very clear choice here: either we can let small business owners, the job creators, America’s entrepreneurs, create jobs, or we can follow the path they’re advocating over here and tax small businesses.

I stand in strong support of creating American jobs. Over 940,000 business owners will see higher taxes if the President and Washington Democrats are allowed to raise the top two rates. This means over half—over half—of our Nation’s small businesses will see higher taxes at a cost of over 700,000 fewer jobs for Americans—over 700,000 fewer jobs for Americans.

Allowing these tax cuts to expire will hurt middle class families. If we pass this, the average taxpayer in my State of Louisiana will see an increase of almost, on the average, about $1,800. The average family of four earning $50,000 per year can face tax increases of over $2,300 per family if these cuts expire. A single parent earning $36,000 per year could see tax increases of $1,100 if these provisions expire.

Mr. Speaker, this administration continues its assault on the American family and American businesses with its tax-and-spend policies. Our country can’t afford it. America’s families and businesses can’t afford it.

What we need is this: a 1-year extension to allow us to move forward with a real comprehensive approach to tax reform.

We have a real opportunity to do what’s right for America, to promote American competitiveness. This is the moment. Let’s seize it. Let’s do it. We need to take this step today to get us where we can move to that next step, the next step point.

So I urge my colleagues on both sides of the aisle, let’s quit dilly-dallying around with this. Let’s show some leadership for the American people. They want us to step up and be leaders and solve these problems. Let’s step up and be leaders. Let’s see tax relief provisions and move forward with a 21st century Tax Code.

Mr. LEVIN. I now yield 2 minutes to the very distinguished member of our committee, Mr. CROWLEY, from the great State of New York.

Mr. CROWLEY. I thank my good friend from Michigan for yielding me this time.
I rise in strong opposition to H.R. 8. The reason I oppose this bill is because this bill will impose taxes on hundreds of thousands of U.S. military families, our heroes. That’s right, of the millions facing a tax hike, hundreds of thousands are U.S. military families. Let’s say it loud and clear—the Republicans’ Tax Hike on Our Heroes Act.

Now, I know those on the other side of the aisle will come down here one by one and claim they are extending tax cuts but you’re extending cuts for people earning over $1 million a year and raising taxes on families earning under $45,000 a year. This bill scales back tax breaks put in place by President Obama and directly aimed at benefiting working families.

Let’s take a moment to put a face on the 25 million Americans whose taxes will go up, including hundreds of thousands of U.S. military families.

If you’re an Air Force Staff Sergeant with a spouse, a special needs child, and three young children here stateside at home, the Republicans’ Tax Hike on Our Heroes Act will raise their taxes by $1,100. A new recruit, a private in the U.S. Army in their first year of service earning a little over $18,000 a year—$18,000 a year, men and women on the front line defending our freedom—if they’re married with an infant child at home, they will see an increase under this bill of $273, a tax increase under the Republicans’ Tax Hike on Our Heroes Act.

It begs the question, how are my colleagues who represent Fort Hamilton in Brooklyn going to vote on the Republicans’ Tax Hike on Our Heroes Act? Are you going to stand with your military family constituents or with the 2 percent?

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

Mr. CAMP. Mr. Speaker, last week, I took part in a roundtable conversation in my district with over 20 small business leaders. They discussed the devastating impact that these looming tax hikes would have on job creation, not only across the country, but in Minnesota. The sentiment that was echoed throughout that entire conversation was that Washington should not be raising taxes when our economy is still struggling to recover.

These job creators understand all too well what our country is facing as we approach, on January 1, this tax cliff, this fiscal cliff and this jobs cliff. The message from all of these entrepreneurs was simple: Job creators and business leaders alike were saying, very directly, stop the tax hike.

Studies show that the looming tax hike would negatively impact half of all small business income, a loss of 700,000 jobs, potentially, and 14,500 of those jobs are in my home State of Minnesota, Mr. Speaker. But if we extend these rates and we move toward tax reform, we can have a positive impact on our economy of 1 million new jobs.

Mr. Speaker, the choice is clear. With the national unemployment rate of 8 percent, with over 14 million unemployed, with 11,000 people a day losing their jobs, with 10 percent unemployment in some of the most vulnerable communities in America, the argument is incoherent.

Mr. PAULSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. PAULSEN. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, last week, I took part in a roundtable conversation in my district with over 20 small business leaders. They discussed the devastating impact that these looming tax hikes would have on job creation, not only across the country, but in Minnesota.
Mr. SMITH of Nebraska. Mr. Speaker, I rise in favor of the bill that we are facing here today. It’s been an interesting debate that we’ve had now for some time.

I learn a lot traveling around my district, but it was especially compelling when I was at a manufacturing plant, less than 40 employees, and they told me—unapologetically—they said the estate tax going up to 55 percent would devastate their business. Those were their words, “devastate their business.” It’s not just farmers and ranchers that would pay the estate tax. It would also be small businesses—and very thriving small businesses who put people to work, who provide benefits, health care, and otherwise.

Truly, the 35 percent rate is a compromise. I would prefer to see no estate tax, given the fact that it is double taxation, and it’s only 55 percent of what many folks would consider confiscatory in nature. So I rise in favor of the bill that we are debating here today. I think that it is better policy—certainly better for our economy that we would not raise taxes on the American people.

Mr. LEVIN. I now yield 2 minutes to another distinguished member of our committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, when the Wall Street banking crisis of 2008 hit, causing the worst recession since the Great Depression, it was the middle class that took it on the chin. More than 8 million Americans lost their job through no fault of their own. And as millions of Americans were losing their jobs and their homes, the big banks received bailouts and CEOs continued to receive million-dollar payouts.

While too many middle class Americans still struggling for work for which this Congress is voting again to give over $160,000 a year in tax breaks to the richest 2 percent of Americans while the average American will be lucky to get about one-thousandth or maybe two-hundredths of that. Can anyone in this Chamber blame the middle class for thinking the system is rigged against them?

Mr. Speaker, we all admire financial success, but when we give away trillions in tax cuts that we cannot afford to those who need them the least, it’s the middle class who has to make up the difference. To pay for these tax cuts, our Republican colleagues have voted to end Medicare and would force seniors to pay $6,400 more for their own care. On top of that, Republicans propose changing Social Security, slashing its budget by over $800 billion. It’s an ideological agenda that chooses millionaires over the middle class. Regular folks pay more so that folks like Donald Trump and Mitt Romney can get yet another tax break.

Einstein is credited with saying that the definition of insanity is doing the same thing over and over again and expecting different results. Eleven years after the Bush tax breaks became law and drove us deeper into deficits, let’s not repeat these mistakes. Rather than having these debates about whether the richest 2 percent of Americans deserve extra breaks, we should stand with the middle class.

Mr. Speaker, this should be an all-hands-on-deck moment. America works best when the middle class in America is working. Let’s start talking about how we can get millions back to work and strengthen our economy.

I urge my colleagues to reject this bill and support the Democratic alternative, which is focused on the middle class.

Mr. CAMP. At this time I yield myself 15 seconds.

We have a note here from Stan’s Two from Rowland Heights, California, a small business. They were asked: How would increased taxes impact your business? They were told: ‘to pay for expenses and payroll.’” If rates were allowed to increase, would that affect your ability to hire new employees?” Absolutely. We’ve done nothing except cut staff for 4 years now. A tax increase is a disaster. At this time I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, most Americans think that the economy is moving in the wrong direction. And most of them think it’s Congress’ fault, and that we’ve not done enough to help them take care of their families and give them financial security. They don’t want political rhetoric today. They don’t care who’s wrong or who’s right. They want to know what we’re doing now, what we’re doing today to make buying groceries and gas, and paying the electric bill affordable.

Mr. Speaker, if we don’t act, a family of four that earns $50,000 a year will have an increase in their taxes of $2,200 every year. That’s real money. Mr. Speaker. That’s the difference between buying an extra box of Cheerios and paying the gas bill and saving for college. And for the job creators, the mood is even worse.

We all know that small businesses create jobs—but the Democrats would raise taxes on them, killing 700,000 jobs. I refuse to raise taxes on small businesses while they struggle to bring our country out of this recession. I refuse to destroy over 700,000 jobs that support families who need and want breadwinners, not handouts.

We must ask ourselves every day: What else can we do for these families? We can offer them some long-term security so that when they die, their families, their farms, and their small businesses will survive and thrive. But tax increases don’t even stop when you die. If we do nothing, the death tax increases to 55 percent. We pay tax when we earn the income; we pay when we invest our income; and we pay again when we leave it to our kids. You want to talk about a fair Tax Code, Mr. Speaker? So today, I’m voting for a clear path forward.

After 41 months of unemployment above 8 percent, we must stop the tax hike. I’m committed to tax reform that will create jobs, grow our economy, and help families today for working families, for small businesses, for entrepreneurs, and for family farms. Mr. Speaker. This bill puts America back on the right track.

Mr. LEVIN. Could you tell us, please, again how much time there is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 9 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 9¾ minutes remaining.

Mr. LEVIN. I now yield 2 minutes to another active member of our committee, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Now is the time for Republicans to raise taxes on thousands of Texas families in order to provide more tax breaks for a privileged few. Republicans would hike the taxes by almost $500 for a married marine corp family with 4 years of service and two children living in Schertz.

That’s wrong. Nor is this the time for Republicans to tax opportunity. A single mom, working as a nurse, helping a daughter attend the Alamo Colleges or Texas State or ACC, would be denied the $2,500 higher education tax credit that I authored, all of this, in the very same bill that would give a Republican who earns $1 million a tax cut that is larger than that marine or that nurse will earn in an entire year.

If there were an Olympic medal out there for protecting the economic ladder at the expense of those trying to get a foothold on one of the first rungs, these Republicans would have no competition for going for the gold.

Nor has this trickle-down Republican approach grown our jobs and our economy. Extending tax breaks for those at the very top, it was done in 2010, over my objection; it hasn’t grown jobs in the past year anymore than it helped to avoid the Bush-Cheney recession. And as for this much ballyhooed Ernst & Young report, it was bought and paid for by the same millionaires that would get a tax break bigger than what the nurse or the marine earns all year, along with a few large corporations who paid for the report. It is not credible.

It is not just to see many Americans pay higher taxes in order to help the few gain even more tax breaks.

I yield 3 minutes to the gentleman from Tennessee (Mrs. BLACK), a distinguished member of the Ways and Means Committee,
Mrs. BLACK. Mr. Speaker, you know, when nearly 23 million Americans are struggling to find full-time employment, President Obama and his Democratic allies seem to think that now is the time to raise taxes on small businesses.

And the President may be satisfied with an 8 percent or more unemployment rate for 41 straight months, but I’m not and, more importantly, the American people are not. The American people don’t need to settle for a country where our small businesses are laid waste, and fewer opportunities and a diminished future.

So the House today will vote to stop the tax hike for all taxpayers, and tomorrow we will vote to move forward with a comprehensive tax reform. This is a critical step in providing the certainty that our small businesses desperately need to grow and create jobs.

Now, the Democrats’ proposal to raise taxes on nearly 1 million small businesses will cost more than 700,000 jobs, and they’re the backbone of our economy. Entrepreneurs and small business owners are the kind of small business that our Republican colleagues are trying to protect. This is all really in service to the trickle-down ideology. We tried it in the Bush administration. At the end of 8 years we actually saw a net job loss. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. VAN HOLLEN. We tried trickle-down. We actually saw a net job loss. But who picked up the tab? The rest of the country because it drove a huge hole in our deficit; and in order to deal with that, if we don’t ask folks at the top to pay a little bit more, the rest of the country ends up picking up the tab. That’s just not right, and it doesn’t help the economy.

Mr. CAMP. I yield myself 15 seconds. I would just say that my friend’s proposals just aren’t bold enough. The economy isn’t growing. Unemployment is still above 8 percent for 40 consecutive months. We need to get on a plan for comprehensive reform, not just raising taxes on a segment, not just pitting one against another. But let’s get a comprehensive reform so we can get certainty, we can get job growth, we can get economic prosperity and get Americans back to work.

I yield 2 minutes to the distinguished gentleman from New York (Mr. REED), a member of the Ways and Means Committee.

Mr. REED. Mr. Speaker, I rise today in support of the proposed legislation to make sure we do not increase taxes on any Americans come the end of this year. I think it’s prudent, it’s responsible, and it’s the right message to send to America, that we are going to stand with every American and every small business owner across the country that day, end of the year, no tax increases.

And I appreciate my colleagues on the other side of the aisle and their passion and their commitment to raising taxes on the American people. I think the average person considers 237 of the bills that have been offered to increase taxes on any American moving forward.

Now, the gentleman had recognized and said that some of these tax increases that we’re talking about in regards to businesses are not the mom-and-pop shop. Well, I’ll tell you something, I just had a conversation with Dick Clark from my district, an owner of Village Construction. That’s a mom-and-pop shop. Sterilator Company out of Cuba, New York, in my district. That’s a mom-and-pop shop. Those are people that have told me that one of their greatest concerns as small business owners is the tax burden that they’re going to face next year.

Let’s not stand for rhetoric. Let’s do the responsible, prudent thing and say “no” to tax increases. And let’s do it up to the American people who I believe are hardworking taxpayers who are not stupid. They know what the distinction will be by the end of this year and next year when they come to the voting booth in November, that we stand for no tax increases, and my colleagues on the other side of the aisle are going down the path of let’s raise taxes.

Now is not the time to raise taxes in an economic climate when people are struggling and we’re trying to have the job creators have the capital so that they can put people back to work for today and tomorrow.

Mr. LEVIN. I now yield 2 minutes to the gentlelady from New York (Ms. VELAZQUEZ), who is the ranking member on the Committee on Small Business and who has toileed in the vineyards and beyond on behalf of the small businesses of this country.

Ms. VELAZQUEZ. Thank you, Ranking Member, for yielding.

Mr. Speaker, I rise in opposition to the bill before us today.

Republicans love to focus on small businesses when it’s convenient for them. They claim it is imperative to pass today’s bill because, if we don’t, small firms will be harmed. However, today’s bill is only good for millionaires and billionaires, not the Nation’s job creators.

The argument that a partial extension to raising higher small business hiring relies on distorted facts. Republicans are using a warped definition of a “small firm” that counts Mitt Romney as a small business owner. I don’t think the average person considers 257 people who make more than $200 million as small business owners.

Contrary to Republican claims, this is not what the American taxpayers
Mr. CAMP. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. There has been a tremendous amount of rhetoric and hyperbole in the conversation today—all this energy about how we are trying to raise taxes on different groups. Let's clear this up.

This is about keeping the rates the same for another year for all Americans. Really, this debate is not about tax rates. What my colleagues on the other side of the aisle say that the purpose of taxation is to take from one group more and then distribute it to another one to make America fair.

The other group, that of the Republicans, says the purpose of taxation is to collect as little as possible in order to efficiently run the government so that individuals are able to keep their money. We became the most powerful, prosperous nation on Earth because Americans were able to keep what they earned, were able to invest it into other things and were able to grow it. That's what the real issue is: one, keep tax rates the same for another year; two, fix the broken Code.

There are 70,000 pages—3.8 million words—in this Tax Code. It needs to be fixed. It's miserably complicated. No Americans feel confident that when they file their taxes they got it all right.

I yield the gentleman an additional 15 seconds.

Mr. DOLD. Let's come together. Let's talk about how we want to raise taxes on the middle class because, frankly, that's just inaccurate, not true. We want to make sure these get extended for an additional year so that we can talk about pro-growth tax reform and get people off of the unemployment lines and back to work.

So I applaud you for trying to get up there and plead your political point, but we need to come together. We need to make this happen for the American public.

Mr. LEVIN. How much time is left on this bill?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 31/2 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 31/2 minutes remaining.

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Mr. CAMP. Mr. Speaker, how much time is remaining?

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The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 23/4 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 23/4 minutes remaining.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I certainly thank the chairman for his leadership on this.

Mr. Speaker, I'm confused. I think my colleagues on the other side of the aisle haven't read what H.R. 8 is. They keep talking about how my colleagues and I are looking to try to raise taxes on a segment of the population. Actually, what this does is extend current tax rates for everyone—for every single American. I can tell you that, for people all across the country right now, foreclosures are up. They're concerned about how they will send their kids to school. We've got energy prices that are on the rise. We want to make sure that the government is not taking more from them.

I have to tell you that I think what we're talking about right now is trying to empower the American people. We want to make sure that we have upward mobility. We want to try to create growth in our economy.

Mr. Speaker, in 2010, the President of the United States came before the American public and said that our economy was too fragile. The President said, that at least the 98 percent of Americans who make less than $250,000 have no increase in their taxes. At least we ought to do that. America knows we have agreement on that.

They're wondering why, when you have an agreement, you don't take that agreement and give the assurance and certainty to 98 percent of the American working people that they won't have an increase in their taxes so that they'll have the confidence that they'll have that money in their pockets to, perhaps, purchase that refrigerator that they need or that oven that they need or perhaps a new car or so that they can help their kids go to college.
Why don’t we give them that confidence, I say to my friends. Mr. Speaker, I wish we would do so.

Today, we could embrace the agreement that the Senate has come to and tell the 98 percent, “You’re safe.” In addition to that, by rejecting this bill, we will reject taking money out of 25 million people’s pockets that they rely on to support themselves and their children.

That’s what the Senate bill does. It protects the wealthiest in America while telling some of the poorest in America, the least well-off in America, you’re going to pay more, you’re going to get less. How perverse, how undermining of our economy. How undermining of the confidence of our people. Ladies and gentlemen of this House, we’re better than this.

New Gingrich talked some years ago in 1998 about the “Perfectionist Caucus.” Mr. Speaker, he said embrace agreement. He was agreeing with President Clinton and Newt Gingrich at that point in time on a budget which adopted PAYGO one more time, which is one of the reasons why we balanced the budget 4 years in a row. The House Ways and Means bill leaves 98 percent of our people at risk, while our bill gives 100 percent of the people a tax cut.

Let us reject the House bill. Let us adopt the substitute. Let us send it to the Senate and make it law. The President will sign it, and it can become law and give confidence and help to those 98 percent of Americans.

This Republican proposal, is not the straight-forward tax cut extension middle-class families and small business owners are asking for.

Instead it extends tax cuts to even the highest incomes, a plan already rejected by the Senate and which the President has said he would veto.

Moving forward with this legislation will only prolong the uncertainty the American people have asked us to end.

What we ought to do—before the August district work period—is pass the extension where we have agreement—for earnings under $250,000, which is a tax cut for 100 percent of Americans.

Ninety eight percent of families and 97 percent of small businesses will see no change to their taxes.

Let us discuss what we agree on now and afterward debate what we disagree on.

Instead, we’ve seen Republicans insist on an all or nothing approach, which has held middle-class tax relief hostage to tax cuts for the top 2 percent.

Now, they are doing so once again, with a rule on this bill that makes it harder for us to reach an agreement to prevent a tax hike on the middle class.

This is not the regular order or open process Speaker BOEHNER and Republicans campaigned on and pledged to uphold in this House.

At the same time, this bill would impose an average tax hike of $1,000 on 25 million working families by allowing the expanded Child Tax Credit and Earned Income Tax Credit to expire while eliminating the American Opportunity Tax Credit.

That lies in stark contrast to the $160,000 tax cut this bill would deliver to the average millionaire, according to the National Economic Council.

Mr. Speaker I urge my colleagues to join me in defeating this bill, and I call on Republicans to work with us to pass the tax cut extension for the middle class on which we all agree.

Mr. CAMF. Mr. Speaker, I yield myself the balance of my time.

I would just say this isn’t just about taxes. I would agree with my friend from Maryland, Republicans do not want to raise taxes on small businesses, job creators, or investors because it’s also about the economy.

This has been a dismal recovery, the worst since the Great Depression; and unemployment has been above 8 percent for 40 consecutive months. Their answer is to raise taxes on the small business sector, the area where we need to have those jobs to begin to be created.

What we’re saying is let’s keep the law the same for 1 year. We’re the only Nation in the world that has all of these tax provisions expiring year in and year out. Let’s leave this the same for 1 year—the need to move and adopt comprehensive tax reform in an expeditious procedure to do that so we can finish that next year.

If we go down their path of raising taxes on small businesses, 700,000 jobs will be lost. If we go down our path of extending current law for a year, bringing certainty, extending that law for a year, moving forward on comprehensive reform, addressing some spending problems we know this Nation has had, 3 years of trillion-dollar deficits, if we do that, we create a million jobs.

Vote for H.R. 8.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 8, the Job Protection and Recession Prevention Act of 2012. In August of 2009, President Obama told NBC News, “You don’t raise taxes in a recession.”

Quite frankly, I agree with the President and we should take it a step further. We should never raise taxes at all, period.

Unfortunately, if we do nothing before the end of the year, we risk raising taxes on Americans by $384 billion over the next ten years according to the Joint Committee on Taxation.

For our middle class families, this translates to an extra $2,200 in their pockets. And even high-income households will continue to receive a tax cut averaging more than $10,000 on their first $250,000 of income.

No one thinks raising taxes on the middle class is a good idea. Right now, my top priority is giving middle-class families and our small businesses the security and certainty they deserve by extending tax cuts they desperately need. This should be an issue where Republicans and Democrats can work together to do what is right for hard-working Americans.

I urge my colleagues to reject the Republican plan that continues down the same fiscally irresponsible path. Give our small businesses and working families the certainty they deserve, and support the Democratic plan to cut taxes for everyone and help move the economy forward.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 8. I cannot support legislation that provides millionaires tax breaks when 25 million families and business owners are asking for something different.

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to the Republican tax proposal. Their plan will give more tax breaks for the richest 2 percent, providing $160,000 for the average millionaire—on top of the $1 million that they received over the last 9 years.

That $1 million dollars means different things to different people. For 464 Rhode Island veterans, it means access to employment and job training services; for 2,340 Rhode Island parents, it means immunizations for their children against Measles, Mumps, and the flu; and for Rhode Island’s students, it means 25 more students get a leg up through Head Start. But for millionaires, $160,000 simply represents the additional gift they receive under the Republican tax proposal.

A hundred and sixty thousand dollars is a lot of money, and it can go a long way towards improving the lives and opportunities of Rhode Islanders. While every program I mentioned is on the chopping block, Republicans seem complacent to mortgage our children and grandchildren’s future to preserve these tax breaks for the wealthiest at a cost of $1 trillion. These are tax cuts we simply cannot afford. In fact, if we want to talk about responsible deficit reduction, this would be an excellent place to start.

Democrats and Republicans do agree on one thing—they need to extend tax cuts for the middle class and small businesses, which is exactly what the Democratic proposal will do.

Under the Democratic plan, every single tax-payer will receive a tax cut on income earned up to $200,000 if you are single, and $400,000 if you are married.

For our middle class families, this translates to an extra $2,200 in their pockets. And even high-income households will continue to receive a tax cut averaging more than $10,000 on their first $250,000 of income.

I urge my colleagues to reject the Republican plan that continues down the same fiscally irresponsible path. Give our small businesses and working families the certainty they deserve, and support the Democratic plan to cut taxes for everyone and help move the economy forward.
middle income families that deserve our help. It is time to start creating a tax code that reflects our values by ensuring that every individual pays their fair share.

I stand with the House Democrats, the Senate and the President in supporting an extension of the middle class tax cuts. Working Americans are facing high unemployment and stagnant wages. They should have the certainty to know that they will not face a tax increase next year. Extending the middle class tax cuts means helping 114 million middle class families, including 13.2 million in California. If the House extends the middle class tax cuts—already passed by the Senate—these families will save an average of $2,200 on next year's taxes.

This country cannot afford to keep giving out tax breaks to the wealthy and large corporations. This Republican bill adds another $50 billion to our deficit in just one year. This is the wrong approach and is just plain irresponsible. We need to strengthen the middle class, put people back to work, and grow our economy. The first step is introducing fairness to our tax code and helping the middle class Americans who work hard and play by the rules. I urge my colleagues to join me in voting against the Republican giveaway to the most wealthy and to instead support the Democratic substitute which protects the middle class.

The SPEAKER pro tempore (Mr. Bass of New Hampshire). All time for debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LEVIN

Mr. LEVIN. I now call up the substitute amendment.

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

The text of the amendment is as follows:

SECTION 1. SHORT TITLE; ETC.

(a) Short Title.—This Act may be cited as the "Middle Class Tax Cut Act".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 104. Temporary extension of 2010 tax relief.

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

TITLE III—TREATMENT FOR PAYGO PURPOSES

Sec. 301. Treatment for PAYGO purposes.

TITLE II—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) Temporary Extension.—

(1) In general.—Section 151(a)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "December 31, 2012" and inserting "December 31, 2013".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) Application to Certain High-Income Taxpayers.—

(1) Income Tax Rates.—

(A) Treatment of 25- and 28-percentage Rate Brackets.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

(i) by substituting 28% for 25% each place it appears (before the application of subparagraph (B)), and

(ii) by substituting 25% for 28% each place it appears (before the application of subparagraph (B)).

(B) 25- and 28-percentage Rate Brackets.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

(i) by substituting 28% for 25% each place it appears (before the application of subparagraph (B)), and

(ii) by substituting 25% for 28% each place it appears (before the application of subparagraph (B)).

(2) 33-Percentage Rate Bracket.—Subsection (1) of section 151 is amended by redesignating paragraph (3) as paragraph (4) and by inserting

after paragraph (2) the following new paragraph:

(3) 33-percentage Rate Bracket.—

(A) In General.—In the case of taxable years beginning after December 31, 2012—

(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

(I) the applicable amount, over

(II) the dollar amount at which such bracket begins, and

(ii) the 36 percent rate bracket under section (a)(1) and inserting "such applicable threshold".

(B) Applicable Amount.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

(i) the applicable threshold, over

(ii) the sum of the following amounts in effect for the taxable year:

(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

(C) Applicable Threshold.—For purposes of this paragraph, the term 'applicable threshold' means—

(i) $250,000 in the case of subsection (a),

(ii) $225,000 in the case of subsection (b),

(iii) $200,000 in the case of subsections (c), and

(iv) ½ the amount applicable under clause (i) after adjustment, if any, under subparagraph (E) in the case of subsection (d).

(D) Fourth Rate Bracket.—For purposes of this paragraph, the term 'fourth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

(E) Inflation Adjustment.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting '2008' for '1992'.

(II) Phaseout of Personel Exemptions and Itemized Deductions.—

(A) Overall Limitation on Itemized Deductions.—Section 68 is amended—

(i) by striking the applicable threshold and inserting "the applicable threshold in effect under section 1(i)(3)",

(ii) by striking the 'applicable threshold' in subsection (a)(1) and inserting "such applicable threshold",

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively, and

(iv) by striking subsections (f) and (g).

(B) Phaseout of deductions for personal exemptions.—

(I) In General.—Paragraph (3) of section 151(b) is amended—

(I) by striking the 'applicable threshold' in subparagraphs (A) and (B) and inserting "the applicable threshold in effect under section 1(i)(3)",

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) Conforming Amendments.—Paragraph (4) of section 151(b) is amended—

(I) by striking subparagraph (B),

(II) by redesigning clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes "in a calendar year after 1986," and inserting the following:

(F) Inflation Adjustment.—In the case of any taxable year beginning—

(1) by striking "the applicable threshold" in subparagraphs (A) and (B) and inserting "the applicable threshold in effect under section 1(i)(3)",

(2) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(3) by striking subparagraphs (E) and (F).

(III) by striking subparagraphs (E) and (F).
CERTAIN HIGH INCOME INDIVIDUALS.—

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.

(a) IN GENERAL.—

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.
on small businesses, the very sector that we need to be growing to bring us out of this recession. It does not include tax reform. There’s no path to tax reform. Our Tax Code has had 5,000 changes in the last decade. The complexity is making it difficult for Americans, and their complexity is making it difficult for Americans, and their complexity is making it difficult for Americans. They suspect others get a better deal under the Tax Code because of the complexity. If we can take that away and move to a system that has a lower rate, revenue neutral, that closes off some of these 5,000 changes that have been made in the last few years, we can create a million jobs in the first year alone.

One of the things that led us into this recession is the housing crisis. Here we have a letter from the National Association of Home Builders saying that housing can be a key engine of job growth that this country needs. However, the recovery we’re seeing remains fragile. As the rest of the economy is expected to improve conditions, now would be the worst time to raise taxes.

The National Association of Home Builders believes that lower rates, simplification, and a fair system will spur economic growth and increase competitiveness. That’s good for housing, because housing not only equals jobs, but jobs mean more demand for housing. This is just one area that if we raise taxes, as this substitute attempts to do, we’re going to really close off what little recovery we’ve been seeing, and obviously it’s been very anemic. Economic growth is just over 1 percent.

We need to be the best country in the world. We need to have the strongest country in the world. We need to have the best Tax Code in the world. Raising taxes on one segment, one group of Americans against another is not the way to get America’s greatness back. I reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentlewoman from New York (Mr. CAMP).

Mr. CAMP. I yield myself such time to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in support of the Democratic substitute on this tax provision. I have tremendous respect for Chairman CAMP and the members of the Ways and Means Committee, but I would like to note that not a single one of my colleagues on the other side of the aisle rejected what I spoke about before, about the fact that if the Republican tax bill were to pass, as opposed to the Democratic tax bill, there would be an increase in taxes on 225,000 military men and women, many of whom are in Active Duty overseas as we speak.

I mentioned in my remarks that under the Democratic bill, the EITC rate, the earned income tax credit under the bill would afford a sergeant in our Army today with 8 years of service, married and with three children, and has a basic pay of $34,723, would receive $2,000 of the Democratic plan an EITC benefit of $3,508.

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

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

Mr. CROWLEY. I want to be very clear about this, Mr. Speaker. The earned income tax credit under the Republican bill would only be $2,300. Now with the reason why is that under the Republican bill, that sergeant and his or her family would have a $1,118 tax increase. You can’t get around it. Those are the facts. Those are the numbers. They speak loud and clear. And not one of my colleagues on the other side of the aisle refuted that.

We have refuted the $250,000 issue as it pertains to small business owners. The reality is, the men and women on the front lines defending this democracy, defending our freedom, defending our way of life, allowing for small business and -women to prosper in this country, they’re not worth a tax break. Your bill gives a tax break to military men and women. There’s no getting around it. A vote for the Republican bill is a vote to increase taxes on military men and women. A vote for the Democratic substitute is a tax cut for our military men and women.

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

I don’t have to refute what the Member from New York said because the Joint Committee on Taxation has already done that. They’ve said the matters the gentleman is talking about are not tax increases. Those are spending through the Tax Code. That spending was put into the stimulus bill. We know how unsuccessful that was in lowering our unemployment rate below 8 percent, as was promised.

So at this time, I yield 2 minutes to the distinguished gentleman from New York (Mr. REED).

Mr. REED. I thank the chairman for yielding.

I rise in opposition to the substitute amendment that we’re debating here. Mr. Speaker, why is it, it’s clear the Democratic substitute amendment that we’re discussing is a further expansion of tax increases that the Senate passed recently. I’m opposed to those tax increases.

We’re dealing with a situation where the proposed amendment will raise the estate tax and take 55 percent of our hardworking Americans’ assets when they pass away. They are raising taxes on dividend and capital gains at a time when senior citizens rely on those most in these dire economic times. They also seek to raise taxes on those making $200,000 to $250,000 and above. Raising taxes on those individuals goes right to the heart of our small busi-

nesses across America, coast to coast, North to South.

In this dire economic time, I actually agree with President Obama when he signed the tax rates in December 2010, when he said that we don’t raise taxes on Americans. I just ask my colleagues to join me and say, Reject this substitute, freeze the Tax Code, and deal with the issue of comprehensive tax reform over the next 12 months, and put no Americans in harm in having their tax bill increased at the end of this year.

Mr. LEVIN. It’s now my real pleasure to yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), who is the chair of our caucus and an active member of our committee.

Mr. LARSON. Mr. Speaker, I thank the distinguished ranking member, this debate today is extraordinarily informative. This isn’t about Democrats or Republicans. This is about saving and preserving our middle class.

Lauren Mishkin from Connecticut, a mother who recently came up to talk to me about student loans, said, “When only the rich can follow their dreams, we have a problem.”

So here today, we face a very clear choice that I think all Americans understand. We should be able to come together with Democrats and Republicans and provide a tax break for everyone up to $250,000. Lauren was right: we have a problem.

A constituent of mine said, “How is it that the Congress doesn’t understand what they’re doing is throwing all of us under the bus to the detriment of uncertainty”? It’s that deep abyss of uncertainty that all Americans are concerned about.

So what they want is for us to come together.

We know that we have a bill that has passed the Senate, a bill that the President will sign, a bill that we virtually agree on on both sides of the aisle. So what really frustrates the American citizens and the people in my district is that we can’t come together.

I implore my colleagues on the other side, don’t plunge us further into this dark abyss. Do the things that the wealthy amongst us have more than the ability to shoulder and make sure that we all come together, as Americans, and do the right thing on behalf of our constituents. That’s what the Lauren Mishkins want, that’s the kind of dream that we need to provide for all American citizens, and that’s what this country desperately needs—a Congress that will take leadership.

There are times when you need to step aside, and there are times when you need to step up. We need to step up as a Congress and pass this Democratic substitute.

Mr. CAMP. I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACK), a distinguished member of the Ways and Means Committee.

Mrs. BLACK. Mr. Speaker, as I have said, there are times when you need to step up. We need to step up as a Congress and pass this Democratic substitute.

Mr. LARSON of Connecticut. I thank the gentleman for yielding.

I rise in opposition to the substitute amendment that we’re debating here. Mr. Speaker, why is it, it’s clear the Democratic substitute amendment that we’re discussing is a further expansion of tax increases that the Senate passed recently. I’m opposed to those tax increases.

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businesses going within our community. And when we know that two out of every three jobs are created by a small businessman or -woman, we impact those very folks who are creating the jobs for so many people in the district.

I hear this over and over again. And they look at me and say, Diane, please go back to Congress and please relay this to the Members of Congress, that we need to make sure that we have the certainty and that we don’t impact those small businesses so that they have to close down and, once again, increase the amount of unemployment.

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

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Mrs. BLACK. My colleagues on the other side of the aisle do not have a plan. Their plan is to increase the taxes on this group of people.

Second to that are those who continue—especially those who are looking at planning for their families for the future, of what they’re going to leave for them—they’re not going to be able to leave those things that they’ve worked so hard for because the estate taxes are going to go up.

We cannot do this to the people in my district. I’m going to be here to fight for that.

Mr. LEVIN. I would ask my colleague from Michigan how many further reflections, do you think, are needed for this group, or will we just go to the bill passed by the Senate?

Mr. CAMP. I am prepared to close.

Mr. LEVIN. It’s my privilege to yield 1 minute to the gentlelady from California, our distinguished leader.

Ms. PELOSI. I thank the gentleman for yielding. I also thank him for his legislation on the floor today, to strengthen the backbone of our democracy, the great American middle class.

Today we can do just that by passing President Obama’s middle-income tax cut, a choice that is the Levin substitute. It has already passed the Senate and could be signed into law by the President before the weekend.

We have an opportunity. We have an opportunity to give a tax cut to 100 percent of the American people. We have an opportunity to relieve some of the uncertainty that exists in our economy as to how we are going to pay the bills and how America’s working families are going to pay the bills.

We have an opportunity for fairness, which is an all-American value, for fairness for our families, for our businesses, and for our budget. We must not—as some people always accuse Congress of doing—miss an opportunity.

We have to take advantage of the opportunity that is here today. The bill provides for fairness for the middle class and is the right choice for America.

The Republican alternative says not only do we want to give 100 percent of the American people a tax cut; we want to give a bigger and better tax cut to people making over $250,000 a year, .2 percent of the American people. In order to do that, we greatly increase the deficit which would incur borrowing from other countries, including China. And they want it all off, in order to give a tax cut to the wealthiest people in our country, to increase taxes for the middle class in order to pay for that. If you make over $1 million a year, the Republican tax proposal will give you a tax cut of $160,000 on average for America’s middle-income families who would have to pay $1,000 more in taxes.

You know, we work for the American people. You are our bosses. So as our bosses, what would you instruct us to do when it comes to reducing the deficit, giving a tax cut to 100 percent of the American people, which will inject demand into the economy and therefore create jobs. So we are reducing the deficit. We’re creating jobs, and we’re having fairness as a principle as to how we go forward.

Make no mistake, by refusing to vote for the Senate-passed bill, House Republicans are giving more tax breaks to the richest 2 percent, tax breaks they don’t need and we can’t afford. At the same time they cut taxes for the rich, as I said, they would raise an average of $1,000 on 25 million American families, families who rely on that money for day-to-day needs to pay their bills, and Democrats will fight to prevent these tax increases on middle-income families in order to give a tax break to the wealthiest people in our country.

Today is a day when we can end some uncertainty. People talk about the cliff. We are going to go over the cliff come January. Let’s not even go anywhere near the edge of that cliff. Let’s pass this bill today. It will save just under $1 trillion because we’re not giving those tax cuts to the high end, those that are not needed to avoid the sequestration come January. So again, we are addressing the uncertainty not only in the lives of the American people, but in the life of our economy.

Or today is the day that Republicans will continue to hold the middle class hostage to tax cuts for the wealthiest people in our country.

I urge my colleagues to join Mr. Levin, join Mr. Levin, join the President of the United States, join all of us. There isn’t a person in this room, in this body, I think, who doesn’t support tax cuts for the middle class. Why can’t we just do that, do what we can agree upon right now, tax cut by the weekend, alleviating uncertainty for our economy as we go forward, and then we can have a debate about what a Tax Code should look like that has fairness, simplification, and again keeps us competitive, innovative, and, number one, allows the private sector to create jobs. Again, jobs, jobs, jobs.

We will reduce that deficit by having additional revenue, by growing, by addressing spending so we are investing in those initiatives that grow our economy. Pretty soon when we end this debate, it will be around the time when America’s families will sit down for dinner at the kitchen table or wherever, and they’ll have these discussions about how they pay the bills, the bills to stay in their home or their apartment, wherever. Discussions on how they will pay for their children’s education, how their pensions are affected by all of this. The list goes on and on.

With one vote, we can alleviate that uncertainty. We’re not going to eliminate it, but we can lessen it. We have that responsibility. Let’s not miss an opportunity to do just that.

So I thank you, Mr. LEVIN, for your leadership and members of the committee for all of your hard work.

Mr. CAMP. I reserve the balance of my time to close.

Mr. LEVIN. I yield myself the balance of my time.

There are a few undisputed facts. Small business—97 percent of small businesses will receive the tax cut. Don’t listen to the propaganda to the contrary. Everyone will receive their tax cuts up to $250,000 of income. Don’t listen to propaganda that says otherwise. And income over $1 million, for those who have that, would receive under the Republican bill 70 times more than the typical family. And when the two bills are combined, 150 times more than the typical family.

Let me say just a word about tax reform, which I favor, and I think is being used as an argument for inaction. But, look, let’s be realistic. No matter who controls the Congress next year, there won’t be tax reform until maybe the spring or the summer. So are you going to use that same argument for tax reform, say, in a lame duck against middle-income tax cuts? Or in January, are you going to use the same argument? Are you going to use tax reform as a shield to protect the wealthy taxpayer? In a word, the Republican bill is a path to nowhere for middle-income taxpayers.

Our substitute is a sure path. Pass it. The Senate already has. The President will sign it. Act now. Vote for the substitute.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I travel around Michigan and my district, the Fourth Congressional District of Michigan, I often hear from many families that they think America is at a crossroads. They really question is the American Dream, is that dream that their children and grandchildren are going to have the opportunities that they had, is that dream still alive for their kids and their grandkids? The reason they ask that is because we’ve been on the economic path that the majority has said, and we’ve seen the slowest recovery from any recession since the Great Depression. Unemployment is still too high.
I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker. I rise in strong support of H.R. 15, and ask my colleagues on both sides of the aisle to come together in support of H.R. 15, the Democratic alternative offered by our colleague from the Ways and Means Committee, Mr. Levits. I have consistently supported and voted for middle class tax cuts, as I did two years ago when I voted for the Middle Class Tax Relief Act of 2010, and the extension of unemployment benefits.

The intelligent Democratic substitute offered by my Ways and Means colleague temporarily extends for one year, through 2013, the reduced tax rates and other tax benefits enacted in 2001 and 2003 that are scheduled to expire at the end of 2012. The measure maintains the maximum estate tax rate of 35% while retaining the exemption amount of $5 million, provides a two-year "patch" to prevent the alternative minimum tax (AMT) from hitting over 27 million taxpayers and allows small businesses to deduct an increased amount of their capital expenditures for another year.

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

This is the same Republican Congress which has asked for a balanced budget amendment. I ask those Republican colleagues who do not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

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

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

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

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

Unlike those provisions of H.R. 8 which benefit America’s struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a two year extension of Bush-era tax cuts for the wealthiest 2% of Americans, while keeping their estate tax rate at 35% on estates valued at more than $5 million for individuals and more than $10 million for couples.
These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our ailing economy since these tax cuts are not tied to job creation and preservation.

**ESTATE TAX AMENDMENT**

I offered an amendment that would have set the Estate Tax at reasonable levels. My amendment would have allowed estates valued at $3.5 million or less to pay 35 percent, estates valued between $3.5 million and $10 million to pay a 45 percent rate, and estates over $10 million to pay a 55 percent rate. This commonsense amendment would have restored a sense of fairness to H.R. 8. According to the Center on Budget and Policy Priorities, the 2009 estate tax rules already are extremely generous, tilting in favor of the wealthy. The Tax Policy Center estimates that if policymakers reinstated the 2009 rules:

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

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

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

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

**CLASSROOM EXPENSE DEDUCTION AMENDMENT**

My second amendment would have provided tax relief to school teachers by providing them a deduction for qualified out-of-pocket classroom expenses of $250. The educator expense deduction allows teachers to write off some expenses that they incur to provide books, supplies, and other equipment and materials for their classrooms. I introduced this amendment and would like to acknowledge the work of my colleagues who provided tax relief advocating this deduction. America’s teachers from Texas to Maine to Florida to Washington deserve our renewed appreciation for their commitment to educating future generations.

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

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

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

You may recall that in the Budget, the Administration calls for individual tax reform that:
- cuts the deficit by $1.5 trillion, including the expiration of the high-income 2001 and 2003 tax cuts.
- As a matter of sound fiscal policy, I am supportive of this 15 effort. I recognize the positive economic benefits that many attribute to the Bush Tax Cuts, but we must ask ourselves: are they affordable? There is no amount of dynamic scoring that will help penetrate the deficit.

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

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

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

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

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

Moreover, tax expenditures make the tax system excessively complex for honest taxpayers to pay the tax they owe. The cost of complying with the law seeking the benefits to which they are legally entitled.

The system is so complex that most taxpayers pay no tax—well, the system now conveniently forget to mention that these tax scofflaws make $30,000 dollars a year more than make up for it with a long list of regressive taxes at the state and local level.

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

On the deficit reduction front it is important to remember the economic crisis that the President inherited. In 2008 and 2009, when we experienced the worst recession since the Great Depression. The economy actually contracted, it shrank, at a rate of almost 9 percent in the fourth quarter of 2008. We lost 800,000 private-sector jobs in January of 2009 alone, and unemployment was surging. Those are the conditions the President inherited—the car was swerving into the ditch. He was not the driver, but he was asked to come in on literally his first day of office, roll up his sleeves and figure out how to prevent the car from rolling farther down the hill. If you’ll recall we also faced a housing market that was in crisis, and we faced a financial market crisis as well that threatened to set off a global financial collapse. We have come a long way since then yet there is more work to be done.

The cloud looming over Congress is an unintended “triple-witching hour” of tax increases and Sequestration measures that will take effect at the beginning of 2013.

The expiration of the Bush Tax Cuts, the end of the recently extended Payroll Tax Cut, and increases in capital gains and dividends taxation will shock the conscience and wallets of the American people. That is why Congress needs to enact bi-partisan legislation that helps lower the deficit but does not wreak havoc on the financial soul of the middle class.

But again, tax reform that lowers the rate, reduces the deficit, and does not pick winners and losers is not easy, but let’s not forget, if President Reagan and then-Speaker Tip O’Neill could do it in 1986, anything is possible.
The bill passed by a vote of 329 to 88, with the following roll call: 

**Yeas and Nays**

**Yeas**

The House voted to pass the Levin Substitute—a bill that has already passed in the Senate. 

The motion to recommit the bill was rejected. 

The Speaker pro tempore, Mr. DeFazio, Mr. Speaker, has a motion to recommit the bill to the Committee on Ways and Means for further consideration. 

The Clerk reads the motion: 

Mr. DeFazio moves to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment: 

**SEC. 6. FINDINGS.** Congress finds the following: 

(1) Section 2 of this Act (H.R. 8) extends tax cuts for millionaires instead of helping small businesses. 

(2) Small businesses would be better served by extending tax breaks for millionaires and instead use that revenue to expand the small business economy. 

(3) This Act (H.R. 8) fails to extend tax cuts to children and the Earned Income Tax Credit.

The Speaker pro tempore, Mr. DeFazio, Mr. Speaker, has a motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

**Add at the end of the bill the following:**

**CONGRESSIONAL RECORD—HOUSE**
"(I) the applicable amount, over
"(II) the dollar amount at which such bracket begins, and
"(iii) the 39.6 percent rate of tax under such subsection applicable only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

"(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—
"(i) the applicable threshold, over
"(ii) the Effective of the following amounts in effect for the taxable year:
"(I) the basic standard deduction (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts),
"(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts),

"(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—
"(i) $1,000,000 in the case of subsection (a), (b), and (c), and
"(ii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (B) of the following subsection (d)).

"(D) HIGHEST RATE BRACKET.—For purposes of this paragraph, the term ‘highest rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 39.6 percent rate bracket.

"(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning after December 31, 2012, the dollar amount in subparagraph (C)(i) shall be adjusted in the same manner as under paragraph (1)(C), except that that section (1)(B)(3)(B) shall be applied by substituting ‘2008’ for ‘1992’.

(3) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—In the case of the Internal Revenue Code is amended—

"(A) by striking ‘the applicable amount’ the first place it appears in subsection (a) and inserting ‘the applicable threshold in effect under section 1(i)(3)’,

"(B) by striking ‘the applicable amount’ in subsection (a)(1) and inserting ‘such applicable threshold’,

"(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

"(D) by striking subsections (f) and (g).

(4) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

"(A) IN GENERAL.—Section 151(d)(1) of such Code is amended—

"(i) by striking ‘the threshold amount’ in subparagraphs (A) and (B) and inserting ‘the applicable threshold in effect under section 1(i)(3)’,

"(ii) by striking subparagraph (C) and redesignating paragraph (D) as subparagraph (C), and

"(iii) by striking all that precedes ‘in a calendar year after 1989, and inserting the following:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning

"(b) APPLICANTION OF EXTENSION OF 2003 TAX RELIEF.—

"(1) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—Paragraph (1) of section 1(h) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

"(C) 15 percent of the lesser of—

"(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

"(ii) the excess (if any) of—

"(I) the adjusted net capital gain which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

"(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B).

"(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the amount on which a tax is determined under subparagraphs (B) and (C)."

"(2) MINIMUM TAX.—Section 55 of such Code is amended by adding at the end the following new subsection:

"(f) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

"(i) IN GENERAL.—In the case of any individual, if the taxpayer’s taxable income for the taxable year exceeds the applicable amount determined under section 1(i)(1) with respect to such taxpayer for such taxable year, the amount determined under paragraph (a) shall be adjusted in the same manner as under section (b)(3)(C) for purposes of determining the taxpayer’s tentative minimum tax for such taxable year.

"(ii) DETERMINATION OF 20-PERCENT CAPITAL GAINS RATE.—The amount determined under this paragraph is the sum of—

"(A) 15 percent of the lesser of—

"(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which tax is determined under subparagraph (A), and

"(ii) the excess described in section 1(i)(1)(C)(i), plus

"(B) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (A) and (B)."

"(3) CONFORMING AMENDMENTS.—

"(A) The following provisions are each amended by striking ‘15 percent’ and inserting ‘20 percent’: (i) Section 531 of the Internal Revenue Code of 1986.

"(ii) section 511 of such Code.

"(iii) Section 1446(f) of such Code.

"(iv) The last sentence of section 7518(g)(6)(A) of such Code.

"(v) Section 5311(f)(2) of title 46, United States Code.

"(B) Section 1446(f)(6) of the Internal Revenue Code of 1986 is amended by striking ‘15 percent (20 percent in the case of taxable years beginning after December 31, 2010)’ and inserting ‘20 percent’.

"(c) APPLICATION OF SUNSETS.—

"(1) APPLICATION OF JOHNSON-SHARKEY SUNSET.—Each amendment made by section (b) shall be subject to title IV of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

"(2) APPLICATION OF JOTHRRA SUNSET.—Each amendment made by subsection (b) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

"(d) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

"(2) WITHHOLDING.—The amendments made by subparagraphs (A)(iii) and (B) of subsection (b)(3) shall apply to amounts paid on or after January 1, 2013.

SEC. 8. ADDITIONAL INCREASE IN SMALL BUSINESS EXPENSES.

(a) In General.—Subtitle B of title I of the Internal Revenue Code of 1986, as amended by section 3, is further amended—

"(1) by striking ‘$100,000’ in paragraph (1)(B) and inserting ‘$125,000’

"(2) by striking ‘$400,000’ in paragraph (2)(D) and inserting ‘$500,000’, and

"(3) by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion be suspended.

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

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. DEFAZIO (during the reading). I ask unanimous consent that further reading be suspended.

The SPEAKER pro tempore. Is there objection?

Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Under the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. DEFAZIO. This is the final amendment to the bill. It won’t kill the bill or send it back to committee. If adopted, the bill will be immediately amended and will proceed to final passage.

It’s a pretty simple amendment. It would create a tax break for the real job creators in America, which are small businesses and middle-income families. A middle-income person with a job or a small business and enough money to go out and buy products made in America for his business—that’s a key component of this—would be allowed an expensing.

The Republican version of the bill would limit the expensing to small businesses to $100,000 a year for the purchases of new equipment made in America. If this amendment is adopted, those small businesses would be allowed to expense up to $1 million to purchase products made in America, which would put people back to work.

We know we’re not going to get a full ear of the millionaires and billionaires because this tax increase, or restoration of the Clinton era rates, would only apply to incomes over $1 million. So a millionaire still gets the break on the first $1 million. It’s only on income over $1 million that would go to the Clinton era rates.

They’ll say they’re the job creators and that it would depress job creation. Let’s think back to the Clinton administration. We had a 30 percent top bracket on the millionaires and billionaires. We had 3.8 percent unemployment in the United States of America,
and we paid down debt for the first time since the Eisenhower administration. I’d like to go back to those bad old days.

Now, we’ve been doing the Bush tax cuts for 12 years. Where are the jobs? Where are the jobs from cutting taxes on people who make over $1 million? They aren’t creating those jobs. Let me give you two quick examples from my district, and they’re typical.

I have Palo Alto Software, a small business. They make software for business start-ups. We contacted them, and they said, Yes, we could invest way more both in new hardware, new software, and other things that would enhance our business than $100,000 if we were given this expensing privilege, and we would put more people back to work.

But Handling Systems, they make recycling systems in my district. They had the same answer: If you gave us a million dollars of expensing, we would spend every penny of that on products made in America and put people back to work.

The bottom line is the Republicans want to limit these small businesses, these real job creators, to a $100,000 deduction when they could use a million dollars in expensing and put more people back to work, because their premise is that the millionaire, the person who got hundreds of millions or more in income, that having them not pay more taxes on their income over $1 million will create more jobs than the small business. I don’t buy that. I don’t think the American people buy that.

I’m not sure what we can do with their huge tax breaks, their very expensive tax breaks. They can buy another vacation home in the Caribbean. They can buy a Lamborghini. Paris Hilton can go on a shopping spree in London or Paris.

This bill limits the expensing and the purchase of equipment to products made in the United States of America. I want to see things made in this country again. I want to put Americans back to work, not people overseas.

It’s time that we admitted that we can’t afford to continue the tax cuts over $1 million of income.

It would also reduce the deficit over 10 years by $29 billion after we create jobs, but let us give this expensing privilege to small businesses.

The choice is yours. You can stick with those who have income over $1 million or you can side with small businesses and American workers. You decide.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—as follows:

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
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<td>181</td>
<td>246</td>
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The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. CAMP; Mr. Speaker, I rise in opposition to the motion.
- Noes: Mr. Speaker, I demand a recorded vote.

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

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 181, noes 246, as follows:

- Ayes: Mr. Speaker, I demand a recorded vote.
The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 3, as follows: (Roll No. 546)
tion to suspend the rules and pass the bill (H.R. 3456) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, as amended, on which the yeas and nays were ordered.

The Speaker read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 414, nays 6, answered “present” 1, not voting 9, as follows:

[Table of Yeas and Nays]

The vote was taken by electronic device, and there were—yeas 414, nays 6, answered “present” 1, not voting 9, as follows:

[Table of Yeas and Nays]

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.
on motions to suspend the rules previously postponed.

GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 300) to prevent abuse of Government charge cards, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

ACCEPTANCE OF RELINQUISHMENT OF RAILROAD RIGHT OF WAY NEAR PIKE NATIONAL FOREST, COLORADO

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3673) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou and Incline Railway Company pursuant to the Act of March 3, 1875, as amended.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 127) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. Con. Res. 127

Whereas the Internet is the greatest vehicle for global progress and improvement since the printing press; and despite the current economic climate, the Internet continues to grow at an astonishing pace. Cisco estimates that by 2016 roughly 45 percent of the world’s population will be Internet users, there will be more than 11 billion mobile network connections, and the average speed of mobile broadband will be four times faster than it is today.

The ability of the Internet to grow at this staggering pace is due largely to the flexibility of the multi-stakeholder approach that governs the Internet today. Nongovernmental institutions now manage the Internet’s core functions, with input from private and public sector participants. This structure protects governmental and nongovernmental actors from controlling the design of the network or the content that it carries.

Without one entity in control, the Internet has become a driver of jobs and information, business expansion, investment and, indeed, innovation. Now, moving away from that multi-stakeholder model, Mr. Speaker, would harm these abilities and would prevent the Internet from spreading prosperity and freedom.
In May, the Subcommittee on Communications and Technology invited a panel of witnesses, including Federal Communications Commissioner Robert McDowell, to discuss the effects an international regulatory regime would have on the Internet. All agreed that such a regime would not only stifle innovation on the Internet, but would endanger global development on a much larger scale.

House Concurrent Resolution 127 expresses the commitment of Congress to do all that it can to keep the Internet free from an international regulatory regime.

I’m pleased to report that earlier today, Ambassador Kramer, the leader of the U.S. delegation to the WCIT, gave a speech outlining the position of the United States that seems to be embracing the very principles contained in this resolution. Now, my hope is that the administration stays on this very course.

As the U.S. delegation continues to work on the WCIT, House Concurrent Resolution 127 is an excellent bipartisan demonstration of our Nation’s commitment to preserve the multistakeholder governance model and to keep the Internet free from international control. The Committee on Energy and Commerce strongly supports House Concurrent Resolution 127, and I urge the rest of my colleagues in the House to join us.

I reserve the balance of my time. Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

I’m very pleased to join with all of my colleagues. This is an unusual happening on the floor, and I hope there are lots of people tuned in from C-SPAN listening and watching, because it is one of the few times that we’ve come together in a true bipartisan, 100 percent bipartisan way.

I want to pay tribute to the gentlewoman from California, Representative Bono Mack, who has led Congress in advancing this issue. And I’m very, very pleased to join her and all of the members of the Energy and Commerce Committee on H. Con. Res. 127.

As I said, this is bipartisan and it’s bicameral, and it demonstrates the bipartisan commitment of the Congress to preserve the open structure and multistakeholder approach that has guided the Internet over the past two decades.

The distinguished chairman of our subcommittee said that he hopes the administration will remain on this. The administration was there before the Congress took action. There is no light between the administration, the executive branch, the Senate or the House that’s the way it should be.

Through this open and transparent structure, Mr. Speaker, the Internet has literally transformed into a platform supporting thousands of innovative companies, applications, and services, lifting up all of us and the United States—but in communities around the world.

I’m very, very proud, because my congressional district is very much a part of Silicon Valley, and many of these companies helped to launch these innovations. In fact, since 1995—this is really stunning—venture capital funds have invested approximately $250 billion—with a B, dollars—in industries reliant on an open Internet, including $91.8 billion investing in Internet companies.

But later this year, the World Conference on International Telecommunications—at the committee, we call it WCIT, that’s a lot easier—will take up proposals that represent a really fundamental departure from the International Telecommunications Regulations adopted in 1988. Nearly 25 years ago, this treaty provided a framework for how telecommunications traffic is handled among countries, but much has changed since that time.

In addition to proposing new regulations on broadband services, several nations, including Russia, are set on asserting intergovernmental control over the Internet, leading to a balkanization of the Internet. I’m concerned that Congress could become the new norm. While there’s no question that nations have to work together to address challenges to the Internet’s growth and stability, such as cybersecurity, online privacy, and intellectual property protection, these issues can best be addressed under the existing model.

It’s absolutely essential that the United States defend the current model of Internet governance at the upcoming conference this December because the very fabric of the free and open Internet is at stake.

So I urge all of my colleagues to support this bipartisan resolution which reflects, as I said a few months ago, a viewpoint already shared by the Obama administration, the Federal Communications Commission, and the U.S. delegation to the WCIT, and unite in opposition to proposals that threaten the innovation, openness, and transparency enjoyed by Internet users around the world.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN. I’m now honored to yield 3 minutes to the gentlewoman from California (Mrs. Bono Mack), the sponsor of this legislation, the chairman of the Commerce, Manufacturing, and Trade Subcommittee of the Energy and Commerce Committee, and a very active and effective member of the subcommittee. I chair the Communications and Technology Subcommittee, who has put a lot of time into making sure the Internet remains free and open. This is her resolution. We thank her for her work.

Mrs. BONO MACK. Mr. Speaker, I thank my dear colleague for yielding me the time.

Today, if you browse the Internet and enter the search words “Russia, China, human rights violations,” you’ll get back nearly 300 million hits. Think about it. Five simple words, 300 million hits.

In the future, how many of these stories will you actually be able to read if Russian President Vladimir Putin and China’s Communist Party are allowed to exert unprecedented control over Internet governance? Here are two words you should Google: “Good luck.”

As the United States prepares to take part in the World Conference on International Telecommunications in Dubai, we need to provide the delegation with a clear and unmistakable mandate: Keep the Internet free of any and all government control.

At the WCIT discussions, a new treaty on Internet governance will be debated. Most worrisome to me are efforts by some countries to provide the U.N. with extraordinary new authority over the management of the Internet.

That’s bad enough. But unlike the U.N. Security Council, the U.S. will not have veto power to prevent censorship or despicable actions which could threaten freedom everywhere. To prevent this from happening, I introduced House Concurrent Resolution 127.

I want to thank my cosponsors, Energy and Commerce Committee Chairwoman UPTON, Ranking Member WAXMAN, Communications and Technology Subcommittee Chairman WALDEN, and my good friend and the Ranking Subcommittee Member ESHOO, for their strong bipartisan support in this effort. I also want to commend Senator RUBIO for championing this critically important cause in the Senate.

In many ways, this is a first-of-its-kind referendum on the future of the Internet. For nearly a decade, the United Nations has been angling quietly to become the epicenter of Internet governance. A vote for our resolution is a vote to keep the Internet free from government control, and to prevent Russia, China, India, and other nations from succeeding in giving the U.N. unprecedented control over Web content and infrastructure.

Last year, e-commerce topped $200 billion in the U.S. for the first time and is up 15 percent so far this year. We also continue to lead the world in online innovation, creating millions of jobs and bolstering our economy at a time when we really need it.

These proposed treaty changes, which have been going on in secret, could have a devastating impact worldwide on both freedom and economic prosperity. If this power grab is successful, I’m concerned that the next Arab Spring will instead become a Russian Winter where free speech is chilled, not encouraged, and the Internet becomes a wasteland of unfulfilled hopes, dreams, and opportunities.

We cannot let this happen. I urge my colleagues to vote “yes” for this resolution, and say “no” to online censorship by foreign governments.

Ms. ESHOO. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a highly regarded member of our committee.

Mr. DOYLE. Mr. Speaker, I want to add my support for this important resolution to safeguard the Internet from government control.
I'd like to thank my friend and colleague, MARY BONO MACK, and my other colleagues from the Energy and Commerce Committee for introducing this measure, and I was delighted to become an original cosponsor.

This bipartisan resolution sends a clear message to the United Nations. It tells the International Telecommunication Union, which is the U.N. arm handling telecommunications issues, not to adopt regulations that would make it easier for governments to exercise tracking, surveillance, or censorship online.

The Internet has developed into the revolutionary medium it is today because decisions over the structure of the Internet have been made by non-governmental, expert organizations. These groups invite the participation of a number of stakeholders from academia, the private sector, public interests, and other experts, and they've done a good job of avoiding a lot of the political interference.

At a time when some governments have actively been blocking users from accessing certain Web sites online, I am glad to see my colleagues unite against such repressive actions and in support of Internet freedom. Opposition to Internet censorship has always been a very bipartisan issue. I want to make it clear because sometimes this issue gets confused with other policy issues like net neutrality. Some of my colleagues have argued that net neutrality supporters somehow favor Internet censorship. I believe that users should be able to surf the Internet however they want to without being blocked from certain Web sites or services, which is what net neutrality is all about as well, so I think opposing censorship and favoring net neutrality is the right way to go.

Mr. Speaker, I am very glad to see this resolution move forward in a bipartisan fashion. I urge my colleagues to support it.

Mr. WALDEN. I now yield 3 minutes to a member of the Judiciary Committee who chairs the Intellectual Property, Competition, and the Internet Subcommittee and who has been one of our terrific leaders on the Republican side on the Internet with regard to keeping it free and open, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I would like to thank Chairman WALDEN for his great work in this area and for his leadership on this issue.

I strongly support House Concurrent Resolution 127.

Mr. Speaker, several hostile countries continue to pursue a U.N. takeover of the Internet through an organization known as the International Telecommunication Union or ITU, which is an agency within the United Nations. In fact, a push is being made to negotiate international control of the Internet in Dubai this December.

The U.N. is the absolute last entity that should have anything to do with managing the functioning of the Internet.

Currently, the private, nonprofit ICANN, which is the Internet Corporation for Assigned Numbers and Domains, performs this function. While ICANN is far from perfect, having this responsibility rest with a private entity helps foster market principles and is the most efficient way to administer the Internet's domain name system and root server infrastructure.

We must remain vigilant against efforts by foreign governments to consolidate the control of the Internet into a U.N.-centered body, which would lead to free speech and access restrictions and abuses. House Concurrent Resolution 127 will show Congress' unity behind this concept, and I strongly urge my colleagues to support this important resolution.

Ms. ESHOO. Mr. Speaker, I would now like to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY), who has been a recognized intellectual leader on telecommunications and the Internet for a long time in the Congress.

Mr. MARKEY. I thank the lady for her great leadership. I have served 36 years on the Telecommunications Subcommittee. No Member of Congress has ever done this. I know that this is an important moment because the Internet today is indispensable to our economy, intricately linked to innovation worldwide, and initiates the free flow of ideas around the planet. It is the most successful communications and commercial medium in the history of the world.

In testimony before the Telecommunications Subcommittee in May, Vint Cerf, known to many as the "Father of the Internet," explained: To allow any rules that would sequester this innovation and inhibit others would damage the future of the Internet dramatically. I could not agree more. That is why I strongly support this bipartisan resolution with Ms. ESHOO, Mr. WAXMAN, Mr. WALDEN, and Ms. BONO MACK. This is why we have to be out here together. It is why we must send a bipartisan signal to the rest of the world that the United States will defend an open Internet.

The World Wide Web is essential to our economy. Companies large and small rely on the Web regardless of whether their commercial aspirations are local or global. The Internet's worldwide scope has also helped to foster community and cultural communications across the planet. We have recently witnessed the power of social media in toppling dictators and in promoting democracy across the globe.

What makes the Internet so special is its decentralized, open system that currently governs it. It is chaotic; it is impossible to control; and the multi-stakeholder process that is in place today ensures the Internet's vibrancy will continue into the future.

Here, domestically, we have to ensure that the broadband barons don't close down this cacophony of voices which are heard and stifle innovation. But globally, yet another number of countries, including China and Russia, are now proposing measures that strike at the core of what makes the Internet great. Their proposals could stifle innovation, cripple job growth, muzzle democratic principles. These proposed measures include bringing the Internet under intergovernmental control and imposing fees for relaying Internet traffic or termination rates for delivering Internet traffic to its end destination.

We have to resist and reject these repressive ideas. It would undermine the essence of the Internet. It would take us back to the days when, in the satellite world, it was the controlling governmental officials in countries that actually decided whether you could access specific Web sites or services or not. The U.N. is the absolute last entity that we want to see this happen to the Internet. Thank you all for bringing this great resolution out to the floor here this evening.

Mr. WALDEN. I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I would now like to yield 3 minutes to my distinguished colleague from California, Representative ZOE LOFGREN, who is respected in the House for her knowledge, not only of technology, but of all the wraparound issues that are a part of it.

Ms. LOFGREN of California. Thank you, Representative Eshoo, and thank you to all who have brought this important bipartisan resolution forward.

I remember, as the Internet was beginning to take off commercially, that we had a discussion here in the government. Again, it was bipartisan, and there was an understanding that the Commerce Department was not going to be able to run the Internet. We did something that was a risk, but it worked out pretty well. We created ICANN, which basically allowed a multistakeholder, nongovernmental organization to do the technology, to assign the names and numbers. They've not been perfect but not half bad.

What is before us today is a threat to what has been, as my colleague Mr. MARKEY has said, the greatest force in modern times for communication, for growth, for low-barrier entry into innovation—the Internet. Whether it is to tax it or to censor it for political or cultural reasons, we are aware that there are those around the world who wish to burn the Internet. We need to take a stand in this body and with our administration to say "no" to that.

Whether the attempts to control the Internet from the top down come from
I’m proud to stand with my colleagues on both sides of the aisle to say that America is going to stand up for freedom. We’re going to stand up for technology, and we’re not going to allow anyone, whatever their intentions may be, to threaten the freedom that America is going to stand up for. We need to stand up and protect the Internet and the freedom that it embodies.

We know that the multistakeholder approach is critical to the continued robust growth of the Internet. We also know that the transparent, multistakeholder model has made the Internet such a hugely successful global platform for economic growth, human rights, and the free flow of information.

We appreciate Mrs. Boni Mack’s efforts in the Senate with Ms. Eshoo’s, and the entire committee. I’m proud to be a cosponsor of the measure. I look forward to its resounding success in a vote tomorrow.

Mr. WALDEN. Mr. Speaker, I continue to reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentlewoman from California has 8 minutes remaining.

Ms. ESHOO. I’ll just make some closing comments because I don’t have anyone else who is here to speak to this.

Mr. Speaker, I think that everyone who works on this issue has really spoken beautifully about this issue, about what the Internet represents not only to individuals, businesses, students, how it has changed how we live, how we work, how we learn, and the jobs that it has produced, what it has done for our national economy, but also what it has done relative to exporting democracy. Of course, the United States is front and center in this.

It’s a very interesting thing to me to examine those countries that are thinking in another way and want to impose that thinking on the Internet. There are far more closed societies where freedom of thought, freedom of expression is not valued the way we do and other democracies do. So we need to form partnerships with other countries around the world to make sure that the democratizing effect that the Internet actually holds will continue.

I’m proud to join again with my colleagues, with Mr. WALDEN, the distinguished chairman of our subcommittee, and with Representative Boni Mack who led the effort with this resolution. I’m proud that we’re all together. And I always want to thank our staff, both on

The question was taken.

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

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

The yeas and nays were ordered.

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

RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS ACT OF 2012

Mr. OLSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4273) to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any environmental law, State, or local environmental law or regulation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Resolving Environmental and Grid Reliability Conflicts Act of 2012”.

SEC. 2. AMENDMENTS TO THE FEDERAL POWER ACT.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generators, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

“(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken voluntarily, or subject to any requirement, civil or criminal law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

“(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency with expertise in the environmental interest protected by such law or regulation, and shall include in any such
renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the maximum extent practicable. The conditions, if any, which the Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition is not necessary to minimize any adverse environmental impacts in the light of the emergency. The Commission is to address the emergency necessitating the order and provides in the order, or otherwise makes publicly available, an explanation of such determination."

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting before the period the following: "before engaged in the transmission or sale of electric energy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. OLSON) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. OLSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 4273.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4273, Resolving Environmental and Grid Reliability Conflicts Act of 2012.

My colleagues and I carefully drafted this bill to resolve a conflict between the Federal Power Act and environmental laws and regulations that, if left unresolved, could create serious problems for the reliability of our Nation's electric grid.

Every year, as the heat of summersettles in across our country and demand surges for electricity, the potential for dangerous power outages grows. Some States, such as California, and my home State of Texas, are being warned by electricity regulators that reserve margins could dip dangerously low.

Texas is expected to have a 2,500 megawatt shortfall in generating capacity—equivalent to five large power plants—as early as 2014. This shortfall could cause rolling blackouts across Texas that have the potential to impact more than 25 million people.

As we've seen happen before in our country and around the world, we are watching it unfold in India this week, an unexpected load loss of power can result in significant harm to human health and the environment.

Prior experience shows that in rare and limited circumstances, emergency action can be necessary to ensure the reliable delivery of electricity. In these circumstances, the Department of Energy has a tool of last resort to address the emergency. That tool is an emergency order issued under section 202(c) of the Federal Power Act. DOE can order a power plant to generate electricity when outages occur due to weather events, equipment failures, or when the electricity supply is too low. And as they should, DOE can force a company to comply with a 202(c) order even if it means a technical violation of environmental law. Unfortunately, under current law, a company or individual can be held liable for civil violations of a federal law or regulation even when they are acting under a Federal order to avoid a blackout.

In recent years, these conflicting Federal laws have resulted in lawsuits and heavy fines for electricity providers who were complying with DOE orders. A power generator in San Francisco had to pay a significant sum as a settlement after they were ordered by DOE to exceed their emissions limits to avoid a blackout. Unless Congress passes legislation to resolve the potential conflict of laws, the effectiveness of this tool is in jeopardy.

As testimony this year before the House Energy and Commerce Committee confirms, the next time DOE invokes 202(c) emergency orders we may choose to fight the order in court if it conflicts with an environmental law. Conflicting Federal laws put a power generator in a no-win situation—either sue DOE to comply with environmental laws or be sued by third parties for compliance with DOE orders.

H.R. 4273 eliminates the legal conflict facing power generators and their customers by providing a needed safety valve, which clarifies that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation.

Emergency orders are not issued lightly and only under extreme power reliability scenarios. In the last 30 years, this authority has only been used six times. But when the need arises, my legislation will ensure that DOE works to minimize any adverse environmental impacts, meaning they must balance environmental interests with reliability needs.

While I believe DOE may need to use its emergency authority more often in the future given the strain EPA's new power generator rules will have on the electric grid, I still expect DOE emergency authority orders to be the exception, not the rule.

In those rare instances when the authority is invoked, we should not punish generators that are simply following orders from the Federal Government. That's why we must amend the Federal Power Act so that generators are not forced to choose between compliance with an emergency order and environmental regulations.

This bipartisan legislation was introduced this summer to allow America's power companies to comply with Federal orders to maintain grid reliability during a power emergency without facing lawsuits or penalties.

I am extremely pleased with the bipartisan support this bill has received. This is proof that we can find common ground when working to address a critical glitch in Federal law and provide reliable energy supply to all Americans.

I want to thank committee Chairman FRED UPTON, Ranking Member HENRY WAXMAN, and Subcommittee Chairman ED WHITFIELD and Ranking Member BART RIVETT for their support and assistance in moving this bill forward. I also want to thank my colleagues on the committee, GENE GREEN and MIKE DOYLE, for working with me to fix this problem and to keep power running for all Americans in an emergency.

Mr. Speaker, I urge my colleagues to support this commonsense, bipartisan legislation that protects energy consumers, the environment, and those who provide the power.

I reserve the balance of my time.

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

The bill before us today is the result of efforts from both sides of the aisle to find a solution that really works for industry, government, and our environment.

Currently, the Department of Energy has the authority to issue a 'must-run' order to a power provider in emergency cases to protect grid reliability. At the same time, environmental laws and regulations could prohibit a company from complying with a DOE must-run order. So a company is left in the position of choosing which law it violates—environmental rules or an emergency order from the Department of Energy.

In fact, Mr. Speaker, this hasn't happened in the past. During the California energy crisis and as recently as 2005 in Virginia, a company was issued emergency orders by the Department of Energy. To comply with those orders, the company was temporarily in noncompliance with environmental law. Therefore, after complying with an emergency must-run order, the company was both fined and forced to settle a citizen lawsuit. If it happens once, twice, or 50 times, it will never be proper for the Federal Government to put a company in the position of choosing which law to violate.

Reliability concerns for our electric grid are real, and power plant retirements are being announced nearly every week. In June, the North American Electric Reliability Corporation issued their summer reliability assessment. They told us that reserves in Texas are coming up short to meet peak demand and that the California reserve margin will be extremely tight.

So this bill will fix a clear conflict in Federal laws with a narrow, targeted approach. This bill will ensure that the Department of Energy have the ability to keep the lights on while still protecting the environment.
The bill before us simply clarifies that if an emergency order issued pursuant to section 202(c) of the Federal Power Act may result in such a conflict with an environmental law or regulation, it shall expire not later than 90 days after issuance. This is to ensure that DOE continues to have the necessary authority to “keep the lights on” in true emergencies.

It then gives DOE the opportunity to renew or reissue such an order for an additional 90-day period after consultation with appropriate agencies and including conditions submitted by such agencies to mitigate adverse environmental impacts. DOE may exclude a recommended condition from the order if it determines the condition would prevent the order from adequately addressing the emergency.

Mr. Speaker, this bill is the result of many months of work with members on both sides of the Energy and Commerce Committee. It is supported by both the chairman and the ranking member of the committee. And I ask my colleagues to support it also.

I want to thank the gentleman from Texas (Mr. OLSON). It has been a pleasure to work with him on this piece of legislation. I look forward to the day when DOE officials informed the Committee that in true emergencies, it shall expire not later than 90 days after issuance. This is to ensure that DOE continues to have the necessary authority to “keep the lights on” in true emergencies.

However, it then gives DOE the opportunity to renew or reissue the order for an additional 90-day period only after consulting with the appropriate Federal agencies and including conditions submitted by these agencies to mitigate the adverse environmental impacts.

This is not a messaging bill. This is not an anti-EPA bill or an anti-air toxic standards bill. Instead, it’s a commonsense bill that addresses a very worrisome deficiency in current law that is only going to become more prominent in the coming years.

This is one of a handful of bills that actually was supported by both Democrats and Republicans in the Energy and Commerce Committee. It also has support from the utility industry. That’s why I encourage my colleagues on both sides of the aisle to support the bill.

Mr. OLSON, Mr. Speaker, I reserve the balance of my time.

Mr. OLSON. Mr. Speaker, Mr. DOYLE. Mr. Speaker, it is a pleasure for me to now yield such time as he may consume to the gentleman as he may consume to the gentleman’s pleasure for me to now yield such time.

I urge my colleagues to vote for H.R. 4273, and I yield back the balance of my time.

Mr. WAXMAN. I would like to make a few comments on the committee process for H.R. 4273.

As introduced, I had substantial concerns about H.R. 4273. The introduced bill gave the Department of Energy unprecedented and unchecked new authority to violate federal environmental law if DOE determines there is an emergency with respect to electric power, and the only references to environmental safeguards in the bill were foratory. This approach was unacceptable. I also believed the bill was unnecessary, as federal agencies already have the necessary authority to resolve any conflicts between environmental requirements and emergency orders.

However, the bill’s sponsors, the committee Chairman, and the affected industry were willing to engage in serious, substantive negotiations to improve the bill, which produced significant improvements. The version of the bill reported from Committee is narrower in scope and effect, and provides some environmental safeguards.

I would like to extend my thanks to all of the participants in the negotiations for a good-faith and productive process. In particular, I would like to thank Mr. DOYLE and Mr. GREEN for their leadership and hard work on making improvements and producing a bill that can be supported on a broad bipartisan basis.

I also want to thank Chairman UPTON and Subcommittee Chairman WHITFIELD and Representative OLSON for working with us. The language of this bill represents a delicate compromise that was very carefully negotiated, and changes to the bill before us could well jeopardize that broad support.

H.R. 4273, as it is before us today, requires any emergency order that may result in a conflict with environmental requirements to require generation only during the hours necessary to meet the emergency and to minimize any adverse environmental impacts.

In discussions and testimony on the bill, DOE officials informed the Committee that in any situation where time permits, they always consult with and rely on the relevant expert environmental agency with respect to minimizing environmental impacts of an emergency order, and they assured the Committee that they would continue this practice. This assurance is important to my support for the bill.

The SPEAKER pro tempore. The question was taken; and (two-thirds in the affirmative) the rules were suspended and the bill, H.R. 4273, as amended, passed. A motion to reconsider was laid on the table.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 

SEC. 1. SHORT TITLE. 
This Act may be cited as the “Residential and Commuter Toll Fairness Act of 2011.”

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress finds the following:
(1) Residents of various localities and political subdivisions throughout the United States are subject to tolls, user fees, and fares to access certain roads, highways, bridges, railroads, buses, ferries, and other transportation systems;
(2) Revenue generated from transportation tolls, user fees, and fares is used to support various infrastructure maintenance and capital improvement projects that directly benefit certain entities and indirectly benefit the regional and national economy;
(3) Residents of certain municipalities, counties, and political subdivisions endure significant or disproportionate toll, user fee, or fare burdens compared to others who have a greater number of transportation options because such residents;
(A) live in geographic areas that are not conveniently located to the access points for roads, highways, bridges, rail, busses, ferries, and other transportation systems;
(B) live on islands, peninsulas, or in other places that are only accessible through a means that requires them to pay a toll, user fee, or fare;
(C) are required to pay much more for transportation access than residents of surrounding jurisdictions, or in other jurisdictions across the country, for similar transportation options;
(4) To address this inequality, and to reduce the financial hardship often imposed on such individuals by State and municipal governments and multi-State transportation authorities have established programs that offer discounted transportation tolls, user fees, or fares to residents of such jurisdictions;
(5) Transportation toll, user fee, and fare discount programs based on residential status;
(A) address actual unequal and undue financial burdens placed on residents who live in areas that are only accessible through a means that requires them to pay a toll, user fee, or fare;
(B) do not by design or effect discriminate against those individuals ineligible for residential toll, user fee, or fare discount programs;
(C) are not designed to favor the interests or promote the domestic industry or economic development of the State implementing such programs;
(D) do not interfere or impede undue burdens on commerce with foreign nations or interfere or impose any undue burdens on commerce within the several States, or commerce within particular States;
(E) do not interfere or impose undue burdens on the ability of individuals to travel among the States and within several States; or
(F) do not constitute inequitable treatment or deny anyone within the jurisdiction of the United States the equal protection of the law; and
(G) do not abridge the privileges or immunities of citizens of the United States.

(b) PURPOSES.—The purposes of this Act are—
(1) to clarify the existing authority of States, counties, municipalities, and multi-jurisdictional transportation authorities to establish programs that offer discounted transportation tolls, user fees, and fares for residents in specific geographic areas; and
(2) to authorize the establishment of such programs, as necessary.

SEC. 3. AUTHORIZATION OF LOCAL RESIDENTIAL OR COMMUTER TOLL, USER FEE OR FAKE DISCOUNT PROGRAMS.
(a) AUTHORITY TO PROVIDE RESIDENTIAL OR COMMUTER TOLL, USER FEE OR FAKE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR COMMUTERS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, buses, ferries, or other transportation systems are authorized to establish programs that offer discounted transportation tolls, user fees, or other fares for residents of specific geographic areas; and
(b) RULEMAKING WITH RESPECT TO THE LOCAL, OR AGENCY PROVISION OF TOLL, USER FEE OR FAKE DISCOUNT PROGRAMS TO LOCAL RESIDENTS OR COMMUTERS.—States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, buses, ferries, or other transportation systems are authorized to enact such rules or regulations that may be necessary to carry out the provisions authorized under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to limit or otherwise interfere with the authority, as of the date of the enactment of this Act, of States, counties, municipalities, and multi-jurisdictional transportation authorities that operate or manage roads, highways, bridges, railroads, buses, ferries, or other transportation systems.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. LARSEN) is hereby granted 5 legislative days in which to revise and extend their remarks and include extraneous materials on H. R. 897.

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

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials, including the American Highway Users Alliance, have raised concerns that H.R. 897 could lead to discrimination and could be used in an attempt to preclude constitutional challenges to an individual toll or fare discount program. Unfortunately, unlike Mr. McMahon’s bill from last Congress, H.R. 897 as currently drafted is overly broad and raises some potentially serious legal issues.

A number of highway user organizations, including the American Highway Users Alliance, have raised concerns that H.R. 897 could lead to discrimination and could be used in an attempt to preclude constitutional challenges to an individual toll or fare discount program. Unfortunately, the Committee on Transportation and Infrastructure has not held any hearings to examine the potential implications of this legislation. The Republican leadership has decided to bring this bill to the floor with no notice, at least not to this side of the aisle. The Committee on Transportation and Infrastructure should hold hearings prior to the important issues raised by this bill being examined and, if necessary, addressed.

Mr. Speaker, the House should be considering legislation to simply reinstate the existing right of communities to reduce the extreme toll burdens borne by captive toll payers. We should not be considering legislation that could be used to implement programs that impose interstate commerce on every State and interstate commerce on all the authorities to find ways to shift the burden of tolls to out-of-State residents, or truckers, for that matter, or those making longer trips.

Not all residential-based toll discounts are fair or necessarily appropriate, but some are. The context in which they are implemented are important to determining if they are appropriate.

Unfortunately, as currently drafted, H.R. 897 could be used to remove any case that could be made against a toll discount program. In that sense, it is overly broad and unreasonable.

I urge my colleagues to join me in supporting the legislation, and I reserve the balance of my time.

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

Mr. Speaker, I understand the objective of the legislation before the House today—to clarify the existing authority of public authorities to offer discounts in transportation tolls to residents or communities faced with limited transportation access and heavy toll burdens.

Last Congress, the House passed similar legislation. That legislation, at the time introduced by Mr. McMahon of New York, reaffirmed the authority of States and local governments to provide discounted fare or toll rates to residents faced with undue financial hardships imposed by highway and bridge tolls.

We recognize that the residents of Staten Island are forced to endure some of the highest toll burdens in the country. The legislation passed by the last Congress would have provided a targeted approach to address the unique challenges facing communities like Staten Island.

Unfortunately, unlike Mr. McMahon’s bill from last Congress, H.R. 897 as currently drafted is overly broad and raises some potentially serious legal issues.

A number of highway user organizations, including the American Highway Users Alliance, have raised concerns that H.R. 897 could lead to discrimination and could be used in an attempt to preclude constitutional challenges to an individual toll or fare discount program. Unfortunately, the Committee on Transportation and Infrastructure has not held any hearings to examine the potential implications of this legislation. The Republican leadership has decided to bring this bill to the floor with no notice, at least not to this side of the aisle. The Committee on Transportation and Infrastructure should hold hearings prior to the important issues raised by this bill being examined and, if necessary, addressed.

Mr. Speaker, the House should be considering legislation to simply reinstate the existing right of communities to reduce the extreme toll burdens borne by captive toll payers. We should not be considering legislation that could be used to implement programs that impose interstate commerce on every State and interstate commerce on all the authorities to find ways to shift the burden of tolls to out-of-State residents, or truckers, for that matter, or those making longer trips.

Not all residential-based toll discounts are fair or necessarily appropriate, but some are. The context in which they are implemented are important to determining if they are appropriate.

Unfortunately, as currently drafted, H.R. 897 could be used to remove any case that could be made against a toll discount program. In that sense, it is overly broad and unreasonable.
I would hope that as we move forward, we can address the concerns of the highway user community and ensure that this legislation is not used to preclude challenges to toll discount programs.

With that, I reserve the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GRIMM), the sponsor of this bill.

Mr. GRIMM. Mr. Speaker, I thank the gentleman from Arkansas.

Just to clarify the record, this bill, which I stand in strong support of—but actually before that, let me just say that I want to thank my colleague and friend, Greg Meeks, for all of his work on this. It was a true bipartisan effort. But this bill, all it does is clarify what is already allowed by law. So to say that it is overly broad, it’s almost ridiculous because again, all this does is clarify what is already allowed by law. States and cities already have. There were challenges in court that have failed, and the purpose of this legislation is to make sure that those frivolous challenges do not continue to go forward.

The Residential and Commuter Toll Fairness Act, I feel it is vital to toll discount programs, specifically for my constituents, but for all of New York and throughout this country.

I would like to also thank Chairman MCACA, to my district, to Staten Island, for moving this bill forward and for seeing firsthand in Staten Island the devastating effects and the impacts that tolls can have.

Again, this bill, all it does is continue to clarify and allow the States and municipal governments to offer the discounted toll rates to residents for trips taken on roads, bridges, rail, bus, ferry, and other transportation systems.

I introduced the legislation for one purpose: it was in response to a 2009 case in which the U.S. Court of Appeals for the Second Circuit questioned the constitutionality of discounts for residents of towns bordering the New York Thruway. In New York, we simply can’t afford to lose our discounts.

The majority of my district in New York City is an island; it’s Staten Island. And the only way to drive on or off the island is to cross a bridge and pay a toll. So many of my constituents do often as part of their daily commute. Without a discount, it costs $13 to cross the Verrazano Bridge. Yes, I said $13 without the Staten Island residential EZ-Pass discount. On the other side of Staten Island, going to New Jersey, the tolls on my three bridges have just gone up to $12, and that amount is slated to go up in 2015 to $15. That’s without the residential discount.

On Staten Island, we have fought long and hard to reach an agreement on residential toll discounts, which is why this legislation is crucial to making sure we protect those new rates.

The Residential Commuter Toll Fairness Act provides clarification only of the existing authority of local governments to issue or grant transportation toll, user fee or toll discount programs based on residential status. It also provides congressional authorization for discount programs. Passage of H.R. 897 is nothing more than clarification of what can already be done, and I ask for the strong support of my colleagues.

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

First, I would just like to enter in the RECORD a letter from the American Highway Users Alliance, dated August 1, 2012.

American Highway Users Alliance, August 1, 2012.

Dear Member of Congress: This afternoon, under suspension of the rules, the House will consider HR 897, the Residential and Commuter Toll Fairness Act of 2011, sponsored by New York City Representatives Grimm and Meeks. We write to express serious concerns about this bill.

We are on record in support of greater tolling fairness and clarity for commuters. For example, we have endorsed HR 3684, the Commuter Protection Act, also authored by Congressman Grimm. We share particular concerns about the high costs of tolling for New York City residents. However, the provisions of HR 897 are not narrowly constructed for New York’s specific problems and have unintended consequences for other toll-payers throughout the country.

HR 897 broadly authorizes local tolling discount programs. If this bill were narrowly constructed to apply to places like Staten Island or the Second Circuit questioned the constitutionality to charge discriminatory toll rates for non-residents, even on the National Highway System, and regardless of circumstance or impact on interstate commerce.

In effect, this bill could actually encourage more tolls for all and higher tolls for selected users, authorizing locally popular tolling schemes that, in effect, overcharge interstate and long distance travelers who have no vote at the local ballot box.

If States and local governments widely adopt the practice of tolling non-residents to pay higher rates than locals, it could sharply increase the costs of interstate tourism and freight. These are national concerns requiring, but I do say clarify, the federal government has an obligation to regulate interstate commerce. As such, HR 897 should be revised to ensure that interstate and non-local traffic is not treated unfairly, by State and local tolling authorities.

Sincerely,

GREGORY M. COHEN, President & CEO.

Second, I think the gentleman from New York makes a compelling case for why the bill should be more narrowly focused.

And third, Mr. Speaker, I may say things on the floor that people disagree with, but I do not disagree with the ridiculous statements for off the floor and not the floor of the House.

I yield back the balance of my time.

Mr. CRAWFORD. Mr. Speaker, I urge my colleagues to join me in supporting this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. CRAWFORD) that the House suspend the rules and pass the bill, H.R. 897.

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

A motion to reconsider was laid on the table.

MILLE LACS LAKE FREEDOM TO FISH ACT OF 2012

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5797) to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5797.

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

SECTION 1. SHORT TITLE. This Act may be cited as the ‘‘Mille Lacs Lake Freedom To Fish Act of 2012’’.

SEC. 2. MILLE LACS LAKE, MINNESOTA. Notwithstanding any other provision of law, the owner or operator of a vessel operating on Mille Lacs Lake, Minnesota, shall not, with respect to such vessel, be subject to any Federal requirement under subtitle II of title 46, United States Code, relating to licensing or vessel inspection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to review and extend their remarks and include extraneous materials on H.R. 5797.

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

There was no objection.

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

Mr. Speaker, in March 2010, the U.S. Coast Guard ruled that Mille Lacs Lake was a federally navigable body of water based on historical interstate commerce.

Specifically, the Coast Guard justified those actions by using a U.S. Army Corps of Engineers determination from 1981 that said because lumberjacks in the 1800s floated logs on Mille Lacs Lake and down the Rum River, Mille Lacs Lake should now be made a federally navigable water body. Currently, the Rum River is dammed in three places, and the same Corps of Engineers report said that the dams prohibit through navigation. In addition,
two previous Army Corps determinations in 1931 and 1971 also considered the river non-navigable. I would like to submit to the U.S. Coast Guard determination for the RECORD.

MEMORANDUM

From: D. L. Nichols, CAPT, USCG, CGD Eight (dl).
To: S. J. Hudson, CAPT, USCG, CG Sector Upper Mississippi River (s).

Subj: Navigability Determination for Mille Lacs Lake, Minnesota.

Ref: (a) 33 C.F.R. § 2.36; (b) 33 C.F.R. § 3.40–1; (c) 33 C.F.R. § 3.45–1.

1. For the purpose of determining its jurisdictional authority, the Coast Guard has determined that Mille Lacs Lake is a "navigable waterway of the United States."

2. The geographic boundary between the Eighth Coast Guard District and the Ninth Coast Guard District currently runs through Mille Lacs Lake. This navigability determination is for the entirety of Mille Lacs Lake. The Ninth District Legal Staff has reviewed and agrees with this determination.

3. No federal statute addresses the navigability of Mille Lacs Lake, and no federal court has determined the navigability of this waterway. Furthermore, Mille Lacs Lake is not subject to tidal influence. This navigability determination is based on the historical analysis of commerce on Mille Lacs Lake.

4. Navigability determinations are administrative findings based on the criteria set forth in 33 C.F.R. 2.36. The precise definitions of "navigable waters of the United States" and "navigable" are dependent ultimately on judicial interpretation and cannot be made conclusively by administrative agencies.

5. This opinion solely represents the opinion of the Coast Guard as to the extent of its own jurisdiction to enforce laws and regulations, and does not represent an opinion as to the extent of the jurisdiction of the United States or any of its agencies.

MEMORANDUM

From: CGD Eight.
To: File.

Subj: Legal Support for Navigability Determination for Mille Lacs Lake, Minnesota.

Ref: (a) CGD Eight (dl) memo of 3 March 2010, Navigability Determination for Mille Lacs Lake, Minnesota; (b) 33 C.F.R. § 2.36; (c) 33 C.F.R. § 3.45–1.

1. Purpose. This memorandum documents the legal basis for the Coast Guard's determination of navigability in ref (a).

2. Discussion.

a. Internal waterways of the United States not subject to tidal influence are "navigable waters of the United States" if they "[a]re or have been used for commerce, or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding local or man-made obstructions that require portage." 33 C.F.R. § 2.36(a)(3)(i) (emphasis added). The test is one of historic navigability. U.S. v. Havrell, 926 F.2d 1011 (11th Cir. 1991). In 1921 the Supreme Court discussed the issue of obstructions by stating that a waterway "capable of carrying commerce among the states is within the power of the Federal Government to preserve for purposes of future transportation, even though it . . . be incapable of such use according to present methods, either by reason of changed conditions, or by reason of artificial obstructions." Economy Light & Power Co. v. U.S., 256 U.S. 113, 122 (1921); see also U.S. v. Appalachian Power Co., 311 U.S. 377, 408 ("When once navigable, a waterway remains so."). When logs are floated on a waterway in interstate commerce, the waterway is a highway for interstate commerce. See 33 U.S.C. § 405; Wisconsin Public Service Corp. v. Federal Power Comm'n, 147 F.2d 743 (7th Cir. 1945); United States v. Underwood, 344 F. Supp. 486, 490 (D.D. Fla. 1973).

b. In April 1981 the ACOE conducted an historical analysis of commerce on Mille Lacs Lake and the Run River in Minnesota. See encl (1). Records and evidence shows that at least a portion of the logs floated were transported to markets outside of the state. Encl (1) at 5.

3. Conclusion. Mille Lacs Lake has been used in the past as a highway for interstate commerce. The Coast Guard thus determines that Mille Lacs Lake is a "navigable water of the United States" and the Coast Guard may properly enforce applicable federal law on this waterway.

Enclosure: Army Corps of Engineers (ACOE) memo of 2 April 1981: Navigability Determination for Mille Lacs Lake and Rum River, Minnesota.

Now the U.S. Coast Guard is forcing all Mille Lacs Lake fishing guides to spend time and money to obtain a Federal boating license. This license and associated costs can run well over $2,000, and according to testimony by the U.S. Coast Guard in the Transportation and Infrastructure Committee, "the current situation with regard to boat licenses for commercial fishing is an administrative overreach from the U.S. Coast Guard and is killing jobs by making it impractical for some fishing guides to even stay in business and making it even more expensive for tourists to hire their services.

The Mille Lacs Lake Freedom to Fish Act removes this burdensome, administrative overreach from the U.S. Coast Guard and restores to the State of Minnesota the original authority to permit and inspect vessels.

I truly appreciate all the Coast Guard does, I truly do. But the State of Minnesota already patrols Mille Lacs Lake quite well and the Coast Guard's authority over the lake is an unwanted intrusion. It's duplicative, and it's currently nonexistent. This would be a new area of jurisdiction for the Coast Guard requiring additional assets and manpower.

The State has rules and inspection procedures in place to keep its residents safe and has been doing so for as long as anybody can remember. The State is perfectly capable of enforcing boating laws on Mille Lacs Lake, and ultimately Mille Lacs Lake belongs to Minnesotans and should not be controlled by the Federal Government.

We heard from the U.S. Coast Guard on the issue in a Coast Guard Subcommittee hearing on May 24, 2011. Rear Admiral JAG Calvin Lederer testified about the burden this would impose on Minnesota fishing guides. Additionally, they were unable to provide adequate justification for the navigability determination beyond the Army Corps report.

My legislation would stop fishing guides from being forced to spend over $2,000 on obtaining a fishing license that simply just isn't needed. Ultimately, it will allow Minnesotans to focus on what is most important—enjoying one of Minnesota's most beautiful lakes.

This has been fully vetted by the Mille Lacs Band of Ojibwe and National Association of State Boating Law Administrators. This legislation is also supported by the Minnesota Department of Labor and Industry, fishing guides and resort owners, Minnesota Anglers for Habitat and Minnesota Outdoor Heritage Alliance.

I would like to submit for the RECORD a letter of support from the Minnesota Outdoor Heritage Alliance.

TIM SPECK, MINNESOTA OUTDOOR HERITAGE ALLIANCE, June 31, 2012.
Lake in central Minnesota from U.S. Coast Guard licensing and inspection requirements.

This bill provides rather narrow regulatory relief. However, because this bill was rushed to legislation, to mark-up without first having a hearing on the bill itself or having the Subcommittee on Coast Guard and Maritime Transportation consider the specific bill, no one can say for sure what consequences might arise in the future. My concerns are somewhat allayed by learning the State of Minnesota has an adequate program to regulate vessels operating on its inland lakes, including Mille Lacs.

Nonetheless, the Coast Guard has expressed concerns that the limitations imposed on its vessel safety authorities by this bill could create uncertainty and some confusion among the boating public, especially regarding marine casualty investigations and maritime liability.

Notwithstanding these objections, and because the bill, as reported, would no longer vacate the Coast Guard’s 2010 determination that Mille Lacs Lake is navigable, I do not object to the bill moving forward today.

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

Mr. CRAVAAK. I thank my respected colleague for his kind remarks, and I ask my colleagues to join me in supporting this important legislation to Minnesota. I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, H.R. 5797, as amended.

The title was amended so as to read: “A bill to exempt the owners and operators of vessels operating on Mille Lacs Lake, Minnesota, from certain Federal requirements; and

A motion to reconsider was laid on the table.

FARMERS UNDERTAKE ENVIRONMENTAL LAND STEWARDSHIP ACT

Mr. CRAWFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3158) to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3158

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Farmers Undertake Environmental Land Stewardship Act” or the “FUELS Act”.

SEC. 2. APPLICABILITY OF SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.

(a) In General.—The Administrator, in implementing the Spill Prevention, Control, and Countermeasure rule with respect to any farm, shall

(1) require certification of compliance with such rule by—

(A) a professional engineer for a farm with—

(i) an individual tank with an aboveground storage capacity greater than 10,000 gallons; (ii) an aggregate aboveground storage capacity greater than or equal to 42,000 gallons; or (iii) a history that includes a spill, as determined by the Administrator; or

(B) the owner or operator of the farm (via self-certification) for a farm with—

(i) an aggregate aboveground storage capacity greater than 10,000 gallons but less than 42,000 gallons; and

(ii) no history of spills, as determined by the Administrator; and

(2) exempt from all requirements of such rule any farm—

(A) with an aggregate aboveground storage capacity of less than or equal to 10,000 gallons; and

(B) no history of spills, as determined by the Administrator.

(b) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For the purposes of subsection (a), the aggregate aboveground storage capacity of a farm excludes all containers on separate parcels that have a capacity that is less than 1,320 gallons.

SEC. 3. DEFINITIONS.

In this Act, the following terms shall have the meanings given them:

(1) AGRICULTURAL COMMUNITY.—The term “Agricultural Community” means a geographic area where significant farming resources are concentrated, as determined by the Administrator.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) AMENDMENTS.—The term “Amendments” means amendments to the Spill Prevention, Control, and Countermeasure rule.

(4) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term “Spill Prevention, Control, and Countermeasure rule” means the regulations promulgated by the Environmental Protection Agency under section 112 of title 40, Code of Federal Regulations.

(5) GALLON.—The term “gallon” refers to a United States liquid gallon.

(6) SPILL PREVENTION, CONTROL, AND COUNTERMEASURE RULE.—The term “Spill Prevention, Control, and Countermeasure rule” means the regulations promulgated by the Environmental Protection Agency under section 112 of title 40, Code of Federal Regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. CRAWFORD) and the gentleman from Iowa (Mr. BOSWELL) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 minutes each in which to revise and extend their remarks and include extraneous materials on H.R. 3158.

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

There was no objection.

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

Mr. Speaker, I’d like to thank Members from both parties who joined in cosponsoring this bipartisan bill that will provide regulatory relief to our family farmers, in particular, my colleague, Mr. BOSWELL. Thank you very much.

The EPA-mandated Oil Spill Prevention, Control and Countermeasure pro-

program, or SPCC, requires that oil storage facilities with a capacity of over 1,320 gallons make costly infrastructure modifications to reduce the possibility of oil spills.

The regulations require farmers to certify compliance with the Spill Prevention, Control, and Countermeasure rule, a process that typically involves self-certification by a professional engineer or the farmer itself. If a farm has a storage capacity greater than 1,320 gallons, it must meet certain requirements to avoid regulatory penalties.

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

The SPEAKER pro tempore. Pursuant to the request of the gentleman from Arkansas, the Acting Chairman of the Committee on Agriculture, Mr. CRAWFORD, is authorized to call for a vote on the FY2012 Appropriations Act at 9:00 a.m. tomorrow.

The SPEAKER pro tempore. The request of the Acting Chairman of the Committee on Agriculture, Mr. CRAWFORD, is granted.

The SPEAKER pro tempore. Pursuant to the request of the Acting Chairman of the Committee on Agriculture, Mr. CRAWFORD, the FY2012 Appropriations Act is ordered to be considered under suspension of the rules at 9:00 a.m. tomorrow.
This is more than 1.5 million farms in the SPCC regulatory net next year alone.

The University of Arkansas, Division of Agriculture did a study recently concluding that the FUELS Act would exempt 1,000 farms from SPCC compliance. It could save, in my home State, up to $240 million in costs. Over the entire country, it could save small farmers up to $3.36 billion.

This year, the ag sector of the economy is facing a crisis. Over two-thirds of the Nation is being impacted by drought, and farm revenue has dropped substantially. Food costs are projected to skyrocket for consumers. On top of that, the fate of a multiyear farm bill is still unknown, creating long-term uncertainty for the agriculture community. The last thing the government should be doing right now is imposing a regulation on producers that could cost our Nation’s family farmers up to $3.36 billion during next year’s planting season absolutely. You do not have justification for such an expensive regulation, especially when the EPA cannot even provide data or even anecdotal evidence of agriculture spills.

By nature of occupation, family farmers are careful stewards of the land and water. No one has more at stake than those who work on the ground from which they derive their livelihood.

I urge adoption of H.R. 3158 and reserve the balance of my time.

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

Mr. CRAWFORD. Again, thank you, Mr. BOSWELL, not only for your support, but your real-world common sense as an ag producer. I appreciate it. I’d just like to yield 2 minutes to my esteemed colleague from Oklahoma (Mr. LANKFORD) and thank him for his patience.

Mr. LANKFORD. I may not even use all 2 minutes of that, but I do want to be able to just tell a little story. This is a story of an Oklahoma farm. The things that they’re up against right now are common to farms all across the Midwest. They’re dealing with drought right now. They’re dealing with the threat of new dust particulate rules coming down from the EPA. They just fought through a battle to try to be able to have family farms be able to function with their own kids working on their family farms or their grandparents’ farms, or their cousin’s farm down the road—is that permissible or not—point source pollution rules that are coming down on them. Farm truck distance rules, if they want to drive 151 miles in their farm truck and the new regulations they deal with on it. All these different regulations.

And then imagine the Federal Government contacting them and saying, on top of all of that the threatened rules, now you need to go find a professional engineer to check out your fuel tank, and we want to send a regulator to be able to evaluate it. And we want you to have a whole bunch of rules around your fuel tank as well. It assumes family farms and farmers don’t take care of their land. Nothing could be further from the truth.

A family farm, and farms all around the country, these are individuals that they farm that land, they take care of that land, that water is very important to them. Many of them live on well water itself, and so a spill into their groundwater is incredibly important to them for their own personal family as well. They’re great stewards of the land; that’s how they make their living.

In addition to that, they’re careful guards of their storage tank because they know that tank itself, if it spills, they lose a tremendous amount of money; and the margins on a farm are not very high.

I’d like to stand with my colleagues, as well, to say let’s respect the farmer for what they’re doing already on their land and not send someone from Washington to come check out their farm and check out their tank and be able to evaluate all those things. Let’s allow some trust to the commonsense folks in the country that take care of our food and water on the land and water every single day.

With that, I urge my colleagues to support this.
SEC. 4. PURPOSE.
Section 2 (33 U.S.C. 1951) is amended to read as follows:

"SEC. 2. PURPOSE.
"The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through identification and mitigation of sources of, assessment, prevention, reduction, and removal of marine debris.".

SEC. 5. NOAA MARINE DEBRIS PROGRAM.
(a) NAME OF PROGRAM.—
(i) IN GENERAL.—Section 3 (33 U.S.C. 1952) is amended—
(A) in the section heading by striking "PREVENTION AND REMOVAL"; and
(B) by striking subsection (a) and inserting—
(1) by striking "Prevention and Removal Program to reduce and prevent" and inserting "Program to identify, determine sources of, assess, prevent, reduce, and remove"; and
(2) by inserting the economy of the United States, after "marine debris on"; and
(3) by inserting a comma after "environment".

(b) PROGRAM COMPONENTS.—Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows:

"(b) PROGRAM COMPONENTS.—(3) C ONFORMING AMENDMENT .—Paragraph (2) is amended—
(1) by striking "is" and inserting "is";
(2) by striking "2006 through 2010" and all that follows through "and"; and
(3) by inserting at the end of paragraph (2) the following:
"(C) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5) of such subsection; and
(D) by moving such subsection 2 ems to the left.

SEC. 6. CONFIDENTIALITY OF SUBMITTED INFORMATION.
Section 6(2) (33 U.S.C. 1952(2)) is amended by striking "by the fishing industry".

SEC. 7. AMENDMENTS TO DEFINITIONS.
(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—
(1) IN GENERAL.—Except as provided in subsection (b), section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and apply as section 5 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954).

(b) CLEANCARE AMENDMENT.—The item relating to paragraph (7) of section 3(c) (33 U.S.C. 1952(c)) is amended—
(1) by striking paragraph (7) of section 3(c) (33 U.S.C. 1952(c)) (2) and inserting "Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety through public-private initiatives.".

(c) R EPEAL.—Section 7 (33 U.S.C. 1956) is amended—
(1) by redesignating as subsection (e) of section 7 (33 U.S.C. 1956) (2) the item relating to paragraph (7) of section 3(c) (33 U.S.C. 1952(c)) (2), and as in effect immediately before the enactment of this Act—
(i) redesignated as subsection (e) of section 7 (33 U.S.C. 1956(c)(2)), and
(ii) by inserting ''Natural'' before ''Re- sources'';
(2) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5) of such subsection; and
(3) in paragraph (1), by striking "10,000,000," and inserting "4,500,000," and
(4) by striking "and" and all that follows through the end of paragraph (2) and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to review and extend their remarks and include extraneous materials on H.R. 1171.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1171, the Marine Debris Act Amendments of 2012, reauthorizes the National Oceanic and Atmospheric Administration’s, NOAA, Marine Debris Program at currently appropriated levels through 2015. The program has played a crucial role in preventing and reducing the amount of trash on our beaches and in the ocean.

I think it’s important to note that this program is not regulatory in nature. It takes a voluntary approach to improving the conditions of our marine environment.

Failure to adequately address marine debris has major consequences on our economy. Large objects floating in our oceans threaten the safe navigation of cargo ships and recreational boaters. Derelict fishing gear costs commercial fishermen millions of dollars in lost revenue. And debris washing up on our shores forces the closure of beaches, a major blow to local economies reliant on tourism.

In Alaska, NOAA’s Marine Debris Program has worked with local partners to conduct more than 20 projects that have removed 750,000 pounds of debris from our shoreline since 2006. But the problem of marine debris is about to get worse for Alaska and other Pacific coast States. NOAA estimates there’s 1.5 million tons of debris headed our way as a result of the 2011 Japanese earthquake and the tsunami.

Alaskans are already finding Styrofoam, plastic, wood, and other lightweight debris washing up on our islands. In May, the Coast Guard was forced to sink an abandoned Japanese vessel laden with fuel oil before it broke open on the Southeast pan-handle.

Reauthorization of the Marine Debris Program is critical to help Alaska and other coastal States protect our economies and ecosystems and ensure the safety of those transiting our waters.

I want to commend Representative SAM FARR from California for introducing this bill. As an original cospon- sors of this important bipartisan effort, I urge all Members to support the bill. I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 1171, bipartisan legislation that reauthorizes the Marine Debris Research Prevention and Reduction Act through fiscal year 2016.

Just this June, on the Pacific coast, a 70-foot dock washed up on the coast of Oregon. This is only one piece of the estimated 1.5 million tons of marine debris from the disastrous 2011 Japanese tsunami that will wash up on the west coast. Disasters like this are why it is so important that we reauthorizes this legislation.

Marine debris remains a persistent threat to maritime safety and to the health of our oceans and to our lakes.
Thanks to the enactment of the Marine Debris Research Prevention and Reduction Act in 2006, we now have a much better understanding of marine debris and its impact on our shorelines.

This law led to the establishment of effective partnerships between the National Oceanic and Atmospheric Administration, or NOAA, and the United States Coast Guard. It has led to better coordinated research and debris removal activities, and it built greater understanding of the challenges we face with this threat.

Marine debris is a much larger and growing problem than we first thought, and with the recent disaster in Japan, it will continue to grow. Cleaning up marine debris takes coordination between several agencies and States and requires expensive resources to clean up.

Earlier this week, NOAA provided a new analysis estimating that it now costs the agency, on average, more than $13 million to remove 1 ton of marine debris from the environment. NOAA also said that the dock that washed up on the shores of Oregon will cost $85,000 alone.

Despite what we’ve learned, and despite the fact that States on the Pacific coast and Hawaii will have to contend with 1.5 million tons of marine debris from the 2011 Japanese tsunami for years to come, the majority has insisted on cutting authorized funding levels for this program in half. Cutting authorized funding for this program at this time seems shortsighted, and I’m confident that the Senate will insist on the higher authorized funding level in any final compromise bill.

But despite those reservations about the reduced funding levels in this bill as reported by the majority, it is imperative that we reauthorize the Marine Debris Act today to address this growing threat in our future.

I want to thank the gentleman from California (Mr. FARR), for his extraordinary leadership on this issue. I urge my colleagues to join me in supporting H.R. 1171.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. FARR).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I reserve the balance of my time.

Mr. FARR. Mr. Speaker, I truly appreciate the support we’ve seen in a bipartisan fashion for this legislation known as the Marine Debris Act Amendments of 2012.

This bill was first carried and introduced in the United States Senate by Senator INOUYE and the late Senator Ted Stevens. They recognized, Senator INOUYE from Hawaii, the entire island surrounded by ocean, and so much washes up on the shores of the islands, and Alaska probably one of the longest coastlines in the United States, certainly impacts from the ocean on them. And that’s why it’s so nice and wonderful to have my colleague DON YOUNG from Alaska, the only Representative in the House from Alaska, to be a strong proponent of this.

As he pointed out, Alaska has already seen the consequences of not having reauthorization when the Japanese tsunami debris washed up. They’ve spent, in the first wave of the tsunami debris, Alaska’s already spent over $200,000 of State money in just aerial monitoring of the local debris from the Japanese tsunami. What we need in reauthorization is allow States to receive grants from NOAA so that the States can deal with their coastline debris problems.

It is important we do this for an even bigger purpose, which is that, frankly, life on land is dependent on the quality of life at sea. We know that we have over the years and decades been dumping everything we don’t like on land—and can’t figure out where else to dump it—into the ocean. At the same time, we take whatever we want out of the ocean. Dumping and taking can upset the system of life you have as the oceans die; and, certainly, we have big parts of the ocean that are dying because of all the debris and waste that are in the oceans.

What this bill does is allow the Coast Guard, in working with NOAA, which is the National Oceanic and Atmospheric Administration, to jointly look at, monitor and figure out ways to clean this stuff up. If we don’t do that, we’re going to suffer. It’s like living in pollution in your own backyard. Eventually, there are consequences.

I think that those of us who have done ocean legislation over the years—and DON YOUNG has been one of the greater ones to understand it—realize that, in solving the problem, we are going to require local action and that it’s going to require national and international coordination. It’s not our ocean alone. It goes all over the world, and things in the ocean go all over the world. Just think of the old stories about bottles and where they wind up. Now we see with the tsunami that all this Japanese land mass stuff that was washed into the sea is now showing up in Alaska and is showing up in Oregon and has shown up on the beaches in California and especially to Alaska.

As he pointed out, Alaska has already seen the consequences from the tsunami, and to say we’re not going to dump more stuff out into the ocean is nonsense; but we’re still allowing other storm water to get out there. California is addressing this almost community by community, that being: How do we stop storm water and polluted storm water from getting into the ocean?

So this legislation of reauthorizing debris cleanup is much more than just giving NOAA some money to go out there and figure it out. It’s really an entire program of figuring out how to keep oceans healthy.

I appreciate the bipartisan support. I appreciate the leadership of Mr. YOUNG, and I appreciate the leadership on the committee.

This bill went to two committees to the Transportation and Infrastructure Committee, over to the Natural Resources Committee. Both committees passed it out in bipartisan fashion, and now we have to pass it in the Senate. I hope it’s not too late, and I hope Congressman YOUNG will work with me in getting bipartisan support in the Senate so that we can get this bill to the President and get it signed before the calendar year runs out.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California. Mr. FARR has been one of the leaders who has been concerned with the oceans, and this debris bill is crucially important to the State of California, and especially to Alaska. Mr. FARR came to me many months ago and said we’ve got to get this done. We’ve got to get this done. A lot of people weren’t interested, and now we finally get to a point where we see what’s occurring from the tsunami, although we may not have that recur again.

The crisis in the ocean, though, is detrimental, as I mentioned in my opening statement, to the fishermen and the recreation people whom I represent. So to get it out of the ocean even before it reaches the beaches is crucially important. The beaches sometimes are sort of fun to beachcomb, but if there is something bad that’s there in the ocean, we should try to retrieve it sooner, if possible; and when it gets there, we really want to be able to take care of it.

There should be more money—I won’t disagree with the gentleman from Washington—but we must move this bill out of the Senate. We’ll see if we can get a little more effort, because it’s a partnership program that makes
RESPA HOME WARRANTY CLARIFICATION ACT OF 2011

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2446) to clarify the treatment of homeowner warranties under current law, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2446
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE
This Act may be cited as the "RESPA Home Warranty Clarification Act of 2012".

SEC. 2. TREATMENT OF HOMEOWNER WARRANTIES
Section 8 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607) is amended by adding at the end the following new subsection:

"(c) HOMEBUYER WARRANTIES.—

"(1) IN GENERAL.—Nothing in this section, section 2, or section 3 shall be deemed to include, or be deemed to have included, homeowner warranties or similar residential service contracts for the repair or replacement of home system components or home appliances.

"(2) NOTICE BY HOME WARRANTY COMPANY.—
Any person that pays another person not employed by the person for selling, advertising, marketing, or processing, or performing, an inspection in connection with, a homeowner warranty or similar residential service contract for the repair or replacement of home system components or home appliances shall include the following statement, in boldface type that is 10-point or larger, in any such warranty or contract offered as an incident to or as part of any transaction involving the origination of a federally related mortgage loan:

"NOTICE: THIS COMPANY MAY PAY PERSONS NOT EMPLOYED BY THE COMPANY FOR SELLING, ADVERTISING, MARKETING, OR PROCESSING, OR PERFORMING AN INSPECTION IN CONNECTION WITH, A HOMEOWNER WARRANTY OR SIMILAR RESIDENTIAL SERVICE CONTRACT FOR REPAIRING OR REPLACING HOME SYSTEM COMPONENTS OR HOME APPLIANCES.

"(3) NOTICE BY REAL ESTATE AGENT OR BROKER.—Any person who is contracted to receive payment from a provider of the services described in paragraph (1) for recommending the purchase of a home warranty or similar residential service contract, and is not an employee of such provider, shall provide the potential purchaser, upon first recommending the purchase of a homeowner warranty or similar residential service contract, a notice containing the following statement in boldface type that is 10-point or larger (with the bracketed matter being replaced with the information described by such bracketed matter):

"NOTICE: THIS IS TO GIVE YOU NOTICE THAT [the provider of the notice] HAS RECEIVED COMPENSATION FROM [the home warranty company] FOR [the residential service for which the notice is required] AND [you are not required to purchase a home warranty or similar residential service contract and if you choose to purchase such services, you are free to purchase it from another provider].

"(4) THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. YOUNG) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on this bill.

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

There was no objection.

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

I rise in support of the RESPA Home Warranty Clarification Act, and urge my colleagues to support the bill. H.R. 2446 is a bipartisan bill that Mr. CLAY of Missouri and I introduced last year. This bill has 13 Democrat and 27 Republican cosponsors, and I thank the gentleman from Georgia (Mr. SCOTT) for managing this bill.

On March 27, the Financial Services Committee reported out the bill by voice vote. The RESPA Home Warranty Clarification Act would amend the Real Estate Settlement Procedures Act of 1974, or RESPA, to clarify that, as long as a consumer or borrower receives specific disclosures about it, a fee paid to a real estate broker or the real estate brokerage firm it represents is an providing engagement that is not a RESPA violation.

When Congress passed RESPA in 1974, it intended for the law to provide for consumers or borrowers with timely disclosure related to real estate settlement services. Title insurance, a flood elevation certificate and homeowners insurance are a few examples of services required at a mortgage settlement. Unlike these settlement services, a home warranty is not a required service. For a borrower or a consumer, the purchase of a home warranty is optional. It is a service contract to provide repair or replacement coverage for a home's systems or appliances. A real estate broker or agent typically acts as a representative for the home warranty company that offers the home warranty, and the real estate broker or agent receives a commission from the home warranty company for presenting the home warranty to the buyer if the homeowner chooses to purchase the warranty.

Congress originally delegated RESPA rulemaking and enforcement authority to the U.S. Department of Housing and Urban Development, HUD. For nearly 20 years, from 1974 to 1992, HUD issued no rules or guidance related to the sale of a home warranty by a real estate broker or agent.

In 1992, HUD issued regulations adding home warranties as a settlement service, but was silent on the matter until recent years. Citing evidence to demonstrate a problem with home warranty-related sales, HUD issued final regulations on commission arrangements, disclosures, or the product itself between 2008 and 2010. In 2012, HUD issued an unofficial staff interpretive rule and the subsequent guidance. In short, after 38 years, there is no apparent problem with a product that is not required for closing, and HUD determined that, under RESPA, it is a violation for a real estate broker or an agent to be compensated by a home warranty company for offering a home warranty to a borrower in connection with the real estate transaction.
Mr. Speaker, HUD clearly is seeking to create a solution where there simply is no problem. HUD’s unfounded interpretation doesn’t follow the letter of the law as intended by Congress. According to witness testimony received by the Committee on Insurance, Housing and Community Opportunity, this misinterpretation of law has resulted in unnecessarily disrupting longstanding business practices that could increase the costs and decrease the availability of home warranties to consumers, as well as unintentionally harm small businesses. H.R. 2446 would clarify longstanding law and practice while restoring certainty related to home warranties in the real estate marketplace.

I’d like to thank my colleague, Mr. CLAY, for working with me on this bill, and I’d like to thank the gentleman from Georgia for managing this bill. I’d also like to thank the bill’s 40 bipartisan cosponsors from across the country. I urge my colleagues to support H.R. 2446, and I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may require.

I rise today to encourage all of my colleagues to vote in favor of H.R. 2446, the RESPA Home Warranty Clarification Act.

Before I explain exactly why this legislation is so important and vital, let me first take a moment to thank my friend and colleague, and my fellow Financial Services Committee member and the sponsor of this legislation, Mrs. BIGGERT, for her hard work on this bill. The fact that this bill passed both subcommittee and full committee by voice vote is a testament to not only the issue’s importance, but also to Mrs. BIGGERT’s dedication and openness in alleviating Members’ concerns. Resolutely, itself, Mr. Speaker, this legislation will help small businesses. It will help real estate professionals. Most importantly, it will help homeowners by clarifying the law on the sale of home warranties.

Congress enacted legislation many years ago to outlaw kickbacks paid in connection with services that must be performed to close a federally-related mortgage loan. An interpretive rule released by the Department of Housing and Urban Development has, unfortunately, created uncertainty about application of the law to home warranties which are not necessary to close a loan to purchase a home. To eliminate confusion and reduce uncertainty, our bill makes clear that the term “settlement service” does not include home warranties.

This legislation also provides new notice requirements applicable to home service contract companies and to real estate professionals so that prospective purchasers of home warranties are aware that a payment may have been made in connection with the selling, advertising, marketing, processing, or performing an inspection in connection with the home warranty.

This simple clarification will allow members of the home warranty industry to pay modest sums to real estate professionals for direct marketing and related services in connection with the sale of a home warranty without a risk of running afoul of a law Congress never intended to be applicable for a completely optional product.

This is the simplification of this law that is very important. It’s very simple, but it’s very important so that our real estate industry and home mortgage industry can move more smoothly.

Please join me in voting for this common sense legislation that will benefit consumers and the small businesses that repair and replace home systems covered by home warranties.

With that, Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I have no further remarks for time if the gentleman is ready to close.

Mr. DAVID SCOTT of Georgia. Likewise, I’m ready to close.

I just want to say in closing that, again, Mrs. BIGGERT has done a wonderful job on this. Mr. Speaker, and should be commended for it. This is a very important and simple piece of legislation, but it will help to iron out and smooth out confusion and allow for our real estate and our housing and our home mortgage industry to move more smoothly. I urge all of my colleagues to vote for it.

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

Mrs. BIGGERT. Mr. Speaker, I encourage all of my colleagues to support this bill, as amended, and I yield back the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of H.R. 2446, “The RESPA Home Warranty Clarification Act. The Real Estate Settlement Procedures Act of 1974, or RESPA, was crafted by Congress to only cover those services necessary for closing the transaction of buying a home. A recent interpretive rule issued by the Department of Housing and Urban Development broke this precedent by bringing home warranties under RESPA. This bipartisan act clarifies that home warranties fall outside the scope of RESPA because they are unnecessary for closing.

This bill was passed out of the Financial Services Committee on voice vote, and I am proud that the Committee also passed an amendment that I offered, which adds even more transparency to the bill.

This amended bill would require the real estate broker who recommends the purchase of a home warranty to a homebuyer to disclose that he or she may receive compensation for the recommendation; that the homebuyer is not required to purchase a home warranty contract; and that the homebuyer can purchase a home warranty contract from a provider not recommended by the real estate broker.

This is essential information for the homebuyer to make an informed choice when deciding whether to purchase a home warranty and I am proud to have added this disclosure requirement to H.R. 2446. This bill makes clear that the term “settlement service” in RESPA does not include home warranties, something Congress never intended.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 2446, as amended.

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

A motion to reconsider was laid on the table.

PROVIDING FOR USE OF NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMENORATIVE COIN SURCHARGES

Mr. DOLD. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (S. 3363) to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows: S. 3363

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

SECTION 1. NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMENORATIVE COIN SURCHARGES.

Section 6(a) of the National Infantry Museum and Soldier Center Commemorative Coin Act (Public Law 110-337, 122 Stat. 3999) is amended by inserting before the period at the end the following: “and for the retired- ment of debt associated with building the existing National Infantry Museum and Soldier Center”.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARCH OF DIMES COMMENORATIVE COIN ACT OF 2011

Mr. DOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3187) to require the Secretary of the Treasury to mint coins in recognition of and in celebration of the 75th anniversary of the establishment of the March of Dimes Foundation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3187

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “March of Dimes Commemorative Coin Act of 2011”.

SEC. 2. FINDINGS.

The Congress finds the following:

1. President Franklin Roosevelt’s personal struggle with polio led him to create the National Foundation for Infantile Paralysis...
(now known as the March of Dimes) on January 3, 1938, at a time when polio was on the rise.

(2) The Foundation, established patient aid programs and funded research for polio vaccines developed by Jonas Salk, MD, and Albert Sabin, MD.

(3) Tested in a massive field trial in 1954 that involved over 1 million schoolchildren, known as “polio pioneers,” the Salk vaccine was licensed for use on April 12, 1955 as “safe, effective, and potent.” The Salk and Sabin polio vaccines funded by the March of Dimes ended the polio epidemic in the United States.

(4) With its original mission accomplished, the March of Dimes renewed its focus on preventing birth defects, prematurity, and infant mortality in 1958. The Foundation began to fund research into the genetic, prenatal, and environmental causes of over 4,000 birth defects.

(5) The Foundation’s investment in research has led to 13 scientists winning the Nobel Prize since 1954, including Dr. James Watson’s discovery of the double helix.

(6) Virginia Apgar, MD, creator of the Apgar Score, helped develop the Foundation’s initial focus on preventing birth defects and prematurity, and her early work earned the March of Dimes to help finance research, education, and similar programs to improve maternal, infant, and child health.

(7) In the 1960s, the March of Dimes created over 100 birth defects treatment centers and turned its attention to assisting in the development of Neonatal Intensive Care Units (NICUs).

(8) With March of Dimes support, a Committee on Perinatal Health released Toward Improving the Outcome of Pregnancy in 1976, which included recommendations that led to the regionalization of perinatal health care in the United States.

(9) Since 1998, the March of Dimes has advocated for and witnessed the passage of the Birth Defects Prevention Act, Children’s Health Act, PREEMIE Act, and Newborn Screening Saves Lives Act.

(10) In 2003, the March of Dimes launched a Prematurity Campaign to increase awareness about and reduce the incidence of preterm birth, infant mortality, birth defects, and lifelong disabilities and disorders.

(11) The March of Dimes actively promotes programs for and funds research into newborn screening, pulmonary surfactant therapy, maternal smoking cessation, folic acid consumption to prevent neural tube defects, increased access to maternity care, and similar programs to improve maternal and infant health.

SEC. 4. DESIGN OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be—

(1) of the March of Dimes, the Secretary of the United States Code, all coins minted under this Act shall include a surcharge of—

(b) MINT FACILITY.—For the coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, and at least 1 facility of such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary of the Treasury may issue such coins under this Act only during the 1-year period beginning on January 1, 2015.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary under this section shall be used to fund critical research and programs to support healthy mothers, healthy infants, and healthy families nationwide.

Mr. Speaker, it’s summertime across our Nation, and back home in our districts, children are playing outside with friends or are going swimming at the pool. But more than 75 years ago, our Nation, and back home in our districts, children and adults were staying indoors because of outbreaks of polio. Polio back then could strike any child, and no one knew what the cause was.

The March of Dimes is a nonprofit organization that was founded in 1938 by Dr. Frank D. Dold, MD, with a mission to eradicate polio. In FDR’s day, polio was an epidemic disease that paralyzed or killed up to
52,000 Americans, mostly children, every year. Even the President had polio.

So during the Great Depression, citizens sent dimes—4 billion of them—to the White House to fund polio research. That is how the research by the researchers Salk and Sabin that produced the vaccines that have eradicated polio in the United States and in much of the world.

In the quest for a vaccine, the March of Dimes supported many other research milestones in newborn and child health. For example, in 1953, Francis Crick and March of Dimes grantee Dr. James D. Watson identified the double helix structure of DNA and, in 1962, won the Nobel Prize for mapping the human genome.

Another research breakthrough came in the 1960s when the March of Dimes supported research that developed the first screening test for PKU, a rare metabolic genetic disorder that causes intellectual disabilities. Since that time, the March of Dimes has led the effort to expand newborn screening. Now every baby born in the United States receives screening for dozens of conditions that have the potential to cause health problems, including death if not detected or treated promptly at birth.

Today the March of Dimes is leading the national effort to reduce premature birth. Every year, nearly 500,000 infants are born too soon. In my home State of Illinois, almost 13 percent of all infants are born prematurely. Preterm birth is the leading cause of death among newborns. Many of those who survive face a lifetime of serious health problems, including cerebral palsy, intellectual disabilities, chronic lung disease, and vision and hearing loss. Preterm delivery can happen to any pregnant woman, and in nearly half of the cases, no one knows why.

The March of Dimes National Prematurity Campaign funds a robust portfolio of research and education programs designed to unveil the causes and address the risk factors of preterm birth. For example, the March of Dimes is working with hospitals to implement best practices that discourage early elective deliveries before 30 completed weeks of pregnancy. Thanks to the dedication of the March of Dimes and others, the United States has seen a decline in the prematurity rate for 4 consecutive years.

Mr. Speaker, the March of Dimes has an extraordinary history of achievement. More than 4 million infants are born every year in the United States, and the March of Dimes helps each and every one through research, education, vaccines, and breakthroughs. The commemorative coin will help fund these vital projects.

H.R. 3187 has broad bipartisan support—both Chambers of the Congress, with 303 sponsors here in the House and 68 in the United States Senate. This legislation complies with all statutory requirements for the commemorative coin program, and the coins will be produced at no cost to the American taxpayer. To claim the surcharges, the March of Dimes will raise matching funds from private sources.

Mr. Speaker, I am proud to have sponsored this bipartisan bill, and I would like to thank the Congresswoman from New York, Representative LOWEY, for her steadfast leadership and hard work to see this day become a reality. I would also like to thank Chairmen RAUL RIVAS and Ranking Member BARNEY FRANK for helping to get this bill to the floor today. I also want to thank my friend from Georgia, for him managing time on the other side today and for his leadership as well.

Mr. Speaker, for 75 years, the March of Dimes has dedicated itself to helping all infants get a healthy start in life, which is what I think is very, very important. I ask my colleagues to join me in voting for the March of Dimes Commemorative Coin Act.

I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume. I rise today to lend my support to this extraordinary and wonderful piece of legislation, an expression of strong bipartisan support.

I certainly want to thank my friend, Congressman DOLD from Illinois, for his leadership on this. It’s a pleasure to join with him on the floor today to manage time on this bill.

This bill was pointed out, is the March of Dimes Commemorative Coin Act. For 75 years now, the March of Dimes organization has worked to prevent infant mortality, premature births, and birth defects in our children in the United States and in other parts of the world. And I can think of no better time and place to honor this wonderful organization than right here and right now in the Halls of Congress.

This organization was originally founded by President Franklin Delano Roosevelt to help treat and prevent polio. The March of Dimes would meet with tremendous success and, through their funding of the work of Dr. Jonas Salk, would contribute greatly to curing that disease.

Having accomplished their original goal, the March of Dimes would turn their attention to promoting healthy women, healthy homes, healthy babies. The March of Dimes Foundation works not only here in the United States but in local communities around the country and, as I mentioned, also around the world to educate and inform women, doctors, and policymakers on the prevention of birth defects and premature birth. This work is so vital, so very important, and really so very precious, Mr. Speaker. And a healthy pregnancy and a healthy birth can mean so much and start the child off on the life path that will last the rest of their entire life.

This bill is simple, Mr. Speaker. It would allow for the minting, the making of a commemorative coin, which basically will be a silver $1 coin, for this wonderful organization. These coins would then be sold to the general public with a portion going to pay off the cost of minting the coin, but the rest going to support the very, very important work of this foundation.

So I ask, Mr. Speaker, that my colleagues join me in voting in favor of this bill, and in so doing, we’ll be sending a big thank-you to the March of Dimes for their hard work and for their dedication over the last 75 years.

Mr. Speaker, I will also mention the fact that we support them each year in our special cooking and preparation for their major fundraiser that many Members of Congress and our families and our wives take part in. What an extraordinary organization doing an extraordinary thing for those who are most precious to us, that is, the children of the United States of America.

I reserve the balance of my time.

Mr. DOLD. Mr. Speaker, before I yield, I do want to just thank my good friend from Georgia (Mr. SCOTT) for his leadership and support of the March of Dimes.

He talked a little bit about the research milestones on which the March of Dimes was instrumental in eradicating polio. The March of Dimes would meet with tremendous success and, through their funding of the work of Dr. Jonas Salk, would contribute greatly to curing that disease.

This legislation recognizes the tremendous achievements of the March of Dimes in protecting the health of infants and mothers across the United States.

This legislation recognizes the tremendous achievements of the March of Dimes in protecting the health of infants and mothers across the United States. Founded by President Franklin Roosevelt, as was noted, in 1938, the March of Dimes was instrumental in eradicating polio. The organization then turned its sights on birth defects, premature birth, and infant mortality.

For decades, the March of Dimes has been on the forefront of medical research. It educates parents and medical professionals about healthy pregnancy and newborn health.

H.R. 3187 recognizes the accomplishments of this great American success story of goodwill and public service, and it celebrates the 75th anniversary.
Hon. SPENCER BACHUS, Chairman, Committee on Financial Services, during floor consideration.

Hon. SPENCER BACHUS, Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 3187, March of Dimes Commemorative Coin Act of 2011, which is scheduled for floor consideration under suspension of the rules on Wednesday, August 1, 2012.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego further action on this bill until the bill is considered by the House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202-225-7502.

Sincerely,

SPENCER BACHUS, Chairman.

The SPEAKER pro tempore (Mr. DOLD). Mr. speaker, in closing, I just want to again commend my colleagues. This is a bipartisan bill, broad bipartisan support, talking about the Commemorative Coin Act for the March of Dimes, truly a wonderful organization that really helps protect our nearest and dearest, our children. I just want to thank my colleagues for their leadership and support, and urge swift passage.

I yield back the balance of my time.

Mr. DOLD. Mr. Speaker, in closing, I just want to again commend my colleagues. This is a bipartisan bill, broad bipartisan support, talking about the Commemorative Coin Act for the March of Dimes, truly a wonderful organization that really helps protect our nearest and dearest, our children. I just want to thank my colleagues for their leadership and support, and urge swift passage.

I yield back the balance of my time.

COMMITTEE ON WAYS AND MEANS, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing concerning H.R. 3187, the “March of Dimes Commemorative Coin Act of 2011,” which is scheduled for floor action the week of July 30, 2012.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 3187 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the Committee’s jurisdiction on H.R. 3187, as amended.

The question was taken; and (two-thirds being in the affirmative) the motion to reconsider was laid on the table.

PRO FOOTBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. RENacci. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4104) to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 4104

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pro Football Hall of Fame Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Pro Football Hall of Fame’s mission is—
(A) to honor individuals who have made outstanding contributions to professional football;
(B) to preserve professional football’s historic documentary collections and archives;
(C) to educate the public regarding the origin, development, and growth of professional football as an important part of American culture; and
(D) to promote the positive values of the sport.

(2) The Pro Football Hall of Fame has welcomed nearly 9 million visitors from around the world since opening in 1963. The museum has grown from its original 19,000-square-foot building to an 118,000-square-foot, state-of-the-art facility as result of expansions in 1971, 1978, 1995, and most recently in 2011-2013. In addition, major exhibit renovations have been completed in 2003, 2008, and 2009.

(3) The Pro Football Hall of Fame has welcomed nearly 9 million visitors from around the world since opening in 1963. The museum has grown from its original 19,000-square-foot building to an 118,000-square-foot, state-of-the-art facility as result of expansions in 1971, 1978, 1995, and most recently in 2011-2013. In addition, major exhibit renovations have been completed in 2003, 2008, and 2009.

(4) The Pro Football Hall of Fame houses the world’s largest collection of professional football. Included in the museum’s vast collection are more than 20,000 three-dimensional artifacts and more than 20 million pages of documents including nearly 3,000,000 photographs.

(5) The Pro Football Hall of Fame reaches a worldwide audience near 15,000,000 through visitors to the museum, participants in the annual Pro Football Hall of Fame Enshrinement Festival, three nationally televised events, the Hall of Fame’s Web site, social media outlets, special events across the country, and through the museum’s Educational Outreach videoconferencing program.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—
(A) weigh 8.359 grams;
(B) have a diameter of 0.855 inches; and
(C) contain 90 percent gold and 10 percent silver.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—
(A) weigh 11.34 grams;
(B) have a diameter of 1.000 inches;
(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—
(A) weigh 11.34 grams;
(B) have a diameter of 1.005 inches; and
(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5112 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—With respect to the coins minted under this Act shall be emblematic of the game of professional football.

(b) DESIGNATION AND DESCRIPTIONS.—On each coin shall be the designation of the year 2016; (c) Inscriptions on the face of such a coin shall read—
(A) a designation of the value of the coin;
(B) an inscription of the year “2016”; and
(C) inscriptions of the words “America”, “In God We Trust”, “United States of America” and “E Pluribus Unum.”
The United States Mint may be used to strike coins minted under this Act shall include a surcharge of—

(a) QUALITY OF COINS.—Coins minted under this Act shall be—

(1) free from defects in design;—

(b) MINT FACILITY.—Only 1 facility of the United States Government; and

(c) AUDITS.—The Pro Football Hall of Fame, the pride of Canton, Ohio. The Hall opened its doors on September 7, 1963. Six legends were enshrined that day: Sammy Baugh, Red Grange, George Halas, Don Hutson, Bronko Nagurski, and Jim Thorpe. These titans were the first of the 273 men who are now enshrined in the Hall of Fame. And I must add that 23 of those members are from Ohio.

Although from all walks of life have enjoyed the game of football for decades, and the Pro Football Hall of Fame ensures the achievements of the gridiron’s greatest will be remembered and preserved for generations of future fans.

Since its opening almost 50 years ago, the Pro Football Hall of Fame has attracted more than 9 million visitors to Ohio from across the world. Through its media and Internet outreach, nearly 15 million more participate in Hall-related activities.

The Pro Football Hall of Fame’s efforts go beyond preserving the history of the gridiron. Two of the Hall’s core missions are educating youth and promoting positive values.

A few highlight programs exemplify its missions: Camps for Kids, designed to promote good nutrition and physical fitness; the Hall’s Black History Month program, which details the African American experience in professional football; the Hall of Fame Reader, a kindergarten through 12th grade summer literacy program; and teacher workshops for graduate and continuing education.

These educational programs are designed to strengthen core curriculum knowledge and skills across key learning areas: the arts, geography, health, history, language arts, math, and science.

Mr. Speaker, this legislation recognizes and celebrates the accomplishments of our sports heroes, but it also will help support those exceptional philanthropic efforts. Each coin will be sold for an amount that recovers all real and imputed cost plus a surcharge, so there is absolutely no cost to the taxpayer. Once the Hall raises matching funds from the private sector, it can claim the surcharge will be available to help finance the expansion and renovation of its facilities and carry out its mission.

We are now at the goal line and prepared to put this legislation into the end zone. I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. RENACCI) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.
We often hear in this society that we’re talking about, people are too obese. Well, the NFL recognizes that, and the NFL Hall of Fame, the Pro Football Hall of Fame, as a result, makes sure there are programs promoting good nutrition, eating good foods, exercise.

Particularly it has been very important to me when I look at the Hall of Fame’s Black History Month program, which details the African American experience. I can recall growing up with my father talking about Marion Motley with the Cleveland Browns at the time and the history that he played in helping and promoting others. And this gives us all-around history about every American.

Kindergarten through 12th graders, a literacy program. We talk about the need to make sure that our young people are able to compete. You can’t compete if you’re not literate. The Pro Football Hall of Fame makes sure that every child that it can touch will also be a reader.

We want to be competitive in health and history and language and arts and math and science. The Pro Football Hall of Fame has a program that it takes throughout America to help make that happen.

And so this Commemorative Coin Act will help them, at no cost to the taxpayers, run these programs and preserve its facilities so that it can continue to build a legacy of a strong American game, but of also making sure that all of America’s children and all of America’s people have an opportunity to grow up, to be literate, to be healthy, and to be competitive globally with anyone.

So indeed, I urge all of my colleagues to vote “aye” for the Pro Football Hall of Fame Commemorative Coin Act, and I reserve the balance of my time.

Mr. RENACCI. Mr. Speaker, I want to thank the gentleman from New York for his inspiring comments.

I would agree that the Pro Football Hall of Fame is a great asset not only to the city of Canton, the State of Ohio, and America, and the accomplishments that it provides other than just enriching inductees are a great asset to this hall.

I reserve the balance of my time.

Mr. RENACCI. Mr. Speaker, at this time, I ask my colleagues to join me in passing H.R. 4104, and I yield back the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS, Washington, DC, August 1, 2012.

Hon. SPENCER BACHUS, Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN BACHUS: I am writing in response to your letter regarding H.R. 4104, Pro Football Hall of Fame Commemorative Coin Act, which is scheduled for Floor consideration under suspension of the rules on Wednesday, August 1, 2012.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee’s jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means with respect to this or similar legislation.

Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202-225-7002.

Sincerely,

SPENCER BACHUS, Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ADAM WALSH REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3706) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes, as amended.

The Speaker read the title of the bill.

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

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed. A motion to reconsider was laid on the table.

LA PINE LAND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

The Clerk read the title of the bill.

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

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed. A motion to reconsider was laid on the table.

WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes.

The Clerk read the title of the bill.

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

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed. A motion to reconsider was laid on the table.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed. A motion to reconsider was laid on the table.
The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3120) to amend the Immigration and Nationality Act for purposes of a non-creditation of certain educational institutions for purposes of a non-immigrant student visa, and for other purposes, as amended.  
The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.  
A motion to reconsider was laid on the table.

STUDENT VISA REFORM ACT

The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3120) to amend the Immigration and Nationality Act for purposes of a non-immigrant student visa, and for other purposes, as amended.  
The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.  
A motion to reconsider was laid on the table.

FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.  
The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

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

A motion to reconsider was laid on the table.

CHILDFREVENTION ACT OF 2012

The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.  
The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

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

A motion to reconsider was laid on the table.

STOPPING TAX OFFENDERS AND PROSECUTING IDENTITY THEFT ACT OF 2012

The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4362) to provide effective criminal prosecutions for certain identity thefts, and for other purposes.  
The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

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

A motion to reconsider was laid on the table.

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION ACT OF 2012

The Speaker pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6062) to reauthorize the Edward Byrne Memorial Justice Assistance Program through fiscal year 2017.  
The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

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

A motion to reconsider was laid on the table.

CAMPAIGN FINANCE REFORM

The Speaker pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 35 minutes as the designee of the minority leader.

Ms. EDWARDS. Mr. Speaker, you know, they say that he who pays the piper plays the tune; but unfortunately in today’s campaign finance system, it’s just like one Johnnie One Note, and it’s about millionaires and billionaires. I rise today, Mr. Speaker, to speak on an important issue. The fact is that our democracy is for sale to the highest bidder. Super PACs, millionaires and billionaires are taking over our election. They’re doing what ordinary individuals don’t have any capacity to do, and the impact on policymaking and on elections is debilitating. It makes voiceless the very people, Mr. Speaker, who most need a voice in these very troubling times. Our seniors, young people, poor people, working people, women, middle-income families, and small business owners, all of these have just been shut down because of this system. But it’s worse now than it was even in the dark days of Watergate.  

Now, before coming to Congress, Mr. Speaker, I spent nearly 15 years of my career actually working on issues related to campaign finance reform, election law, voting rights, and government ethics, from my time as a lawyer...
to my service as executive director of several nonprofit organizations; and I just can’t think of a worse time than this time that we’re living in now.

The complexity of balancing important constitutional considerations is really not appropriate. Public policy is also important; and we’re just not striking that balance. In fact, Mr. Speaker, if you think about it, in the days following Watergate and the reforms that came thereafter, much of the debate was about our campaign finance system and that we thought about the role of money in politics and its relation to policymaking was almost completely circumscribed by pretty much one decision and a couple of others, the Buckley v. Valeo decision and all the cases that followed.

During that time, we could not have imagined a more desolate campaign finance landscape, in fact, than the one we have here today, Mr. Speaker. Here we are facing the Supreme Court’s 2010 decision in Citizens United v. Federal Election Commission. Now, you would think that a lot of people would not really be familiar with any one Supreme Court decision, but in fact all across this country people are outraged by the effects that it is having, the way that we thought about our campaign finance system and that we return some sanity to the system.

Now, Mr. Speaker, my congressional district is in the metropolitan Washington area, in the Maryland suburbs, and so we get the benefit in this area of hearing advertising that comes on television from Virginia. Now, Virginia is a battleground State in the Presidential elections, and so that means that we get to experience in Maryland, where we wouldn’t ordinarily, all of the election advertising. What we see is ad after ad. And you can’t even read the small print on the ad. You don’t know who’s paying for it. You don’t know where it’s coming from. You don’t know what’s behind it because none of that is disclosed. You hear hammering one candidate or hammering another candidate.

And so here you sit, as an ordinary person at home just wanting to get up and take care of your family and make sure that your kids are okay, and this political system has gone amuck and that you can do in 16 days—or you can do nothing. That’s the choice that we have today.

So there can’t be any doubt that in fact we’ve entered a really unprecedented era in our political system, where super PACs rule. I didn’t even know what a super PAC was, most Americans probably didn’t, but we sure do now, where one person, one vote has been more appropriate for the political process.

Now, Mr. Speaker, my congressional district is in the metropolitan Washington area, in the Maryland suburbs, and so we get the benefit in this area of hearing advertising that comes on television from Virginia. Now, Virginia is a battleground State in the Presidential elections, and so that means that we get to experience in Maryland, where we wouldn’t ordinarily, all of the election advertising. What we see is ad after ad. And you can’t even read the small print on the ad. You don’t know who’s paying for it. You don’t know where it’s coming from. You don’t know what’s behind it because none of that is disclosed. You hear hammering one candidate or hammering another candidate.

And so here you sit, as an ordinary person at home just wanting to get up and take care of your family and make sure that your kids are okay, and this political system has gone amuck and awash in campaign dollars, money coming from all sorts of sources.

But what Citizens United did was it upended the role of the people in the process of finance because it has been devastating to the political system. And so here you sit, as an ordinary person at home just wanting to get up and take care of your family and make sure that your kids are okay, and this political system has gone amuck and awash in campaign dollars, money coming from all sorts of sources.

Now, Mr. Speaker, my congressional district is in the metropolitan Washington area, in the Maryland suburbs, and so we get the benefit in this area of hearing advertising that comes on television from Virginia. Now, Virginia is a battleground State in the Presidential elections, and so that means that we get to experience in Maryland, where we wouldn’t ordinarily, all of the election advertising. What we see is ad after ad. And you can’t even read the small print on the ad. You don’t know who’s paying for it. You don’t know where it’s coming from. You don’t know what’s behind it because none of that is disclosed. You hear hammering one candidate or hammering another candidate.

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Well, you don’t have to look very far. Mr. Speaker, to know that the American people understand and believe that our institution is about as low as you can go. I mean, all of us have seen the numbers; and it can’t be separated, the way that the American people feel about our elected officials, feel about our elected institutions, feel about the ability of our institutions to respond to their everyday needs. We must know that that is deeply connected to the role, the perverse role of money and politics.

I don’t have to tell the American people. Mr. Speaker, you don’t have to tell the American people because they know. They know in their gut that it’s actually wrong for corporations to reach in their treasuries and spend on campaigns. They know in their gut that it’s wrong for a handful of millionaires and billionaires to control the agenda, to control the policy, to control the message. They know it’s wrong.

Now, Justice Kennedy, in his majority opinion—and, remember, the majority won in Citizens United—stated that “independent expenditures simply do not give rise to corruption or the appearance of corruption.”

Clearly, the Justice has not really participated in politics because you don’t have to look very far to know that, in fact, the corruption is actually rampant. Now, there is the appearance of corruption or maybe not out right. Nobody’s buying or selling a vote. That’s not the point.

But the point is that it appears to be just really dirty. Most people look at our politics, they look at the nastiness, and you know what, Mr. Speaker? They just want to wash their hands.

Now, it’s possible that this flow of super PACs into elections would allow for independent expenditures; but the fact is there’s nothing independent about it. Once a family member starts a super PAC. It’s not independent when a former business partner starts a super PAC. It’s not independent when former colleagues and coworkers start a super PAC and then begin spending on elections not very far from the candidate. And the American people understand this.

Now, we can try to pretend that it’s something different, but it’s not different. The operations of these super PACs provide stark contrast to the flawed assumptions that the Court made in its ruling.

It’s up to us in the Congress, in 16 legislative days, 97 days before this important election, to change that dynamic. Let’s do it for the future, that for going forward, we understand that there is no role for this kind of money in our politics. There’s no role for it in our elections.

And so, although these organizations have been supposedly declared independent by the courts, the reality is that they flout the coordination rules that have set up, that supposedly would keep them independent, staffed, family, friends of a particular candidate that the super PAC is supporting.

No great secret. In fact, coming out of the Republican primary elections, it was revealed that the millionaires and the billionaires were putting their money behind. And so, while the official campaign and the candidate are allowed to keep their hands clean, and I use that term loosely, clean, these shadow arms are used to launch unrelenting attacks against an opponent that they pretend or that are unaffiliated with a particular candidate or an election strategy. It’s almost laughable. And in fact I think people’s notion that they’re not tuning out, in fact they’re laughing at us.

Justin Stevens’ warning materialized initially in the 2010 election. I know that I recall that because for the first time in our history, corporate and labor spokespersons both began to align themselves, and then support—supposedly independent—plan to spend an election.

In the 2010 election cycle, the spending by corporations and outside groups actually multiplied fourfold from the 2006 election, going to nearly $300 million, astonishing at that time. But you know what? You haven’t seen anything yet.

Let’s take a look at where we are today. From 2008 to 2010, the average amount spent for a House seat, that is, for a winning candidate, increased 22 percent, from about $2 million to over $2.7 million. But as we know, the worst really was yet to come.

At the start of the 2012 Republican primary elections, we really began to see the creep and the crawl and the impact and the danger of Citizens United. And the results, as I said, were on full display in Iowa. Super PACs there actually outspent candidates 2–1.

That’s right, the so-called independent expenditures trump the actual candidates. The super PACs had a bigger voice than the actual candidates for the Republican primary.

Republican Presidential hopeful and former Speaker of this House, Newt Gingrich, who, at the time, actually supported the Supreme Court’s decision, what did he see? He saw his poll numbers plummet after a barrage attack of about $4 million in negative advertising that was paid for by Restore Our Future, a super PAC supporting former Governor Mitt Romney and run by his former staffers.

The same group then poured nearly $5 million into the Florida primary, putting a PAC supporting former Speaker Gingrich spending a $6 million ad buy.

Let’s look at the numbers. And I’m sure the American public, Mr. Speaker, must be saying, I can’t believe they spend that much money on politics. But surely they do.

And after being targeted by Restore Our Future, former Speaker Gingrich, who, keep in mind, said that he had supported Citizens United, concluded, “I think,” referring to the anonymous ads, “that it debilitating politics.” He said, “I think it strengthens millionaires and it weakens middle class candidates.”

I couldn’t agree with him more. I could not agree with him more.

Mr. Speaker, the landscape has continued to darken as we march toward the general election with groups that are collecting and planning to spend enormous sums of money.

American Crossroads and Priorities USA reportedly plan to raise and spend $240 million and $100 million respectively on the election. Just recently, National Public Radio reported that Republican super PACs and other outside groups, including Karl Rove, the Koch brothers, and Tom Donohue of the U.S. Chamber of Commerce—supposedly independent—plan to spend a combined $1 billion before election day.

That’s right. The American people need to understand that. $1 billion. Unless we think that this is just about Republicans, Democrats are trying to play, too. It doesn’t matter who is playing. It’s wrong.

According to the Center for Responsive Politics, as of August 1—that’s today—765 groups have organized as super PACs and have reported receipts of over $318 million and independent expenditures already of more than $167 million in the 2012 election cycle. That’s as of today and here we are. They’ve got 97 more days to raise more money, to spend more money and to do all of that undercover.

I want to put it into stark contrast because just a couple of weeks ago, just 2 weeks ago, the numbers stood at 678. Today, it’s 765—who knows what it will be next week?—with receipts of $281 million. Now those receipts of $318 million. Can you do a little math on a multiplier? Because this thing is like rapid fire all across the country in this election cycle. The growth is really out of control.

Citizens United will continue to allow super PACs to permeate the airwaves with distortions and with half-truths, all of it in an attempt to alter the political discourse. This is not about what candidates are saying individually. It’s hard to say from them because we’re hearing so much from the super PACs.

I can recall many years ago when I began working on issues of campaign finance reform, it was the Republicans who said, Do you know what, we don’t want all that other regulation, but we love disclosure. It turns out that now, in the day when the majority opinion in Citizens United declared that the one thing that wasn’t off limits is actually disclosure, Democrats have put a disclosure bill called DISCLOSE, introduced by my colleague from Maryland, CHRIS VAN HOLLEN.

Many of us have signed onto it. That
disclosure bill was brought up in the Senate. It has been brought up over here in the House. And do you know what? It has gone nowhere. It’s the same people who over the last 20 years or more, even since Buckley v. Valeo—certainly more—said we support disclosure, but not today. Not today, Mr. Speaker. Not today. They don’t want to disclose anyone—any individual, any corporation—that’s behind these contributions.

Why is that? It’s about politics, Mr. Speaker. It’s because maybe it’s working in the favor of those who don’t want disclosure, who don’t want their names out there, who don’t want the American public, whether it’s in my district or in any other district, to know who they are and to know what’s being spent.

Of course, I envision that, like many Members of Congress, you could run the rest of your career of Congress, be sure, in speaking out against this nasty, dirty, unlimited money in our politics, and they’ll all gang up on you. I’m going to take that risk, Mr. Speaker, because I happen to believe that the American people are sick and tired of it. They can do something about it. It’s important for us to speak out about that because otherwise we lose everything. We lose participation. We lose people wanting to be involved and engaged in politics and wanting to run for elected office. They lose what we may call the piper just get to carry on in the process. We can’t allow that to happen.

So I believe in disclosure, but I don’t think we can end at disclosure. I think we have to go a step farther. We want to promote that kind of transparency, though, in the political process. We want to enhance the public reporting by corporations and unions and all outside groups. I’m happy to let anybody know who is funding my elections. All of us should be pleased to do that because we know that it contributes to the public confidence in us as elected officials. I want to stand by any ad and say I approve of this message. Well, a corporation should stand by and say I approve of this message. Well, a public official should stand by and say I approve of this message. Right now we know that we don’t own our elections. We need that kind of reform. So I believe those interminable reforms are really necessary. Yet as an attorney, anybody who has spent decades working on campaign finance, I think that we have to go farther.

I think that what the Court says is, Congress, you don’t have any authority to regulate anything. To me, what that means is that it requires the serious consideration of an amendment to the Constitution. I don’t take that lightly. In fact, as an advocate and as a donor long before I came to Congress, I think the better part of my career shunning attempts by reform groups who would come to me and who wanted me to work on reforms that required us to amend the Constitution. I always said no.

The reason is that I think amending the Constitution is a serious step and requires serious consideration, but here the Supreme Court really hasn’t left us any choice. In fact, in a couple of cases from Citizens United, they inasmuch have said pretty directly, Congress, you don’t have the authority to regulate campaigns except to the extent that you do disclosure.

So I have made a proposal to amend the Constitution. I worked with Laurence Tribe, a noted constitutional professor. I worked with colleagues here in the Congress, including the then-House chairman of the Judiciary, John Conyers in the last Congress. I reintroduced that amendment in this Congress because it’s time now. I’ve always questioned the rationale for the Court’s decision, but I’ve done a reality check because writing this decision requires us to start in the Halls of Congress. It requires us to continue on to the States with a constitutional amendment. So I’ve introduced this amendment.

I know that, since then, there have been a number of other constitutional amendments introduced. Just last week, I testified over in the Senate Judiciary Committee on the Constitution where there is the consideration of a constitutional amendment in the Senate. Now is the time.

The other thing that we could do in these legislative days, in addition to bringing the DISCLOSE Act to the floor, is to convene serious hearings among serious people about amending the Constitution so that we can restore sanity to our system and to make sure that citizens count more than those voices of those just digging into corporate treasuries.

I don’t think there is even one way to do this, but I think it’s important to put something on the table. I urge the House to let the House Joint Resolution 78, which is an amendment to the Constitution. It goes on the very limited track of saying that Congress, indeed, has the authority that it needs under our Constitution to make the changes that we need to of the campaign finance system in order to make sure that elections are owned by the American people.

It’s a really simple thing to do, and let’s take it to the legislatures. Because so many of my colleagues have introduced constitutional amendments also, many of us have actually joined with people across this country. In fact, millions of people across this country are calling for us to be on the side of democracy, and we’ve signed on to a declaration for democracy. I’m a proud declarant for democracy. We have 275 cities across the United States, from New York to Boulder, Los Angeles, all across the country, big cities, small cities, who have called on a declaration for democracy to pass anti-Citizens United resolutions. We might differ on the subtleties on what this resolution might be, but that’s the job of the United States Congress, to hear it out, to hear all sides, to hear from constitutional scholars about how we need to do this, but to do this together for the American people.

Over 1,854 public officials across the country, including 92 Members of the House, 28 senators, and over 2,000 business leaders across the country have said it’s time for us to take a stand for democracy. They’ve signed their name to our declaration for democracy. I would encourage all of our colleagues, before you leave town, sign your name to the declaration for democracy. Show the American people that we stand on their side.

There’s no doubt that it’s a bold step to amend a document that’s only been amended 27 times, and some would question the need to fix the problem with a constitutional amendment. But the Supreme Court pretty much answered that question unequivocally. The Supreme Court has also said, You know what, if Congress wants to do something, then Congress has to act in this way. I don’t question that the Supreme Court made this decision. I accept that. It was a 5–4 ruling. That’s what people on the right. The other part of our system is that free thinking Members of the United States House of Representatives and of the Senate
come together to do what’s right for the American people.

Mr. Speaker, here’s what I would say in closing. Millionaires and billionaires are really doing simply what ordinary citizens can’t do anymore. They’ve got all the strings to understand, Mr. Speaker, that there are people at home who just really aren’t sure where they fit in this system. They’re not sure what it means for their elected officials to be responsive to them because they believe that there’s somebody out there watching them and, as a result, more power and, as a result, more influence than they do at home.

I’ve traveled all across this country, and I have to tell you that it doesn’t matter whether you’re in Maine or Montana, or you’re all the way down through the South of this country and all across this great landscape, people really want to feel that they have some power, that they have some influence. Mr. Speaker, they just don’t have that right now.

I just don’t even know another way to say that there’s a “for sale” sign on the doors. I see poor old Uncle Sam here. He’s looking mighty sad, Mr. Speaker. I’ve never seen a more sad looking Uncle Sam. Part of the reason is because he’s shackled. He’s shackled by $100 million from Priorities USA Action. Uncle Sam is shackled by $300 million from Karl Rove and American Crossroads. Uncle Sam is shackled by $61 million from only 26 billionaires. Uncle Sam is shackled by $39 million from who knows who else. And poor Uncle Sam, sad with his hand out, is shackled by $400 million from the Koch Brothers, shackled by $100 million from Sheldon Adelson.

We could put a lot more up there, Mr. Speaker, but it’s time for the United States Congress to remove the shackles of money from Uncle Sam so that we don’t continue to sell our democracy. It’s time for us to remove the shackles. It’s time for us to say to the millionaires and billionaires, You’ve got to stop just like the person who gives $5 or $1. Not a lot of people give money to political campaigns. I can certainly understand that.

Mr. Speaker, I would close by urging us to use the 16 legislative days that are left to restore democracy, to restore sanity, by acting for the American people to restore the campaign finance system.

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

20TH ANNIVERSARY OF PRIESTS FOR LIFE

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

Mrs. BACHMANN. Today, Mr. Speaker, we mark the 20th anniversary of Priests for Life, and I’m pleased to yield 1 minute to my colleague, JEAN SCHMIDT, of Ohio.

Mrs. SCHMIDT. Thank you for giving me 1 minute. I do want to celebrate the 20th anniversary, and I want to celebrate three pro-life advocates in my own hometown. The first is Archbishop Dennis Schnurr, who has been unequivocally in the forefront of this movement. I have stood with Archbishop Schnurr in front of Planned Parenthood of Greater Cincinnati praying the rosary. I have walked with him in the Cross the Bridge for Life. I’ve watched him get on a bus with schoolchildren and come up here to Washington for the March for Life. Auxiliary Bishop Joseph Binzer is another pro-life advocate who has walked the walk and talked the talk. And most importantly, my own parish priest, Father Michael Cordier, who again has come up here to Washington with a group of students from St. Elizabeth Ann Seton and St. Andrew to March for Life, but most importantly in his own personal life has witnessed his brother and his sister-in-law with a very challenged girl, Sophia Cordier, who not only exemplified what the meaning of life is, but as she passed into her eternal reward earlier this year, has become an emblematic portion of the right-to-life movement in greater Cincinnati.

Mrs. BACHMANN. Mr. Speaker, I now yield 3 minutes to Mr. WALBERG of Michigan.

Mr. WALBERG. I thank the gentlelady. I thank you for commanding this time to call attention to people, heroes of life like Father Frank Pavone. Congressman RON PAUL, one of our colleagues, shared a poem with me on the subject of Independence, and it said:

For You formed my inward parts. You knit me together in my mother’s womb. I will declare Your wondrous deeds. I will speak of all Your greatness. Or will You hide Your self in my sight when I pass through the shadow of death? I will bring glory to Your name. I will not cease from singing of Your mighty works.

For You formed my inward parts. You knit me together in my mother’s womb. I will declare Your wondrous deeds. I will speak of all Your greatness. Or will You hide Your self in my sight when I pass through the shadow of death? I will bring glory to Your name. I will not cease from singing of Your mighty works.

And so, thought I, the anvil called the hammer, worn with beating years of time. Last eve I passed beside a blacksmith door, and said, ‘Now for the anvil: ’ ‘What would you have of me?’ ‘Just an anvil;’ said he, and then with twinking eye, ‘The anvil wears the hammer out, you know.’

And so, thought I, the anvil called the master’s Word, for ages skeptic blows have beat upon; Yet, though the noise of falling blows was heard, The anvil is unharmed, and the hammers gone.

Father Pavone and others who command the interest in life understand the power of truth, the truth that comes with the Cross, a Creator who has designed life itself for good and for the best interests of all.

In our great document, the Declaration of Independence, it said:

We hold these truths to be self-evident, that all men are created equal and are endowed by their Creator with certain unalienable rights, that among them are life, liberty and the pursuit of happiness.

And so, Mr. Speaker, I would just really speak the truth. Tonight, as we think about life without any organizations like Priests for Life and others who understand the truth that are contained in words like this, “Behold, children are a gift of the Lord. The fruit of the womb is a reward”: of the prophet Jeremiah, of which I formed you in the womb. I knew you. Before you were born, I set you apart,” that’s life before even the womb was open.

And then that beautiful psalm, Psalm 139, says:

For You formed my inward parts. You wove me in my mother’s womb. I will give thanks to You, for I am fearfully and wonderfully made. Wonderful are Your works, and my soul knows it very well. My frame was not hidden from You when I was made in secret and skillfully wrought in the depths of the Earth. Your eyes have seen my unformed substance. And in Your book were all written the days that were ordained for me, when as yet there was not one of them.

Father Frank, we thank you for your work and the Priests for Life. We thank all of those who stand for life.

Mr. Speaker, I thank this body for the opportunity to speak for the principle that God created life for a purpose, and we must adore it and continue it on.

Mrs. BACHMANN. Mr. Speaker, I now yield to Representative Curtis SMITH of New Jersey, the leading voice for the pro-life cause and for the unborn across the United States.

Mr. SMITH of New Jersey. I thank my good friend for yielding and thank her for calling this very important Special Order.

For two decades, I, along with countless others, have been moved, inspired, and motivated to defend the weakest and most vulnerable among us by the remarkable life and pro-life witness of Father Frank Pavone. Ordained to the Roman Catholic priesthood by Cardinal John O’Connor in 1988, Father Pavone celebrates 20 years since the founding of Priests for Life, the organization he so effectively leads.

A prolific writer and gifted speaker, Father Pavone takes the gospel message of love, forgiveness, truth, and reconciliation both to friendly audiences who draw encouragement from his messages and to those—especially parents of post-abortive women—who suffer and are in deep pain.

I have heard Father Pavone challenge priests to more robustly defend the sanctity of life, especially in their homilies. In promoting the gospel of life, he insists no venue should be for-homilies. In promoting the gospel of the sanctity of life, especially in their homilies. I have heard Father Pavone challenge priests to more robustly defend the sanctity of life, especially in their homilies. In promoting the gospel of life, he insists no venue should be for-saken or ignored. Whether it be from the pulpit or in the public square, Father Pavone could not be more clear: Speak out with candor, clarity and
compassion—silence is not an option. Silence, I’ve heard him say, does a woman contemplating abortion no favor whatsoever. She needs pro-life options, real alternatives presented in a meaningful way. She needs understanding and genuine support. And others with her need to know that their willingness to assist might be the difference between life and death.

In like manner, Father Pavone and Executive Director Janet Morana are uncanny in their efforts to tangibly aid post-abortive women who often suffer not only physical damage from abortion but lifelong negative emotional, psychological, and spiritual consequences. The Silent No More Awareness Campaign provides a safe place for women who have had abortions to grieve and find peace.

Amazingly, Father Pavone also steadfastly reaches out to the actual purveyors of death in the abortion industry. This good priest does not just draw on the abortionist and their enablers committing violence against women and babies, but what might be if we genuinely care about their souls. Father Pavone reminds us that we are to pray for them, care for them, all while tenaciously opposing the deeds that they do.

Abby Johnson, a woman who ran a Planned Parenthood abortion clinic for 8 years in Texas, said of Father Pavone:

Father Frank Pavone has been a staple in my house for many years, even during my Planned Parenthood years. Every week, I would record and watch Defending Life on EWTN. I enjoyed watching him, even if I disagreed. I loved how outspoken he was and how he didn’t seem to live in the gray. You know, everything seemed black-and-white to him. Right and wrong was clear. I had seen two sides to him—or was it?

I remember watching him during the Terri Schiavo tragedy. I was drawn to his gentle spirit. I had seen two sides to him—or was it? One side, so unashamed, unapologetically, and passionately against abortion. The other was a man who had an incredible compassionate heart and kind spirit. This was the man who was healing a family grieve the loss of their daughter. But now I see they are the same. Father Frank is for life, all life. His compassion for life fuels his passion.

Mr. Speaker, Priests for Life turns 20, doing best what it has done so faithfully, defending the least of these as if they were the Lord, Himself.

Mrs. BACHMANN. I thank you, Mr. Speaker, for your important, pro-life voice, and thank you for the years of steadfastness on this issue. And we do thank Father Pavone and also Priests for Life.

Now I would like to yield to a wonderful Member from Nebraska, Mr. JEFF FORTENBERRY, an important pro-life voice here in the United States Congress.

Mr. FORTENBERRY. I thank the gentlelady from Minnesota for yielding. I thank you for your steadfast and courageous stand for life tonight.

Women deserve better than abortion, and of course celebrating an extraordinary organization such as Priests for Life who have tried to heal the wounded and protect those who are most vulnerable is, of course, an extraordinary cause.

Mr. Speaker, as my colleagues and I gather on the floor, I am going to turn to another matter because we are marking what could possibly be considered one of the most significant turning points in the history of our Nation. But it is not a cause for celebration.

In America, where we have a legacy of principle that undergirds our Nation and makes it possible to create prosperity—not just material means, but a flourishing of the potential of each person—where does that principle come from? Well, we’ve all heard the line from the earliest of our founding documents, the Declaration of Independence, which goes like this:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

This is the operative philosophical paradigm of our culture, so much so we don’t even think about it—that our rights are not赋予 by a king or a government. They are inherent, based upon the dignity of each person.

And as we worked this out in the early stages of our development of our country, we wrote a Constitution which basically said this thing. It defined power and it defined power as coming from the consent of the government, consistent with our operative philosophical paradigm of the inherent dignity and rights and responsibilities of each individual person.

Beyond that, the consent of the governed turns that power over to representatives who then make prudential judgments about what is in the common good. We make the law and are held accountable by the people in elections.

We then spread that power out. We developed three branches of government: the Congress makes the law; the President enforces the law; and the judiciary interprets the law in order that we have even more balance of power to ensure that it is not abused.

But then we took it a step further. There were still concerns that we had defined where power is coming from—from the natural inherent dignity of the person—but we also wanted to define what government must not do, and so we wrote the Bill of Rights, the first 10 amendments to the Constitution. And the First Amendment starts with these words:

Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Now, Mr. Speaker, the threats to religious liberty in our country are often more subtle than in other parts of the world. But as a legislator, what has grieved me deeply is that, for the first time in the history of health care in the United States, Americans are being forced to choose to either obey the government or violate their personal convictions. Buried in the President’s 2010 health care reform law was a mandate empowering the Secretary of Health and Human Services, Kathleen Sebelius, to issue rules on preventative services.

Who could have predicted that she would use her authority, sanctioned by President Obama, to force everyone to purchase drugs and procedures—including abortion-inducing drugs—that violate the fundamental ethical sensibilities of many Americans.

No American should be forced to choose between their conscience and their livelihood. No American should be forced to stand for their deeply held, reasoned beliefs, or stand convicted by government coercion. No American should be forced to choose between their faith and their job. This is wrong. It is a false choice. It is unjust. It is unnecessary. It is un-American, and it is in front to the very purposes of our government derived from the consent of the governed.

America owes its unique character and strength to empowering, protecting, and upholding the inalienable rights of its citizens. Health care policy should be about the common good, caring for the sick, and healing the wounded. Health care policy should not be a vehicle to drive divisive ideology, forcing Americans to violate deeply held beliefs. The Health and Human Services mandate violates the fundamental principle of religious liberty and the rights of conscience so dear to this country. America owes its unique character and strength to empowering, protecting, and upholding those rights of its citizens.

Mr. Speaker, Karen McGivney-Liechti, one of my constituents, sent me this email:

As a woman’s health practitioner and a Catholic, I need the ability to stay within my faith boundaries. I would be unable to work if I was required to provide the services this mandate has imposed.

Indeed, it is sad that the Health and Human Services ruling seems most perniciously targeted at faith-based providers who are the paradigmatic compassionate care for our most vulnerable. Throughout our history, the U.S. health care service has in large measure owed its success to the doctors, nurses, and health care providers staffing faith-based institutions. These institutions, including hospitals and university clinics and nonprofit health institutions, serve the common good of all Americans. The government should celebrate the contribution of these faith-based entities, which fulfill the needs of the sick and serving the poor. Without them, we will see reduced access to high-quality care, especially for vulnerable persons who have
I thank the gentlelady from Minnesota for her leadership on this important issue, and so many others.

Mrs. BACHMANN. I thank you, Mr. FORTENBERRY, a father of five. And I’m a mother of five, and so I thank you.

I submit that an individual that breaks a law that tells him he is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is, in reality, expressing the highest respect for the law.

So wrote Dr. Martin Luther King from the Birmingham jail.

The purpose of our government is to create just structures for societal order, empowering liberty, beginning with the affirmation of the natural rights of the person, including the most basic right of conscience. In my office, there is a copy of a draft of the Bill of Rights. The rights of conscience were initially included in that draft. But by the final version, that right was formalized by the concept of religious freedom, perhaps given that the rights of conscience were such an ordinarily understood right that its formal inclusion not needed provision. James Madison, the architect of the Constitution, wrote that “conscience is the most sacred of all property,” linking conscience rights to the foundation of religious liberty.

In 1809, Thomas Jefferson stated that:

No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the encroachments of civil authority.

The Health and Human Services mandate violates the fundamental principle of religious liberty and rights of conscience so dear to our country. No American should be forced to choose between violating their conscience in order to serve the public. From the faith-based hospital to the business person providing health care coverage to their employees, to the school established for children with special needs, no American should be forced to choose between their faith and their job.

This is why so many people of good will, regardless of their religious traditions or their political affiliation, consider the Health and Human Services mandate to be a gross affront to the very essence of what it means to be an American. And all of us must choose our response. This is not simply a religious issue. It’s not a Catholic issue. It’s not an Evangelical issue. It’s an American issue. We all have a responsibility to decide, informed by our faith, what our country means to us, and what we can and should do in this fight.

Last Friday, there was a Federal judge who ruled in a court case in this regard, and I think Federal Judge John Kane in Hercules v. Sebelius got it right. He had this to say:

The government’s interests are countered, and indeed outweighed, by the public interest in the free exercise of religion.

Now, it is very difficult to find any national initiative to the pro-life movement that either Father Frank Pavone or Priests for Life are somehow not deeply involved in. For example, in February of this year, 2012, Priests for Life launched a lawsuit against the Health and Human Services mandate, which we have heard much about this evening, that requires job creators to offer health insurance coverage for morally objectionable practices.

This mandate is an enormous affront to our First Amendment religious liberty rights in the United States and it needs to be stopped, because never before has this government, Mr. Speaker, required a job creator to provide insurance that includes contraception, abortion-causing pills and sterilization. No organization, no American, Mr. Speaker, should have to violate their religious beliefs because of this President’s health care dictates. I am a mom to 28 kids, five natural born children, 23 foster children. I believe with every fiber in my being that every child matters and that we should have a right to life for every child. Every American, every child, life is precious, every life is sacred, and every life is made in the image and likeness of a holy God. Every life matters.

I’m extremely proud to be a part of this pro-life movement that offers a daily voice for the voiceless and to have been affiliated with Priests for Life and Father Frank Pavone. As we take note of the 20th anniversary of one of the leading pro-life organizations in our Nation, I wish to thank this evening Priests for Life for everything they continue to do to protect and defend the sanctity of every human life.

I would now like to yield to one of the strongest pro-life voices in the State of Texas, well-known and beloved to Americans all across this Nation, Representative LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Minnesota, my very, very dear friend.

This is an important day, Priests for Life marking 20 years. As a Christian, as a Southern Baptist, it is an honor to pay tribute to the Catholic priests who have stood strong, stood for life, that precious one of the trilogy that was set out in the Declaration of Independence. But it’s not just life. Only when can you then go to liberty and have a chance at a pursuit of happiness.

For those of us who believe the scripture written in the Old Testament, as did our founders, most of all them—in fact a third of the signers of the Declaration of Independence, over a third, were ordained Christian ministers—but certainly George Washington and even Ben Franklin, even though some history teachers mislead their students these days. They all believed in those sacred words.

When you look at the fall of the northern kingdom of Israel, it’s a little scary, because, as I’ve read, one of the
things that God was angry over was that people had fallen into such incred-
ible idol worship that they were willing to sacrifrice their own children. That is so abominable. How could anybody love such idols and idol worship such that they would sacrifice their own child and allow the taking of their own child’s life?

And then I thought about abortion in this country, and we have no room to talk. For 20 years, Priests for Life have known that, and they have stood firm that the most essential right of our Creator is life, and you can’t get to lib-
erty until you start with life.

And now, all the way of all ironies, today, the first day that the Catholic church and really all of us who are Christians, all of us who believe in free-
dom of religion, all of us that in fact actually believe the Constitution means what it says have been slapped down by this administration. Regard-
less of what the Supreme Court says, the First Amendment makes clear, as my friend from Nebraska (Mr. FORTENBERRY) said, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Or prohibiting the free exercise thereof.

And we have friends, Christian friends, who believe with all their heart it is a right to practice their reli-
gion, and they have these religious be-
liefs, and the administration has re-
meaned them to the point that it would release a quote as was pointed out by Amy Payne with the Heritage Foundation today, when quoting the Health and Human Services Depart-
ment:

The Obama administration will continue to work with all employers to give them the flexibility and resources they need to imple-
ment the health care law in a way that pro-
tects women’s health while making common-

se accommodations for values like religious free exercise.

Values nothing. It’s a constitutional right that this administration is trodding on and trampling and stomp-
poning on. And if it will take this right, what’s next? Can Jews not worship on the Sabbath because it’s inconvenient? But maybe this administration will help try to accommodate that value.

Or how about communion? Maybe this administration will find at some point that it’s really not healthy, and so they’ll try to accommodate the reli-
gious conviction, the freedom of religion, as a value. They’ll try to work with people who believe this to the core of their hearts.

You go back to the founding. We didn’t even have a Constitution. Ben Franklin sat for 5 weeks, virtually, listen-
ing to all the rancor back and forth. He finally rises, 80 years old, gout, trou-
ble getting up, overweight, a cou-

ple of years or so from meeting his Judge, and he points out, We’ve been going for nearly 5 weeks. We’ve got more noes than ayes on virtually ev-

everything, and he asks:

How it happened, sir, that we’ve not once thought of humbly applying to the Fa-
 ther of Lights to illuminate our under-
standing? In the beginning contest with Great Britain when we were sensible of dan-
ger, we had daily prayer in this room. Our prayers, sir, were heard and they were gra-

ciously answered.

Now that’s not a deist, and it’s some-
one who does not believe in the accom-
modating of a religious value. He be-

lieved in religious freedom. Not only that, he believed in the power of prayer be-
cause in that. Last speech that we know is his speech, because he wrote it out in his own hand, he says:

I have lived, sir, a long time, and the longer I live the more convincing proofs I see of the truth of this, the greatness of men. And if a sparrow cannot fall to the ground without His notice, is it possible that an empire could rise without His aid?

Ben Franklin said:

We have been assured, sir, in the sacred writing—

Not that we’re accommodating, but that we believe in—

We’ve been assured in the sacred writing that unless the Lord build it, they labor in vain that build it. I firmly believe this. I also believe without His, God’s, concurring aid, we will succeed in our political building no better than the builders of Babel.

Now, here we are over 200 years later trying to accommodate what Ben Franklin said that stirred the hearts of those and even stirred Randolph to say, You know what. Let’s take a break. Let’s go listen to a preacher preach the word all together as a constitutional convention and then come back. And they did and they came back with a new spirit and they gave us a Constitu-
tion that legislation is now trodding and trampling upon.

God, the God of which Ben Franklin spoke, without whom we will succeed in our political building no better than the builders of Babel, is now being told by this administration that they’ll ac-
accommodate as best they can, but make no mistake, they’re trampling on the rights that Priests for Life have been preaching about for 20 years.

I thank my friend for yielding.

Mrs. BACHMANN. I thank our friend from Texas.

I just want to say, we’ve had so many Members of Congress that wanted to be down here on the floor this evening and there was only so much time.

I would like to thank also Congress-
woman BLACK of Tennessee, Congress-
man HUELSKAMP of Kansas, Congress-
man LANKFORD of Oklahoma, Congress-
woman BLACKBURN of Tennessee. Also, I want to thank Congressmen TRENT FRANKS of Arizona. We had many in ad-

dition to the Members that we have heard from today from Congressman FORTENBERRY of Nebraska, Congress-
man WALBERG of Michigan, and Congress-
woman SCHMIDT of Ohio, in addi-
tion to Congressman SMITH of New Jer-
sey. I want to thank them, Congress-
men. I want to thank them. And I want to thank many other pro-life Members of Congress. This is an important night. We thank Priests for Life for 20 years of standing firm for the cause of the unborn. We will get there yet. Thank you, Father Frank.

Mr. Speaker, I yield back the balance of my time.
2012, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates. The revision reflects the budgetary impact of H.R. 8, the Job Protection and Recession Prevention Act of 2012, which would extend for one year through 2013, certain tax policies enacted in 2001, 2003, and 2010 and would provide relief from the Alternative Minimum Tax. A corresponding table is attached.

The revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolutions, pursuant to sections 101 of H. Con. Res. 34 and H. Con. Res. 112.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2012</th>
<th>2013</th>
<th>2013–2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Aggregates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget Authority</td>
<td>2,858,503</td>
<td>2,793,848</td>
<td></td>
</tr>
<tr>
<td>Outlays</td>
<td>2,947,662</td>
<td>2,891,589</td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>1,986,302</td>
<td>2,930,339</td>
<td>32,472,564</td>
</tr>
</tbody>
</table>

The Job Protection & Recession Prevention Act of 2012 (H.R. 8): Budget Authority 0; Outlays 0; Revenues 0; -227,950 -383,203.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMISSIONER 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

<table>
<thead>
<tr>
<th>Year in Trade 2011</th>
<th>2012</th>
<th>2013</th>
<th>2013–2022 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>House Committee on Ways and Means</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 679. An act to reduce the number of executive positions subject to Senate confirmation.
S. 959. An act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 2, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

7150. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board’s semiannual Monetary Policy Report pursuant to Pub. L. 106-56; to the Committee on Financial Services.
7151. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department’s Seventh Annual No FEAR Report to Congress for Fiscal Year 2012; to the Committee on Oversight and Government Reform.
7152. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Mackeral in the Bering Sea and Aleutian Islands Management Area (Docket No.: 11123175-2120-02) (RIN: 0648-X083) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.
7153. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters (Docket No.: FAA-2012-0087; Director Identifier 2011-5W-0239-AD; Amendment 39-17001; AD 2012-12-11) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
7154. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Agusta S.p.A. Helicopters (Docket No.: FAA-2012-0000; Director Identifier 2012-5W-0238-AD; Amendment 39-17007; AD 2012-16-12) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
7155. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Enstrom Helicopter Corporation (Docket No.: FAA-2012-0962; Director Identifier 2012-5W-0236-AD; Amendment 39-17068; AD 2012-11-05) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
7156. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; The Boeing Company Airplanes (Docket No.: FAA-2012-0115; Director Identifier 2010-5W-0238-AD; Amendment 39-17110; AD 2012-13-08) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
7157. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Airbus (Docket No.: FAA-2012-0040; Director Identifier 2011-5W-0239-AD; Amendment 39-17108; AD 2012-13-06) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
7158. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; The Boeing Company Airplanes (Docket No.: FAA-2012-0073; Director Identifier 2010-5W-0238-AD; Amendment 39-17109; AD 2012-13-07) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
7159. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model Airplanes (Docket No.: FAA-2012-0041; Director Identifier 2012-5W-0236-AD; Amendment 39-17110; AD 2012-13-04) (RIN: 2120-AA64) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Regarding to Representative Laura Richardson (Rept. 112-642). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 3138, a bill to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms (Rept. 112-643). Referred to the Committee of the Whole House on the State of the Union.

Ms. LOVE: Committee on Rules. House Resolution 752. Resolution providing for consideration of the bill (H.R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes (Rept. 112-644). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. HARTZLER (for herself, Mr. GRAVES of Missouri, Ms. JENKINS, Mr. LANKFORD, Mr. COLE, Mr. AKIN, and Mr. SHIMkus):

H.R. 6244. A bill to amend the Federal Power Act to permit States to prohibit the operation of a voting system for an election, to prohibit the Director of the National Institute of Standards and Technology from enforcing certain requirements of a license, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH (for himself and Mr. CHAFFETZ):

H.R. 6245. A bill to amend chapter 29 of title 5, United States Code, to provide for the recovery of computer hardware and software patent litigation costs in cases where the court finds the claimant did not have a reasonable likelihood of succeeding, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. HOLT, Ms. WILSON of Florida, Mr. CONVES, Mr. CLYBURN, Ms. FUDGER, Ms. EDDWARDS, Mr. BARTLETT, and Mr. VAN HOLLEN):

H.R. 6246. A bill to amend the Help America Vote Act of 2002 to require the deposit in the National Software Reference Library of the National Institute of Standards and Technology of a copy of any election-dedicated voting system technology used in the operation of a voting system for an election for Federal office, to establish the conditions under which the Director of the National Institute of Standards and Technology may disclose the technology and information regarding the technology to other persons, and for other purposes; to the Committee on House Administration and the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONNER (for herself, Mr. BILIRAY, Mr. GOSAR, Mr. LEWIS of California, Ms. McCOLLUM, Mr. GARY J. MILLER of California, Mr. MCCAUL, Mr. SCHIPP, Mr. GALLEGly, Mrs. BONO MACK, Mr. ISSA, and Mr. CAMPBELL):

H.R. 6248. A bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes; to the Committee on Appropriations in addition to the Committees on Agriculture, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Ms. CHU, Mr. BILIRAY, Mr. GOSAR, Mr. LEWIS of California, Ms. McCOLLUM, Mr. GARY G. MILLER of California, Mr. MCCAUL, Mr. SCHIPP, Mr. GALLEGly, Mrs. BONO MACK, Mr. ISSA, and Mr. CAMPBELL):

H.R. 6249. A bill to authorize the Maritime Administration to provide grants to States for the rehabilitation or repair of certain commercial strategic seaports, and for other purposes; to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself and Mr. LA TouTTE):

H.R. 6250. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation of inefficient dams; to the Committee on Transportation and Infrastructure.

By Mr. CARNAHAN (for himself, Mr. BLUMENTHAL, Mr. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TSONGAS, Ms. MALONEY, Ms. SPIER, Mr. MURPHY of Connecticut, Mr. HUNTER, Mr. MCGOVERN, Ms. FINKBEER of Maine, and Ms. LEE of California):

H.R. 6255. A bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT, and Mr. V AN HOLLEN):

H.R. 6256. A bill to ensure prompt access to Supplemental Security Income, Social Security disability, and Medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mrs. CHRISTENSEN, Ms. BASS of California, Mr. DE LA RUE of California, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of California, Mr. REYES, Ms. CLARKE of New York, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. SCOTT of Virginia, Ms. FUJDE, Ms. MOORE, Ms. WILSON of Florida, Ms. RICHARDSON, Ms. EDWARDS, Ms. WATTERS, Ms. BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE of Texas, Ms. NORTON, Ms. MOORE, Mr. KUCINSCH, and Mr. EDWARDS):

H.R. 6259. A bill to ensure prompt access to Supplemental Security Income, Social Security disability, and Medicaid benefits for persons released from certain public institutions; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STEPHENS (for herself, Mr. CLAY, Mr. WEXLER, Mr. MITCHELL, Mr. COLE, Mr. CONVES, Mr. CLYBURN, Mr. DAVIS of California, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. JOHNSON of Georgia, Mr. DAVIS of California, Mr. REYES, Ms. CLARKE of New York, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. WATT, Mr. SCOTT of Virginia, Ms. FUJDE, Ms. MOORE, Ms. WILSON of Florida, Ms. RICHARDSON, Ms. EDWARDS, Ms. WATTERS, Ms. BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. MEeks, Mr. FILNER, and Mr. FAITTA):

H.R. 6261. A bill to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes; to the Committee on Natural Resources.

By Ms. DEGETTE (for herself, Ms. SCHAKOWSKY, and Ms. CASTOR of Florida):

H.R. 6262. A bill to amend title XIX of the Social Security Act to provide medical assistance to uninsured newborns under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. DEUCHT:

H.R. 6268. A bill to amend the Federal Election Campaign Act of 1971, as amended, and the Federal Election Commission Act to establish and operate a website through which members of
the public may view the contents of certain political advertisements, to require the sponsors of such advertisements to furnish the contents of the advertisements to the Committee and for other purposes; to the Committee on House Administration.

By Ms. ESCH:

H.R. 6309. A bill to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the “Lieutenant Kenneth M. Ballard Memorial Post Office”; to the Committee on Oversight and Government Reform.

By Mr. GOMIEZE (for himself, Mr. HARKIN, Mr. LEVIN, Mr. POSEY, Mr. FLEMING, Mr. BRADY of Texas, Mrs. LUMMIS, Mr. KELLY, Mr. FRANKS of Arizona, Mr. HALL of New York, Mr. DUNCAN of South Carolina, and Mr. LABRAOY):

H.R. 6361. A bill to amend title 37, United States Code, to provide for the continuance of pay and allowances for members of the Armed Forces, including reserve components thereof, during lapses in appropriations; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself, Mr. ROSWELL, and Mr. GARAMendi):

H.R. 6362. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to family farms; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. HONDA, and Mr. RANGEL):

H.R. 6363. A bill to establish a commission to study how Federal laws and policies affect United States citizens living in foreign countries; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, Ways and Means, the Judiciary, House Administration, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself and Mr. LATOURRETT):

H.R. 6364. A bill to authorize a pilot program for Federal agencies to enter into contracts with the private sector for property management, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 6365. A bill to renew and modify the temporary duty suspensions on certain cotton shirtting fabrics; to the Committee on Ways and Means.

By Mr. RUYAN:

H.R. 6366. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care plan of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. SCHOCK (for himself, Ms. JECZKO of Texas):

H.R. 6367. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Ways and Means.

By Ms. SCHWARTZ:

H.R. 6368. A bill to amend the Internal Revenue Code of 1986 to repeal the phaseout of the credit percentage for the dependent care tax credit; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 6369. A bill to amend the Food and Nutrition Act of 2008 to expand the eligibility of certain veterans while they have disability claims pending under title 38 of the United States Code; to the Committee on Agriculture.

By Mr. SPEIER:

H.R. 6270. A bill to amend the Federal Crop Insurance Act to require annual disclosure of crop insurance premium subsidies in the public interest; to the Committee on Agriculture.

By Mr. TIPTON:

H.R. 6271. A bill to amend the Internal Revenue Code of 1986 to exclude certain farmland and family-owned business interests from the value of the gross estate of decedents; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 750. A resolution providing for the concurrence by the House in the Senate amendments to the amendment with an amendment; considered and agreed to. to.

By Mr. SCOTT of South Carolina:

H.Res. 751. A resolution electing a member to a certain standing committee of the House of Representatives; considered and agreed to, considered and agreed to.

By Mr. MEEK:

H.Res. 753. A resolution recognizing that the occurrence of prostate cancer in African-American men; to the Committee on Energy and Commerce.

By Mr. PETERSON:

H.Res. 754. A resolution expressing support for the designation of the third week in October as National School Bus Safety Week; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

257. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 2011-008 urging the Congress to explore funding opportunities for the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

258. The SPEAKER presented a memorial of the Joint Interim Committee on Energy of the General Assembly of the State of Arkansas, relative to Interim Resolution 2011-008 urging the Administration and Congress to enable the construction of one or more centralized interim fuel storage facilities; to the Committee on Energy and Commerce.

259. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution 12-009 memorializing the Congress to amend 26 U.S.C. sec. 6053; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CARNahan:
H.R. 6255.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. CARSON of Indiana:
H.R. 6256.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Ms. DeGEGTTE:
H.R. 6258.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;" and Article I, Section 8, Clause 18: "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. DEUTCH:
H.R. 6259.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Ms. ESHOO:
H.R. 6260.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. GOHMERT:
H.R. 6261.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the U.S. Constitution sets forth the power of appropriation stating: "No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law."

Article I, Section 8, Clause 1 states that "The Congress shall have the Power. . . to pay the Debts and provide for the common Defence and general Welfare of the United States."

Article I, Section 8, Clauses 12 and 13 state that Congress shall have the power "to raise and support Armies. . . and "to provide and maintain a Navy."

By Mr. LOEBsACK:
H.R. 6262.
H.R. 2978: Mr. MANZULLO and Mr. HURT.
H.R. 2989: Mr. Larsson of Connecticut.
H.R. 2992: Mr. SCALISE.
H.R. 3032: Mr. BARTLETT.
H.R. 3102: Mr. CONNOLLY of Virginia.
H.R. 3151: Mr. Honda.
H.R. 3187: Mr. OWENS.
H.R. 3238: Mrs. CAPPS and Mr. LYNCH.
H.R. 3242: Ms. VELA´ ZQUEZ.
H.R. 3264: Mr. STUTZMAN.
H.R. 3269: Mr. LYNCH.
H.R. 3269: Mr. LYNCH.
H.R. 3423: Mr. OWENS.
H.R. 3458: Mr. LOEBSACK and Mrs. EMERSON.
H.R. 3487: Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROSS of Florida, and Mr. SOUTHERLAND.
H.R. 3612: Mr. GARY G. MILLER of California.
H.R. 3618: Mr. BLUMENAUR.
H.R. 3655: Mr. RANGEL.
H.R. 3656: Mr. RANGEL.
H.R. 3661: Mr. MURPHY of Connecticut, Mr. SCHILLING, Mr. KEATING, Ms. HANABUSA, and Mr. GEORGE MILLER of California.
H.R. 3767: Mr. HARRIS, Mr. GRJALVA, and Mr. GOSAR.
H.R. 3769: Mr. McGovern.
H.R. 3798: Mr. DOGGETT and Mr. PALLONE.
H.R. 3849: Mr. CARSON of Indiana.
H.R. 3861: Mr. AMASH.
H.R. 3978: Mr. CLAY.
H.R. 3993: Mr. MARCHANT.
H.R. 4122: Mr. JOHNSON of Ohio.
H.R. 4169: Ms. BURKLE and Mr. GOHMERT.
H.R. 4169: Ms. MCCOLLUM.
H.R. 4235: Mr. DOGGETT.
H.R. 4271: Mr. Honda.
H.R. 4315: Mrs. NAPOLITANO.
H.R. 4369: Mr. GOODLATTE.
H.R. 4373: Mr. CONNOLLY of Virginia.
H.R. 4386: Mr. HEINRICH.
H.R. 4405: Mr. JOHNSON of Ohio.
H.R. 5284: Mr. Larson of Connecticut, Mr. NEAL, and Mr. SCHOCK.
H.R. 5542: Mrs. NAPOLITANO.
H.R. 5684: Ms. SUTTON.
H.R. 5741: Mr. FARR.
H.R. 5746: Mr. Larson of Connecticut.
H.R. 5787: Mr. RANGEL and Mr. McGovern.
H.R. 5796: Mr. BARLETTA, Mr. ROSKAM, and Ms. GIRONG.
H.R. 5846: Mr. JENKINS, Mr. KINZINGER of Illinois, and Mr. OWENS.
H.R. 5864: Mr. BLUMENAUR.
H.R. 5903: Mr. OLIVER and Mrs. HIRONO.
H.R. 5911: Mr. BERG.
H.R. 5938: Ms. SCHWARTZ.
H.R. 5943: Mr. PETRI, Mrs. EMERSON, and Mr. ALTENKIN.
H.R. 5948: Mr. CULHERRSON.
H.R. 5977: Mr. BREMAN.
H.R. 5990: Mr. ROGERS of Kentucky.
H.R. 6012: Mr. TIERNEY and Mr. ENGEEL.
H.R. 6025: Mr. GOSAR.
H.R. 6061: Mr. CLARKE of Michigan and Mrs. NORTON.
H.R. 6092: Mr. POLIS and Mr. FARR.
H.R. 6097: Mr. BARTLETT.
H.R. 6111: Mr. JOHNSON of Ohio.
H.R. 6112: Mr. BURTON of Indiana.
H.R. 6138: Ms. LINDA T. SÁNCHEZ of California.
H.R. 6147: Mr. WILSON of South Carolina.
H.R. 6150: Ms. BONAMICI, Ms. WOOLSEY, and Mr. DAVIS of Illinois.
H.R. 6151: Mr. Price of North Carolina.
H.R. 6164: Mr. HUELSKAMP.
H.R. 6165: Mr. CARTER, Mr. BROOKS, and Mr. BURTON of Indiana.
H.R. 6174: Mr. COLE, Mr. SCHOCK, Mrs. ELLMERS, Mrs. EMERSON, Mr. GINTA, and Mr. PAUL.
H.R. 6137: Ms. WILSON of Florida.
H.R. 6138: Ms. Chu.
H.R. 6199: Mr. CANSKECO.
H.R. 6239: Mr. SCHILLING.
H.R. 6213: Mr. CASSIDY.
H.R. 6229: Mr. KIng of New York.
H.R. 6241: Mr. PASCHELL and Mr. Bishop of New York.
H.J. Res. 106: Mr. GALLAGHER and Mr. COHLE.
H.J. Res. 110: Mr. BURTON of Indiana.
H.J. Res. 115: Mr. COURTNEY, Mr. RYAN of Ohio, and Mr. SHIMKUS.
H. Con. Res. 129: Mr. JOHNSON of Ohio and Mr. GARY G. MILLER of California.
H. Res. 298: Mr. BALEY of Iowa.
H. Res. 583: Mr. DAVIS of California.
H. Res. 671: Mr. DeFazio and Mr. Jonk.
H. Res. 676: Mr. MANZULLO, Mr. PALLONE, Mr. FEELINGHUTSEN, and Mrs. MCArthtY of New York.
H. Res. 742: Mr. LEVIN.
H. Res. 745: Mr. SENSENBRINNER.
The Senate met at 9:30 a.m. and was called to order by the Honorable Kirsten E. Gillibrand, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the light of the world, as You illuminate our path, may we walk by the brightness of Your presence. Use our Senators to select the plans that most honor You. May they feel concern when our Nation drifts from Your precepts and labor to restore those values that will keep America strong. Lord, help them to do their very best each day and leave the results to You. Give them the wisdom to lift each other's burdens by being as encouraging to others as You have been to them.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Kirsten E. Gillibrand led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, DC, August 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kirsten E. Gillibrand, a Senator from the State of New York, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mrs. Gillibrand thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. Reid. Madam President, I now move to proceed to Calendar No. 476, which is the Veterans Jobs Corps Act, sponsored by Senator Nelson of Florida.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a Veterans Jobs Corps, and for other purposes.

Mr. Reid. Madam President, the first hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

CYBER SECURITY

Yesterday I filed cloture on the cyber security bill. As a result, the filing deadline for first-degree amendments is 1 p.m. today. We will let the Senate know about votes scheduled. We are trying to do one on Burma and the African trade bill that we have wanted to do for a long time, but Republicans have held it up to this point. But we will see what we can do to move forward on that.

Madam President, last week GEN Keith Alexander, commander of the U.S. Cyber Command, was asked to rate how prepared America was to face a cyber terrorist attack on the scale of 1 to 10. Here is what he said: “From my perspective I’d say around a 3.”

Keep in mind, 1 is totally unprepared, 10 is totally prepared. Three is what he said. One of the country’s top national security experts gave us 3 out of 10, a failing grade by any standard.

He went on to say that the tone of cyber attacks that could black out the United States for weeks or months are up seventeenfold in the last 3 years. The Nation’s top security experts have said a cyber 9/11 is imminent. They say frailties in our defenses against these attacks are most urgent. They are a threat to our national security. Nothing is more important.

So it was with disappointment last night that I filed cloture on legislation to reinforce our defenses against these malicious attackers. Some are countries, some are organizations, some are individuals. National security experts have been plain about the urgent need to act. They say the question is not whether to act but whether we will act in time.

One need only look at the headlines in papers all over America today—all over the world today. As we speak, 600 million people in India are without electricity. It is not believed there was any terrorism involved. It is believed it relates to the unusual weather, probably based, many experts say, on global warming. They have never had such heat in India, which has put a tremendous burden on their fragile power system.

This legislation we are trying to finish has been worked on for years—years—not this Congress but going into last Congress. I was pleased to hear last week that many of my colleagues were working on thoughtful amendments to improve and strengthen this measure in spite of the untoward pressure by the Chamber of Commerce to kill this legislation. Senators on both sides have worked hard to address every concern raised by the private sector about this legislation. Senators Lieberman and Collins have been exemplary. The bill that is before this
body now is not nearly as strong as I would like, but that is what compromise is all about. I accept what they believed they had to do.

I expected a healthy debate on this important issue. I also expected to proceed with many relevant amendments. Unfortunately that was not offered enough for a few of my Republican colleagues. Instead of substantive amendments that deal with our Nation’s cyber security, they are insisting on political show votes. Instead of substantive amendments that deal with our Nation’s cyber security, they are looking at all kinds of other things. I had thought they were going to be serious about this, but they are not. The threat is clear, and protecting the computer networks that control our electronic grids, water supplies, and financial systems should be above political wrangling. So I was doubly disappointed to watch a bipartisanship process derailed by ideological attacks—for example, Senator LIEBERMAN’s right to choose her health care generally.

As 47 million Americans were set to gain access to preventive services with no out-of-pocket costs, Republicans insisted once again on a vote to repeal these benefits. They want to roll back the clock to the days when insurance companies could discriminate against women. Why? Because they were women. They had a preexisting disability—their gender.

To make matters worse, they are willing to kill a bill that will protect our Nation from cyber terrorism in the process. But this is not a new tactic. You may remember, as we all do—and I was reminded of that yesterday by a question that was asked of me by the distinguished assistant leader, Senator MCCONNELL, that was one way they get this information. But the numerous instruments we carry around—BlackBerrys, iPhones, all these kinds of things, in the classified area of the Capitol—a lot of classified information is kind of scary. It is up to us to do something about this bill. Would the Chair announce the business of the day?

The Senator from Georgia. Mr. ISAKSON. Madam President, while the majority whip is on the floor, I would like to pay him a compliment about some remarks I am going to make this morning. A group of 6 people in the Senate, three Republicans and three Democrats, about a year and half ago began getting together to deal with our fiscal problems in this country, both entitlements as well as our tax system as well as spending. I commend him for his work on that because I am going to talk exactly about what this Senate and this Congress has to do in the months ahead to deal with the fiscal cliff we are about to go over, but I want to acknowledge the fact that many of us, most importantly the distinguished majority whip, have been working on solutions that we are going to have to take if we are going to save the Republic and the economy.

I wanted to pass that on to the distinguished majority whip.

In my State of Georgia, the most recent report on unemployment posted out employment went down. In our State we advertise foreclosures every Friday and leading up to the first Tuesday. We set a record in the month of July on the number of foreclosures being advertised.

Yesterday in my office I had a meeting with the President of Lockheed. They are headquartered in Fort Worth, but they have one of their largest manufacturing facilities in Marietta, GA. They are going to have to send out their notice of potential layoff in this company, and that will take place because of sequestration. We just got the second quarter GDP report that said we are still slowing down and going down to 1.5 percent from a previous quarter of 2 percent. All indicators are that we are heading to a second bump in our economy, and what has been a very protracted and weak recovery is beginning to falter, and we are looking at a fiscal problem that is going to affect this country for decades to come.

Yesterday among my colleagues in the Senate to recognize the clock is running and time is running out. We cannot longer postpone doing those things that are so critical to our economy. I encourage my colleagues in the Senate by Senator WHITEHOUSE, who has been one of the leaders in putting together the cyber security bill relative to an incident at the Chamber of Commerce? I would like to read it, if I may, very briefly. And I quote Senator WHITEHOUSE from page S572 of the July 31 CONGRESSIONAL RECORD:

Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored hacked by the Chamber’s thermals and about 3 million members, and they remained on the U.S. Chamber’s network for at least 6 months and possibly more than a year. The Chamber was not the only victim. The FBI told the group that serves in China were stealing their information.

Even after the Chamber was notified and increased its cyber security, the article stated that the Chamber continued to experience suspicious activity, including a “thermostat at a townhouse the Chamber owns on Capitol Hill (control led) with an Internet address in China . . . and . . . a printer used by the Chamber executives spontaneously . . . printing pages with Chinese characters.”

As Senator WHITEHOUSE has said:

These are the people we are supposed to listen to about cyber security.

Can I ask the Senator from Nevada if he was aware that the chamber opposition to the cyber security bill certainly belies the fact that they have been hacked by the Chines thermals, and they didn’t even know it until the Federal Bureau of Investigation reported it?

Mr. REID. Madam President, in answer to my friend, we are living in a modern age; isn’t that what the Senator just said?

Mr. DURBIN. That is right.

Mr. REID. Is the connectivity to what China wants to get from the Chamber of Commerce. Remember, that is only one way they get this information. But the numerous instruments we carry around—BlackBerrys, iPhones, all these kinds of things, in the classified area of the Capitol—a lot of classified information is kind of scary. It is up to us to do something about this bill.
In terms of our revenues, everybody always wants to talk about taxes. Last week we had a debate that was meaningless and worthless over political positions of two political parties on tax systems. We need to look at Bowles-Simpson, the ‘PAYGO’ Tax Code. We need to use the tax expenditures that we get as income by reducing them and waiving them. We need to use that income to reduce the rates on corporate taxes and all the marginal rates of taxation so we can encourage people to spend their money, invest their money, and make our Tax Code simple. We don’t need to raise taxes, we need to raise their attitude. We need to improve the plight the American taxpayers have today by giving them certainty and a tax code that is clean, a tax code that is fair, and a tax code that produces jobs, revenues, and growth.

My message this morning is this: If we go up to probably Friday when we go home for the month of August and we come back in September for 60 days and wait until the election, we are putting off dealing with issues that affect our economy, affect our people, and affect the American taxpayer. We can make sure that the minute the leaders are ready to put these issues on the floor, and let’s vote on them. Let’s deal with the future of the American people, their taxes, their entitlements, and the guarantees we made to Social Security and Medicare. Let’s deal with our responsibility. Let’s not sequester spending, let’s cut where we should cut and let’s add money where we should add money. Let’s run this country like a business and not like a political action committee.

I yield to the Republican leader.

RECOGNITION OF THE MINORITY LEADER

RECOGNITION OF THE MINORITY LEADER

The Acting President pro tempore. The Republican is recognized.

DEFENSE SEQUESTER

Mr. MCCONNELL. The Acting President, yesterday I came to the floor to draw attention to the administration’s transparent attempts to conceal the impact of defense cuts President Obama demanded as part of last year’s debt-ceiling deal. I was referring, of course, to the administration’s Monday notification to businesses that work with the government that they are under no obligation to warn employees who might lose their jobs as a result of these cuts. Incredibly, the administration’s argument was that they don’t expect the cuts to happen even though the President had not done a thing to prevent them and even though Congress had to pass a law requiring the administration to tell us what the cuts would look like.

So let’s be clear. The administration officials who sent out this notification instructing businesses to keep quiet about these cuts know just as well as I do that the cuts are coming unless Senator McConnell and Senator Reid and Senator Harry Reid and the United States finally decides to come up with a credible plan to replace them.

The only reason the administration sent out this guidance to employers earlier this week was to keep people in the dark about the impact these defense cuts will have until, of course, after the election. So the White House is clearly trying to hide the ball from all of us. The clearest proof of that is the fact that no one even denied it after I noted it here just yesterday. But if we did need further proof, we actually got it yesterday when the Obama administration’s Office of Management and Budget issued guidance of its own to departments and agencies telling folks they should prepare for the cuts.

So let’s get this straight. Government workers should prepare for cuts, but private businesses and their employers should not. Not a week seems to pass that we don’t see more evidence of the President’s absolute contempt for the private sector, and here is the latest. The Federal Government is told to prepare for cuts, and yet the private sector businesses are specifically told it would be ‘inappropriate’ to tell people they could lose their jobs as a result of these cuts. The Defense Department under the sequester are the law of the land, and until Congress changes that fact they are totally foreseeable.

Yesterday the Director of OMB exempted appropriations for military personnel from the sequester, providing even more certainty that the cuts to defense will fall upon training, maintenance, and weapons procurement and development. So the fact is that private businesses have a higher degree of certainty that their workforces will be hit. Yet here is the administration’s message: If you are in the public sector, prepare for cuts. If you are in the private sector, don’t even warn your employees that their jobs actually may be on the line.

What a perfect summary of this administration’s approach to the economy and jobs over the past 3 1/2 years: private businesses don’t even deserve to know if your job is going to be cut; somebody else made that happen. Now the President says: If you work hard in the private sector, you don’t even deserve to know if your job is going to be cut; somebody else made that happen. Now the President says: If you work hard in the private sector, you don’t even deserve to know if your job is on the chopping block. The private sector is doing just fine; it is the government that needs help. That is the message of this administration.

Just as disturbing is what this says about the administration’s approach to our national defense. The President’s own Defense Secretary has said these cuts would hollow out our Armed Forces. Yet the President has not said a word about how he plans to responsibly replace them or, if he accepts a weakened national defense, how he will cut the costs. The President has not even acknowledged the cuts that have already been made, let alone pass a law forcing him to make these plans clear to everybody. Now, he hasn’t signed the bill yet. It went to him by voice vote out of the Senate last week. The defense cuts that will be made under the sequester are in addition to the $87 billion in cuts to the Department identified by Secretary Gates.

we must do as a Congress to save the Republic and save our economy and begin producing jobs in this country. The most important thing our people need is certainty. They need certainty in regulation, and they need certainty in tax policy. The American people need to be going to do what we have to do to save this Republic and to save this economy. For the few minutes I have this morning, I wish to talk about that. All the solutions are on the table. The problem is that none of us seem to have them off the table and put them on the floor and deal with it.

Let’s talk about spending. Our deficit has been announced for this particular fiscal year to be $1.2 trillion, $100 billion less than the total spending of the U.S. Government. We have to cut discretionary spending. We can’t totally balance our books by cutting discretionary spending. We have entitlements, and the entitlements are growing because of what? Our economy. Why are food stamps up from $35 billion to $87 billion? Because a lot people are hungry and a lot of people are out of work. Why are AFDC and many other programs going up? It is because of the economy. If we can deal with the spending and if we can deal with entitlements, then we can begin to bring back certainty and our economy will come back and our jobs will come back and there will be less pressure on the entitlement programs.

We are going to have to also recognize that entitlements is not the right word for programs such as Medicare and Social Security. They are contracts with the American people. I pay 6.2 percent of my income—the President does as well—to the payroll tax for my Social Security, I paid 1.35 percent for my entire life to Medicare. That is a contract with my government. We have to fix those programs.

Social Security is easy. Social Security is fixable by moving the eligibility date for retirement for my children, eight of whom are under 8 years old, that ought to be 69 or 70 years old before they become eligible. We don’t need to cut their benefit or raise their tax, but we need to actuarially put out their eligibility. That is what Ronald Reagan and Tip O’Neill did in 1983 to save Social Security until the current pressure it is under right now.

Medicare is the tough animal to deal with. We are going to have to recognize that we have to get out of the fee-for-service business and then do a premium support business. That way, we can quantify premium support and know how much we are spending, and the American people are in need have more support. But it should be quantified in terms of support for premiums, not a fee-for-service reimbursement system.
It is time for the President to provide the leadership to avoid these reductions that will render his own strategy unsustainable. A lot of people are wondering how they will be affected by these cuts. The fact that many of them will be voting in swing states in November is no reason to leave them wondering about their fate any longer. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Madam President, I have been listening to the debate on spending and taxes and our debt and deficit. I come to the floor this morning with a few visual aids and charts and graphs to try to dispel some of the myths I have been hearing.

The first myth I constantly hear is about the Draconian cuts being proposed in the House budget. I think this chart pretty well dispels that by showing that 10 years ago, in 2002, the Federal Government spent $2 trillion. This last year—this year—we will spend about $3.8 trillion. We have doubled spending in just 10 years. The debate moving forward shows that under the House budget, we would spend $4.9 trillion. President Obama’s budget proposes spending $5.8 trillion. I think it is clear to see from this chart that nobody is proposing net cuts in spending. We are just trying to limit the rate of growth in spending.

Another way of looking at spending is over 10 years. In the 1990s, the Federal Government over a 10-year period spent $16 trillion. The last decade, from 2002 through 2011, the Federal Government spent $28 trillion. Again, the debate moving forward shows that under the House budget, we would spend $47 trillion. Again, no cuts, just trying to reduce the rate of growth.

Let’s talk a little bit about what the Federal Government has spent under the current administration. Over the 4 years of President Obama’s administration, the Federal Government in total will spend $14.4 trillion. Think back to the last graph. That is almost as much as we spent in the decade of the 1990s. The entire deficit for that time period was $3.3 trillion. In other words, we had to borrow $5.3 trillion of the $14.4 trillion we spent; that is, about 37 cents of every dollar spent, we borrowed. We put that debt burden on the backs of our great-grandchildren, and our great-grandchildren.

I often hear that the whole problem with the deficit is caused by the war costs or the 2001 to 2003 tax cuts. We added those to the chart here. We can see that the total amount over that 4-year period of the overseas war costs and the Bush tax cuts was $1.2 trillion. It is less than 25 percent of the total deficit. Again, they are a factor but not the cause of the deficit. The cause of the deficit is primarily spending.

This chart basically shows what has been happening over the last 50 years. The structural deficit we have incurred is a basic result, on average, of the Federal Government spending 20.2 percent of the gross domestic product from 1959 to 2008, prior to this administration. On the other hand, revenue generation averaged about 18.1 percent of GDP. So percentage structural deficit. That is why our debt has continued to grow.

Under this administration, starting with the recession, that structural deficit expanded. Revenue dropping to about 15 percent and spending skyrocketing to 25 percent and now to about 24 percent. It is on a trajectory to hit 35 percent by the year 2035. Clearly, that is unsustainable.

Another way of taking a look at the tax cuts of 2001 and 2003, in terms of their total effect on our deficit figure, is to actually put them on a bar chart. The red bars represent the total deficit. The blue portions on the bottom of the chart represent the actual reductions in revenue from those tax cuts. We can see it is not a very large figure. In total, over that—I guess that is an 11-year time period, the total Bush tax cuts were about $1.7 trillion, while the entire deficit was about $7.5 trillion. The tax cuts represent about 22 percent of that total deficit—but, again, when we take a look at the last 4 years, a far smaller portion of the deficit, because the primary deficit over the last 4 years has been on the spending side of the equation.

What does the President offer us for solutions? Last year, he proposed the Buffett rule. In a speech on September 26th, he said, the Buffett rule, he said the Buffett rule represents, and that if was applied to our Tax Code, it could raise enough to not only pay for his jobs bill, it would also stabilize our debt and deficits for the next decade. Think about what President Obama said there. He said the Buffett rule would not only pay for his jobs bill but would stabilize our debt and deficits for the next decade. Here is the chart and how the Buffett rule for 4 years—4 years of the Buffett rule, it was projected, would raise about $20 billion total. President Obama’s 4 years of deficit is $5.3 trillion. So let’s state it a different way: $5.300 billion. It doesn’t take a math major to realize that $20 billion doesn’t even come close to stabilizing a deficit of $5.3 trillion. President Obama misled the American people. I think the President of the United States has a far higher duty to the American people. He should be honest with them.

Last week, we debated the other tax proposals offered by our friends on the other side of the aisle. In proposing those spending cuts, increasing the debt and deficit. It is the President of the United States who has a far higher duty to the American people. He should be honest with them.

I often hear that the cause of the deficit was the Bush tax cuts. In fact, the deficit that the Bush tax cuts contributed to is $1.2 trillion. If we were serious about fixing our debt and deficit situation, if we were trying mightily to do that, we might have tried passing a budget in the last few years. We might have actually brought appropriations bills to the floor so they could be debated and passed in the House and Senate so we would not be faced with what we are faced with right now, which is a continuing resolution to fund the government in 2013.

Another myth: The Democ- rats’ tax proposal would do nothing—almost nothing—to stabilize our debt and deficit. It is simply a political exercise. It is political demagoguery. It is class warfare.

Let’s dispel the myth: The American people to consider a simple question: Are they for increasing taxes on the productive sector of our economy, the small businesses, those 1 million small businesses that would be affected by this? The myth: that would be a hit to about those small businesses that was would use to expand their business, to buy capital equipment, to increase wages, to pay for health care, and invest in 401(k) plans, it does not stabilize the debt and deficit. It does nothing to do that.

I think Republicans basically agree with President Obama and President Clinton. Back on August 5, 2009, just as we were coming out of recession, President Obama said: “You don’t raise taxes in a recession.” I agree with that. Republicans agree with that.

Back in December—the last November and December of 2010—right after the lame duck session when all the tax rates were extended for 2 years, President Obama said: “If we allow these taxes to go up . . . the economy would grow less.”

He was right. Back then, by the way, average growth in our economy was about 3.1 percent. During the last four quarters now, the economy has only grown about 2 percent. Our economy is in worse shape. It only grew at 1.5 percent in the last quarter. We can see the downward trajectory.

Of course, President Clinton also said probably the best thing we could do is to extend all the tax rates to take that sense of uncertainty off the table. That is what Republicans were doing in the House and Senate.

Let’s not increase taxes on any American at this point in time. Let’s not threaten any kind of government shutdown. As much as fiscal conservat- ives do not like the Budget Control Act, that is what Republicans are all about, taking the uncertainty of a shutdown off the table, taking the uncertainty of what people’s tax rates
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will be over the next year off the table, and being responsible.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SMALL BUSINESSES

Mr. UDALL of Colorado. Madam President, I don’t believe any State has felt the brunt of this recession more than the State of Nevada. We are a State that leads the Nation in unemployment, leads in foreclosure, and leads the country in bankruptcy.

There is not an evening that goes by or a day that goes by that I am not thinking about what can we do to create jobs and get our economy moving.

In order to help small businesses thrive again, we must tear down the barriers to growth and opportunity and launch this Nation into its next great chapter.

Small businesses are our Nation’s economic backbone and they were built on the very same values of hard work and determination our Nation was founded upon. This issue is very personal to me. I spent most of my childhood working at my father’s automotive shop in Carson City—Heller’s Engine and Transmission. At this small business, my father taught me how to fix engines and transmissions but, more importantly, I learned about hard work. I learned about personal responsibility, and I learned how to provide an important service to our community.

Although my father’s shop has been closed for some time, I have asked him what he would do as a small business owner in today’s environment. First of all, he said, you couldn’t open that same shop, not with the regulations, the taxes, the overload that would be involved from what this government has produced. But his simple answer is he would have to close his shop because of the uncertainty and the costs due to all the Federal regulations and mandates.

Contrary to what some in Washington may believe, my father built his business and he worked long hours to make it successful. It was through this business that he provided for my mother and my five brothers and sisters. I can’t thank my father enough for the values he instilled in me. It is humbling to think that all around our country sons and daughters are still learning from their parents who are making their own small businesses. These businesses are often struggling to make payroll, pay suppliers and, in some instances, can’t even afford to pay themselves. These Americans are fighting every day to achieve the American dream, but what they get from Washington is more at odds with their livelihood in the form of new regulations, new mandates, and, of course, every day the talk of new taxes.

Just last week, the majority party offered a tax plan that would kill 6,000 jobs in Nevada and more than 700,000 jobs nationwide. In a stagnant economy suffering from chronic unemployment, we should be looking for ways to strengthen job growth, not pushing destructive tax increases that serve as nothing more than political talking points.

Every week I hold telephone townhall meetings with Nevadans from across the State. Lately, a lot of Nevadans have discussed how some in the majority party are willing to take our economy off a fiscal cliff if Republicans will not vote for tax increases on small businesses.

For the past 2 weeks, I have asked all those participating in these townhall meetings if they believe this type of partisan politics is good for the economy. We shouldn’t be surprised to know that a vast majority believe bipartisanship at the expense of the economy needs to end, and with that I agree.

Last Friday, I visited Joe Dutra, who owns Kimmie Candy in Reno, at his factory. He talked about how he is fighting to grow his business with his kids, John and Kathryn. Unfortunately, instead of supporting small businesses throughout our country, Washington has been making a difficult situation even more difficult.

Joe has been getting a lot of heat lately from the press because he is standing up against politicians who belittle his efforts and has had the courage to fight the destructive policies coming out of Washington.

Let me assure my colleagues that Joe built his business and works hard to keep it going. That is what many small businesses across this country want to do. They want nothing more than to expand their businesses, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. Instead of encouraging this, Washington has increased wind miles of regulatory red tape. They passed a health care law that is costing jobs and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

Small businesses are the lifeblood of our economy and will be a key component to our recovery. It is far past time Washington recognized this by encouraging their growth and getting our Nation on the right track.

Thank you. I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, as I begin to talk this morning about the wind production tax credit, I think we all know that tax credits have encouraged our wind industry to invest in that great, new, cutting-edge form of power, and that has resulted in the creation of thousands of American jobs and wind projects all over our country. Forty-eight States have a stake in our wind energy industry. But the production tax credit that has driven this investment in American manufacturing and job creation is about to expire at the end of this year.

I have been coming to the floor on an ongoing basis to make the case that we ought to extend the wind production tax credit as soon as possible.

I know the Acting President pro tempore has been here on a couple of occasions when I have spoken about this issue before. In fact, this is the 14th time I have come to the floor to speak on this important issue. It is also the peril that awaits us if we do not extend the wind production tax credit. The key here is that we have created uncertainty. The wind energy industry is beginning to back off investments for next year. They need certainty. They need predictability.

I have come to the floor today to talk, as I have been on each occasion, about a particular State and that State’s contribution to the wind industry. Today I want to talk about North Dakota. It is a State with enough wind energy potential that it could meet more than 240 times its own electricity needs—240 times its own electricity needs. In fact, we know North Dakota sits in an ocean of wind, and it could power much of the Midwest if we could get that electricity to the city centers that need it, and if we keep the wind production tax credit in place.

I want to talk about in particular an North Dakota company, a company that manufactures the towers—opened a factory in West Fargo. That is also in eastern North Dakota. It is south of Grand Forks, over here, as shown on this map, on the Minnesota border as well.

These wind turbines—and the Acting President pro tempore knows this—are magnificent machines. They sit on
towers that in some cases are 100 meters tall. The wind blades themselves are like aircraft wings. The cell that sits on the top of the towers, where the gear box and all the technology is—these are very technical, very complicated, very sophisticated machines, and they will contribute to American greatness. The point I am making is these are two important facilities in North Dakota.

I also want to talk about the leadership that the state of North Dakota is showing. This is a great opportunity for North Dakota, as well as for the country, and the wind production tax credit creates certainty.

His colleague Senator Hoeven has also taken up the cause during his first term in the Senate. One of the key points I want to make is that two Senators are from North Dakota. Last month, North Dakota hosted a renewable energy summit in Bismarck, and both Senator Conrad and Senator Hoeven attended. During this summit national leaders talked about how North Dakota’s robust and diverse energy sector has provided the model for creating jobs and helping reduce our Nation’s dependence on foreign oil. I have no doubt that the most intelligent kind of policy. It is a mix of traditional energy sources with sustainable energy such as wind. What you get from that is advanced technology. You have certainty for developers. You spur investment. You create jobs. I applaud North Dakota’s leadership in putting in place a smart energy policy, an all-of-the-above energy policy, as well as our colleagues’ work on this subject.

The point I am making is that North Dakota recognizes investment in wind energy is an investment in jobs. Some of those numbers make that point. Some 2,000 jobs in North Dakota are supported by the wind energy industry. Those jobs are there no doubt because of the existence of a tax credit. I would add that the tax credit is a production tax credit. So you produce the power and then you get the tax credit. This is not speculative. This is not hoping that something happens. This is based on production of electrons. That is why it is such a powerful tool. It has been used in the past, by the way, in other energy sectors. You produce power, you produce energy, you are rewarded with an energy tax credit.

Besides jobs, the wind industry provides $4 million annually in property tax and land lease payments that go to supporting local communities and vital services tied to those communities. When you compare North Dakota’s rank nationally? Well, this state ranks 10th in terms of the installed wind capacity, and third in the Nation in percentage of electricity derived from wind, with almost 15 percent of their entire power supply coming from wind energy projects. That is the equivalent in North Dakota of 430,000 homes being powered by wind.

That number—I know this is important to the President—equals about 5 million tons of carbon dioxide that are not released into our atmosphere every year. That is simple: The wind industry is important to America’s future and it should be incented in communities that can support it.

The wind production tax credit is that incentive. Without a doubt, if the PTC is allowed to expire, this important American industry will shrink, move overseas, and take thousands of American jobs with it. So as I have done when I come to the floor, I am imploring our colleagues to work with me, to work with us to stop this possibility from becoming a reality. Wind energy is a partisan issue. As I have noted, many of our colleagues agree with me, whether they are on this side of the aisle or the other side of the aisle. They understand if we do not extend the PTC we risk losing thousands of jobs and a very important, successful, existing industry. So it would be a decision that we would all regret for a long time if we let the PTC expire.

As I close I am going to urge my colleagues to work on this together. If we believe in energy independence and job creation, as we say, then we need to work together. Let’s show Americans that we understand the economy. One of the ways we can create new jobs is to extend the wind production tax credit. One of the ways we lose jobs is if we let the wind production tax credit expire. So we ought to be passing the PTC as soon as possible.

The production tax credit equals jobs. It is crucial to our future. Let’s not let the wind production tax credit be a casualty of election year partisanship. We cannot—America cannot—afford it.

I yield the floor.

The Acting President pro tempore, The Senator from Oregon.

Disaster Relief

Mr. Merkley. Madam President, I thank my colleague from Colorado for his remarks about the production tax credit. This is incredibly important to the wind industry. It is a big factor in the economy of Colorado and certainly a substantial factor in the economy of Oregon. So I join him in making the case, if you will, that we need to make sure we continue to drive forward this clean energy manufacturing economy that produces zero carbon dioxide.

I can tell you that we had the chance to drive from the northern border of Oregon to the southern border in an electric Leaf. We have enough charging stations now along the interstate to make this possible. It was miraculous to not produce a single molecule of pollution out of that car trip.

If that energy for that car is coming from wind, then not any—zero—carbon dioxide is produced, a zero impact on global warming. So certainly what is very good for the American worker, for the American economy, is also good for our air and the environment here in our Nation and around the world. We must get this production tax credit extended. We must work with him to make this happen.

I rise today to address a critical issue for Oregon’s ranchers and farmers who are dealing with wildfire devastation—huge devastation. I am going to put some pictures. We had last month the largest fires in Oregon in over a century. An enormous amount of land has been burned in the process. The Long Draw fire in Malheur County burned 557,000 acres or, to translate that, that is about 900 square miles. This is the largest wildfire in Oregon since the 1800s. This chart shows the incredibly powerful flames these ranchers and farmers have been dealing with. As these flames sweep across the grasslands, the cattle and other livestock are often killed in the process. The land does not quickly recover because of the intensity of the fire and how it affects the soil.

Let me give you another view of this same situation. This is actually a picture taken from Nevada looking toward Oregon. You see this massive wall, this massive wall of smoke coming across. It is an incredible sight to behold when a fire in full rage as this was. The Long Draw fire was one of the major fires, but the Miller Homestead fire was another. It burned about 250 square miles. Here again, you can see the dramatic flame front southeast Oregon was fighting. This is moving through the sagebrush, continuously progressing, moving very quickly when the wind is driving it, creating an enormous wall of smoke.

Let’s take one more view. Here we see the aftermath of the fire when it was quelled by a rain event. It completely destroyed land on one side of the highway, and what it looked like, this green grassland, this was not all dry and parched, this green grassland, before the fire moved through.

In addition to these two huge fires, we have had a number of others—the Loxefall fire in Jefferson County; the Baker Canyon fire in Jefferson and Wasco Counties; the West Crater fire in Malheur County, each of these having a substantial impact in addition to the Miller Homestead and the Long Draw fires.

Together, these fires have consumed over 1,100 square miles. That is roughly an area the size of Rhode Island. So an entire state would fit into the area burned in Oregon. These fires are now under control, and southeastern Oregon is surveying the damage and picking up the pieces.

One of the things they would immediately turn to, our farmers and our ranchers, would be disaster assistance that has always existed within the farm bill. But guess what. These disaster assistance programs are not
available because the House has failed to act on the farm bill. This Senate passed the farm bill, a bipartisan bill, Republicans and Democrats coming together.

In it are the key programs to help our farmers who have been affected by the once in a century fire in the State of Oregon. That is why I have introduced the Wildfire and Drought Relief for Farm and Ranchers Act. That is why I have introduced the bipartisan Senate farm bill. This would extend the program for forage indemnity. This addresses the loss of forage on public land. Those of you who are not from the West may not be aware that a lot of our livestock is operating on land that is leased to our ranchers. So when a fire like this affects those public lands, it also is affecting the value of the lease to those farmers and the ability of those ranchers to pay the price that the House of Representatives will not bring timely relief to all of those who have suffered in the disaster, and certainly to the farmers and ranchers across Oregon who have been struck by the largest fire in this century, a fire larger than the State of Rhode Island.

But if we can get consensus to bring immediate relief in the face of the inaction by the House, then we should do so. That is why I have introduced the Wildfire and Drought Relief for Farmers and Ranchers Act to extend the most urgently needed programs immediately. This would extend the program for livestock indemnity. This would extend the program for forage loss on public lands and forage loss on private lands.

I urge my colleagues to take the same bipartisan spirit they brought to the farm bill to recognize that this Chamber has already voted to extend disaster programs and, if necessary, move quickly to extend those disaster programs, if necessary by themselves, in order to help our ranchers, to help our farmers who have been affected by these natural disasters, including this once in a century fire in the State of Oregon.

Again, I encourage the House of Representatives to immediately get the farm bill to conference. This should be done in the context of many programs that need to be renewed that have been worked out. But in absence of that, let’s find a way to move quickly to assist our farmers and ranchers in the face of devastating natural disasters.

The acting president pro tempore, the Senator from Minnesota, Madam President, I ask unanimous consent to speak as in morning business for the duration of my remarks.

The acting president pro tempore. Without objection, it is so ordered.

Anniversary of I-35w Bridge Disaster

Ms. Klobuchar. Madam President, I rise today to speak on the 5-year anniversary of the horrific collapse of the I-35W bridge in Minneapolis, and to pay tribute to those who lost their lives on that tragic summer day.

As I said the day after the bridge collapse, “A bridge just should not fall down in the middle of America.” Not a bridge that is a few blocks from my house. Not an eight-lane highway. Not a bridge that the driver of every day with my husband and my daughter. But that is what happened that sunny summer day in Minneapolis, MN.

I can’t even begin to count how many times I have thought about that bridge, and everyone in our state, actually remembers where they were the day it collapsed. It was one of the most heavily traveled bridges in our state, and in all that day 13 people lost their lives and scores were injured. So many people could have been killed if not for the first responders, if not for the volunteers, who instead of running away from the disaster, when they had no idea what actually happened, ran toward it and rescued their fellow citizens.

Everyone was shocked and horrified, but on that evening and in the days that followed, the whole world watched as our State came together, as they did in the summer of the collapse, I was proud to be a Minnesotan.

The emergency response to the bridge collapse demonstrated an impressive level of preparedness and coordination that should be a model for the Nation. We saw true heroes in the face of unimaginable circumstances. We saw an off-duty Minneapolis firefighter named Shannon Hanson, who grabbed her lifejacket and was among the first at the scene. Tethered to a bridge piece, she was on the edge of broken concrete and tangled rebar, she swam from car to car searching for survivors up and down in that river.

We saw that schoolbus perched precariously on the falling bridge deck. I called the driver. Inside these were dozens of kids from a very poor neighborhood, who had been on a swimming field trip. Their bus was crossing the bridge when it dropped. Thanks to the quick action of responsible adults and the children themselves, they all survived, they all got off that bus.

Although you can never feel good about a tragedy like this one, I certainly felt good about our police officers, firefighters, paramedics, and all the medical personnel who literally saved dozens and dozens of lives.

On this, the 5-year anniversary of the bridge collapse, we should again honor those heroes and the countless lives they saved.

For a minute, I want to tell you a few examples. A woman named Pamela Louwagie, who writes for the Star Tribune, gathered some of their stories this week, and shared some of these people I know. Lindsay Patterson Walls was in a Volkswagen that went over the bridge; she kicked out the doors and windows and was able to get out and survive. She is putting the collapse to work in her career. She is a youth worker who counsels children and teens and she discovered that her trauma, as hard as it was, wasn’t so different than that of her clients. She felt insecure in the world, wondering whether another bridge would collapse on her or her children. And she realized that the home less teens she counselors felt insecure, wondering where they would sleep at night. It is a lesson she takes with her every day in her job.

And Beth Sather is someone I have come to know. Her husband was 29 years old when he died in that bridge collapse. They had just gotten married and they planned on having a family. She decided to adopt children from Haiti. In the aftermath of that earth quake, she already knew the names of these children she was going to adopt. She would not let those kids just be left in that rubble. She contacted our office. We worked with her and brought Alyse and Ross back from Haiti, and she is their mother. I saw them this weekend with their big smiles and their mom. That is an inspirational story.

The Coulter family was in their minivan—the kids, the mom, the dad. It was clear at the beginning of 2007 that they were severely injured and the mom, Paula, they didn’t think would survive. Also, after they learned that maybe she was going to make it—she had devastating injuries to her brain and her back—one time during one of the surgeries, they had to jolt her heart back to life. They had suggested that her family start looking for nursing home care. But she didn’t give up—Paula and her family didn’t give up. After 2 years, with the help of some therapists, she could walk and move again and go back to her counseling job part time, and two summers ago she and her trainer ran a 5K race. That is inspirational.

When there is the bridge itself. After it collapsed, it was so clear to us that we had to rebuild it and we had to rebuild it right away. In just 3 days, Senator Coleman and I worked together in the Senate to secure $250 million in emergency bridge reconstruction funding. Representative Jim Oberstar led the way in the House. Approval of the funding came with remarkable speed in this Chamber. It was bipartisan and we
were able to get the funding. From the moment that bridge started construction to the end, it took less than a year to rebuild a bridge that is now a 10-lane highway.

Today, the new I–35W bridge is a symbol of resilience and the resilience of a community. This weekend, when I was at the Twin Cities heroes parade with our veterans, the organizer looked at me proudly and said: Tonight they are lighting up the 35W bridge red, white, and blue. So it literally has become a symbol of hope for our State.

The new bridge is a hundred-year bridge with more lanes than before. It is also safer. The bridge includes state-of-the-art anti-icing technology, as well as shoulders, which the old bridge didn’t have.

Of course, bridge safety was on the minds of all Americans, especially those of us in Minnesota, following the bridge collapse. Immediately afterward, the Minnesota Department of Transportation conducted an inspection of all 25 bridges in Minnesota with a similar design as the I–35W bridge. This inspection led to the closing of the Highway 23 bridge in St. Cloud, where bulging of gusset plates was found. I remember seeing it. It accelerated the planned replacement of that bridge, which opened in 2009.

But the reforms were not all structural. Since then, the department of transportation in our State has improved the way the inspections and maintenance functions of the department handle critical information and necessary repairs.

Just as in Minnesota, bridge safety became a priority nationally as well. After the National Transportation Safety Board identified gusset plates as being heavily responsible for the collapse, a critical review of gusset plates was conducted on bridges across America, and there was new attention focused on deterioration of steel and weight added to bridges over the years through maintenance and resurfacing projects.

The national organization that develops highway and bridge standards, the American Association of State Highway Transportation Officials, updated bridge manuals that are used by State and county bridge engineers across the Nation.

I will say that 5 years later we have still not made as much progress as I would have liked. The Federal Highway Administration estimates that 22 percent of Minnesota’s 600,000 bridges are still either structurally deficient or functionally obsolete.

The American Society of Civil Engineers gave bridges in America a C grade in 2007 report Card for America’s Infrastructure and a D for infrastructure overall.

We did take a positive step forward with the recent bipartisan transportation bill that will help State departments of transportation fix bridges and improve infrastructure.

For Minnesota, that bill means more than $700 million for Minnesota’s roads, bridges, transit, congestion mitigation projects, and mobility improvements.

The bill gives greater flexibility to State departments of transportation to direct Federal resources to address unique challenges and also establishes benchmarks and national policy goals, including strengthening our Nation’s bridges, and links those to Federal funds. It reduces project delivery time and accelerates processes that will reduce in half the amount of time to get projects done.

However, we all know more needs to be done. While other countries are moving full steam ahead with infrastructure investments, we seem to be simply treading water, and in an increasingly competitive global economy standing still is falling behind.

China and India are spending, respectively, 9 and 5 percent of their GDP on infrastructure. We need to keep up. We need to build our infrastructure. That is why I was so pleased to see America Jobs Act last fall, which would have invested in our Nation’s infrastructure. It would have also created a national infrastructure bank—something the occupant of the chair is familiar with—to help local partners in communities, so that projects could be built that would otherwise be too expensive for a city, a county, or even a State to accomplish on its own. We included a provision to set aside a certain amount of funding for road projects. Unfortunately, while we got a majority of the Senate voting to advance this bill, we were unable to break the filibuster.

So 5 years to the day after the I–35W bridge fell into the Mississippi River, we know we have much to do to ensure our 21st century economy has the 21st century infrastructure we need. I know I am committed to move forward and work in a bipartisan way to address our Nation’s critical bridge and infrastructure needs and move like the collapse of the I–35W bridge.

They didn’t distinguish on that bridge on that day 5 years ago who was a Democrat or Republican. Certainly those first responders—the cops and firefighters—didn’t ask what political party somebody belonged to. They simply did their job. That is what we need to do in the Senate.

I yield the floor.

The Acting President pro tempore, Senator from Connecticut.

Cybersecurity Act of 2012

Mr. LIEBERMAN. Madam President, I rise to speak about the Cybersecurity Act of 2012, which is numbered S. 3414.

Last night, the majority leader, Senator Reid, filed a cloture motion which would ripen for a vote on tomorrow. Senator Reid said he was saddened to have to file that motion. He also used a word we don’t hear much when he said he was “flummoxed” by the need to file a cloture motion on bipartisan legislation. He said it was not all of the experts in security in our country from the last administration and this one say is a critical threat to our security, which is the lack of defenses in the cyber infrastructure that is owned by the private sector.

Senator Reid was saddened, as I was, that he had to file for cloture because, of course, there can be disagreements in the Senate. But I think it is important to respond to that threat to our security and our prosperity. Hundreds of billions of dollars of American ingenuity and money have already been stolen by cyber thieves operating not only from within our country but, more often, from outside. So we can’t afford to have disputes about how to deal with the problem. But the fact that people started to introduce totally irrelevant amendments, such as the one to repeal ObamaCare—well, that is a debatable issue. We have debated it many times, as the House has, but not on this bill, which we urgently need to pass and send to the House and then go into conference and then, hopefully, pass something and send it to the President.

I was at a briefing with more than a dozen Members of the Senate, representing a wide bipartisan group and ideological group, with leaders of our security agencies—cyber security agencies, including the Department of Defense, Department of Homeland Security, FBI, NSA, and they could not have been clearer about the fact that this cyber threat is not a speculative threat. The fact is we are under attack over cyber space right now. In terms of money we have already lost an enormous amount of money. Gen Keith Alexander, Chief of U.S. Cyber Command, described the loss of industrial information and intellectual property, and just plain money, through cyber theft as “the greatest transfer of wealth in history.” That is going on.

We are also under cyber attack by enemies who are probing the control systems, the cyber control systems that control not the mom-and-pop veterans stores but the cyber control systems over which so many of us shop these days, but the cyber systems that control the electric supply, that control all of our financial transactions, large and small, that control our transportation system, our telecommunication system—all the things we depend on to sustain our society and our individual lives. That is who we are talking about here.

It is the greatest transfer of wealth in history. But our enemies are already probing those private companies’ cyber systems that control that kind of critical infrastructure I have described. There is some reason to believe that because of the vulnerability of those systems and lack of adequate defenses, they have already placed them malware, bugs—whatever we want to call it. In the old days, we used to call it a sleeper cell of spies and, more recently, in terms of terrorism, a sleeper cell of terrorists.

I was at a briefing, but I put it personally, without stating it definitively on the floor. I worry that enemies of the United States have already placed what I call...
Mr. CARPER. The message the Senator is conveying today is so important. I hope people who are unsure about supporting our legislation are listening.

I was briefed earlier today by a large multinational company. One of its divisions is manufacturing, among other things, helicopters. Apparently, within the last 12 months, maybe even 6 months, they developed a need to manufacture one such helicopter were hacked and obtained by another nation—presumably the Chinese. So they will develop and will build their version of our helicopters. They won't be built by Americans. They will not provide American jobs. It will not provide revenues to that company or tax revenues to our Treasury; they will really be apprehended, if you will, by another nation. That is the reality of this situation.

So I was reminded just this morning of what the Senator is talking about, what General Alexander says is the largest economic threat in the history of our country, and it is taking place. I was reminded of that this morning, and I just wanted to share that with the Senator.

Mr. LIEBERMAN. I thank the Senator from Delaware very much. I think he crystallized the moment we are in.

I reminded Senator Reid of a cloture motion that will ripen tomorrow. Again, he did it in sadness, and I was sad he had to do it. This is an issue on which I had hoped we would overcome gridlock—special interest driven, ideologically driven, politically driven—but we didn't do it, so the majority leader did exactly what he had to do, in my opinion, in the national security interest.

This does two things. One, as my colleagues know and appreciate, it just re-emphasizes that this bill has occurred—to try to create a collaborative process where the private sector and the public sector can act together in the national interest.

The businesses themselves that control cyber infrastructure—God forbid there is a major cyber attack on the United States—are going to be enormous losers. They are going to be subject, under the current state of the law, to the kind of liability in court that may bring some of them down. It may end their corporate existence.

Mr. CARPER. Would the Senator yield for a question?

Mr. LIEBERMAN. I would be glad to yield to my friend from Delaware for a question. He is the cosponsor of our main bill, S. 3414.

Mr. CARPER. The Senators are working on these amendments to try to create a collaborative process where the private sector and the public sector can act together. Frankly, there was a chasm that separated us. We have changed our bill. We have made it much more voluntary—carrots instead of sticks, as the Senator and I have said. But still there are differences, and I would just say this: if we can't bridge those differences in national security, of all topics.

So this is an important day to see if we can come together. Senator Collins and I are ready and willing to meet with the sponsors of the other bills—Senator Kyl, Senator Whitehouse—to see if we can come to some kind of agreement on critical parts of this legislation and to come up with a finite list we can support.

Just a final word. I wish to thank the majority leader, Senator Reid. Senator Reid has a tough job, and it is obviously battered by the political moment we are in, whenever we are in it. And of course this is a particularly political moment—partisan—because of the election season and the campaign we are in. But I have known Harry Reid for quite a while, and I have the greatest confidence and trust in him and an awful lot of affection for a personal friend. He got briefed about the cyber security threat more than a year ago, and he called me in and we talked about it. He said he was really worried, that we had to do something in this session of Congress to protect our security, and he has been in that belief and has refused to give up.

Senator Reid filed the cloture motion to bring this to a head and hopefully to get to that finite list of amendments. And I think the whole thing is stretching within the process and time, the great authority and power the majority leader has—some people say it may be the only power these days, but I think he has more because of his skills—in controlling the schedule. I think if there is a hope that we can bring a bill together and pass a cyber security bill, Senator Reid is going to give us every opportunity to do that. So I wanted to put on the record my thanks to him for his effort to improve the cyber security of our country because he has listened to the experts and they have convinced him. This is rising to be a greater threat to America than any other threat we face today, and that is saying a lot, but I believe it.

I thank the Chair, and I yield the floor for my friend from Delaware.
here with the chairman to have a little bit of a colloquy and then head off to another hearing.

While he is here, I wanted to say a special thank-you to Senator Whitehouse for the work he and Jon Kyl, our colleague from Arizona, and Chris Coons, our colleague from Delaware, and others have done in really helping to put the meat on the bones, if you will, of our original legislation. And they are great work. I really admire them, and I thank all of them.

Over at the other end of the Capital, they have spent a whole lot of time in recent weeks and months on the issue of Fast and Furious, and I wanted to mention to the reasons I think the American people are furious with us is we are not moving fast enough to deal with the economy and to create jobs. Yet government doesn’t create jobs. Presidents don’t create jobs. Governors don’t create jobs. As a former Governor, I know this. Members of the Senate don’t create jobs. We help create a nurturing environment for jobs and job creation. That includes a lot of things, such as a world-class workforce access to capital, infrastructure, access to reasonably priced energy and reasonably priced health care. But it also includes, as we go forward in time, the assurance that if a company spends a lot of money—a lot of R&D and investment—comes up with a really good idea that has commercial application, that before it can even build that idea, create that idea, or sell that idea in this country and manufacture and sell it around the world, the idea is not going to be stolen—stolen—by someone from another country who will use that idea to make money on their own.

That introduces an uncertainty in this country we have never had to worry about before. We just have not had to worry about that before. But, as General Alexander has said and has been quoted here already today, the greatest economic threat in our history right now is the cyber security. This is as much a jobs issue as it is a security issue. It is an economic security issue, and we have to be mindful of that.

I have spoken to some of our friends over at the chamber of commerce with whom we work on a variety of issues and said to them that we need their involvement and support. We need them to help us get through this. If they have good ideas, if they have read the legislation as it is redrawn and want to share those ideas with us today, Democrats and Republicans, that would be a huge help.

I hope everybody over at the chamber is watching today, and I hope they hear this request for them to be more involved in a constructive way. It is not so much that we need them in the Senate, we need them as a country, and the folks who are their members across the country need them to be involved as well.

This legislation started out as more of a command-and-control deal where our Department of Homeland Security was going to say: These are our standards, and we expect companies and industries in critical areas to comply with these, and that is it.

That is an oversimplification of the original legislation as we have moved so far away from that, it is amazing. We have moved from a command-and-control system to one where we say to critical industries, sensitive industries: Listen, you figure out amongst yourselves what the best practices and standards are for protecting you and your businesses and your ideas. You figure it out, you share those ideas, develop those ideas, really, in a collaborative way with a council that includes the Department of Commerce, the Department of Justice, the Department of Defense, Homeland Security. And then, in an interim process, we refine those ideas, refine those best practices, and refine those standards, which would then be implemented. If you don’t want to comply with them, they do not have to. It is on a voluntary basis. If they do, there are rewards. If they do not, they do not participate in those rewards, including protection from liability.

Sometimes legislativeislation, and we just say: This is it, and we are not going to change it. This is it, and we are not going to let you do that. But here we have changed this legislation dramatically and I think for the better. Some people have changed it too much in order to get to ‘yes.’

The last thing I would say before I yield to Senator Whitehouse is that the legislation before us is not a Democratic idea, nor is it a Republican idea. This is not a conservative idea. This is not a liberal idea. This is a good idea, and this is an idea that has gotten better over time. This is an idea whose time has come. And we need to be mindful of the fury across our country. We need to move faster to take good ideas like these and implement them.

With that, I yield to Senator Whitehouse, and again a big thank-you for the great work he and Senators Coons and Kyl have done, as usual.

The ACTING PRESIDENT pro tempore, The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, at this point I will speak, if I may, in the nature of a colloquy with the chair. I have been invited by Senators Whitehouse from Delaware, but first let me thank the Senator from Delaware for his very kind remarks. Senator Carper, as everybody knows in the Senate, is really a bellwether of bipartisanship, and he constantly seeks cooperation. So I appreciate very much his efforts to bring us together.

The chairman has been working very hard on these bills for many years, and the bill on the floor now is the product of considerable work in his committee, the Homeland Security and Governmental Affairs Committee—considerable work in the Intelligence Committee, and considerable work in the Commerce Committee primarily, although we in the Judiciary Committee have had some input as well. So while there has been no specific hearing on the assembled bill, because it covers so many committees, it has to be brought together at some point, and its components had to be integrated work. So we have all put a lot of effort into this, and we have actually all come a very long way, I believe.

Our window is very short, and I hope an excerpt we can get ahead of us literally to work to close this gap. But I believe the distance we have come, and particularly that last bit of distance, when the chairman changed S. 3414 to go from a traditional mandatory regulatory system to the new voluntary standards, really has moved us in enormous ways. We are almost on the 1 yard line now, and I believe it would be such a shame, with things being that close, if we couldn’t close the deal.

I would like to ask the chairman to react to that assessment of our situation, and I would also like to ask him to react to one other point, which is that the House took action on cyber security but it only did so in the form of legislation on information sharing. All of our information—the letter yesterday from General Alexander and everything we have heard from our national security officials—is that is not enough.

We have two really important jobs. One is information sharing, and the other is defending America’s privately owned critical infrastructure—our electric grids, our communications networks, our data-processing systems. Those are our great liability. Those are the things Secretary of Defense Panetta was referring to when he said that the next Pearl Harbor we confront could very well be a cyber attack.

So are we as close as I think and is it important that the Senate pass this bill because the House simply failed to address the critical infrastructure part of our responsibilities?

Mr. LIEBERMAN. Again, I thank our friend from Rhode Island for the extraordinarily constructive role he has played—unusual here, unfortunately—in bringing the group of eight Members, four Democrats and four Republicans, together. Senator Whitehouse, along with Senator Kyl of Arizona, created a bridge that really invited Senators Collins, Feinstein, Rockefeller, Carper, and me to come halfway across to change our bill from mandatory to voluntary.

So my answers to the Senator’s two questions are yes and yes. We are a lot closer than we were really just a month ago—a matter of weeks ago. There is a remaining difference, and it is real. But considering where we have come from, if we show a willingness to compromise—and again, as I have said now, a compromise of principle—that acknowledges that if everybody in the Senate insists on getting 100 percent of what they want on
a bill, nobody is going to get anything because nothing is going to pass. So we have come back from our 100 percent quite a lot, and we are still open to ideas that will enable us to achieve what we need to achieve here in improving our cybersecurity, which means changing where we are now.

That is why, as my friend from Rhode Island knows, we are going to keep meeting today with the other leading sponsors of the bill and with the private sectors—between to see if we can find common ground and avoid what I think could be a very disappointing cloture vote—a very divisive, very destructive cloture vote—tomorrow.

The second point is a very important one; that is, the House has acted, but it has only acted with regard to information sharing. This is important, but it is only half the job. The information sharing, in brief, says that private companies that operate critical infrastructure and are attacked should be able to share information with other companies if they are attacked or as they begin to defend themselves so they mutually can strengthen each other. They can also share with the government, and the government, particularly through the Department of Homeland Security and the National Security Agency, can help the private sector strengthen itself. Those kinds of communications, which are critical and would seem natural, don’t happen now in too many cases because the private sector is anxious about liability that it might incur. Even the public sector is limited in how much it can reach out or help. So it is important that the House has addressed that part of it.

I will say—and not just parenthetically—that there has been very significant concern of a lot of Americans and a quite remarkable coalition of groups—remarkable in the sense that it is right to left, along the ideological spectrum—about the personal privacy rights of the American people, that they not be compromised as a result of this information sharing.

Those privacy advocacy groups are not happy with the House information-sharing bill. I am pleased they have praised what we have tried to do as a result of negotiations with colleagues in this Chamber who are concerned about privacy. The point Senator Wurman has made is true, that the bill is only half the job. Everybody who cares about cyber security has said it.

There was, I must say, an encouraging, inspiring, for us, editorial in the New York Times today, supporting essentially S. 3414, the underlying bill, and crying out to us to take action and not get dragged down into gridlock by special interest thinking. But here is a statistic that jumped out at me. I saw it once before, but we have not heard it in this debate. In a Times editorial today entitled “Cybersecurity: Who’s At Risk,” this sentence: “Last year, a survey of more than 9,000 executives in more than 130 countries by the PricewaterhouseCoopers consulting firm found that only 13 percent of those polled had taken adequate defensive action against cyberthreats.”

That is worldwide. But I can tell you from what I know, the number in our country is much worse. That is why we need this set of standards, best practices, computer hygiene—no longer mandatory but we create an incentive. It is as if a company chooses to go into what my friend from Rhode Island has described as Fort Cyber Security. We are going to build Fort Cyber Security of the best practices to defend cyber security, and we are going to leave it to the companies that operate critical infrastructure totally on their own whether they want to go into Fort Cyber Security. If they do, they will have some significant immunity from liability in the case of a major attack.

My answer to the Senator’s questions are yes and yes. I just want to come back to what the Senator said at the outset of his remarks. I never know how much this argument weighs on Senators’ minds, but once again it is being made here, which is this bill has received no hearings; it is not ready for action.

Good God. I went back and looked at the RECORD. I attended my first hearing on cyber security held in what was then the Governmental Affairs Committee—it is now the Homeland Security Committee—and on that Committee—chaired then by Senator Fred Thompson in 1998, 14 years ago. I can tell my colleague that in recent years, Senator Collins and I have held 10 hearings on the subject of cyber security. That is not counting judiciary, intelligence, commerce—I think foreign relations may have held some hearings on it too. In fact, we held a hearing just earlier this year, I believe it was March, on cyber security and the ranking member’s father was there. And the legislation that we knew we were going to bring forward. This has been heard.

I wish to say this too. I mentioned Senator Reid’s commitment to doing something about cyber security. Last year—I am trying to think, but I cannot remember a time on another bill where I saw this happen—Senator Reid asked the Republican leader, Senator McConnell, to join him in calling in the Democratic chairs and the ranking members of the relevant committees, relevant to cyber security that we just talked about, and made an appeal that we work together to bring one bill which he would then, as he has done before when a subject covers more than one committee, blend into a single bill and bring to the floor under majority leader’s authority pursuant to rule XIV of the Senate rules, which he has done today.

So there has not been a specific hearing on this bill. Mr. Lord knows there have been a lot of hearings and this bill has been vetted and negotiated not only with many Members of the Senate but by our committee and all the other committees—by stakeholders, private stakeholders, by some of the very businesses and business organizations that now seem to be the main block to moving forward on the bill.

I probably responded to my friend at greater length than I might have or perhaps more than he expected, but his questions were right on target, and I thank him for giving me the opportunity.

Mr. WHITEHOUSE. Will the Senator yield to another question?

Mr. LIEBERMAN. Yes.

Mr. WHITEHOUSE. I mentioned, to use the Senator’s words, it was important to help the private sector strengthen itself. Some of the debate has surrounded this bill has suggested that if we just get the heavy hand of government out of the way and let the nimble private sector do its thing to protect critical infrastructure, all will be well, and that a purely private sector way of proceeding is the best way to proceed.

In that context, the Senator mentioned the study that showed that only 13 percent of the private businesses that were reviewed were adequately cyber security prepared. The NCICJTTF, of the FBI, the NCICJTTF, the FBI, has made a study that protects our national cyber infrastructure, has said that when they detect a cyber attack and they go out to work with the corporation that has been attacked, 9 out of 10 times the company had not just a judicial force but a private force that protects our national cyber infrastructure, has said that when they detect a cyber attack and they go out to work with the corporation that has been attacked, 9 out of 10 times the corporate sector had not just a government agency, the NCICJTTF, saying that, there is a company called Mandiant which is sort of “Who are you going to call? Ghost Busters.” When someone is hit, they come in and help the companies clean up. They say the same thing: Out of 10 times, these companies had to find out that they had been penetrated from a government agency telling them, “By the way, you have been hacked. They are in your system.”

In fact, he said 48 out of the last 50 companies they dealt with had no idea. The Aurora virus hit 300 American companies, and only three of them knew it. The chamber of commerce, which is very active in this debate, had Chinese hackers with complete impunity throughout its cyber systems without knowing about it for at least 6 months. It was only when the government said, “By the way, guys, your information decided in China;” that they realized, “Oh, my gosh; we have been hacked too.”

Then the Senator has used the statistic I have used before—that General Alexander, who is head of Cyber Command, has said—his command—which is that America is now on the losing end of the biggest transfer of wealth in history through illicit means as a result of cyber industrial espionage—stealing from us our chemical formulas, our manufacturing processes, and various things that create value in the country.

So I am not just pinpointing individual examples. If we look at it from
a macro point of view, we are getting our clocks cleaned in this area. The private sector, it seems to me all of the evidence suggests, is an area in which it is not adequately protecting itself without a government role to spur cooperation or to set standards that NSA and the people who are watching this with real anxiety every day know is an adequate standard to meet the needs.

If the Senator from Connecticut would respond, I would be grateful.

Mr. HOEVEN. Madam President, I would say I agree. There is not much I could add to that. This is not legislation that is a solution in search of a problem. This is a real problem. Again, we are hearing it from all the cyber security experts.

If the private sector owners of critical cyber infrastructure—electric power grids, telecommunications, finance, water dams, et cetera—if they were taking enough defensive action, we would want to act, but they are not. And we understand why. We have talked about this. A lot of the CIOs—who are companies who are victims of cyber attack don't even know it. My chief information officers—in companies we wouldn't want to act, but they are not. And we understand why. We have talked about this. A lot of the CIOs—chief information officers—in companies get frustrated that their CEOs don't want to devote enough time and resources to beefing up their cyber defenses.

The Senator said something very important, which is cyber theft and cyber attack is so insidious that a lot of people and companies who are victims of cyber attack don’t even know it. My great fear is that there is a lot of malware or bugs—I called it cyber cells—penetrated at will—and who often usually don’t even know it—that: Don’t worry, Trust us. We can take care of this. Everything is fine.

Mr. WHITEHOUSE. The only reasonable conclusion one could draw is that it would be prudent to view, with some caution and some skepticism, the claims of folks who are hacked and penetrated at will—and who often usually don’t even know it—that: Don’t worry. Trust us. We can take care of this. Everything is fine.

Mr. LIEBERMAN. Thank my friend. And, of course, I agree. That is why we are legislating—but we are trying to legislate as minimally as we possibly can—to attack what don't even know it. My great fear is that there is a lot of malware or bugs—I called it cyber cells earlier—planted in some of our critical cyber control systems in our country waiting for the moment when an enemy wants to attack us.

Senator REID yesterday pointed to the terrible tragedy in India where the power system has gone out. There is no evidence there was a cyber attack, but I saw today that 600 million people are without electricity. It has had a terrible effect on quality of life, on the economy, et cetera. Unfortunately, this is what an enemy who is capable today could do to us, and they are out there:

Mr. WHITEHOUSE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak as if in morning business on the subject of energy.

I commended my colleagues for their excellent work on cyber. I look forward to working with them, and I thank them for the incredible amount of work and diligence they are putting into this extremely important effort. I rise this morning to speak on the incredible importance of energy security for our country.

Last week I introduced the Domestic Energy and Jobs Act along with 30 sponsors on the legislation. It is a comprehensive plan for energy security for our country. When I say energy security, what I mean is producing more energy than we consume; getting our Nation to energy security by not only producing enough energy for our needs, but even beyond that. It is absolutely doable. There is no question we can do it.

It is about pursuing an all-of-the above strategy, and I mean truly pursuing an all-of-the-above strategy; not saying it and then picking certain types of energy. We don't want to do that, but, instead, creating a climate and a national comprehensive energy policy that truly empowers private investment to develop all of our energy resources and all types of energy.

The Domestic Energy and Jobs Act is actually a package of energy bills. Many of these have already passed the House, and we have introduced them now in the Senate as well—13 separate pieces of legislation pulled together into this energy package, with energy leaders from both the House and the Senate. It clearly demonstrates that we have a strategy, we have a comprehensive energy plan to move our country, and it is ready to go.

If we look just in the United States, there are hundreds of billions of dollars of private investment, of capital that would be invested in energy projects in this country, but they are being held up. These projects are being held on the sidelines because of the inability to be permitted or because of burdensome regulation. We need to create the kind of approach, the kind of business climate, the kind of energy policy that will unleash that private investment. That is exactly what this legislation does.

First, it reduces the regulatory burden so these stalled energy projects—again, hundreds of billions of dollars in private investment, not government spending but in private investment—that would move forward with energy projects that would not only develop more energy more cost effectively and more dependably, but also with better environmental stewardship, deploying the latest, greatest technology that is available, and do it with better environmental stewardship—not only for this country but actually leading the world to more energy production with better environmental stewardship.

But these projects are held up either because they can't get permitted or because they can't get through the regulatory redtape to get started and get going. This legislation cuts through that. It also helps us develop the vital infrastructure we need for energy development. A great example is the Key-XL Pipeline, a 1,700-mile pipeline that would move oil from Canada to our refineries in the United States, but that would also move oil from my home State—100,000 barrels a day for starters—to refineries. We need that vital infrastructure. That is just one example.

This legislation also develops our resources on public lands as well as private lands. So we are talking about expedited permitting both onshore and being held up due for permits on public lands, including for renewables. It sets realistic goals. It sets a market-based approach that would truly foster all of our energy resources rather than picking winners and losers. It would put a freeze and a moratorium of rules that are driving up gasoline prices that are hitting families and businesses across this country. And it includes legislation that Senator MURkowski of Alaska has added to our package that would require an inventory of critical minerals in the United States and set policies to develop them as a key part of developing a comprehensive energy approach and a comprehensive energy plan for our country.

So what is the impact? The U.S. Chamber of Commerce in March of last year put forward a report. In that report they showed there are more than 350 energy projects nationwide that are being held up due to inability to get permitted or regulatory burden, as I have described—more than 350 projects—that if we could just greenlight these projects, they would generate $1.1 trillion in gross domestic product and create 1.9 million jobs a year just in the construction phase.

So this legislation truly is about energy—more energy, better technology, and better environmental stewardship. But it is also very much about creating jobs—creating jobs at a time when we have more than 8.2 percent unemployment, more than 13 million people out of work and looking for work. This will create an incredible number of jobs. It is about creating economic growth.

Look at our debt and our deficit. Our debt is now approaching $16 trillion. We need to get this economy going and growing to reduce that deficit and reduce that debt along with controlling our deficit and our debt. But we need economic growth to get on top of that debt and deficit. As I described, just the 350 projects alone and $1.1 trillion in GDP to help create that economic growth, to put people to work, and help reduce our deficit and our debt.

Let's talk about national security. The reality is with the kind of approach I am putting forward in the
United States and working together with our closest friend and ally Canada, we can get to energy security without a doubt in 5 to 7 years. That means producing more energy than we consume within 5 to 7 years. Think how important that is.

Look what is going on in the Middle East. Look what is going on in Syria. What is going to happen there? Look at what is going on in Iran and their efforts to pursue a nuclear weapon and what is going to happen with the Strait of Hormuz. An incredible amount of oil goes through that area. Look at what is happening in Egypt with the Muslim Brotherhood. Do we really want to be dependent on the Middle East for our oil?

I think the American people have said very clearly no, and we don’t have to be. We just need the right approach to make it happen right here and to work with our closest friend and ally, Canada.

The reality is developing our energy resources is an incredible opportunity, and we need to seize it right now, with both hands. We can do it. That is exactly the plan we are putting forward.

Earlier this year we passed legislation through the House and through the Senate in conjunction with the payroll tax credit legislation. Attached to it we required the President to make a decision on the Keystone XL Pipeline. He chose to turn it down. Shortly after that, the Prime Minister of Canada, Stephen Harper, went to China. He met with Chairman Wu and China’s energy leaders, and he signed a memorandum of agreement. That memorandum of agreement between China and Canada called for more economic cooperation and more energy development, with China working in conjunction with Canada.

Just last week, CNOOC—one of China’s largest government-controlled companies—made a $15 billion tender offer for the Nexen Oil Company, a large oil company in Canada, to purchase their interests in the Canadian oil sands. It also includes mineral interests offshore, lease interests offshore of the United States in the Gulf region, as well as in the North Sea area. But primarily it is an acquisition by the Chinese of huge amounts of tracts in the oil sands in Canada.

So just what we said: If we don’t work, we don’t say: Instead, just as the Keystone XL Pipeline, the oil that is produced in Canada, instead of going to the United States will go to China or Americans will be put in the position of buying Canadian oil from the Chinese because of a failure to act on key projects such as the Keystone XL Pipeline because we are not acting on the kind of energy policy we are putting forward right here.

Ask the American people what they want. What they want is that we move forward with new energy projects, put forward, and we need to do it. If we check gas prices, they are now back up to $3.50 a gallon national average. When the current administration took office, it was $1.85 national average per gallon. That is a 90-percent increase. What ramifications does that have for our economy? What ramifications does that have for small businesses? What ramifications does that have for hard-working American families? I think we all know the answer to that.

The time to move forward is now. It couldn’t be more clear. We control our own destiny. We need to take action. We need to work on those kind of energy plans that truly benefit our people and our country. I call on my colleagues to join me in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I come to the floor today to talk about cybersecurity, the pending Lieberman- Collins bill, and the need to act—and the need to act before we adjourn for the August break.

I come today to the floor as I did when I spoke yesterday. I don’t come as a Democrat. I come as an American. If ever there were a time when we have to try to forget if we are red States or blue States, it is this issue.

I am going to stop my remarks. I note the Senator from Arizona is on the Senate floor, and I know he was scheduled to speak at 1:45. I was scheduled to speak at 11:30. I have about 10 minutes. I just want to acknowledge where we are.

So resuming my comments, Madam President, what I wanted to say is this: This is when we have to forget we are red States or blue States, we have to forget what we have on our bumper stickers, and we have to come together and not be the red State party or the blue State party but to be the red, white, and blue party for the United States of America. We must put aside partisan differences and ideological viewpoints. We need to act, and we need to act in the defense of the United States of America.

The Senate has a great opportunity today and tomorrow to pass legislation to protect, defend, and deter a cyber attack on the critical infrastructure of the United States of America.

What do I mean by critical infrastructure? It is our electrical power grid, our financial services, our water supplies. It is those things that are the bread and butter of keeping America, its business, its families going. Through voluntary participation, we can work with the private sector that owns and operates the critical infrastructure to keep our critical infrastructure hardened and resilient against attack.

I worry about the possibility of an attack. We know there are already attacks going on, particularly in our financial services. We know our personal identities are being hacked, and we know small business is being attacked. Why not only do I worry about an attack, I equally worry about our inertia, where we do nothing.

I bring to the attention of the Senate and all those watching that Leon Panetta, the Secretary of Defense, called our cyber vulnerability our potential digital Pearl Harbor. The President is from New York. We don’t want a cyber 9/11. We can act now. We can do it. It is in our interest to protect, detect, and deter these attacks. That is what I want. I want us to have a sense of urgency. I want us to go to the edge of our chair. I want us to put our best thinking on to be able to do the kind of work we need to do to find a sensible center on how we can do that.

Right now our adversaries are watching us. We are debating on how we will protect America from cyber attacks, and it looks like we are doing nothing. When all is said and done, more gets said than gets done. Our adversaries don’t have to spy on us. They can look at the Senate floor and say: What the heck are they doing? What are they going to do? They are going to look at us and say: There there. We know.

We know our own inability to pass legislation, our own partisan gridlock and deadlock works for our predatory neighbors. They are saying: well, our first line of attack is not to do anything; they are thinking how they can make sure the critical infrastructure is vulnerable. How can they weaken the critical infrastructure? One way is by not passing legislation and putting in those hard-edged, resilient ways to protect, defend, and deter. Our adversaries are laughing right this minute. They just have to watch us. Well, this is no laughing matter.

What is the intent of a cyber attack? What is the intent? Is it the same intent as a nuclear attack? Is it the same attempt as flying into the World Trade Center? It is all the same. It is to create chaos, it is to create civil instability, and it is to create economic catastrophe that makes 9/11 look minuscule.

Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. Remember when we did the cyber exercise here where it showed what would happen? The stop lights go down, the lights go out in the hospitals, the respirators go off, business shuts down, commerce shuts down, 9-1-1 shuts down, America changes. They can use cyber warfare, they can use cyber war, and they can threaten to put it back on in any quick and expedient manner.

Right now we are in the situation where we have an early missile detection. We know the cyber attack will come. We need to do something. With this cyber attack, think of the chaos of no electricity. Just think of it. We have all lived through blackouts, and we had a terrible storm here a few weeks ago. No matter how late Pepco, BGE, and Dominion was in responding, they can get the electricity back on. What happens if they can’t get the electricity back on? What happens if they can’t get it back on for
weeks or longer? There are we powerless, impotent, and the President of the United States is wondering what to do.

Remember, the attack is to humiliate, intimidate, and cripple: humiliate by making us look powerless, intimidate by making it clear we no longer can pass laws, and, to cripple our functioning as a society. I find it chilling.

We saw an attack on a little country called Estonia. That is how I got into this. I was sitting on the Intelligence Committee about an attack. It now becomes apparent that has been more than 5 years ago—and it was brought to my attention that Estonia—a brave little country that resisted communism, and is now a part of NATO—was being attacked. The electricity was going off around Estonia. We thought, from the Intelligence Committee, it would be the first cyber attack on a NATO nation, and we were going to trigger the NATO Charter article V that an attack on one is an attack on all.

Thanks to the United States of America and our British allies, we had the technical know-how to go in and help them. Who is going to have the technical know-how to help us? We have all the know-how now to go in and to make our critical infrastructure hardened and resilient. We shouldn’t harden our positions so we can’t get to a resilient critical infrastructure.

I could go on with examples. I know my colleague from Arizona wants to come to the floor, but I just want to say one more thing. I have been involved in this from not only my work on the Intelligence Committee, but we fund the Justice Department through the Appropriations Committee, and they are very involved and hands on with the policy issues around the FBI.

Now, if Director Mueller were here, he would say the FBI currently has 7,000 pending bank robbery cases. Guess what? We are funding cyber security attacks. There are more cyber heists than there are regular heists. That doesn’t make it right.

Now, is a cyber attack coming? Is it something out of Buck Rogers or Betty Crocker cookbook or whatever? The NASDAQ, as the gentle lady from New York knows, the NASDAQ and New York Stock Exchange has already been attacked. Hackers repeatedly penetrated the systems, as well as the NASDAQ stock market. The New York Stock Exchange has been the target of cyber attacks. That sounds so vague but, remember, successful attempts to shut down or steal our information are going on every day.

Mr. Chairman, do you remember in 2010 the Dow Jones plunged 1,000 points because of a flash crash? That was a result of turbulent trading. That can be manipulated by cyber, and it could happen several times a week. What are we going to do?

Our banking industry clears $7 trillion worth of financial goods, products, and actual real money every day. Imagine what would happen if that was thrown into turmoil or shut down. I don’t want to go through grim example after grim example, but let me say this: Good people in this body have been working on both sides of the aisle. We have many colleagues now: Let’s either vote for closure or come to a regular agreement to be able to offer amendments. For those who worry about the costs, for those who worry about regulation, for those who worry about homeland security, I would say, why are we not being willing to sunset the bill so we can always look ahead and reevaluate this. I want everyone to know if a cyber attack comes and happens to the United States and we have failed to act, we will overreact, we will overregulate, and we will overspend.

Why do I have a sense of urgency right now? Let me say this: When we adjourn tomorrow for the August break, we don’t come back until September. We have had some very productive days and we will essentially only have about 14 working days in September to do this. Well, we can’t let this go.

I have reservations by saying this: To my colleagues on both sides of the aisle, let’s be the red, white, and blue party. Let’s come to the middle ground. Let’s do what we need to do to protect and defend the United States of America. There are people who have been working on this. Some have extraordinary national security credentials. Let’s put our best heads together and come up with the best amendments. Let’s come up with the best protections of the United States of America, and let’s do it by tomorrow night.

God bless America. I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask Mr. MCAIN. Madam President, before I go to the issue we want to discuss, I want to point out in this debate that the issue of cyber security is one of transcendent importance, and I want to again reiterate my respect, affection, and affection for both Senator Lieberman and Senator Collins.

I also point out to my colleagues that the people who are directly affected by this—and that is the business community of the United States of America—are unalterably opposed to the legislation in its present form. They are the ones who will be affected by cyber security legislation. The U.S. Chamber of Commerce, which represents 3 million businesses and organizations of every size, sector, and region, has a strong letter which supports the legislation we have proposed.

I finally would just like to say that I have had hours and hours of meetings with my colleagues on both sides of the aisle, and I believe we can work this out. We understand that cyber security is important and of transcendent importance. But to some how allege that the business community, the 3 million businesses in America, should be left out of discussion, of course, is not appropriate nor do I believe it will result in effective cyber security legislation.

NATIONAL SECURITY LEAKS

I really came to the floor today to talk about the issue of the leaks, the leaks which have directly jeopardized America’s national security. At the Aspen Security Forum, just in the last few days, the head of Special Operations Command, Admiral McRaven, observed that the recent national security leaks have put America’s lives unless there is an effective crackdown. Admiral McRaven, the head of our Special Operations Command said:

We need to do the best we can to clamp down because sooner or later, we are going to cost people their lives or it is going to cost us our national security.

This is another national security issue, my friends, and I appreciate very much the fact that Governor Romney came to the House last week and referred to these leaks as contemptible and a betrayal of our national interests.

I wish to point out to my colleagues that, yes, there are supposedly investigations going on and, according to media, hundreds of people are being interviewed. Well, I am no lawyer. I am no prosecutor. Senator GRAHAM may have some experience in that. But what about the 2009 G20 economic summit when, according to the New York Times journalist David Sanger, “a senior official in the National Security Council” tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying and where “most of the rest of the national security staff was present.” There the journalist was allowed to review satellite images and other evidence that confirmed the existence of a secret nuclear site in Iran.

I wonder how many people have the key to the Presidential suite in that Pittsburgh, PA hotel? We might want to start there. Instead, we have two prosecutors, one of whom was a strong and great supporter of the President of the United States. And the same people—I am talking about the Vice President of the United States and others—who strongly supported a special counsel in the case of Valerie Plame and, of course, the Abramoff case. We need a special counsel to find out who was responsible for these leaks.

I ask my colleague Senator GRAHAM if he has additional comments on this issue. It has receded somewhat in the
media, but the damage that has been done to our national security is significant. It has put lives at risk, and it has betrayed our allies. This is an issue we cannot let go away until those who are responsible are held accountable for their actions.

Mr. GRAHAM. Madam President, my comment, in response to the question Senator McCAIN has, is what we do today becomes precedent for tomorrow. So are we going to sit on the sidelines here and allow the Attorney General—who may have benefited from our colleagues in the House about the way he has handled Fast and Furious and other matters—to appoint two U.S. attorneys who have to answer to him to investigate allegations against the very White House that appointed him? The reason so many Democrats wrote to President Bush and said, You cannot possibly investigate the Scooter Libby–Valerie Plame leak because it involves people very close to you—well, let's read their letters.

Senator BIDEN: I think they should appoint a special prosecutor, but if they're not going to do that, which I suspect they're not, is get the information out as quick as they possibly can. This is not a minor thing. There's been a federal crime committed. The question is who did it? And the President should do everything in his power to demonstrate that there's an urgency to find that out.

Then he goes on later and says:

There's been a federal crime committed. You can't possibly investigate yourself because people close to you are involved.

In the Abramoff scandal, which involved Jack Abramoff, a person very close to House leadership and some people in the White House, and our Democratic colleagues, 34 of them, said the following:

FBI officials have said that the Abramoff investigation “involves systematic corruption within the highest levels of government.” Such an assertion indicates extraordinary circumstances and it is in the public interest that you act under your existing statutory authority to appoint a special counsel.

So our Democratic colleagues back during the Bush administration said, We don't trust you enough to investigate compromising national security by having an agentouted allegedly by members of your administration. We don't trust the Republican Party apparatus enough to investigate Jack Abramoff, because you are so close to him, and you should have a special counsel appointed.

Well, guess what, they did.

Here is what I am saying. I don't trust this White House to investigate themselves. I think this reeks of a cover-up. I think the highest levels of this government surrounding the President, intentionally, over a 45-day period, leaked various stories regarding our national security programs, to make the administration look strong on national security. I don't think it is an accident that we are reading in the paper about efforts to substantially bolster the appointment of a special counsel.

The second thing we read about in the paper was how we disrupted the underwear bomber plot where there was a double agent who had infiltrated an al-Qaida cell, I believe it was in Yemen, and how we were able to break that up; and the man was given a suicide vest and killed, and couldn't be detected by the current screening devices at the airports, and how we were able to basically infiltrate that cell, and God knows the damage done to our allies and that operation.

Mr. GRAHAM. That is what we have been told in the paper. We also have a story about the kill list—a blow-by-blow description of how President Obama personally oversees who gets killed by drones in Pakistan, and at the end of the day, I am not so sure that is something we should all be reading about.

But if that is not enough, what about releasing the Pakistani doctor—the person who allegedly helped us find bin Laden, and his role in this effort to find bin Laden is in the paper, and now he is in jail in Pakistan.

The sum total is that the leaks have been devastating. They have put people's lives at risk. They have compromised our national security, unlike anything I have seen, and people expect us to sit on the sidelines and let the White House investigate itself? No way.

Those who wrote letters in the past suggesting that Bush could not impartially investigate himself, where are they today? Is this the rule: We can't trust Republicans, but we can trust Democratic administrations to get to the bottom of things they are involved in up to their eyebrows?

We don't think it is an accident that all of these books quote senior White House officials? There is a review of one of the books the Senator from Arizona mentioned that talked about the unprecedented access to the National Security Adviser. There is a vignette in one of the books about Secretary of Defense goes up to the National Security Adviser, and suggests a new communications strategy when it comes to the programs we are talking about: Shut the F up. Well, that makes great reading, but at the end of the day, should we be reading about all this? People's lives are at stake. Programs have been compromised. Our allies are very reluctant now to do business with us.

This was, in my view, an intentional effort by people at the highest level in the White House to leak these stories for political purposes. And to accept that Eric Holder is going to appoint two more people who have influence and call it a day is acceptable. That is not going to happen. We are going to do everything we can to right this ship, and we are asking no more of our Democratic colleagues than they asked of the Bush administration.

To our Democratic colleagues: How do you justify this? How do you justify that you couldn't investigate Abramoff without a special counsel and you couldn't investigate what Scooter Libby did or may have done without a special counsel, but it is OK not to have one here? How do you do that?

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

Mr. DURBIN. The Senator asked whether this side would like to explain our position. I would be happy to do it at this point, but I can wait until my colleague finishes his question, so it is their choice.

Mr. GRAHAM. Whatever the Senator from Illinois wishes to do. I am dying to hear how my Democratic colleagues think it is good government not to have a special independent counsel investigating the most damaging national security leak in decades. I am dying to hear the explanation.

Mr. DURBIN. There is no need to die. I hope the Senator from South Carolina will continue live because he is such a great Senator. But I am asking if my colleague wants me to join in this dialogue or would he rather make his presentation?

Mr. GRAHAM. Well, I tell you what. Why don't we let my colleague speak, and then the Senator from Illinois will have all the time he needs. What does my colleague, the Senator from Georgia, Mr. CHAMBLISS, think?

Mr. CHAMBLISS. Well, I am dying to have his explanation too, let me say that.

First of all, let me say that I join in with everything my two colleagues have said with respect to. No. 1, the volume of the leaks that have come out in recent weeks. We all know this town has a tendency to leak information from time to time, but never in the volume and never with the sensitivity of the leaks we have read about on the front page of newspapers around the country as we have seen in the last few weeks.

Irrespective of where they came from, to have folks who may be implicated in the White House, and the
White House appointing the two individuals who have been charged with the duty of prosecuting this investigation, reeks of ethical issues. I don’t know these two U.S. attorneys, but everything I know about them is that they are gadzum good prosecutors and they are good. The only question is how would we ever put them in the position of having to investigate in effect the individual who appointed them to the position they are in? That is why we are arguing that a special counsel is, without question, the best way to go. I am interested to hear the response from my friend from Illinois to that issue.

Let me talk about something else for a minute, and that is the impact these leaks have had on the intelligence community. The No. 1 thing that individuals who go on the intelligence committees in both the House and the Senate are told—and I know because I have served on both of them and continue to serve on the Senate Intelligence Committee—is to be careful with what you say. Be careful and make sure you don’t inadvertently—and obviously adverterely—reveal classified information. Be sure that in your comments you never reveal sources and methods.

Well, guess what. The individuals who were involved in these leaks were very overt in the release of sources and methods with respect to the issues senators were involved in; to be careful with what you say, Be careful and make sure you don’t inadvertently—and obviously adverterely—reveal classified information. Be sure that in your comments you never reveal sources and methods.

But there is also a secondary issue, and that is this: We have partners around the world with whom we deal in the intelligence community every single day, and we depend on those partners and they depend on us to provide them with the intelligence they would not be able to get from other sources. A classic example was detailed one of these particular leaks on the front page of the New York Times. Today why in the world would any of our partners in the intelligence community around the world—those partners who have men and women on the front lines who are putting their life in harm’s way and in danger every single day to gather intelligence information and share that information with us—why would they then turn to us and ask for the information that they give us? A classic example was detailed one of these particular leaks on the front page of the New York Times. Today why in the world would any of our partners in the intelligence community around the world—those partners who have men and women on the front lines who are putting their life in harm’s way and in danger every single day to gather intelligence information and share that information with us—why would they then turn to us and ask for the information that they give us?

The answer is pretty simple. Very honestly, there are some strong considerations being given by some of our partners as to how much information they should share with us. That creates a very negative atmosphere within the intelligence world.

Lastly, let me say that we dealt in the Intelligence Committee with our authorization bill recently in which we have tried to address this issue from a punishment standpoint.

There are certain things that individuals are required to do when they leave the intelligence community and go write a book. One of those things is that they have to give their book to an independent panel of intelligence experts, and that panel is to review the information and then decide whether any of it is classified and shall not be released. In one of the instances we have, one of the individuals never submitted his book to that panel. In another instance, an individual submitted his book to the panel, and the panel said: You need to be careful in these areas. And the advice from that panel was pretty well disregarded.

One of the provisions in our bill says if someone does that, if someone fails to submit their book to that panel, or if they disregard what that panel tells them to do, then they are going to be subject to penalties. Part of those penalties are for the removal of their right to a pension from the Federal Government—the portion the government is obligated to pay them, not what they have contributed.

Our intelligence bill is being criticized by experts out there. And guess who it is? It is the media and it is the White House. What does that tell you about their fear and their participation in the release of classified information. So this issue is of critical importance. It simply has to stop for any number of national security reasons, but the ones that have been addressed by my colleagues obviously are to be highlighted. I look forward to whatever comments the Senator from Illinois may have with respect to justifying—I know he is not going to justify the leaks because I know him too well, but whatever his justification is for proceeding in a prosecution manner the way that it is going to be versus what the Bush administration did and appointing a special counsel in a case that, by the way, pales in comparison to the leaks that took place in this particular instance.

Mr. McCain, Mr. President, before we turn to our friend from Illinois for his, I am sure, convincing explanation as to why a special counsel is not required, even though it was, in the opinion of his side, in a previous situation, I want to just, again—and the Senator from Georgia and the Senator from South Carolina will also corroborate the fact that we have been working and working, having meeting after meeting, on the issue of cyber security.

We believe we have narrowed it down to three or four differences that could be worked out over time. Among them is liability. Another one is information sharing. But I think it is also important for us to recognize in this debate people who are most directly affected in many respects are the business communities, and it is important that we have the input and satisfy, at least to a significant degree, those concerns.

There are those who allege that a piece of legislation is better than no legislation. I have been around this town for a long time. I have seen bad legislation which is far worse than no legislation. So this legislation which is far worse than no legislation I have seen. But I also have seen a very positive law which would work for the American people. And it is what we are working on and trying to get passed. We are here to make it better and we are here to make sure that the American people can still keep America safe. They literally risk their lives every day for us, and they are largely invisible. We do not see them at the military parades and other places where we acknowledge those warriors who risk their lives, but these men and women do it in so many different ways.

When I spent 4 years on the Senate Intelligence Committee—and my colleagues, I am sure, feel the same—I went out of my way to make sure I was careful with classified information so as to continue to protect this country and never endanger those who were helping us keep it safe all around the world.

So the obvious question raised by the Republican side of the of the aisle is whether this President, President Barack Obama, thinks differently; whether President Obama believes we should cut corners and not be so careful when it comes to the leaking of classified information.

I say to my friend from Illinois, I look forward to hearing his convincing discussion.

I thank the Senator and yield the floor.

Mr. President, I ask unanimous consent that the Senator from Illinois be involved in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I did not know if the Senator wanted to make his unanimous consent request that he came to the floor to make.

Mr. MCCAIN. No.

Mr. DURBIN. The Senator is not going to make it?

Mr. MCCAIN. No. The Senator will object.

Mr. DURBIN. Yes, I will.

Mr. President, I want to thank my colleague from Arizona. Occasionally, historically, on the floor of the Senate there is a debate, and this may be one of those moments. I hope it is because it is a worthy topic.

Let’s get down to the bottom line. I have served on the Intelligence Committee, as some of my colleagues have. We know the important work done by the intelligence community to keep America safe. They literally risk their lives every day for us, and they are largely invisible. We do not see them at the military parades and other places where we acknowledge those warriors who risk their lives, but these men and women do it in so many different ways.

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guilty of leaks of classified information, which President of the United States has prosecuted more suspected individuals than any other President, Democrat or Republican? Barack Obama.

On six different occasions—five in the Department of Justice and one in the Department of Defense—they pursued the active prosecution of those they believed were guilty of leaking classified information that might endanger the United States.

Let me add another personal observation. It was last year when my friend Bill Daley, then-Chief of Staff to President Obama, came to Chicago for a luncheon last summer, or at least the middle of this year. We had a nice luncheon. It was very successful. He said he had to get back to Washington. He was in a big hurry. He never said why. He told me later—he told me much later—after this occurred: I had to get back because we had a classified meeting. As he was leaving down Obama bin Laden. We were sworn to secrecy at every level of government so that we never, ever disclosed information that we were even thinking about that possibility.

Bill Daley took it seriously. The President takes it seriously. Anyone in those positions of power will take it seriously. To suggest otherwise on the floor of the Senate is just plain wrong, and it raises a question about this President's commitment to the Nation, which I think is improper and cannot be backed up with the evidence.

Now, let's look at the evidence when it comes to the appointment of a special prosecutor. Let me take you back to those moments when a special prosecutor named Patrick Fitzgerald from the Northern District of Illinois was chosen to investigate the leak of classified information.

Let me put it in historical context. We had invaded Iraq. We did it based on assertions by the Bush-Cheney administration about the danger to the United States. One of those assertions dealt with chemical and certain yellow cake chemicals that might be used for nuclear weapons and whether they were going to fall into the hands of the Iraqi leadership.

It was one of the arguments—there were many weapons of mass destruction, and so forth, that turned out to be totally false—leading us into a war which has cost us dearly in terms of human lives and our own treasure.

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Two weeks before the President's book was to come out, former Ambassador Joe Wilson, who identified himself as a Republican, said: I do not believe there is any evidence to back up the assertion about the yellow cake coming out of Africa.

We have had a special prosecutor. Do you remember how he was punished? He was punished when someone decided to out his wife Valerie Plame. Valerie Plame had served as an intelligence agent for the United States to protect our Nation, and someone decided that in order to get even with Joe Wilson they would disclose the fact that his wife worked in the intelligence agencies.

Then what happened? If you will remember, when that story broke, the intelligence community of the United States of America said: We have been betrayed. If one of our own can be outed in a political debate in Washington, are any of us safe? A legitimate question.

So there was an obvious need to find out who did it, who disclosed her identity, endangering her life, the life of every person who had worked with her, and so many other intelligence agents.

Mr. President, when that story broke, the member how he was punished? He was punished, but by whom? He was punished by the President.

Mr. President, do you recall what happened? I do. The Attorney General of the United States, John Ashcroft, recused himself from this investigation. It was the right thing for him to do because the questions about this disclosure of her identity went to the top of the administration. He recused himself and appointed Patrick Fitzgerald, the U.S. attorney for the Northern District of Illinois, a professional, a professional prosecutor with the U.S. Department of Justice's anti-corruption division.

Well, the investigation went on for a long time. At the end of the investigation, the Chief of Staff of the Vice President of the United States was found to have violated a law. That was what we learned about the identity of who actually disclosed the name of Valerie Plame. It was a serious issue, one that called for a special counsel, and, if I remember correctly, there were even Republicans at that point calling, generally: Let's get to the bottom of this. If this goes all the way to the top, let's find out who is responsible for it. So it was the appropriate thing to do.

Now, take a look at this situation. The President, who has activated the prosecution of six individuals suspected of leaking classified information, takes very seriously the information that was disclosed related to the al-Qaida techniques and all the things they were using to threaten the United States.

What has he done as a result of it? Let's be specific because I really have to call into question some of the statements that have been made on the floor. To say that the administration is covering this up, as to this leak, is just plain wrong.

At this point, the Department of Justice has appointed two highly respected and experienced prosecutors with proven record of good judgment, and he brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying, and—I am quoting from Mr. Sanger's book—where “most of the rest of the national security staff was present.” The President had apparently allowed to review satellite images and other “evidence” that confirmed the existence of a secret nuclear site in Iran.

When leaks take place around this town, the first question one has to ask is: Who benefits? Who benefits from them? Obviously someone who wants to take a journalist up to the presidential suite would make it pretty
easy for us to narrow down whom we should interview first. Who had the key to the presidential suite? Who used the presidential suite in a hotel in Pittsburgh? These leaks are the most damaging that have taken place in my time in the Senate—I have been in the highest echelons of the U.S. military. Yes, six people have been prosecuted. Do you know at what level? A private. The lowest level people have been prosecuted by this administration. And this administration says they have to interview hundreds of people to try to narrow it down. I can guarantee you one thing, I will tell the Senator from Illinois now, there will not be any definitive conclusion in the investigation before the election in November. That does not mean to me that they are not doing their job, although it is clear that one of these prosecutors was active in the Obama campaign, was a contributor to the Obama campaign. I am not saying that individual is not of the highest caliber, but it would lead people to ask a reasonable question, and that is whether that individual is entirely objective.

Americans need an objective investigation by someone they can trust, just as then-Senator Biden and then-Senator Obama asked for in these previous incidents, which, in my view, were far less serious and, in the view of the chairperson of the Intelligence Committee, are far more serious than these previous leaks. I have not been previously investigated. I would be glad to have my colleagues respond to that.

Mr. DURBIN. First, let me say that whatever the rank of the individual—private, specialist, chief petty officer—if they are responsible for leaking classified information, they need to be investigated and prosecuted, if guilty.

Mr. MCCAIN. Absolutely.

Mr. DURBIN. So the fact that a private is being investigated should not get him off the hook. I think it has some significance as compared to this kind of egregious breach of security that has taken place at the highest level. We know that.

Mr. DURBIN. I would say to my friend from Arizona, if I am not mistaken, it was a noncommissioned officer at best and maybe not an officer in the Army who is being prosecuted for the leaks. Let’s not say that the rank of anyone being prosecuted in any way makes them guilty or innocent. We need to go to the source of the leak.

Mr. MCCAIN. No. But my friend would obviously acknowledge that if it is a private or a corporal or something, it has not nearly the gravity it does when a person with whom the Nation has placed much higher responsibilities commits this kind of breach.

Mr. DURBIN. Of course. It should be taken up by the military, period. But let me also ask—I do not know if quoting from a book on the floor means what was written in that book is necessarily true. Perhaps the Senator has his own independent information on that.

Mr. MCCAIN. But no one has challenged Mr. Sanger’s depiction. No one in the administration has challenged his assertion that he was taken by “a senior officer to the National Security Council to the presidential suite.”

No one has challenged that.

Mr. DURBIN. I would say to the Senator, I do not know if that has to do with the information that was ultimately leaked about al-Qaeda. It seems, as though it is a separate matter. But it should be taken seriously, period.

What more does this President need to do to convince you other than to have more prosecutions than any President in history of those who have been believed to have leaked classified information?

If you will come to the floor, as you said earlier—and I quote, the investigation is “supposedly going on.” I trust the administration that the investigation is not going on. Will the Senate have to vote to have the Senate investigate or should there be a credible outside counsel who would conduct this investigation, which would then have the necessary credibility, I think, with the American people? I think that there is a certain logic to that, I hope my colleague would admit.

Mr. DURBIN. Let me say to the Senator that in that case, the Attorney General of the United States, John Ashcroft, recused himself—recused himself. He said there was such an appearance of a conflict, if not a conflict, he was stepping aside. It is very clear under those circumstances that a special counsel is needed. In this case, there is no suggestion that the President, the Vice President, or the Attorney General was complicit in any leak. So to suggest otherwise, I have to say to Senator McCain, show me what you are bringing to the proof.

Mr. MCCAIN. I am bringing you proof that this Attorney General has a significant credibility problem, and that problem is bred by a program called Fast and Furious where weapons were—under a program sponsored by the Justice Department.

Mr. DURBIN. When did the program begin?

Mr. MCCAIN. Let me just finish my comment. A young American Border Patrol agent was murdered with weapons that were part of the Fast and Furious investigation. What has the Attorney General of the United States done? He has said that he will not come forward with any information that is requested by my colleagues in the House.

So I would have to say, that at least in the House of Representatives and with many Americans and certainly with the family of whoever, who was murdered, there is a credibility problem with this Attorney General of the United States.

Mr. DURBIN. I say to my colleague and friend Senator MCCAIN, I deeply regret the loss of any American life, particularly those in service of our country.

Mr. MCCAIN. I am convinced of that. Mr. DURBIN. And I feel exactly that about this individual and the loss to his family. But let’s make sure the record is complete. The Fast and Furious program was not initiated by President Obama, it was started by President George W. Bush.

Mr. MCCAIN. Which, in my view, does not in any way impact the need for a full and complete investigation.

Mr. DURBIN. Secondly, this Attorney General has, at least as pointed out by the Senator from Arizona, if I am not mistaken, this Attorney General is being called even more frequently before congressional committees time after time. I have been in the Senate Judiciary Committee when he has been questioned at length about Fast and Furious, and I am sure he has been called even more frequently before the House committees.

Third, he has produced around 9,000 pages of documents, and Chairman Issa keeps saying: Not enough. We need more. Well, and I am marveling at this because it becomes clearer he will never produce enough documents for them. And the House decided to find him in contempt for that. That is their decision. I do not think that was necessarily proper.

But having said that, does that mean every decision from the Department of Justice from this point forward cannot be trusted?

Mr. MCCAIN. No. But what I am saying is that there is a significant credibility problem that the Attorney General of the United States has, at least with a majority of the House of Representatives.

Mr. DURBIN. The Republican majority.

Mr. MCCAIN. On this issue, which then lends more weight to the argument, as there was in the case of Valerie Plame and Jack Abramoff, for the need for a special counsel.

Mr. DURBIN. I do not see the connection. If the Attorney General and the President said: We are not going to investigate this matter, Senator MCCAIN, I would be standing right next to the Senator on the floor calling for a special counsel. But they have said just the opposite. They have initiated an investigation and brought in two career criminal prosecutors whom I have trusted, well, at some point it becomes clear he will never produce enough documents for them. And he said: Now you have the authority. Conduct the investigation.

Mr. MCCAIN. Those two counsels report to whom?

Mr. MCCAIN. Those two counsels report to the Attorney General of the United States.
Mr. DURBIN. And ultimately report to the people.

Mr. MCCAIN. So I would think, just for purposes of credibility with the American people, that a special counsel would be called for by almost everyone.

Look, I understand the position of the Senator from Illinois. We have our colleagues waiting. I appreciate the fact that he is willing to discuss this issue. I think we have pretty well exhausted it.

Mr. DURBIN. May I turn to one other issue the Senator raised, if he has a moment?

Mr. MCCAIN. Sure.

Mr. DURBIN. The pending bill, cyber security—this is a bill which I hope we both agree addresses an issue of great seriousness and gravity in terms of America’s defense. I know the Senator from Arizona and some of his colleagues have produced an alternative. I support the bipartisan bill that Senators LIEBERMAN and COLLINS have brought to the floor.

The major group who opposes the passage of the cyber security bill is the U.S. Chamber of Commerce, an organization that represents the largest businesses in America, and what I have heard the Senator from Arizona say over and over is that they have to be an important part of this conversation and this discussion. I think Senator LIEBERMAN and Senator COLLINS would say: We have engaged them. We have said: We have engaged them. We have brought to the floor.

One of these people said the group behind the break-in is one that U.S. officials suspect of having ties to the Chinese government. The Chamber learned of the break-in when the Federal Bureau of Investigation told the group that servers in China were stealing its information, this person said. The FBI declined to comment on the matter.

A spokesman for the Chinese Embassy in Washington, Geng Shuang, said cyberattacks are prohibited by Chinese law and China had nothing to do with the attack. The Chamber learned of the break-in when the FBI told investigators, then hired a team to diagnose the breach and overhaul the Chamber’s defenses. They first watched the hackers in action to test the operating systems. They then used the information to select key words across a range of computer defenses of America’s top business lobbying group, and gained access to everything about its three million members, according to several people familiar with the matter. The break-in at the U.S. Chamber of Commerce is one of the boldest known infiltrations in what has become a regular confrontation between U.S. companies and Chinese hackers. The organization, which is involved at least 300 Internet addresses, was discovered and quietly shut down in May 2010. It isn’t clear how much of the compromised data was viewed by the hackers. Chamber officials say internal investigators found evidence that hackers had focused on four Chamber employees working on Asia policy, and that six weeks of their email had been stolen.

The Chamber, which has 450 employees and represents the interests of U.S. companies in Washington, might look like a juicy target to hackers. Its members include most of the nation’s largest corporations, and the group has more than 100 affiliates around the globe.

While members are unlikely to share any intellectual property or trade secrets with the group, they sometimes communicate with it about trade and policy.

Two people familiar with the Chamber investigation said certain technical aspects of the attack suggested it was carried out by a known group operating out of China. Last month, the U.S. counterintelligence chief issued a blunt critique of China’s theft of American corporate intellectual property and economic data, calling China “the world’s most active and persistent perpetrator of economic espionage” and warning that large-scale industrial espionage threatens U.S. competitiveness and national security.

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before their trips—equipment that is checked thoroughly upon their return. Chamber officials say they haven’t been able to keep intruders completely out of their system, but now they can detect and isolate attacks quickly.

The Chamber continues to see suspicious activity, they say. A thermostat at a town house on Capitol Hill was at one point was communicating with an Internet address in China, they say, and, in March, a printer used by Chamber executives spontaneously started printing pages with Chinese characters.

“It’s nearly impossible to keep people out. The Best Buy is having trouble telling you when they get in,” said Mr. Chavern, the chief operating officer. “It’s the new normal. I expect this to continue for the foreseeable future. I expect to be surprised again.”

Mr. MCCAIN. First of all, could I say that is just unfair. They are not claiming to be experts on cyber attacks. They are claiming that there are issues of liability, issues of information sharing, and other issues that they believe will inhibit their ability to engage in business practices and grow and prosper. So to say that somehow they claim they are experts on cyber security, they are not, but they are experts on how businesses can operate, share information, resist these attacks, and come together with other people and other interests to bring about some legislation on which we can all agree.

There are 3 million businesses and organizations that are represented here. I say to my colleague, so it seems to me that we should continue this conversation with them, particularly on issues of information sharing and liability. But to somehow say ‘well, we talked to them, but we did not agree with anything they wanted to do’ is not fair to those 3 million businesses. We are making some progress. But please don’t say they portray themselves as experts.

By the way, they hacked into my President, which shows they really were pretty bored and did not have a hell of a lot to do. But, anyway, go ahead.

Mr. DURBIN. I am sure that wasn’t the case. I am sure it was a fascinating treasure trove of great insights and information.

But let me just say to my friend from Arizona, I am asking only for a little humility on both sides, both in the public sector and the private sector, by first of all, as my security advisers tell us, that this is one of the most serious threats to our country and its future, and we should be joining with some humility, particularly if you have been victimized, whether in your campaign or in your offices, to understand how far this has gone. The FBI, according to Senator WHITEHOUSE when he came to the floor, found 50 different American businesses that had been compromised and hacked into by the same type of operation. Forty-eight were directly unaware of it. They did not even know it occurred. What we are trying to do is to get these businesses to cooperate with us so that we share information and keep one another safe.

At the end of the day, it is not just about the safety of the businesses—and I think it is important that they be safe—but the safety of the American people. This is a serious issue.

Mr. MCCAIN. Can I say to my colleague, first of all, to somehow infer that businesses in America are less interested in national security than they are in their own businesses is not, I think, a fair inference. But let me also say that what they want to do is be more efficient in the way they can do business.

For example, information sharing as you know, there is a serious problem with liability if they are not given some kind of protections in the information sharing they would do with each other and with the Federal Government. So we want to make sure they can react, it’s what they will more cooperatively engage in the kind of information we need. That is a vital issue. That is still something on which we have a disagreement.

I have no doubt that the comments of the Senator from Illinois about how important this issue is are true. Nobody argues about that. But we have to get it right rather than get it wrong. The Senator from Illinois and I have been here a long time, and sometimes we have found out that we have passed legislation that has had adverse consequences rather than the positive ones we contemplated. By the way, I would throw Dodd-Frank in there. No company is too big to fail now. I would throw in some of the other legislation we have passed recently, which has not achieved the goals we sought.

That is why we need, in my view, more compromise and agreement. I believe they can react, it’s what they did it to both of our cosponsors of the bill, but please don’t allege that this is “bipartisan” in any significant way. Most of the Republican Senators oppose the legislation in its present form. All Republican Senators understand the gravity of this situation and the necessity of acting.

Mr. DURBIN. I say to my friend from Arizona, I hope we get this done this week. I know it is a big lift, and it is a lot to do. But I believe the threat is imminent, and I believe it is continuous. If we don’t find a way through our political differences to make this country safer, shame on us.

I believe Senator’s side of the aisle is and is proud of that fact. So it is a bipartisan effort. She worked with—

Mr. MCCAIN. It depends upon your definition of “bipartisan.”

Mr. DURBIN. It is clearly bipartisan with Senators LIEBERMAN and COLLINS. I also say that to raise the question of Dodd-Frank and appropriate government oversight and regulation—I suggest that we reflect on three things: LIBOR, Peregrine Investments, and the Chase loss of $6 billion.

To say that we should not have government oversight of our financial institutions that dragged us into this recession we are still trying to recover from—I see it differently. We vote differently when it comes to that. I think there is a continuing need for government oversight of these financial institutions.

Mr. MCCAIN. These institutions are not averse to government oversight. They are averse to legislation that harms their ability to share that information because if they face the threat of being taken into court for that, then obviously there is some reluctance. They also know how much has been lost because of the lack of cyber security to China and other countries. They are the ones who have been most directly affected. They are intelligent people, smart people, and they want this legislation to pass in a way that is the most effective way to enact legislation on this very serious issue.

I look forward to continuing the conversation with my friend from Illinois. I think both of us have tried to hear our conversations, and I thank him for his continued willingness to discuss the issue.

Mr. DURBIN. I thank my friend, the Senator from Arizona. I hope other colleagues will engage in this kind of exchange. I don’t know if we convinced one another, but we certainly leave with the same level of respect with which we started. I hope those who have followed the debate have heard a little more about both sides of the issue in the process.

Mr. MCCAIN. I yield the floor.

CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 55, which was subpuped earlier today by Senator HARR

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 55) directing the House of Representatives to make a correction in the enrollment of H.R. 1627.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be considered made and laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 55) was agreed to, as follows:

S. CON. RES. 55

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

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am pleased to be able to follow that with some additional remarks on the issue of cyber security—an issue that the American people care deeply about and with which our colleagues and this bill will give us the opportunity to collaborate and share information so that they can confront the ongoing, present, urgent cyber threat directly and immediately.

This bill is not a top-down approach; it is voluntary in its direction to the private sector. What it says to critical industries—industries that are critical to our infrastructure—is that you determine what the best practices are, you tell us what the standards should be, and then those standards will be shared throughout the industry and overseen by a council that the Department of Commerce and Justice and the National Security Agency have opposed the voluntary standards approach. We will give the government and the private sector an opportunity to collaborate and share information so that they can confront the ongoing, present, urgent cyber threat directly and immediately.

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I have been in briefings, as has been the President and other Members of this body, with members of the intelligence community, and others who have, stark and staggering terms, presented to us the potential consequences of failing to act.

Just last week, GEN Keith Alexander, the Chief of the U.S. Cyber Command and the Director of the National Security Agency, said that intrusions on our essential infrastructure have increased 17-fold between 2009 and 2011 and that it is only a matter of time before physical harm results. He has said that the loss of industrial information and intellectual property—putting aside the physical threat and taking only the economic damage—is "the greatest transfer of wealth in history."

We are permitting with impunity the greatest transfer of wealth in history from the United States of America to adversaries abroad, companies based overseas, at a time when every Member of this body says our priority should be jobs and protecting the economy of this country. It is an economic issue, not just a national security issue. In fact, cyber security is national security.

The United States is literally under attack every day. General Alexander described 200 attacks on critical infrastructure every year. He concluded to them without describing them in detail. And on a scale of 1 to 10, he said our preparedness for a large-scale cyber attack—shutting down the stock exchange or a blackout on the scale of 2001—was a 1. He concluded in the past few days—"is around a 3 on a scale of 1 to 10. That situation is unacceptable."

We are, in a certain way, in a period of time now that is comparable to 1993, after the first World Trade Center bombing. Remember, in 1993 the World Trade Center—1,336 pounds of explosives were placed in a critical area of the World Trade Center, killing 6 people, injuring 1,000, fortunately, at that point, failing to bring down the building, which was the objective. That first bombing was a warning as well as a tragedy. America, even more tragically, disregarded that warning in failing to act. We are in that period now, comparable to 1993 and before 9/11, when the country could have acted and neglected to do so. We cannot repeat that failure now. We cannot disregard the day-to-day attacks, the serious intrusions that are stealing our wealth and endangering our security, our critical grid, transportation, water treatment, electricity, and financial system. The scale of damage that could be done is horrific, comparable to what 9/ 11 did. We have an obligation to act before that kind of damage is faced in reality by the country.

We have been adequately and eloquently warned on the floor of this body in private briefings available to Members of this body, in the public press, to some extent. One of the frustrations I think many of us feel is that we cannot share some of the classified briefings we have received which would depict in even more graphic and dramatic terms what these threats mean. Some of these attacks are launched by foreign countries that seek to do us harm. Some are launched by domestic criminals who simply want to steal money. Some are sophisticated and some are very crude.

Former Deputy Secretary William Lynch has detailed just one attack in which a foreign computer hacker—or group of them—stole 24,000 U.S. military files in March of 2011. As others have noted on the floor as recently as a few months ago, late 2011 the commanders of the U.S. Chamber of Commerce were completely compromised for more than a year by hackers. Yet today the U.S. Chamber of Commerce has essentially opposed the voluntary standards-based plan to help secure our nation against attack. In fact, how extraordinary it is that certain parts of this bill have actually combined a consensus among the business community, the privacy advocates, as well as public officials, the National Security Agency. That consensus on privacy, again, reflects a profound and extraordinary feature of this bill, which is that we are coming together as a nation to face a common problem in a way that is demanded by the times and threats we face.

Shawn Henry, the Executive Assistant Director of the FBI, has said that "the cyber threat is an existential one, meaning that a major cyber attack could potentially wipe out whole companies." That is the reason the business community has been involved and should support these proposals.

These attacks are not only ongoing, they have been occurring for years. These criminals are infiltrating our communications, accessing our secrets, and sapping our economic health through thefts of intellectual property.

Finally, Secretary of Defense Leon Panetta, as has been frequently quoted, said, "The next Pearl Harbor we confront could very well be a cyber attack that cripples our power system, our grid, our security systems, our financial systems, our government systems."

The panoply of harm is staggering, and we cannot wait for that harm to be inflicted. In private briefings available to Members of this body, and in the public press, to some extent. One of the frustrations I think many of us feel is that we cannot share some of the classified briefings we have received which would depict in even more graphic and dramatic terms what these threats mean. Some of these attacks are launched by foreign countries that seek to do us harm. Some are launched by domestic criminals who simply want to steal money. Some are sophisticated and some are very crude.

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cuts across all programs, will be the No. 1 threat to our country.

FBI Director Mueller speaks the truth. We must make sure our government has the tools and authority they have asked for. The NSA, the Department of Defense, the Department of Homeland Security, our business community and privacy advocates are all united in feeling this threat must be confronted. We have the opportunity but we also have a historic obligation to make sure we move this bill and that we move forward so we do not squander this opportunity.

I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

THANKING KATHARINE BEAMER

Mr. CARDIN. Mr. President, if I might, let me first thank Katharine Beamer for her service to the Senate and to the American people. She has been an incredibly valuable part of my staff, the Department of the Interior, and to my Senate office. She has helped me deal with preparations for my responsibility, as the Presiding Officer knows, while serving on the Senate Foreign Relations Committee as we deal with the confirmation of international ambassadors. It is important to be adequately prepared to deal with the many foreign visitors who come to our office and to deal with foreign policy issues. I particularly want to thank her for her tremendous work on the so-called Menendez bill, a bill that passed out of the Senate Foreign Relations Committee and has been also supported in the Senate Finance Committee. She has been a critical part of our team in developing the necessary support so that bill could move forward.

I want to thank her for her help on the Cardin-Lugar provisions that provide transparency among mineral companies so we can trace the resources of developing countries, allowing those resources to benefit the strength of a country’s economy rather than become a curse.

And I want to thank Katharine Beamer for her help on a lot of human rights issues she has been involved with, including the issue of Alan Gross.

Senator DURBIN has spoken on the floor and has brought to our attention the human rights violations of a Marylander who is today in a prison in Cuba. He is providing help to a small Jewish community in Cuba. He wasn’t doing it in any secret manner. He was trying to provide them a better opportunity to communicate with the Internet. He was very open about what he was doing in Cuba and was doing it in order to advance the ability of a community to keep in touch around the world.

As a result of that activity, Alan Gross, a Marylander, was arrested and imprisoned, tried and convicted, and sentenced to 15 years in prison. His appeal to the Cuban Supreme Court was denied in August of 2011. For the past 2½ years, since December 3, 2009, Alan Gross has been imprisoned in Cuba—over 2½ years. Throughout my legislative career, I have worked hard to improve the relationship between Cuba and the United States, particularly among the people of Cuba and the people of the United States. I have worked on ways to ease certain restrictions so we can improve the climate between our two countries. But what the Cuban Government is doing today in continuing to imprison Alan Gross is absolutely outrageous. It violates international human rights standards and it is against any sense of humanity.

I am going to continue to speak out about it and urge the Cuban authorities to do what is right. This has gained international attention and there have been efforts made by other dignitaries from other countries to try to get Alan Gross’s case heard in a proper manner. I particularly want to acknowledge Senator DURBIN’s extraordinary leadership on this issue. Senator DURBIN took the time, when he was in Cuba, to meet with Alan Gross. I have been with Senator DURBIN when we have met with Alan Gross’s family. I have been with Senator DURBIN when we have hosted international diplomats to implore the Cuban authorities on a humanitarian basis to release Alan Gross.

There was no reason for his arrest. There was no reason for his conviction. There was no reason for him to be in prison today. But one doesn’t have to get too much involved in that issue to suggest that the Cuban authorities should release Alan Gross on a humanitarian basis. I say that because his health is in question. Alan’s health has steadily deteriorated during his imprisonment. He has lost over 100 pounds, suffers from a multitude of medical conditions, including gout, ulcers, and arthritis, that have worsened without adequate treatment.

Of equal concern as his own health are the conditions of his beloved mother and daughter, both of whom are suffering from cancer. The Gross family should not have to suffer through another day of this desperate situation without Alan at home for support.

So for all those reasons, we speak out today to once again urge the Cuban authorities to do the right thing as far as human rights and their legal system and to do the right thing from a humanitarian point of view and let Alan Gross come home to his beloved family so he can be supportive of them during this difficult time in their lives. We urge them to do the right thing so we can have a better relationship between the people of Cuba and the people of the United States. They should release Alan Gross because it is the right thing to do.

We are going to continue to speak out about this. I know many of us have looked for different ways in which to help the Gross family and we will continue to do that. But the simple, right thing for the Cuban authorities is to release Alan Gross today and we urge them to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. URTIZBER in the Chair). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as soon as possible in my name pursuant to Mr. URTIZBER’s request as to the matter of the men and women of the Department of Homeland Security, the Department of Defense, the Department of Justice, the Department of Energy, the Department of Transportation, the Department of Agriculture, the Department of Commerce, and the Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I rise today to announce a rare opportunity for the people of my State, who care so much about the future of our country.

When I travel all across West Virginia, one of the biggest concerns I hear from the people is simply that our Nation’s finances are in such bad shape we could be the first generation that leaves this country and leaves our next generation in worse shape than we received it.

I am determined to make sure that doesn’t happen, and I am sure the Presiding Officer is as well. I am determined to bring people together to fix our finances and put this country back on the right path.

And all of the priorities we all care about—whether it is creating jobs, maintaining the best military in the world, keeping the core of vital programs such as Social Security, or educating the next generation—are in jeopardy.

If we care about rebuilding America—investing in our highways and our roads, our airports, our water and sewer systems—we cannot do it if we can’t pay for it. If we care about creating jobs and giving our businesses certainty, we can’t do that either if we can’t pay for it. And if we care about educating the next generation and preparing this generation with the skills sets they need for the jobs of today and tomorrow, we can’t do it if we can’t pay for it.

If we care about having an energy policy that uses all of our domestic resources in the cleanest possible manner, if we care about developing technology for clean coal; if we care about finally ending our dependence on foreign oil from hostile countries, we can’t do it if we can’t pay for it.

If we care about having the best military in the world and we need to defend the liberty of this great Nation at home and, where needed, abroad, we simply can’t do it if we can’t pay for it.

If we care about helping the vulnerable, the sick, the weak, and keeping our country strong, we have to pay for it. And if we care about Social Security, Medicare, Medicaid, and Head Start—we simply can’t do it if we can’t pay for it.
Any nation that wants to be a strong nation, that wants to invest in its priorities and wants to leave the country in better shape for the next generation cannot be shackled by crippling debt. If the Federal Government can’t get its financial houses in order, the hard truth is all these priorities I spoke about will be slashed—sooner than any of us would like to admit.

Whether we consider ourselves a Democrat, a Republican, or an Independent, or have no affiliation at all; whether we consider ourselves a liberal, a conservative, or a centrist—wherever we fall in the spectrum—none of the priorities we care about on all those sides can happen unless we can pay for it. The old saying is as true today as it ever has been: You can’t help others if you’re not strong enough to help yourself.

It is time to make America strong again.

Let me give some troubling figures that illustrate how bad it has gotten: The debt hole we have dug for ourselves now equals the entire amount of goods this country produces; in other words, our domestic product. That hasn’t happened since 1947.

Think of the next group of lawmakers who will be sitting where we sit in 2033, which is just around the corner. They are going to have to look Americans in the eye and tell them the Social Security check they are receiving will only be 75 percent of what is owed to them. They will have to say it is because the group who came before us didn’t do their job.

Think of 10 years from now, truly around the corner, when every man, woman, and child in this country will owe more than $79,000 to pay off our national debt. Today it is about $50,700, which is way too high, but it is only going to get worse if we don’t do our job and fix it.

There are 3 million jobs going unfilled in this country because they say we are not spending well. We need the right skills in order to perform those jobs, and our unemployment rate has been the highest for the longest period of time. That is not acceptable.

Who exactly is supposed to pay for all this debt? If we do the math, the picture isn’t pretty. We are not balancing our budget, we are not training people for the jobs of the future, and we are leaving our children and grandchildren a massive debt that, as of today, is twice the entire economic production of this great Nation.

To me, however, we do the math—even if we use funny Washington accounting tricks—this situation adds up to a train wreck at best. I am determined on our incoming train wreck, and I will do all I can, working with my colleagues on both sides of the aisle. I have said people back home didn’t send me to Washington to put the next generation into more debt. They sent me to, hopefully, get help them out of debt.

Putting this country back on the right path will hurt, but we have to be willing to come together across party lines. We have to determine our highest priorities and make tough choices. That is what the people of West Virginia sent me to do, not to cater to any one special interest group.

There are plenty of politicians who will talk about fixing the problem, who will pay lip service to coming up with a plan, who will talk a good game—what we call talk the talk—but can’t walk the walk. But in the end, the problem will continue to fester if we don’t do something.

I am not one of those politicians who can turn a blind eye to our debt and walk away from it. The people of West Virginia expect more. They expect me to make hard choices and work with both Democrats and Republicans to do the right thing for our State. No matter how hard it will be to fix our problems—and it is clear everyone will need to have a little skin in the game and share these sacrifices—I am determined to do it.

But no Senator—no matter how committed they may be—can do it alone. That is why I am so pleased to announce that two of the nation’s greatest financial leaders will be coming to West Virginia to hold an open forum with the people of our State about the future of our finances, and we call that “Our Finances and Our Future.”

Former Senator Alan Simpson, a Republican from Wyoming, and Mr. Erskine Bowles, who is the former White House Chief of Staff under President Bill Clinton, are two of the toughest and smartest people in this country when it comes to our finances.

Since I have been here, the most bipartisan effort to fix our finances has been led by Erskine Bowles and Alan Simpson. They were asked to head the President’s National Commission on Fiscal Responsibility and Reform. It was bipartisan, it has stayed bipartisan all this time, and it has grown with the number of Senators from both sides of the aisle who understand we need a big fix that comes from both sides of the aisle in a bipartisan way.

Bowles and Simpson paint a grim picture about the problems we are facing. In December of 2010, they laid out a serious blueprint for a solution—one that isn’t perfect but that has earned more support from members of both parties than anything else that has been proposed in Washington.

Since then, too many of our leaders have put their heads in the sand about this proposal and the choices we face. But West Virginia is different from most of the States. We welcome the hard truth because we know we have to face the truth. Believe me, we can handle the truth in West Virginia.

On September 10, West Virginians will have an opportunity to hear some straight talk. Alan Simpson and Erskine Bowles will hold a forum, “Our Finances and Our Future: A Bipartisan Conversation about the Facts,” at our magnificent cultural center. They will present the facts—and there is no doubt the facts are dire—and lay out the magnitude of the problem we face, and then we will talk about solutions. It is a rare opportunity to have a frank and bipartisan conversation about the grave conditions of our Nation’s finances.

I am inviting all West Virginians—be it business, labor, senior groups, the young people who want to pay off our debt, and anyone else with an interest in our future—to come and participate in this session. We will talk about what this framework will do, which is to find the balance between revenue and spending fundamentally changing our Tax Code and cutting spending. In short, it will make our system more fair.

Let’s look first at the Tax Code. There are some Americans who, because they are affiliated with lobbyists, have manipulated our Tax Code so they get special tax breaks. That is not right. Too many corporations that depend on the strength of this great Nation—as has been noted, such as G.E.—are paying nothing or virtually nothing in taxes. That is wrong. It is not right.

We need to make our tax system more fair and straightforward. The bipartisan Bowles-Simpson plan will end many of those loopholes and lower tax rates for everyone. When it comes to our spending, right now in this country we spend so much more than we can afford. I know so many Americans feel they want to pay more—if we were using it in the right direction—to pay down our debt and to invest in infrastructure.

But we are not spending well. I have always said public servants can do one thing and private industry can do another. We can either spend it or invest it. Frankly, we have been doing too much spending and not enough investing.

Our annual deficit—the amount we spend versus the amount we take in—is almost $2.2 trillion alone. Looking into the future, if nothing changes, we will have deficits every year for the next decade. No one can tell me we can sustain that pace and still afford Social Security, Medicare, Medicaid, defending this Nation, and educating our children. The math doesn’t add up. The bipartisan Bowles-Simpson framework addresses this by cutting more than $2 trillion for our spending over the next decade. After we address our spending and our Tax Code, guess what happens. Our interest payments—the amount we are spending every year just for the privilege of borrowing money from countries such as China—our day-to-day operations—will go down nearly $700 billion over the next 10 years.

That is the bipartisan Bowles-Simpson framework. Yes, it will have some painful cuts, and, yes, everyone will have to share in the sacrifice. But because the pain is spread out, no one takes too deep a hit. That is why I believe this proposed blueprint is the
only plan that has garnered any real show of bipartisan interest from the beginning of its inception to today.

When I became Governor of the great State of West Virginia, our State finances were in a tough place. We had to make choices, and while we did it, not everyone was happy with those decisions. Seven or eight years ago, people believed West Virginia was hopeless; that we would always be challenged; that our finances would always be on the brink; that we wouldn’t be able to invest in our priorities; that our economy would always be stagnant; that our credit ratings would always be miserably low; that we wouldn’t be able to turn any of that around.

But I will tell you what. At the end of my term, we had lowered tax rates, reduced our food tax, ended our fiscal years with a budget surplus each and every year, and increased our credit rating three times in 3 years during the greatest recession because we put our priorities based on our values of what was important to West Virginia. Together, we weathered the recession better than many. We are finally turning the last piece of our puzzle in place with a fix to the retirement system.

I can tell you this: I am not talking about fixing our Nation’s finances from some ivory tower, from some rigid ideological position. I am talking about this country’s finances because I know how much it costs all of us to live in debt. I know the burden of high interest payments and the way it robs us of the opportunity to pay for more important priorities. I know how much stronger this country will be when we manage our debt. I know because we came together in West Virginia and improved the quality of life in our State, and I know we can do it together in this country.

The truth is, Democrats don’t have a lock on good ideas and neither do Republicans. But with less than 100 days to go in this election, we are not going to hear many Democrats giving Republicans any credit and we won’t hear many Republicans acknowledging that Democrats have anything to bring to the table.

That is a true shame. We will not fix our problems with a go-it-alone attitude because the only way America has ever solved our problems is to put partnership aside and come together for the good of this great Nation.

Put America first. The West Virginia fiscal summit is just one honest way we can take an important step toward, coming together to solve our problems and one more way for the people of West Virginia to show why we believe that we can—and will—do the heavy lifting it will take to put this country back on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

RENEWABLE FUELS STANDARD

Mr. GRASSLEY. Mr. President, the president and CEO of Smithfield Foods, Larry Pope, took to the opinion pages of the Wall Street Journal again to blame all that ails him on the renewable fuels standard for ethanol.

Some may recall he did the same thing back in April 2010 when corn prices were rising rapidly. At that time, he perpetuated a smear campaign and blamed ethanol in an attempt to deflect blame for rising food prices while boosting Smithfield’s profits. With this newspaper article, he is back at it again.

I start by referring to Mr. Pope as Henny Penny from the children’s folklore “Chicken Little.” Every time Smithfield has to pay a little more to America’s corn farmers to feed his hogs, Mr. Pope starts with the same argument that the sky is falling, and it is all ethanol’s fault.

Mr. Pope’s opinion piece in the Wall Street Journal might lead some to believe he is very knowledgeable about the ethanol industry. But there are many areas of ethanol he doesn’t know much about.

He continues to perpetuate the myth that ethanol production consumes 40 percent of the U.S. corn crop. Mr. Pope states: “Ethanol now consumes more corn than America can show this great Nation.”

Everyone with a basic understanding of a livestock farm—even a kernel of corn—or of an ethanol plant knows that is not a true statement. According to the U.S. Department of Agriculture, just 18 percent of the corn produced in the U.S. is used in producing ethanol. But—and a very important but—the value of corn does not simply vanish when ethanol is produced.

One-third of the corn—that is, 18 pounds out of every 56-pound bushel—reenters the market as a high-value animal feed called dried distillers grain. I would imagine millions of hogs raised by our farms every year are fed a diet containing this ethanol coproduct, a very big feed product for cattle. Of course, Mr. Pope appears to be unaware of its existence.

When the distillers grains are factored in; that is, 18 pounds out of the 56 pounds that is left over after you make ethanol, 43 percent of the corn supply is available for animal feed. Only 28 percent is used for ethanol—unlike the 40 percent Mr. Pope says. This is the inconvenient truth of ethanol's detractors. They believe in a bubble where they can believe ethanol is diverting corn from livestock use. That is just not the case.

Mr. Pope also proclaims that “ironically, if the ethanol mandate did not exist, even this year’s drought-depleted corn crop would have been more than enough to meet the requirements for livestock feed and food production at decent prices.”

I would like to ask Mr. Pope why he thinks that is the case. Why did farmers plant 96 million acres of corn this year when normally they would plant between 86 and 88 million acres of corn? Why have seed producers spent millions to develop better yielding and drought-resistant traits so we can produce more corn on less acres? The answer is simple: Because this gigantic industry of ethanol is there to consume more corn and more production on each acre.

But for ethanol, it is very clear farmers wouldn’t have planted 96 million acres of corn this year because those are more acres of corn than farmers have planted in this country since 1938. Without ethanol, I doubt we would have seen investment in higher yielding and more drought-resistant crops by our seed corn companies.

I happen to think Mr. Pope is an intelligent man, but he is woefully uninformed on the issue of what the ethanol industry and the demand for corn has done for the size and genetic improvement of the corn crop. It is easy to understand Smithfield’s motives. They benefit from an abundant supply of corn, just not the competing demand for it.

What is Smithfield’s primary problem? Again, the answer is simple: cost and profit. They still want to pay $2 for a bushel for corn. This is an important point that I hope people understand. For nearly 30 years, until about 2005, “as long as this country has the luxury of buying corn below the cost of production.” Corn prices remained for about 30 years between $1.50 a bushel and $3 a bushel. Farmers routinely lost money. The Federal Government then gave subsidies to support the corn farmers. Producers such as Smithfield had the best of both worlds. They were able to buy corn below the cost of production, and they were able to let the Federal Government subsidize their business by guaranteeing a cheap supply of corn.

In the view of corporate livestock producers, subsidies are fine—if they allow them to buy corn below the cost of production. Anybody could look like Peter Pan with that sort of a business model.

Mr. Pope also continues to overstate the impact of corn prices on the consumer. Agriculture Secretary Vilsack recently stated that farmers receive about 14 cents of every dollar spent on food at the grocery store. Farmers get 14 percent and everybody else gets 86 percent, yet the farmers of America are the problem? It happens that that 14 cents works out to be about 3 cents of that 14 cents is because of research economist at the U.S. Department of Agriculture recently stated that a 50-percent increase in the price of corn will raise the total grocery shopping bill by about 1 percent. To put it in perspective, the value of corn in a $4 box of corn flakes is about 10 cents.

Mr. Pope also exaggerated the impact of ethanol on food prices in 2010, and he is doing it again. He is using the devastating drought that we now have—over 62 percent of the country and worse in the Midwest, of Iowa where I live—to once again undermine our Nation’s food, feed, and fuel producers.
and he is doing it—why? To make more money.

Repealing the renewable fuel standard will not bolster Smithfield’s profits. Because of the flexibility built into the renewable fuels mandate, a waiver will not significantly reduce their call for waiving or repealing the renewable fuel standard. It is a premature action that will not produce desired results and it would increase our dependence upon foreign oil and it would drive up prices at the pump for consumers.

On another point with regard to taxes and the proposals around the Hill to increase taxes, I want to say that over the past few years my colleagues on the other side have come to the floor repeatedly to present a revisionary view regarding the fiscal history of the last two decades. On several occasions I have come to the floor to refute this history. Yet, again and again, the other side continues to present the same distorted facts, including lots of speeches last week.

The general misguided argument is that all of the economic and fiscal success of the 1990s is thanks to big tax increases. The fact is that the economy grew not because of the 1993 tax increases but despite them.

The economy of the mid-1990s is a result of economic conditions that we may never see again. It was a time of great economic expansion due in large part to the advent of the Internet economy. The Internet spawned new technologies and created efficiencies in our economy that have never been matched. In turn, these new technologies and efficiencies spurred start-up businesses and new industries. Many seem to forget the huge Y2K fear that gripped the Nation, causing billions and billions in spending that helped prop up what became the infamous Internet bubble that deflated us all. Nevertheless, before the bubble burst these factors led to historically low unemployment and high workforce participation. Claiming that this was due to Clinton tax increases is equal to Vice President Gore claiming that he invented the Internet.

My colleagues on the other side of the aisle would be hard-pressed to find many economic studies indicating tax increases are stimulative. The focus of economic research in this area is not about whether tax increases are harmful or beneficial to the economy. Rather, the focus seems to be on the degree to which tax increases are very harmful to the economy. Admittedly, there are wide variations in views of economists on the responsiveness of individuals and businesses to taxes. However, even studies by economists who can hardly be labeled as conservative have concluded that tax increases have a significant negative effect on the economy.

For instance, a 2007 study by Christina Romer, President Obama’s former chief economist, found “tax increases are highly contractionary,” and “have very large effects on output.”

In fact, this study found that a tax increase of 1 percent of gross domestic product could lower real GDP by at least 3 percent.

Another likely contributor to the growth of the 1990s was a peace dividend we reaped from the end of the Cold War. We have Ronald Reagan’s staredown of the Soviet Union to thank for that phenomenon. The end of the Cold War allowed for a reduction of government spending as a percent of GDP. Coupled with priorities pushed by the Republican-led Congress to reach a balanced budget and to reform welfare, spending as a percentage of GDP dropped to its lowest point in 30 years. With the Government spending less of its money, more was left in the hands of the private sector. This allowed the private sector to innovate, to invest, and eventually create jobs. The peace dividend is also the largest contributor to reducing in deficits in the 1990s.

The biggest source of deficit reduction, 35 percent, came from the reduction of defense spending. The next biggest source of deficit reduction, 22 percent, came from other revenue because of a growing economy. Another 15 percent came from interest savings.

Let’s get to the Clinton tax increase in reducing deficits. Clinton tax increase, on the other hand, only accounted for 13 percent of the deficit reduction—only 13 percent.

There are further factors that contributed to the economic growth of the 1990s, including the expansion of free trade in the 1997 reduction in the capital gains tax rate. However, in the interest of time I am going to go on to other issues. One thing is clear, enough, from this period in the 1990s. The economic growth of that time was not thanks to the Clinton tax increase nor was it a major player in bringing our deficit into balance.

Today we cannot rely on the unique economic conditions we experienced during that decade of the 1990s, some of which were artificial, to buttress the negative effects of the tax increase. In fact, we are in the middle of one of the worst economic eras since the Great Depression. Unemployment has remained above 8 percent now for over 41 straight months, almost 3½ years, in other words. Economic growth has been anemic.

Each passing day economic indicators are pointing more and more to the chance of a double-dip worldwide recession. Last Wednesday it was reported that Great Britain’s economy contracted at the rate of .7 percent. Then on Friday it was reported that our own economy is stalling. Real GDP grew at an annual rate of just 1.5 percent, continuing its downward trend for three straight quarters. In a recent blog post, Nobel Laureate economist Gary Becker addressed the question of raising taxes on high-income earners as a very good idea. In his post, Professor Becker entertained arguments—these were arguments by the supporters of the tax increases—by hypothesizing that there is a 50-50 chance that higher taxes on the so-called rich would damage the economy.

Of course I believe, as does Professor Becker, that in reality this chance is much higher than 50-50. However, even granting the other side this generous assumption he concluded the benefit of raising taxes was outweighed by the potential damage they would cause. According to Professor Becker, even if richer individuals only slightly reduce their work hours, they will reduce their effort at work, the gain in tax revenue from these individuals would not be great. In contrast, “the costs to the economy in the chance that higher taxes greatly discourage their efforts is likely to be substantial in terms of fewer hours worked and less work effort by high-income individuals, reduced incentives to start businesses,
In fact, the Congressional Budget Office projects that if we extended all the 2001 and 2003 tax relief today, revenues would once again exceed the historical average. Under this scenario, the CBO projects that by 2022 revenues will reach 18.5 percent of GDP.

From 2001 to 2007, the deficit also shrunk from a high of $412 billion to a low of $160 billion. That means the budget deficit was cut by more than half in 3 years. Given the trillion dollar deficits we are experiencing under President Obama, however, any $200 billion would be very welcome news. Yet CBO projects that even if all the tax increases in President Obama's budget were enacted, deficits would never drop below $500 billion in the 10-year period from 2013 to 2022.

I will give President Obama credit when he says he took office in very tough economic times. The bursting of the housing bubble and the resulting financial crisis gave him a very high hill to climb, but any assertion the 2001 and 2003 tax relief is related to these events is without merit. There is plenty of blame to go around for the housing bubble. It was the culmination of housing policies spanning administrations of both parties. It was further fueled by the Federal Reserve providing historically low interest rates and cheap credit.

However, the President's policies have failed at getting us out of this mess. The President's party passed the President's nearly $1 trillion stimulus bill. He claimed this would keep the unemployment rate below 8 percent. However, the unemployment climbed to a high of 10.1 percent and has never dropped below 8 percent during his almost 4 years in office.

The President's party also passed the health care bill, which the President sold as a job creator, and the financial reform bill that was supposed to fix our economy. The concerns other Members and folks such as Senator Kyl and Senator Whitehouse have been trying to find some common ground in this area.

I hope at some point in the next day or so we will be able to proceed to this bill and have it fully debated.

Many Senators bring different levels of expertise to this issue. As someone who spent 20 years in the technology field and in telecom in particular before entering government service, and who had the honor of the last 3½ years on the Intelligence Committee, the Commerce Committee, and the Banking Committee, three of the committees that all immediately intersect with the challenges around cyber, I can add a bit of my perspective to this debate.

Let me start with concerns that have been raised by some of the opponents to this legislation. In the area around cyber, we need to make sure we have appropriate information sharing. How do we set some standards? Who should enforce those standards? I think most all of us, and anyone who has looked into this area, would recognize it is not a question of when we are going to have a major cyber attack or if we are going to have a cyber attack, it is only a question of when. We have already— as has been reported in the press in a number of fashions—been attacked on a daily basis by foreign agents, criminal elements, hackers who are consistently probing our cyber defenses on the public and private side. One of the reasons I think it is so important to move on this legislation soon is I have great fears that when we are going to have a major cyber attack, Congress may, as they have done so many times in the past, overreact because we didn't take action on something we knew was imminent.

I do think this piece of legislation—and, candidly, I could have supported it if we set some standards—legislation—is a great first step in this area. I am going to come back in a moment to some amendments I hope to offer to this legislation to deal with some of the concerns other Members and folks have raised on this issue.

Let's talk about why we need cyber legislation and why we need it now. Inaction is not a solution. Every national security expert—not just from the current administration but previous administrations, and most Members of Congress—agrees that the status quo is not sustainable. Over a 5-month period between October of 2011 and February of 2012, there were 50,000 cyber attacks
on private and government networks. We are told between 2009 and 2011 attacks on U.S. infrastructure increased by a factor of 17.

As more and more nations and rogue actors get more sophisticated with computer and technological knowledge, these numbers are going to grow exponentially. As the FBI has said, cyber espionage, computer crime, attacks on critical infrastructure will surpass terrorism as the No. 1 threat facing the United States. Think how many things we have done appropriately in the previous administration and this administration in terms of homeland security to protect our Nation against the threat of terrorists. We now have the Director of the FBI saying the cyber threat will soon surpass terrorism in terms of a threat to our Nation.

I know as a former businessman that we are already seeing manifestations of this threat in other areas. Intellectual property theft is one of the most insidious threats we face right now. A former FBI agent who specialized in counterintelligence and computer intrusion has said that in most cases companies don't realize they have been burned later when a foreign competitor puts out the very same product, only making it 30 percent cheaper. We have lost our manufacturing base in many ways. By not putting appropriate cyber protections in place, are we really prepared to lose our R&D base as well?

Some say cyber is different. Cyber is different in certain ways, but in many ways it is similar. Just as we would never have a nuclear facility without guards and a wall and a fence or—I see my good friend, the Senator from Louisiana—we would never have power facilities or levees without appropriate protections, how is it we would not have some level of standards and information of threats that are coming in amongst not only our public sector entities but our private sector entities as well?

As a matter of fact, as a former businessman, I have been surprised at some of the resistance from some business organizations that are saying this requirement of both information sharing and some minimum standards would actually be a burden on us. In many ways I actually think somewhat the opposite. There are a number of businesses right now that have taken the responsible step and put in place significant cyber protections while competitors in their industry, because they are not putting those same protections in place, are actually free riders on the system. Yet, not if but when we have a major cyber event, if one of those companies that has not put appropriate protections in place ends up causing dramatic harm to our economy or to that industry sector, all the inducements that the businesses in that sector will in one way or another end up paying the price. Again, this is one of the reasons why we need both this information sharing and some level of standards.

I know to try to move forward in terms of actual or mandatory standards, we are not going to have them at this point. We have set up a measure—Senator Snowe and Senator Whitehouse for working through what I think is a pretty darn good compromise where there would be an industry group that would develop, in effect, best practices with the government and bureaucracy moving so slowly to keep up with something like technology that would allow an industry group to come up with, in effect, best practices. Those companies that adhere to those best practices would actually receive legal and other protections so we could encourage folks to make sure we have in place the kind of protections that all industries and our country need.

To make sure that we don’t have mandatory standards, we have put in place—I have been working with Senator Snowe on a couple of amendments. I believe there are other Members who have been one of the leaders of these amendments. The first amendment is very important and hopefully will go some distance in terms of clarifying one of the issues that seems to be a major subject of debate in this legislation, and that is to modify—again, working with the chairs of the committee, we may even move beyond this modification to elimination—a key section of the bill, section 103. It will make clear that the standards set by the government and the infrastructures are indeed voluntary. This amendment makes it clear that this bill does not in any way alter the authority of any Federal agency to regulate the security of critical infrastructure. It is hard with modifications to elimination—a key section of the bill, section 103. It will make clear that the standards set by the government and the infrastructures are indeed voluntary. This amendment makes it clear that this bill does not in any way alter the authority of any Federal agency to regulate the security of critical infrastructure.

I believe this amendment should alleviate the concerns of some that the bill might put in place mandatory standards for infrastructure protection—again, despite the very clear language that already exists in the bill that standards are voluntary. It is my understanding this amendment will be considered as part of a broader set of solutions negotiated by Senator Lieberman, and whether our amendment comes forward or whether it is broadened into a managers’ package, I hope it will clarify this portion of the debate about mandatory. Voluntary is a good first step. The fact that this will be developed by industry working groups, the fact that this will not be subject to the lagging time of government bureaucracy or rulemaking, really, will move us in the right direction.

A second amendment, again, one I have been working on with Senator Snowe, is a bit more technical, and particularly as to my colleagues on the Commerce Committee, I hope we will be able to gain some support from them. This amendment seeks to ensure that the authority provided to DHS to sole-source highly specialized products will result in the procurement of interoperable, standards-based products and services whenever possible.

What does that mean in English? It means when government and industry work together, particularly during sole-sourcing of a solution set, too often—and I have seen this in my old industry of telecom years in and years out—people will develop a particular product or solution that works for that company’s only set of standards, and when the government subsequently or other private sector entities go on and buy or replace or expand whatever particular system it is, if it is not interoperable with the rest of the telecommunications system or the rest of the network, then we are really not getting value for our dollar.

Again, this is a small issue in the context of cyber security, but both Senator Snowe and Senator Whitehouse are important for the purpose of competition, and it should lower the overall cost of key technologies and services for the taxpayer.

So as I close on my first comments, I hope we will be able to move forward before the break on the question of cyber security. I think great progress has been made in the negotiations. I know there are a lot of issues that remain to be resolved to reinforce what so many other colleagues have already said. It is not a question of if we are hit by a cyber attack, it is only a question of when in terms of a major incident. Let’s get ahead of the game.

TRIBUTE TO FEDERAL EMPLOYEES
DIANE BRAUNSTEIN

Let me take two more moments and rise on one other issue. As many of my colleagues and the floor staff know, I spent a lot of time advocating to honor great Federal employees. With all of the challenges we face with the fiscal cliff—I see my good friend and partner here, the Senator from Oklahoma, and both he and I are always trying to look for ways we can get better value for the taxpayer. One of the things we need to do is find ways to reward and recognize the good work of so many Federal employees who share that goal of getting better value for the American taxpayer. I am grateful that the Senator from Oklahoma has particularly worked with the GAO on a number of occasions to find and root out duplication and other issues of where we can save dollars.

I came down on a regular basis to recognize Federal employees—because so many times they are underassault—when they do good things. Today I do that one more time, with recognition of another great Federal employee, in this case Diane Braunstein. She is the Associate Commissioner for the Office of International Programs for the Social Security Administration. She has...
overseen the creation of the Compassionate Allowance Program, which has allowed thousands of seriously ill Americans to gain quick approval for much needed Social Security benefits in a matter of days or weeks rather than months or years; although in this area of Social Security disability we need to make sure only the appropriate beneficiaries are receiving those funds.

For years, the Social Security Disability Insurance Program has faced backlogs and delays in processing claims. In 2011 there were on average 700,000 pending cases. We need to do a better job of evaluating and weeding out some of those cases. Couple this with what used to be a lack of case-worker knowledge on rare illnesses, and the result was a number of applications with rare illnesses being incorrectly denied Federal benefits. They then had to face an appeals process which took years to complete.

Beginning in 2008, Ms. Braunstein partnered with patient advocacy groups and the Social Security Administration to come up with a list of 25 cancers and 25 rare diseases that would automatically qualify an applicant to receive benefits. To further improve the speed and efficiency and cost effectiveness, this process and the ability to use reference guide and training program was put together to aid case-workers.

According to Social Security Commissioner Michael Astrue, when Ms. Braunstein began work on the Compassionate allowances, some Americans were waiting 2 to 4 years for a decision. Now those with the most devastating disabilities get approved for benefits in a matter of days. In 2010, the program was able to assist an estimated 45,000 people, and 65,000 people in 2011.

I hope my colleagues will join me in honoring Ms. Braunstein for her innovative and excellent work she has done as well as her commitment to public service.

Again, we have some hard choices to make beyond the question of cyber security, but as we approach this fiscal cliff there will be more asked of all Americans and there will be more asked of our Federal employees. We will have to continue to find ways to ratchet out those programs that are duplicative, those areas where we are not getting value for our dollar.

Again, I know this is an issue of concern to the Senator from Louisiana and the Senator from Oklahoma. But when we find initiatives that work, and we find Federal employees who are helping us provide value, particularly for those in need at a good price, they deserve this recognition.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, first, before I begin the topic I wish to speak about, I thank Mr. Warner, the Senator from Virginia, for his leadership. He has many Federal employees, many defense contractors in Virginia. He, as a Senator from Virginia, recognizes the great threat to our Nation today in cyber security. The Senator knows very well that there are literally thousands of attacks taking place as we speak. That is why we get ready to go back to our States for the August recess and we write our constituents, we are pressing very hard for a positive vote to move forward on the debate to fashion a cyber security bill for our Nation. So I thank the Senator for his leadership and, of course, the tremendous Federal employees who get beat up all the time but, in fact, do remarkable work for our Nation and for the world.

So I thank the Senator from Virginia.

(The remarks of Senator Landrieu pertaining to the introduction of S. 3472 are printed in today's Record under “Statements on Introduced Bills and Joint Resolutions.”)

Ms. LANDRIEU. I thank Senator Coburn for letting me speak in advance of his time on the floor. I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

ARMY WEAPONRY

Mr. COBURN. Mr. President, it is pretty unusual for me to come to the floor to say I want to spend money. But I have a personal appreciation for what our Army service men and women do for this country. I am aware of the Army's ongoing efforts to modernize and field new rifles, carbines, pistols, light machine guns, and ammunition for our troops in combat. Ms. Shyu has been very responsive to me and has provided some information regarding the Army's future plans for small arms and ammunition.

So when I started getting the questions from our troops in Iraq and Afghanistan, I started looking into what was happening. Most of our soldiers know exactly what to do and how to use their rifles. They know how to take care of it. So we looked into the issue. What we found was that there were several studies that raised questions about the reliability of the M4 rifle and whether there was a better weapon out there for our troops. The Defense Dept. operations forces report in February 2001 said the M4's short barrel and gas tube increased the risk that a round might not eject from the rifle properly after it is fired. In other words, they fire it and the round does not come out. That is called a jam—when you are having bullets coming at you and your rifle is jamming.

What we did was we set up a test, and the Army would not want to buy a weapon that would put our guys in a box. So they hired a contractor to do a study, and the contractor from the Army, among others, was trying to determine the best possible weapon out there. They looked at a number of weapons and ammunition for our troops in combat. That was in 2007.

Here we are, 5 years later, and the Army is now telling us we are going to complete a new competition in 2014. But in the meantime, we had a test done against our soldiers' rifle and others available in the world, in terms of a dust test, and we came in last.

We are sending our troops to defend us and fight for a cause that we have put blood, sweat, tears, and $1 trillion into, and we are sending them with one that does not work the best.

My question to the Army is, Why? I can tell you why. Because the guys who are responsible for making the decision on purchasing the rifles are not the guys who are out there on the line. Because if they were, we would have already had this competition and our people on the front line would be getting new rifles.

It is not that we cannot do it because we know how to do it because we learned—as we went back in

I started hearing about the malfunction, the lack of effectiveness of the M4 for the Oklahomans who were over there. It is the same weapon the career Army has. It is the same weapon everybody who is issued a standard rifle is given, except for our special forces and our special operations forces. They want a better rifle than the U.S. soldier on the ground fighting on our behalf.

I have noted before in the CONGRESSIONAL RECORD that I have lifted my objection to the nomination of Ms. Shyu to be Secretary of the Army for Acquisitions. It is an important position. She is in charge of $28 billion worth of expenditures. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition for our troops in combat.

Ms. Shyu has been very responsive to me and has provided some information regarding the Army's future plans for small arms and ammunition.

As I go through this, I am going to give a history of what the military has to go through. Mr. Secretary, you are responsible for making the decision. That is the decision you make. You are the Secretary of the Army for Acquisitions. You should be the one that makes the decision.

My question to the Army is, Why? I can tell you why. Because the guys who are responsible for making the decision on purchasing the rifles are not the guys who are out there on the line. Because if they were, we would have already had this competition and our people on the front line would be getting new rifles.
and reupped in Afghanistan—we determine that the MRAP was not suitable for the rocky terrain as compared to what we used it for in Iraq.

In less than 16 months and after rapid testing and fielding, new MRAP All-Terrain Protected Vehicles (ATPVs)—that was designed specifically for Afghanistan; a complicated piece of vital equipment, costing $4.5 million each—started arriving in Afghanistan.

So it is not that we cannot supply our soldiers with a new rifle. It is not that my future can be done. It is that we refuse to do it.

For $1,500, we can give every person on the line something equivalent to what our special forces have today.

Let me show some history.

The average age of our troops rifle is 26 years. The average age of the German military rifle, small arms, is 12 years. For the U.S. special operations forces, theirs is 8 years. Guess what. They have new technology. Our regular frontline guys, they do not get it. They have new technology. Our regular forces, theirs is 8 years. Guess what. In Afghanistan, 200 Taliban troops attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through our lines and entered the main base before eventually being repelled by artillery and aircraft.

What is notable about the battle was the perceived performance of the soldiers' small arms weapons in the initial part of the battle.

Here are some quotes:

My M4 stopped in the line and would no longer charge when I tried to correct the malfunction.

I couldn't charge my weapon and put another round in because it was too hot, so I got mad I threw my weapon down.

It would be bad enough if this was the first time it happened. But it is not the first time it has happened. It has happened multiple times to our troops in our present conflicts.

All the way back to what happened with the M16 when they were first used in Vietnam. There were instant reports of jamming and malfunctions. One tragic but indicative marine action report read:

We left with 72 men in our platoon and came back with 19. Have it or not, you know what killed most of us? Our own rifle. Practically every one of our dead was found with his M16 torn down near to him where he had been trying to fix it.

That is occurring now, except it is not getting any press. Again, I would ask my colleagues in the Senate: Why would we not give our soldiers the capability that almost every other soldier has except ours?

There is another aspect of this that I think needs to be shared; that is, the fact that it is all about acquisitions and culture rather than about doing the right thing. That is giving this talk critical of the leadership of the Army. But when it is going to take 7 years to field a new rifle and in 18 months we can build and design a completely new $500,000 piece of equipment, an MRAP, or when we can spend $5,000 per trooper to give them a new radio—which are all going to be replaced in the next 2 years with another $8,000—and we cannot give them a $1,500 H&K or something equivalent, there is something wrong with our system. Our priorities are out of whack.

If the Department of Defense had spent just 15 percent less on radios, they could give every soldier in the military a new, capable, modern weapon, and it does not just apply to their rifle.

One of the biggest complaints, after the M4, is the fact that the regular Army gets a 9-millimeter pistol that weighs less than a pound. But our special operations forces get a .45-caliber pistol that weighs less than 1½ pounds. That is a big difference when you are out there all day. But the most important thing is, a .45-caliber round is twice the size of a 9-millimeter round, so when you are shooting it and you hit somebody, it is going to take them down. A 9-millimeter does not. So we are giving them an inferior pistol throughout the military.

Then, finally, how is it that an M4 carbine looks like compared to an HK416, as shown on this chart. One other point I would make. This piece of equipment fires on automatic. This other piece of equipment—because the military wants to save some bullets—will not fire on automatic. So our soldiers are facing people who have automatic fire and they can fire in bursts of three and at half the rate of what they are facing.

The real question is, are we asking people to defend this country. For essentially the same amount of money, we can buy an old-style 25-year-old M4 or we can buy a brand new one that gives them everything they need and gives them the best weapon. Do they not deserve that?

A lot of people do a lot of things for our country. But nobody does for our country what the soldier on the front line does. This is a moral question, Mr. Secretary of the Army. This is a moral question. Get the rifle competition going.

Members of Congress, members of the Senate Armed Services Committee, do not allow to happen. There is no excuse for it. We should be embarrassed. Because what we are doing is sending our troops into harm's way with less than the best that we can provide for them.

As I have noted, I have lifted my objection to the nomination of Ms. Heidi Shyu to be the Assistant Secretary of the Army for Acquisitions. This is an extremely important position for an organization as large as the U.S. Army which spends $28 billion per year on acquisition of goods and services. My objection was due to the Army's continued lack of urgency in modernizing and fielding new rifles, carbines, pistols, light machine guns, and ammunition to our troops in combat. Ms. Shyu has been responsive to me and provided some information regarding the development of small arms and ammunition.

I first got involved in the Army small arms issue 6 years ago when Oklahoma National Guard soldiers told me that their issued weapon, the M4 carbine, was jamming in Iraq. These soldiers were told by their superiors that jamming resulted from poor weapons maintenance on their part and not from any fault of the rifle. While cleaning and proper maintenance of a weapon are extremely important, there is no fault in Iraq. A daily occurrence and any small arms weapon our troops use there should be able to fire reliably in spite of some sand and dust.

Also, the National Guard soldiers from my State—a case for Guard soldiers from many if not all of our States—are somewhat more likely to hunt or serve as police officers or security guards in their civilian lives. In other words, National Guard soldiers in the infantry generally better understand the need for better training and how to care for rifles. So my staff looked into this issue and found that there were studies that raise questions on the reliability of the M4 and whether there was a better weapon out there for our troops. For example, a special operations forces report in February 2001 said that the M4's short barrel and gas tube increased risk that round might not eject from the rifle properly after firing.

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system that—while vital—costs less than $2,000 each.

This 7-year effort differs greatly from their effort to field new armored combat vehicles in Afghanistan. According to the Government Accountability Office, the U.S. Army determined that the Mine Resistant Ambush Protected, MRAP, vehicle was not suitable for the rocky terrain of Afghanistan. In less than 16 months and after rapid testing and fielding, new MRAP all-terrain vehicles, a complicated task, arrived in Afghanistan. There are only 1.4 million troops on active duty so the Department of Defense has spent nearly $500,000 each—started arriving in Afghanistan.

In contrast, according to the Government Accountability Office, the Department of Defense spent more than $11 billion buying newer models of existing legacy radios from 2003 to 2011 and is currently planning on spending billions more on even newer radios to replace those that have become obsolete. The Army is using legacy radios throughout its history. In far too many instances U.S. Army troops have entered battle with inferior weapons to their adversaries and either during or after the war ended the Army was reluctant to change and adapt to the superior weapons.

In 1776 colonial forces faced the British at the Battle of Brandywine where the British used a new breech loading weapon that the Army did not have. As a result trained British soldiers could fire more than twice as fast as trained colonial American soldiers. The breech loading weapon was invented in the 19th Century War but where it was used, as such as at the Battle of Brandywine, it was described as acting magnificently: 93 British killed and 400 wounded compared to over 300 Americans that died, 600 wounded, and 400 prisoners captured.

However when Americans again fought the British in the War of 1812—36 years later—the Americans were still using the same muzzle loading weapon they fought with during the Battle of Brandywine. U.S. Army troops at war against Mexico in 1845 did not have breech loading rifles to carry muzzle-loading rifles when fighting against Mexico—nearly 80 years after the breech-loading rifle was invented.

During the Civil War one Union officer in particular was not satisfied with the Army’s standard muzzle-loaded rifle and decided to do something about it. Colonel Wilder, commander of the Union’s “Lightning Brigade” decided to go around the Army bureaucracy. His men spent $35 out of their pocket-money checks to buy Spencer Repeating Rifles direct from the factory for his mounted cavalry. In one of the first battles using this new rifle Wilder’s “Lightning Brigade” of 1,000 soldiers defended the Union flank against over 8,000 Confederate Troops. He could not pass. At one point one company of Colonel Wilder’s men held off ten times as many Confederate troops using their repeating rifles for 5 hours.

However, the Army did not widely adopt the Spencer Repeating Rifle until the Civil War. More than 30 years later in the Spanish-American War, 5,000 American soldiers armed with single shot rifles attacked fewer than 1,000 Spanish soldiers armed with a German ‘Mauser’ repeating rifle. Some of these German weapons won the battle by attrition (there were 10,000 U.S. troops in reserve), the U.S. Army suffered over 1,400 casualties, with 205 killed, while the Spanish lost fewer than 250, with 58 killed, before surrendering.

A telling American newspaper column title from 1898 aptly summarizes the problems: “The [U.S. Army] Gun: It is Inferior in Many Respects to the Mauser [rifle] used by the Spaniards. The army associates this failure with the “enemy’s [Spain’s] weapon is easier to load [and] can be fired more rapidly”.

The 20th Century would see a great deal of further modernization, improvement, and innovation in the area of small arms to include lighter fully automatic assault rifles capable of firing at a rate of more than 10 rounds per second rather than per minute.

The United States entered World War I with one of the last great battle rifles, the M1 Garand, but its success during that conflict may have blinded the Army to a revolutionary development in small arms: the invention of the modern lightweight fully-automatic assault rifle. From 1942 to 1944 Germany invented the world’s first automatic rifle—rifles that could fire 550 to 600 rounds per minute and held detachable 30 round magazines. However, it was not until over two years before U.S. Army soldiers were permitted to have lightweight automatic rifles.

Shortly after World War II ended the Soviet Union invented the AK–47 fully automatic assault rifle. The AK–47’s success is easily stated: over 90 million AK–47s or derivatives have been built. It is very likely a weapon that has inflicted more casualties than any other weapon on earth. Soviet troops had this rifle nearly 20 years before the United States Army would issue assault rifles to its soldiers.

In 1958, an American inventor named Eugene Stoner developed the AR–15 rifle in less than 9 months, which would eventually become the M16. This repeating rifle fired 3,200 rounds and fired at a rate between 700 and 900 shots per minute with little recoil and the lightweight but still deadly 5.56mm ammunition meant soldiers could carry more firepower than before.

It took the Chief of Staff of the Air Force General Curtis LeMay to purchase 85,000 of them for use by Air Force base defense airmen before they got into the military at all. The U.S. Army was strongly opposed to this automatic rifle. Some of these were used by Special Forces troops serving as advisers in Vietnam, increasing the pressure for the Army to adopt it. The Army initially refused the AR–15s stating the “lack of any military requirement.”

At this point, it should be clarified that the Army has used the phrase “lack of a requirement” for more than 50 years to justify slowing down and not innovating in the area of small arms. The first use of this phrase “lack of a requirement” in 2006 when asking why the Army couldn’t field a better carbine rifle that didn’t jam in the desert. I am hearing the same phrase today when I ask why soldiers can’t have a better light machine gun or pistol. Soldiers have complained about these weapons but they can’t have a new one because there is no “military requirement.” Congress is often frustrated by the term “military requirement” because it is used to deflect responsibility from the person using it. It says the Army is fearful of offering its judgment on whether or not someone made a weapon that is better than what the Army has, so it instead says that the weapon is not needed.

It took intervention by President Kennedy and Secretary of Defense McNamara to order the Army to adopt the M16 rifle—the military version of the AR–15. Then what happened in Vietnam was a tragic occurrence that took the direct involvement and investigation of Congress and deaths of thousands of soldiers to remedy.
When the M16s were first used in Vietnam there were nearly instant reports of jamming and malfunctions. One tragic but indicative Marine after-action report read:

We left with 72 men in our platoon and came back with 19. Believe it or not, you know how that is? Our own people. Practically every one of our dead was found with his M16 torn down next to him where he had been trying to fix it.

Before the necessary fixes could be made to the weapon which included switching back to the original type of ammunition propellant and issuing cleaning supplies in early 1967, nearly ten thousand American soldiers had been killed. Before the Army made the changes these soldiers were told—much as soldiers are told today—that problems with their weapons are their fault: a lack of care and cleaning or operator error. There is no formal process where soldiers are required to provide feedback to Army leadership on a jammed weapon in order to accurately note issues with reliability.

There were six warnings from various arsenals and offices within the Department of Defense as to the problems with the M16. However, the Army Material Command and Army senior leaders would not listen. It took public pressure and a massive congressional investigation by the House Armed Services Committee to get to the bottom of the problems with the Army’s small arms in Vietnam. It was discovered that the Army was using a different ammunition propellant—procured from a sole-source contract—that caused the M16 to jam. After Congressional intervention, the original propellant was used and the problems with the M16 nearly disappeared. After Vietnam, the Army formally adopted the M16 rifle and highway 1968 nearly all troops surveyed said they preferred the M16 to any other rifle.

The post-Vietnam era saw changes for small arms procurement may not be world fielded for military use that does not prohibit soldiers from firing on full three-round burst. The M16A2 is now the only major assault rifle in the world fielded for military use that does have a full automatic capability. As I said the problems we see with small arms procurement may not be sinister, but they are serious and they are current.

On July 13, 2008 in the Battle of Wanat in Afghanistan around 200 Taliban attacked U.S. troops at a remote outpost in eastern Afghanistan. The Taliban were able to break through U.S. lines and enter the main base before eventually being repelled by artillery and aircraft. What is notable about the battle was the perceived poor performance of the soldiers’ small arms weapons in the initial part of the battle. Some selected quotes from the report:

My M4 quit firing and would no longer charge when I tried to correct the malfunction.

I couldn’t charge my weapon and put another round in because it was too hot, so I got mad and threw the weapon.

Nine soldiers died and twenty-seven were wounded at the Battle of Wanat in Afghanistan.

For too much of its history from the Revolutionary War to today the Army has shown a slowness and reluctance to adopt improved small arms weapons and ammunition developed by others. It has also been slow to recognize and fix problems with its small arms. The Army has repeatedly engaged in poor negotiating and contracting on behalf of the American people. Senior Army leaders continue to go work for incumbent small arms manufacturers after they retire.

However, a major problem is also Congress. There have been far too few hearings and oversight on the topic of small arms. The House Armed Services Committee report in 1967 stands out as an exception to the point. Senior military leaders in uniform and civilians are regularly challenged and questioned—and in some cases chewed out—on all manner of programs and weapon systems here by Members of Congress including medical benefits, stealth fighter jets, missile defense, the size of the Army and Navy, and armored vehicles.

However, for some reason Congress, for the most part, has seen fit to give the Army a pass on small arms. For some reason the oversight committees responsible do not aggressively and regularly question whether the Army’s rifle—the most deployed weapon system for the last ten years—is the best that American industry can offer our troops. There are many small arms experts that are independent of the industry that can inform Congress on this issue. I call on my colleagues to hold long overdue hearings on this topic with independent witnesses as soon as possible and will continue my efforts on this issue to raise awareness and push the Army to procure the best weapons and ammunition for our troops.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DROUGHT

Mr. MORAN. Back home in Kansas, we are spending our time down on our knees and then looking up to the sky. We are praying and hoping for rain. Our State, along with much of the country, is in a very serious drought. Crops are dying. Cattle are hungry and are being sold off and water is in scarce supply.

Every county in Kansas, all 105, have now been declared disaster communities. Half of the continental United States is in the worst drought since 1956, and the situation is expected only to get worse. My friend Ken Grecian from Falco, KS—it is a little town in northwest Kansas—is pictured here with dry grass and hungry cattle. Over the past few weeks, Ken has had to reduce his herd at lower prices than before because there is not enough feed to feed the cattle. Ken is similar to many producers who have been diligently building their herds of cattle over many years and are now seeing those cattle sold due to the drought, undermining their efforts, year after year, to develop a herd.

Paul and Tommie Westfall from Haven, KS, just a little bit north and west of Wichita, and their two daughters Jenna and Raegan are pictured standing next to their failed crops. South central Kansas has been hard hit this year by the drought. The corn on the right never got above chest high and dried up months before it was time to harvest.

Paul swathed and will soon bale his failed beans on the left of the photo and try to save some of that for feed for cattle this winter. Hard times are there and they are not over.

The United States has a long history of drought and recovery. From the Dust Bowl to today, we have faced periods of drought. The thirties were often called the worst of hard times. Don Hartwell, a farmer on the Kansas and Nebraska border, captured how hard it was when he wrote this in his diary on May 21, 1936:

15 years ago, the Republican River bottom was a vast expanse of alfalfa and corn fields. Now, it is practically a desert of wasted, shifting sand, washed-out ditches, cockle burs, and devastation. I doubt very much if it ever can be reclaimed.

A few weeks later he wrote in his diary, “I wonder where we will be a
year from now?” In the 1930s, folks were faced with severe drought which resulted in the Dust Bowl. People were forced to abandon their farms and ranches and give up the only way of life they knew. Crops, livestock, and livelihood vanished with the dust. They thought of the imaginable times. Thankfully, those unimaginable times passed and the rains came and the Republican River bottom was reclaimed.

This happened with the help of the good Lord and by individual farmers and ranchers who refused to give in to those bad times, to give in to nature. If we look at the drought now and compare it to that of the 1930s, we will notice a huge difference. There is no Dust Bowl. The programs and conservation management tools that were used have worked. The forward-thinking American farmers and ranchers, the landowners who adopted new land and livestock-management practices have made conservation the most effective drought mitigation effort available today.

But conservation programs are in danger. While many conservation practices can be planned and executed by individual farmers and ranchers, certain programs administered by the Department of Agriculture deserve our attention so these important initiatives do not expire on September 30. In just about 60 days, farm programs will expire, and that means more uncertainty and at already disastrous drought situation.

Right now, farmers and ranchers are wondering the same thing Don Hartwell wondered in 1936: Where am I going to be 1 year from now? As Congress debates the future of domestic agricultural policy, it is critical risk mitigation tools are included for farmers and ranchers. Most important among these tools is crop insurance. With the absence of direct payments in both the House and Senate versions of the Farm Bill, a new farm bill, crop insurance is and will remain the last protective tool available to those producers.

Viable crop insurance ensures that a farm operation can survive difficult times, when there is drought or hail or flood, in hopes that they can experience a successful yield the following year. Farmers always have hope: Tough times now? Come back next year. But crop insurance, as valuable as it is, does not cover all the problems agrarian families face. And particularly livestock producers are not usually generally eligible for crop insurance coverage.

These producers require risk mitigation and a safety net just like producers covered by crop insurance. Disaster programs for livestock, along with crop insurance for cultivation agriculture, give producers the security they need to plan and invest for the future.

Currently, ranchers and cattlemen are left with few disaster programs. The 2008 farm bill disaster farm programs expired this year, leaving producers across our drought-stricken country with less protection from Mother Nature. These programs are an important safety net for farmers and ranchers. Farmers and ranchers such as Ken and Paul deserve to know what the future of these programs will be.

We should not expect producers to plant crops or to buy and sell livestock if they do not know what the rules are. Putting these programs back in place and ensuring a sound safety net is vital for drought recovery, continued conservation and affordable, secure food supply for the people of our country. Kansas farmers and ranchers should not have to keep guessing. It is too important to their families, their industry, and their Nation for more delay.

We must give agricultural producers the long-term certainty and support they deserve. While we wait for Washington, we will continue to hope and pray.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on the motion to proceed.

CLIMATE CHANGE

Mr. KERRY. Mr. President, a number of us have spoken with increasing concern—I think probably most Senators have come to the floor in the course of the last months to express their alarm about the politics that surround big issues in our country that demand action and not partisanship, not acrimony, but which we continue to simply find a way to avoid. We have been artists in the politics of avoidance here in Washington over the course of too long a period now.

The debt and the fiscal cliff are obviously perfect examples of where, despite all of the warnings and all of the expert advice we get, Congress is fundamentally stuck in political cement of our own mixing. No one will credibly deny here the existence of the fiscal cliff, the crisis of our budget, the tax system, and so forth. So that, at least as an issue that is avoided, gets a credible amount of words being thrown at it.

But there is another issue that, in many ways, is just as serious because of its implications for all that we do on this planet. And that is climate change, which doesn’t any longer elicit that kind of concern or expressions of alarm on both sides of the aisle, or from that many Senators. The two words that have described this particular issue over a long period of time now have actually become somewhat of almost skepticism in many quarters in America, or a kind of shrug, where people say: I don’t know what I can do about it. It is not something I ought to worry about. Somebody else will take care of it, or maybe it is not real. Those words are “climate change.”

Climate change, over the last few years, has regrettably lost credibility in the eyes and ears of the American people because of a concerted campaign of disinformation, a concerted campaign to brand the concept as somehow slightly outside of the mainstream of American political thinking. I have to tell you, it has been a remarkably effective campaign. You can’t sit here and say it hasn’t worked. Every opportunity to cast a pall on facts with some kind of cockamamie theory has been taken advantage of, and a lot of money has been spent in this process of disinformation and dilution.

People used to joke years and years ago about those who argued that the Earth was flat. For a long period of time, people argued that the Earth was flat, even though the evidence of astronomers and explorers evidenced that it was in fact quite the opposite. So we have, in effect, with respect to climate change in America today what is fundamentally a “flat Earth caucus”—a bunch of people, some in the U.S. Congress, who state all of the evidence, that somehow we don’t know enough about climate change or that the evidence isn’t sufficient or that it is a hoax. We have Members of the Senate who argue it is a flat Earth hoax. But they do.

They make the argument it is a hoax, but they don’t present—and they can’t—any real, hard, scientific, peer-reviewed evidence to the effect that it is in fact a hoax. The reason they can’t do that is simple. We have reviewed evidence to the effect that it is not a hoax. The reason they can’t is because the science is not one—not one, zero—peer-reviewed analysis that says humans are not doing this to the atmosphere and that humans are not contributing or the main cause of what is happening in terms of the warming of the surface of the Earth. What has happened is that in America we all know it. We are seeing it in campaigns because of Citizens United. You have these amounts of money being thrown into the political system—millionaires and billionaires who plunk down millions of dollars—a $10 million or $20 million check at a whack—and then what is happening is people buy their facts. They create facts out of whole cloth.

As we all have been reminded so many times in the last year, certainly, because of this new debate we are having in America—as our colleague, with whom I was privileged to serve here, Pat Meehan, remind us again and again, everyone is entitled to their own opinion in America, but you are not entitled to your own facts. But in fact, in
American politics today, that is not true. Apparently, you are, because you can go out and buy them. You can buy some scientist to whom you give some appropriate amount of funds, and he does a study with a particular conclusion he found, and these corporations produce a whole bunch of hurly-burly to suggest that those are, in fact, facts.

The result of this is that over the last year and a half or 2 years, we have had this concerted assault on reason, an assault on science. This isn't the first time in the history of humankind we have been through these things. Galileo was put on trial for his findings and, as we all know, there have been countless periods of time—that is why we went through an Age of Enlightenment. Age of Reason, as people challenged these old precepts that weren't based on fact but were sort of raw belief and/or political interests in some cases, or religious interests in some cases. We had the history. Senator Tenenberg, the occupant of the chair, and Senator Franken have recently spoken out about this very process by which we had important, legitimate issue of concern to all Americans—to everybody in the world—is being completely sidelined because of the status quo interests of powerful corporations and other interests in America that don't want to change, or some of whom find political advantage in somehow buying into the theory discrediting it.

This has not been an issue on which there is a profile of courage by some in the U.S. Congress who are prepared to stand up and say what they know is true, but what has become far more convenient to avoid. I believe the situation we face is as dangerous as any of the sort of real crises that we talk about. In addition, there is not one person in the Senate who doesn't know that we are dealing not only with climate change. If you have an effective energy policy, then you are dealing not only with climate change, but we are still more dependent than we want to be on foreign oil. We are better than we were, and we have made improvements, but we are still more dependent than we want to be on foreign oil. We could be doing better with respect to that if we pursued an intelligent energy policy. We still don't have an energy policy after the years we have been here. We can do them. In fact, it is exactly the opposite. With respect to pollution, there are choices, and with respect to health, the single greatest cause of young Americans going to the hospital in the summertime and costing billions of dollars to the American people is environmentally induced asthma. That environmentally induced asthma comes about as a consequence of the ingredients that go into the air. All of this is related.

Today we had a hearing in the Foreign Relations Committee on the subject of Syria. We all know what is happening with respect to Iran and nuclear weapons, and even the possibility of a war. This issue actually is of as significant a level of importance because it affects life itself on the planet, because it affects ecosystems on which the oceans and land depend for the relationship of the warmth of our Earth and the moisture that feeds all of the interactions that occur as a consequence of our climate. It involves our health because of policies that we do or don't choose to pursue with respect to pollution in the air.

Polution didn't use to be a question mark in American politics. We fought that fight in the 1960s and 1970s. Rachel Carson started this enormous movement for reasonableness when she warned Americans they were living next to toxic wells and water that had been contaminated with mercury or other poisons into the Earth, which went down into the water supply, and people got cancer and died.

America decided in the early 1970s—with the first Earth Day in 1970 itself, and the actions that Congress took after that in response to the American people—everybody decided we didn't want that pollution in the air. We actually passed legislation in 1972, 1973, and 1974 that established the EPA. America didn't even have an Environmental Protection Agency until Americans said we want to be protected, and the people in Congress responded to that. We passed the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Marine Mammal Protection, Coastal Zone Management, and all of these came about because of an awareness among the American people because they wanted to make a different set of choices or have their politicians do so on their behalf. Now, suddenly, there is an assault on the EPA, the Clean Air Act and, all of a sudden, pollution doesn't matter. That is what we are talking about. Greenhouse gases are, in fact, a pollutant. The particulates that come with that have the same effect on human beings in terms of their breathing, their lungs, the input in some of their food and water, which ultimately goes into other kinds of diseases that come as a consequence of the quality of air we breathe. Yet we have this whole notion now that somehow we have gone too far, that we have done enough, or that the job has been done and we can go home, when, in fact, it is exactly the opposite. With respect to pollution, there are choices, and with respect to health, the single greatest cause of young Americans going to the hospital in the summertime and costing billions of dollars to the American people is environmentally induced asthma. That environmentally induced asthma comes about as a consequence of the ingredients that go into the air. All of this is related.

In addition, there is not one person in the Senate who doesn't know that we are still more dependent than we want to be on foreign oil. We are better than we were, and we have made improvements, but we are still more dependent than we want to be on foreign oil. We could be doing better with respect to that if we pursued an intelligent energy policy. We still don't have an energy policy after the years we have been here. We can do them. In fact, it is exactly the opposite. With respect to pollution, there are choices, and with respect to health, the single greatest cause of young Americans going to the hospital in the summertime and costing billions of dollars to the American people is environmentally induced asthma. That environmentally induced asthma comes about as a consequence of the ingredients that go into the air. All of this is related.

Why is that important to climate change? Because energy policy is the solution to the problem of climate change. If you have an effective energy policy, then you are dealing not only with your independence issues, but with the sources of carbon and other greenhouse gases that are causing the problem today. Twenty years ago this year, I was privileged to go with the Senator from New Jersey, Senator Lautenberg, Senator Chafee, Senator Al Gore, Senator Wirth and others, down to Rio, where we took part in the first Earth Summit, which President George Herbert Walker Bush took seriously. To the great credit of George H. W. Bush, he not only sent a delegation, he personally went down there and spoke about the issue. He helped to embrace a forward-leaning idea. I think 160 some nations signed a set of agreements to try to get their greenhouse gases. That was back in 1992. It was incredible.

Here we are, 20 years later, and we could not even get the time for the Senate to send down a resolution that there, let alone enough people who thought it was important and of interest. The Earth summit, 20 years later, came and went without any major step forward or progress, and the procrastination continues.

Mr. President, today I remember the debate when we came back from Kyoto in 1998 or so, and we had a debate in the Senate about whether the United States should take part in the Kyoto Treaty. We all know now, as a matter of history, that Kyoto was viewed as being too unilateral. In fact, everybody had the question of, what about China? We can't possibly sign up for this because China will not do it, and they will go racing ahead of us, only to have China set the standard at the expense of the United States.

Well, Mr. President, guess what. Today China is the leading clean energy producer in the world. China, The United States of America invented the telephone, the radio, and the Internet. We saw it with personal computers and the rest of the telephone communications technology such as turbines, the transmission, and so forth, and photovoltaics. About 4 years ago, China had about 9 percent of the market. That was 4 years ago. Two years ago, China had 40 percent of the market. Today China has over 70 percent of the global solar market, and the United States, which invented the technology, doesn't have one company in the top 10 solar panel producers, so energy producer in the world.

You know what is happening. Ninety-five percent of what China produces it exports to other countries, including the United States. So here we are, we give up our lead, and we don't get the jobs. Everybody is screaming about jobs. The energy market is a $6 trillion market with about 6 billion users. Just to put that in perspective, the market that created the great wealth of the 1990s in the United States was in fact a $6 trillion market that has been solarized. That was the technology market. We saw it with personal computers and with the rest of the telephone communications technology of the 1990s. We didn't even have an Internet in the United States until about 1995 or 1996, a technology that began to become solarized. Yet in that short span of time we created more wealth in America than we had ever created at any time in America's history. We created 23 million new jobs because we led in that new industry.

Here we are today staring at the potential of this extraordinary industry—the energy market—and we are just
sitting on our hands while other countries take it and run with it and grow their economies. We are sitting around saying: Where are the jobs?

It is an insult. It is an insult to our intelligence. It is an insult to every American's aspirations about where they would like to see our country go. And the fact is it is not just China, but India, Mexico, Brazil, South Korea, and countless other countries have taken great advantage of this than the United States.

One of the principal reasons we have trouble getting that market moving is we refuse to put a real price on the price of carbon. Carbon has a price. Everything we are doing to our country and to our communities today as a result of pollution is a price we are going to pay. But that price is not subsumed into the price of products, the price of doing business or anything else because we just avoid it altogether.

A lot of people here continue, unfortunately, to avoid the science and just not deal with the reality of what is happening. But 2 days ago, Mr. President, York Times, there was a very important op-ed that appeared, written by a well-known climate skeptic Dr. Richard Muller, a professor of physics at the University of California at Berkeley. He has written many books, many times he did not believe the science was adequate or had produced it. Let me read his words. This is Dr. Muller:

Call me a converted skeptic. Three years ago I was in the previous climate studies that, in my mind, threw doubt on the very existence of global warming. Last year, following an intensive research effort involving a dozen scientists, I concluded that global warming was real and that the prior estimates of the rate of warming were correct. I'm now going a step further: Humans are almost entirely the cause.

That is what this former climate skeptic has said. Bottom line: We need to be armed with the facts, not with empty rhetoric. That is exactly what Dr. Muller set out to do. Let me quote him again:

We carefully studied issues raised by skeptics: biases from urban heating (we duplicated our results using rural data alone), from data collection selection (prior groups selected fewer than 20 percent of the available temperature stations; we used virtually 100 percent), from poor station quality (we separately analyzed good stations and poor ones) and from how the scientists had adjusted (our work is completely automated and hands-off). In our papers we demonstrated that none of these potentially troublesome effects unduly biased our conclusions.

Now, obviously, we all know the future has a hard way of humbling people who try to predict it too precisely, but I have to say when the scientists were screaming pretty consistently over a period of 20 years—and not just screaming at us to say it is coming back correctly but that it is coming back with faster results in greater amounts than the scientists had predicted—as a matter of human precaution that ought to be an alarm bell and people ought to take note.

Here again is what Dr. Muller says:

What about the future? As carbon dioxide emissions increase, the temperature should continue to rise. I expect the rate of warming to proceed at a steady pace, about one-hundredth of a degree a half decade in the next 50 years, less if the oceans are included.

And then he says ominously:

But if China continues its rapid economic growth—

And I say, as a matter of parentheses, who doesn’t believe China isn’t going to do everything in its power to continue its growth path and do what it is doing? So he says:

But if China continues its rapid economic growth (it has averaged 10 percent per year over the last 20 years) and its vast use of coal (it typically adds 1 new gigawatt per month), then that same warming could take place in less than 20 years.

Less than 20 years, folks. In North Carolina recently State Senators actually voted not to do any planning for the potential sea level rise, even though scientists today tell us the sea level is rising. Ask insurance companies about what they are thinking in terms of their potential exposure and liability as we look down the road with this unmitigated disaster that could come as a consequence of these changes.

So the plain fact is we have all of the evidence—and I am not going to go through all of it right now, but it is there. We have virtually countable studies of what is happening in terms of the movement of forests—literally, movement—as it migrates, and species that have left Yellowstone National Park and migrated north. Talk to the park rangers. Talk to the folks in Canada and in Colorado and Montana and other places about the millions of acres of pine trees that have been destroyed by the pine bark beetle that now doesn’t die off because it doesn’t get as cold as it used to. Talk to the people in the Northern United States who used to skate on ponds that used to freeze over but that don’t freeze over anymore.

There are hundreds of examples. Talk to the Audubon Society. Ask them about the reports from their members about certain plants and shrubs and trees that don’t grow in the same places they used to. There is a 100-mile swath in the United States now where there has been a migration of things that grow across that are going to have a profound impact on agriculture in our country as we go forward if it continues. And I would just share with my colleagues why that is true beyond any scientific doubt.

The first scientists who actually wrote something about global climate change was a Swedish scientist by the name of Arrhenius, and he wrote around the turn of the 19th century—1890 or something, I don’t remember the year. But he is the guy who first said that there is a relationship to the gases trapped in the atmosphere and this thing called the greenhouse effect. In fact, science has now determined to a certainty the reason we can breathe on Earth today, the reason it is warm enough for us to live, the reason life itself exists on Earth is because there is a greenhouse effect. And it is called a greenhouse effect because it behaves just like a greenhouse.

The light comes down from the Sun at a very direct angle on many things on Earth and is reflected back from things such as the ice and snow and off roofs and parking lots and other things. But in the ocean and in certain other dark spots, that gets drawn into that mass, and it goes back much more opaque than it comes down in its directness. The reason, therefore, for the greenhouse gas is that it doesn’t escape. It doesn’t break out of the thin veneer of the atmosphere that contains the gases that create the greenhouse effect, which actually creates an average temperature globally of about 57 degrees Fahrenheit.

That is why life can exist; we have a greenhouse effect. And it stands to absolute high school, if not elementary school, logic, if a certain amount of gases are contained, and there has always been balance to some degree, and you add to that massively and thicken the amount that is there, less heat is going to escape and we wind up augmenting that effect of the greenhouse.

Scientists tell us now—and I am not a scientist, but I learned how to listen to them and at least read the science and try to think about it—that in order to keep the temperature of the Earth somewhere near where it is today or within the permissible range of change, we have to keep our greenhouse gases at—originally, they said—450 parts per million. As they then noticed the damage and did more calculation, they came and said: No, 350 parts per million.

Why is this important? Because today, as we are here assembled in the Senate, we are now at 397 parts per million. We are above where they say you have to hold it. And worse, without doing anything—and really doing anything—we are only adding amounts; we are moving at a rate that will take it up to 500 or 600 parts per million. If that happens, we will be at a tipping point with respect to the amount of temperature change—5 to 7 degrees—and nobody can predict with certainty what happens, except that we know the ice already melting in Greenland and in the Arctic will melt faster and disappear. As more water is exposed, that dark water will subsume more of the heat, and the heat creates greater, more rapid melting. And that is exactly what scientists are seeing in the Arctic and Antarctic today, where whole blocks of ice the size of the State of Rhode Island have broken off and dropped into the sea and floated south to melt.

There are dozens of other examples of what is happening. I said I wouldn’t go into all of them today. I would just say
to my colleagues, please read and chal-
gen the science and talk to the people
who are the peer reviewers of these
analyses because we have a responsi-
bility here, to future generations and
to all of us, to try to get this right.
And while the balance of right and wrong,
I don’t base the judgment some people are
making.

We know this is a $6 trillion market.
We know that if we were to price car-
bon, the marketplace would move rap-
idly toward the kinds of technologies
and new job creation that would re-

do to pricing and the United States

could become a seller of these
technologies and a builder of these new
energy capacities in various parts of
the world.

Astonishingly, the United States of
America doesn’t even have an energy
grid. The east coast has an energy grid,
the west coast has an energy grid,
Texas has its own energy grid, and
from Chicago out to the Dakotas, there
is sort of an energy grid. But the entire
center of the United States is just a
great big gaping hole where we don’t
have any connected energy trans-
mission capacity, and the result is that
we can’t produce renewable energy
down in an energy grid. But the entire
United States has no grid, and that’s
a real challenge.

We need to build a national energy
grid, and in the building of that grid,
there are countless jobs to be created
for Americans and countless tech-
nologies to be developed. For every $1
billion we spend on infrastructure, we
put 27,000 to 35,000 people to work. If
we passed our infrastructure bank effort
here in the Senate, for $30 billion of
American leverage, we could have
$650 billion to $700 billion of infra-
structure investment paid for by Chi-

dian investment, by Arab Emirates
investment. It wouldn’t cost the Ameri-
can taxpayers a dime to be building
America and putting people to work.
We are not doing it, and we are not
even building the energy grid of our
Nation.

I must say to my colleagues, the
avoidance here of responsibility for a
whole host of choices we ought to be
making—and obviously, yes, it begins
with the deficit and the debt, and we
can deal with those issues. There isn’t
a person in the Senate who doesn’t un-
derstand what the magic formula is
going to be to do that. But everybody
wants to wait until the end of the elec-
tion. I got it. But this issue has been
waiting and waiting for 20 years now
while other countries are stealing our
opportunities to be able to be in the
marketplace and winning.

Nothing screams at us more than the
need to have an energy policy for our
country that begins to address the re-

alities of climate change, and nothing
screams at us more than to tell the truth
to the American people about cli-

mate change, to stop having it be an
unnatural word in American politics and
to not to allow it to become a source of
attack and ridicule with nonfacts and a
bunch of theories that have no foundation in science or in the
kind of analysis that does this institu-
tion justice.

I hope over the course of the next
months we can have this fight because
nothing less than our economic fu-

ture—which is, in the end, our greatest
strength for our military, for our secu-

rity, for all of our objectives—that is
what is at stake in this effort. I hope
we will finally wind up doing what is
t.

The PRESIDING OFFICER (Mr.
MERKLEY). The Senator from New Jer-
sey.

Mr. LAUTENBERG. Mr. President,
before the senior Senator from Massa-
achusetts leaves the floor, I wish to
commend him for his constant leader-
ship on matters of a better environ-
ment, more effective ways to get our
energy from the wind and the sun to
the environment and putting what amounts to
toxins in the air. I congratulate
him for his constant leadership in this area.

SAFE CHEMICALS ACT

Mr. President, one thing Democrats
and Republicans share a desire to
keep our children and grandchildren
safe and healthy. Many of us remember
the days when we simply counted to
make sure our newborns had all of
their fingers and toes and breathed a
breath of relief, but parents today face
many more threats. As industrial
chemicals have more common in con-
sumer products, we have seen an in-
crease in certain birth defects, child-
hood cancers, and behavioral disorders.
That is why I have written legislation
to reform our chemical management
system and give parents peace of mind
about chemicals in household products.
My Safe Chemicals Act passed out of
the Environment and Public Works
Committee last week, and I hope we
will finally wind up doing what is
right.

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We think of the home as a place
where our families are safe. We don’t
expect the carpet in our bedrooms, the
shampoo in our showers, or the deter-
gent in our laundry to pose a threat to
our family’s health. Many everyday
products contain chemicals. Most
Americans just assume those chemicals
are safe and proven safe. But for the
vast majority of chemicals in products
in our homes, safety testing is
not required, and we look at the arti-
cles that suggest what kinds of things
we are talking about.

Every evening, millions of American
kids wake up in beds that have been
treated with chemicals, their break-
fasts are cooked on pans coated with
chemicals, and their plates are cleaned
with chemicals. Today, EPA lists more
than 80,000 chemicals in its inventory,
many of which are in regular household
products—products that our children
are exposed to every day.

We see here a child getting a bottle.
It is made of plastic, and we don’t real-
ly know what is in it. I think we can
all agree that a chemical that comes
into contact with a child should be
tested to see if it is safe.

Mr. President, if not most chemicals in
products are safe, but we know some are
not. There have been too many cases of
toxic chemicals showing up in our
everyday lives that have horrible health
effects, and we have found that out
only after our families have been ex-
posed.

Recently, the Chicago Tribune ex-
posed the latest example of untested
chemicals wreaking havoc in our bod-
ies. The Tribune reported that flame
retardants are widespread in furniture,
electronics, and other items through-
out our homes. In fact, the average
couch contains 2 pounds of chemical
flame retardants.

As we see here, a sofa like this looks
safe, it is all good and could come,
but there could be chemical ma-
terials in there that are releasing toxic
fumes. Chemicals in products don’t al-
ways stay in products. Many of them
find their way into our bodies. It is not
clear that we are safe with any of these
products because we don’t know just
exactly what is in there.

In fact, the Tribune tragically found
that a typical American baby is born with
the highest concentrations of flame retardants in the world. And
these retardants are highly toxic. Children born with high con-
centrations of flame retardants can suffer devastating conse-
quences for the rest of their lives. Flame-retardant
chemicals have been linked to cancer,
developmental problems, and other
health risks. High levels of these
chemicals put newborns at greater risk
of low birthrates and birth defects, and
then in childhood they face lower IQs
and problems with fine motor skills.

Even in adulthood, women who were
born with flame retardants in their
blood can have trouble becoming preg-
nant. Imagine, we are setting our chil-
dren back from day one, before they
have taken their first breath.

Flame retardants are just one exam-
ple of the problems with our chemical
safety system. According to the Cen-
ters for Disease Control and Preven-
tion, Americans typically have 212 in-
dustrial chemicals—including 6 that
cause cancer—coursing through their
bodies. We know these chemicals can
have serious health effects. We can see
what kinds of health effects. Chemical
exposure accounts for as much as 5 per-
cent of childhood cancers, 10 percent of
diabetes, 10 percent of Parkinson’s dis-
 ease, and 30 percent of childhood asth-
ma. That is not a very comforting idea.

These chemicals are still around and
untested because the 35-year-old law
that is supposed to assess and protect
against chemical health risks is bro-
ken. That law, called TSCA, is so se-
everly flawed that the nonpartisan
Government Accountability Office tes-
tified that it is “a high-risk area of the
law:” I want to repeat that. The law called TSCA is so severely flawed that the Government Accountability Office testified that it is “a high-risk area of the law.” That is a credible government department saying this is a high-risk area of the law. 

Of the more than 80,000 chemicals on EPA’s inventory, TSCA has allowed testing of only around 200 chemicals and restrictions on only 5. That is more than 80,000 chemicals that are being used right now in EPA’s inventory, that might affect children or adults in a household.

Until this law is fixed, toxic chemicals will continue to poison our bodies and threaten our health. This status quo is dangerous, and it is unacceptable. We have heard from parents across the country that we should not wait any longer for reform. We had a demonstration here in Washington just a few weeks ago with people asking for safer chemicals now. They are worried about their children. They do not want their children exposed to chemicals that might injure their health.

It is easy to do. These chemicals should be tested before they are made into products, and then we don’t have to worry about whether we are doing something that puts our kids at risk. We have already waited too long. Entire generations have grown up in homes filled with untested chemicals. Every year, more chemicals are introduced into our homes, get sick, and more lives are put at risk.

I was proud when the Environment and Public Works Committee took an important step last week by passing the Safe Chemicals Act. We began working on TSCA reform in 2005. In the 7 years since, we have explored the topic from many angles. We talked to scientists, workers, business leaders, State officials, firefighters, researchers, legal experts, and parents who are concerned about their children’s health. We also heard from Senators on both sides of the aisle. Throughout this process, we have listened and we have learned.

The result is a commonsense bill that lays out a vision for strong but pragmatic regulation of chemicals. The bill requires the chemical manufacturers to demonstrate the safety of their products before they end up in our bodies. We already require this for pharmaceuticals, so there is not any reason we should not require the same of industrial chemicals that are found in products in our bodies. The European Union, Canada, other countries require safety testing, but Americans remain unprotected. That is not acceptable.

I have received letters in support of the Safe Chemicals Act signed by more than 300 public health organizations—businesses, environmental organizations, health care providers, labor unions, and, again, concerned parents. Twenty-four Senators have cosponsored my Safe Chemicals Act and I believe the full Senate should now be given a chance to vote for or against the testing of these industrial chemicals. We want to debate it on the floor of the Senate. We want families to know what we are thinking about as we go through this process. They deserve to know the government cares more about their kids’ health than the concerns of the chemical industry lobbyists.

I come to this conclusion: There is risk out there that we take unnecessarily. It is time to take action to clear up the worst provisions of the law for the chemical manufacturers so they would not have to worry about responding to challenges from laws in 50 States but rather be under one guideline that takes care of them all.

It is time to take action. The health of our children is at stake. I hope my colleagues across the Chamber will stand and say yes, you are right, it is time we challenge what we know is an exposure that should not exist. Simply doing business require the process very quickly, letting us know that everything we have that has a chemical component to it is safe for our use.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent on the order for the quorum call to be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

PROGROWTH TAX REFORM

Mr. HOEVEN. Mr. President, I rise to speak on the need for progrowth tax reform. It is a subject I have been here on the Senate floor speaking about repeatedly over the course of the year and certainly over the course of the recent weeks.

Last week the Senate voted on several tax measures. One of the measures was a measure we offered which would continue the current tax rates for a year, giving us an opportunity to engage in progrowth tax reform. That bill was defeated in the Senate.

The other bill, a bill which I voted against, was a bill that would raise taxes on approximately 1 million small businesses in this country. In fact, that bill was passed. But the fact is that many times in this chamber, let’s say the American manufacturing sector has to start in the House of Representatives. In fact, that is what is going on today. They are voting on a measure that would extend the current tax rates for a year, giving us the opportunity to engage in progrowth tax reform. That bill did not pass in the Senate.

I believe that is exactly what we have to support in the Senate as well. The measure the administration favored, and that was earlier passed, as I say, will be blue-slipped so it will not take effect, but the problem with that measure is it would raise taxes on individuals and small businesses. Almost a million small businesses across this country would pay higher taxes and that would slow growth in our economy. It also raises taxes on capital gains and it raises estate tax as well.

Let me talk about the estate tax or the death tax provision for a minute. Right now the estate tax provides an exemption on the first $5 million and then amounts in an estate over that $5 million threshold are taxed at 35 percent. However, reverting to the pre-2001–2003 tax rates, which happens at the end of the year unless action is taken—unless action is taken by both the House and the Senate to extend the current rates—then we revert to the tax rates before the 2001–2003 tax reductions. That means instead of a $5 million exemption and a 35-percent tax rate on estate tax or the death tax, we would have to pay the tax at 55 percent on an estate over that with a 55-percent tax rate after that.

Think about what that means to our farms and our small businesses across the country: 24 times more farms will then be in an estate tax situation and something like 11 million businesses will be in an estate tax situation. What does that mean? What it means is when a family member dies and it is time to pass on that farm or pass on that business, they are going to have to use up a large portion of the estate to pay the estate tax. That farm or that business is going to have to generate enough revenue to pay that estate tax. If you cannot pay that estate tax at 55 percent of the value of what you are passing—if that business or that farm cannot service that level of debt, then you have to sell that farm or sell that small business, which may have been in the family for many generations. Remember that those farms, those ranches, those small businesses are the backbone of the American economy and here we are, at a time when we have 8.2 percent unemployment and we are trying to get this economy going and we are putting our small businesses across this country in that situation.

That is why it is so important that we act. That is exactly what we have proposed. We have said rather than putting our economy in that situation please sign the bill and extend the current tax reform into the absence of a quorum.
the President—who came out that he supported doing exactly what I laid out because, he said, we can’t raise taxes in a recession. He said raising taxes would hurt the economy and would hurt job creation.

If you look at the statistics today, we are actually in a more difficult economic situation now than we were then. Unemployment is at 8.2 percent and has been over 8 percent for more than 41 straight months. There are 13 million people who are out of work. 13 million people are underemployed which makes 23 million people either looking for work or looking for a better job. Middle-class income has declined from approximately $55,000 to about $50,000 since this administration took office. Food stamp usage has increased from 32 million recipients to 46 million recipients, and as we have seen, economic growth is about 1.5 percent.

As far as job creation, there were 80,000 jobs gained during the month, but we actually lost 13,000 jobs during the month just to keep up with population growth and not have our unemployment rate increase. So these are the facts, and the facts speak for themselves. We need to extend the current tax rates at the end of the year, and we absolutely need to get started, and get started now, for the good of the American people and the good of our country.

If I may, I want to close on one short message; that is, as the House works on a tax measure—as I described today—to extend the current tax rates and put us in a situation where we can truly engage in progrowth tax reform. I also urge my colleagues in the House to make sure that at the same time they are acting on farm bill legislation and not just the drought legislation.

We passed a farm bill in this Senate several weeks ago on a bipartisan basis. I hope they are able to do the same thing and pass a farm bill in the House on a bipartisan basis as well that we can go to conference with. I believe the bill we produced in the Senate and the bill they have produced in the Agriculture Committee can be brought together in a conference committee. We can pass a farm bill that will be cost effective, will save money, and help reduce the deficit. The bill we passed would generate $23 billion in savings to help address the deficit. It would provide the right kind of safety net for our farmers and ranchers—cause our farmers and ranchers produce the highest quality, lowest cost food supply in the world. That benefits every single one of us, not to mention creating a lot of great jobs throughout the country.

So I call on the House to act on that farm bill as well as engage in the kind of progrowth tax reform that I know will truly benefit our country.

With that, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be suspended.

The PRESIDING OFFICER (Ms. KLOBUCAR). Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Senator INHOFE pertaining to the introduction of S. 3473 are printed in today’s Record under Statements on Introduced Bills and Joint Resolutions.)

Mr. INHOFE. Madam President, I have a little bit of a problem in that I do not want to take time from the Senator who is in line to speak after me. But I would like to note that there have been several things that were said on the floor today concerning this whole idea of global warming. We had a hearing this morning. It was kind of revealing because they have done everything they can to pass cap and trade, and it has not happened.

I wish to correct some statements that were made by Members. When the time comes that I have about 20 minutes to do this, I will do that. It will probably have to be later today because of the clock now. I yield the floor for my friend to take his turn.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, I rise this afternoon in support of the bipartisan Cybersecurity Act of 2012, and I wish to share my concerns about the very real cyber threat facing our country. Most importantly, I urge my colleagues to move forward with the passage of this pending cyber security bill for the good of our national security.

Top experts and respected members of both political parties have told us that time is wasting; we must debate and pass this critically important piece of legislation.

Cyber security policy is an issue with which I am deeply involved, given my seats on the Senate Intelligence Committee and the Senate Armed Services Committee. Moreover, Colorado’s military and defense communities play a prominent role in defending our country, the United States, against cyber attacks.

The Air Force Space Command, located at Peterson Air Force Base in Colorado Springs, is responsible for protecting American space-based assets from network intrusions. The U.S. Northern Command, also located at Peterson Air Force Base, recently established a Joint Cyber Center to help provide on-demand cyber protection. This center is a reflection of the overwhelming nature of the cyber threat and the need for a whole-of-government approach.

Multiple defense and technology industry companies based in Colorado also contribute hardware, software, and expertise to the effort to keep our networks and infrastructure secure.

Our Federal labs also conduct critical research into cyber security, most notably the National Institute of Standards and Technology, otherwise known as NIST, which is located in Boulder. They play a key role in helping establish cybersecurity standards.

The threats posed by cyber attacks have long been recognized, but we in the Congress have yet to act upon
these threats in a comprehensive way. It is as if we see the danger in front of us, but yet we cannot find the courage to face it. But Congress cannot afford to wait for a 9/11-sized attack in order to act. Waiting for a catastrophic act—something military and intelligence leaders have warned us, a bipartisan collection of national security experts are warning us against—is the exact opposite of leadership and the exact opposite of what our constituents expect us to do. That has, seemingly, unfortunately, unraveled into an antagonized argument about the public sector versus the private sector. We cannot let old ways of thinking bog us down. This is a threat that can only be addressed by both the public and private sectors working together.

The private sector owns 85 percent of our Nation’s critical infrastructure, which is itself heavily dependent on computer networks. A successful attack on our critical infrastructure could bring down our financial markets to their knees. It could also escalate into a war in cyber space or even a shooting war.

To defend against these serious threats, particularly those that involve national security, there needs to be an exchange of information between the public and private sectors. Of course, allowing the government and industry to share information must be done with sufficient safeguards, so any legislation authorizing such sharing needs to strike a balance between privacy and civil liberties protections. I believe the bill’s authors have achieved such a balance.

I recognize it is often difficult to find consensus on how to defend our Nation from security threats. Sometimes that is because we don’t agree on the nature of our vulnerabilities and in what priority to address them. Unfortunately, sometimes Congress is too polarized to act until after a crisis occurs.

But in the case of cyber security, we already know our Nation’s computer networks are increasingly vulnerable. There is widespread agreement about the severity of the threat. Just last month, Defense Secretary Panetta testified that cyber attacks could “virtually paralyze this country.” The threat is not impeding, it is here. We already know many of the steps we need to take to mitigate or prevent these attacks. The only issue getting in the way is politics. Frankly, Coloradans are tired of this. They want us to reason together and pass our most vexing national challenges.

The Cybersecurity Act of 2012 is not overly intrusive. It has been scaled back to a voluntary system of industry-driven security standards for critical infrastructure. The bill’s authors have offered a further amendment to address some of the remaining concerns of the bill’s opponents. As much as the bill’s authors have compromised and worked with groups and businesses from across the policy spectrum, one would think they would get more in return from the Republicans than a death blow to the real goal of health care reform. But that is where the debate stands, and it is not a proud moment for our Chamber.

The cyber security bill before us may not be perfect. In fact, I have offered three amendments that I believe make this an even stronger bill.

The first would require the administration to provide a detailed plan on how it would develop a highly trained, robust Federal cyber security workforce. A stronger Federal workforce will not only better protect government assets, but these individuals will go on to fill critical roles protecting cyber assets in the private sector.

My second amendment would establish permanent positions to train the next generation of military cyber leaders at the U.S. Air Force Academy. My third amendment would require the assessment of the costs and benefits of integrating a couple of extra high voltage transformers. We do not produce these highly specialized pieces of equipment domestically, and it would take months to replace transformers damaged by a physical or cyber attack.

I hope my colleagues will join me in passing these commonsense amendments aimed at improving our national security.

This cyber security bill is over 3 years in the making. I find it ironic some argue the process has been rushed and we need more time. But I believe this bill is long overdue and we simply cannot afford not to act.

As the head of U.S. Cyber Command and the Director of the National Security Agency, General Alexander, wrote in a letter to Congress this week, “The cyber threat facing the Nation is real and demands immediate action.”

This is coming from the national security official who knows more than anyone about the cyber threats facing our country. As a member of the Intelligence Committee, I take his cautions and advice very seriously. The rest of us should as well.

As I close, I urge all of us, let’s put aside partisan spoils and partisan differences. Let’s work together to amend and pass this vitally important cyber security bill.

I yield the floor.

Mr. INHOFE. I understand the next speakers are in the cloakroom at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I understand the next speakers are in the cloakroom at this time. I suggest the absence of a quorum.

Mr. LEAHY. Madam President, more than eight months ago, Senator CRAPO and I, two Senators from very different parts of the country with very different political perspectives, joined together to introduce the Leahy-Crapo Violence Against Women Reauthorization Act of 2011. We put aside our political differences, listened to the strong enforcement and victim services professionals, and drafted a bill that put victims first.

It has been more than 3 months since an overwhelming majority of the Senate joined us in our bipartisan effort to pass the Violence Against Women Reauthorization Act of 2011 with 86 votes, more than two-thirds of this body, including every woman Senator, Republican and Democrat. In doing so, the Senate sent a very clear message. We said stopping domestic and sexual violence is a national priority, and we are going to stand together, Republicans and Democrats alike, to protect all victims from these different— all victims. It was very clear. If you are a victim of domestic and sexual violence, we are passing laws to help protect you, no matter who you are or where you live in this country.

Having sent such a strong bipartisan message from this body, I was—I don’t know whether to say bewildered or shocked to see the House Republican leadership abandon the bipartisan approach that was so successful in the Senate. Instead of allowing a vote on the Senate-passed bipartisan bill that has the support of more than 1,000 national, state, and local victim service organizations, they insisted on crafting a new, partisan measure that intentionally stripped out protections for some of the most vulnerable victims and weakened existing protections for others. They refused to allow votes on amendments as we had done here in the Senate, choosing to stifle a full and honest debate about how to best meet the needs of victims.

This overtly political approach was too much even for some in their own party. Nearly two dozen House Republicans, including every member of the prime victims’ caucus, stood up and voted against the inadequate and harmful House bill. That opposition was not surprising since a similar provision offered during the Senate debate was rejected by the Senate, including nine Republicans.

The House Speaker’s recent announcement naming as conferees only
Republicans who supported that misguided and deeply partisan effort is hardly a step forward. Instead, I wish the Republican House leadership would do what it should have done four months ago—take up, debate, and vote on the bipartisan Senate-passed bill. I have so far been unable to get this life-saving bill in short order if they would just allow their members a straightforward vote on the merits.

Instead, Speaker Boehner continues to hold up the procedural technicality, called a “blue slip,” to excuse from debating the bipartisan Senate bill. He acts as if he has no choice, but this is nonsense. The Speaker can waive the technicality and allow the House to vote on the Senate bill at any time. He is choosing to hold up this bill, and those efforts must stop.

Since the Senate bill passed, I have been consistently calling for House action on the legislation. Earlier this summer, Majority Leader Reid proposed this bill, and I wrote a bipartisan letter to Speaker Boehner, urging him to allow an up-or-down vote. Two weeks ago, five House Republicans followed suit, calling on Speaker Boehner and Majority Leader Cantor to allow the Senate VAWA bill to resolve the “blue slip” problem. And yesterday Republican Representatives Biggert and Dold again urged the House to work with the Senate to get this vital legislation signed into law.

But if the Speaker and the Republican leadership in the House insist on ignoring victims and the voices of the professionals in the field, and those in their own party, and continue to delay this crucial legislation on a technicality, a technicality which has been waived over and over and over again since I have been in the Senate, I think the Senate should once again lead by example.

We can solve this problem tonight—tonight, within the next few hours. If the Senate Republican leadership wants to get VAWA, the Violence Against Women Act, done, it can be done. We could take up a House revenue bill, substitute the bipartisan Senate VAWA bill, and send it to the House immediately.

To those who are watching and listening, this may sound like, what are these legislative moves? What are they in a show me thing I have seen done hundred of times since I have been here. It would be our way of saying we want to stop violence against women. We have passed a bill that had Republicans and Democrats come together across the political spectrum. Now we are sending it to the other body, saying follow our example.

Majority Leader Reid proposed this path forward nearly 2 months ago, but he was blocked by the Republican side. There is no good reason for their objection. Just this year, Republican Senators unanimously agreed to a similar procedure in order to overcome blue slip issues with both the transportation bill and the FAA reauthorization bill. Let’s be clear about this—just as a little cooperation from Senate Republicans, we can move VAWA now. What I am saying is that just as 68 of us, Republicans and Democrats, came together before to pass this bill, I would hope that leaders in both parties would join us and stop blocking it from moving forward.

We have only a precious few days left in this Congress to get this bill passed. The procedural excuses must stop. Partisan politics must end, just as Senator Crapo and I, two Senators of different political philosophies, came together when we started this process so many months ago, we came together to focus on the victims but also to make good on our promise to stop domestic and sexual violence in all its forms against all victims.

I have said so many times on this floor, this matter is deeply personal. I went to a lot of these crime scenes as a young prosecutor. You go back and forth with a young family. I would see a victim of violence, sometimes a blooodied and barely conscious victim being taken to an ambulance to the hospital—but sometimes seeing a bloody body without a spirit. We would try to find out as we unraveled the case, that we could have intervened and stopped this death if we had only had the tools. Well, now those early detection and intervention tools exist and we can stop this violence. Those tools, critical resources to reduce domestic violence homicide, are in the Senate-passed VAWA bill but they will not become law unless we act to pass this legislation now.

What I also learned is that the police officers who came to help investigate and help get the perpetrator, they never asked: Was this victim a Republican or Democrat, rich or poor, white or black, gay or straight, Native American or immigrant. They just said, as I have so many times on the floor and the distinguished Presiding Officer, who herself was a prosecutor, has said: A victim is a victim is a victim.

I do not want to just be able to arrest people after the victim is dead. I want programs to stop the person from being abused in the first place. I want to protect victims before they become victims. If there is anything in this country that should unite all of us, it should be this, just as it united us before. Let’s send it on to the other body. Let’s get it passed. Let’s get it on the President’s desk, and let’s hope we save the lives of people.

Helping these victims—no matter who they are—must be our goal. Their lives depend on it, and they are waiting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Madam President, I am honored to follow the Senator from Vermont, who has been such an extraordinary leader in this area, and look forward to yielding shortly to the Senator from Washington, who has championed this bill and helped us all see the urgency of approving it.

In the minutes that I will be talking, and they will be brief minutes, every minute, two to three women will become victims of domestic abuse. Every minute that I am standing here, every minute that we occupy with debate and delay on this measure, two to three people in the United States, the greatest country in the history of the world, will become victims of domestic violence.

We cannot afford to wait. That is why I urge that my colleagues advance this critical piece of legislation and urge the House of Representatives to agree to the Senate version of this bill so we can make this bill more inclusive to include Native Americans and immigrants and others who would not be covered by the House version.

We find ourselves at a crossroads. We can either strengthen VAWA or we can weaken it. And go back and forward with the philosophy that the Senator from Vermont has articulated so well as a prosecutor, not to mention knowing how our police work. We do not ask whether someone is an immigrant or black or white, gay or straight, Native American. We protect them if they are victims of domestic abuse and violence. That should be our philosophy in the greatest country in the history of the world.

There are two provisions for battered immigrant women in VAWA that are particularly important. The first allows immigrant women married to an abusive U.S. citizen to apply for legal status independent of that spouse. The second, which is the U visa, provides temporary status to victims who cooperate with law enforcement to prosecute their abuser.

The reauthorization of VAWA is currently stalled principally because of the U visa provisions in the Senate bill, S. 295.

Let me illustrate the importance of this provision with one story. A woman who came to Connecticut from Guatemala fled her native country to escape her abuser and arrived in Connecticut in 2005. Her abuser followed her to Connecticut, where he continued to abuse her. He was eventually deported to Guatemala on criminal charges, but she found herself in another abusive relationship. Eventually, she was able to find shelter at a domestic violence agency. She could not convince family to sponsor her so she could apply for legal status. She would have had nowhere to turn but for a transitional living program for domestic violence victims that connected her to a Connecticut legal aid attorney, who then enabled her to file for a new visa.

I am happy to report that this constituent survivor received her new visa in May of 2012. Because of VAWA, she is now safe, and so is her son.

This story is repeated countless times across Connecticut and the country by women who suffer in silence.
Their undocumented status makes them particularly vulnerable and powerless to escape their abusive situations. My constituents tell me—and I want to listen to them—that we cannot afford to compromise those basic protections. It is fundamental to human rights and dignity, and that is why I urge this body, and the Congress as a whole, to move forward, not backward.

Again, every minute, two to three women become the victims of domestic violence. Some of the consequences of this horrific problem are too high and the costs too dire to stay the course and simply repeat the inaction we have seen so far. Thousands of victims of domestic violence are entrusting us with their safety today. We have an obligation to them to avoid the gamesmanship, end the gridlock, and move forward with S. 1925.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. MURRAY. Madam President, I thank Senator LEAHY and Senator BLUMENTHAL and so many others who have come to the floor to speak on this critical issue.

Today the women of the Senate and the men who support the Violence Against Women Act are on the Senate floor to give Speaker BOEHNER and the Republicans another chance to do what is right. It is another chance to stop the delay. It is another chance to provide peace of mind to 30 million women whose protections are at risk, and it is another chance to pass the inclusive, bipartisan Senate, Violence Against Women Act bill.

The bipartisan Senate bill passed almost 100 days ago by a vote of 68 to 31. Fifteen of our Republican colleagues on the floor—I will repeat that—15 Republicans joined us that day, and they did so because they know the history of this issue. They know that 800 times every year violence against women happens. The Violence Against Women Act has been reauthorized, it has consistently included bipartisan provisions to address the women who have not been protected. They know domestic violence protections for all women should not be a Democratic or Republican issue.

But here we are back on the Senate floor urging support today for a bill that should not be controversial. Just as we did last week, just as we are doing today, just as we will do in the coming weeks, we will be making sure this message resonates loudly and clearly both in Washington, DC, and back home in our States because we are not going to back down—not while there are thousands of women in the country who are excluded from the current law.

The numbers are staggering. One in three Native Americans will be raped in their lifetime. Two in five of them are victims of domestic violence, and they are killed at 10 times the rate of the national average.

Those shocking statistics are not just isolated to one group of women; 1 in 5 to 35 percent in the LGBT community experience domestic violence in their relationships. Three in four abused immigrant women never entered the process to obtain legal status, even though they are eligible. Why? Because their abusive husbands never filed their paperwork.

This should make it perfectly clear to our colleagues in the other Chamber that their current inaction has a real impact on the lives of women across America. Where a person lives, their immigration status, or who they love should not determine whether perpetrators of domestic violence are brought to justice.

Last week, the New York Times ran an editorial on this bill that gets to the heart of where we are. It began by saying:

House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some of their party’s far right. At the moment, harshness is winning.

The editorial also made the point that it doesn’t have to be this way. It pointed out:

In May, fifteen Senate Republicans joined with the chamber’s Democratic majority to approve a strong reauthorization bill. It ended with what we all know it will take to move this bill forward: leadership from Congressman BOEHNER.

The effort that was started in the Senate last week—an effort that will continue for as long as it takes—is a call for the very same—leadership.

It is time for Speaker BOEHNER to look beyond ideology and partisan politics. It is time for him to look at the history of a bill that again and again has been supported and expanded by Republicans and Democrats and end the delay because, frankly, it is taking too long.

Every moment the House continues to delay is another moment that 30 million vulnerable women are without the protections they deserve in this country.

The women this bill protects have seen their lives destroyed by the cowardice of those who claimed to care for them. We have a chance now to stand for them where others have not. But the only way we can help protect these women is to prove that we as a nation have the courage to do so—the courage to show them that discrimination has no place in our domestic violence laws.

To do that, we need to pass the Senate’s inclusive, bipartisan Violence Against Women Act.

Mrs. BOXER. Will my friend yield for a question?

Mrs. MURRAY. Yes, Mrs. BOXER. I have a question, and I want to make sure everyone listening to this debate gets what is about to happen.

Is it not true that the Senate passed the bipartisan Leahy-Crapo Violence Against Women Act with well more than 60 votes?

Mrs. MURRAY. Yes, the Senator from California is correct.

Mrs. BOXER. Is it not correct that the House passed its version and left out 30 million Americans?

Mrs. MURRAY. The Senator from California is correct. In fact, those 30 million Americans would be covered under the Senate bill. We made sure that Native American women are covered, and we put in important provisions to make sure campus violence is covered, and those provisions have been left out of the House bill.

Mrs. BOXER. Yes. And the immigrant women, as the Senator has discussed, which Senator BLUMENTHAL pointed out, are the most vulnerable because they are so afraid of their status, they are very scared to report that someone is raping them, beating them, or harming them every single day; is that correct?

Mrs. MURRAY. The Senator from California is absolutely correct. We cannot even imagine what it is like to have somebody hold that kind of power over people and use it to beat you in and out day and out. We cover those women in this bill so that they have the protections they ought to have as human beings.

Mrs. BOXER. Isn’t it fair to say that the 30 million people we cover—which the House leaves out—include college students, enhanced protections for them on campus; the LGBT community; Native American communities; and undocumented immigrants; is that correct?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. As my friend pointed out, is it not true that when you look at rates of violence against these particular people in our communities, they are higher than the population at large?

Mrs. MURRAY. The Senator from California is correct.

Mrs. BOXER. Isn’t it fair to say that the House leaves the bill—the Violence Against Women Act left out the most vulnerable people who are the most susceptible to violence?

Mrs. MURRAY. The Senator from California is correct. That is why we have work to do, in a bipartisan fashion in the Senate, to make sure in this country, America, we do not discriminate against women when it comes to violence.

Mrs. BOXER. I have two more points, and then I will yield to my friend so she can make the unanimous consent request.

Isn’t it also true that the excuse Speaker BOEHNER is giving as to why he will not take up and pass the bipartisan Leahy-Crapo bill, isn’t it true that the excuse is that there is a technical problem, which he calls a blue slip, in the Senate bill? And isn’t it true that my friend today is going to ask unanimous consent to correct that problem so that we can send this inclusive bill back to Speaker BOEHNER?

Mrs. MURRAY. The Senator from California is correct. It seems to me such a simple procedure to do, which
we have done many times in the Senate, to just by unanimous consent send the Speaker back the bill so he can’t put a piece of blue paper in front of us and say that stands between women and the protections we are trying to pass for them.

Mr. BOXER. Finally, I hope, when my friend makes the unanimous consent request, to take the very same text of the Violence Against Women Act, which passed this body with well over 90 votes, and put it into a bill that would overcome the technical problem and enable us to send it back to the House. It is my strong hope that the Republican leadership will not object. If they do, let the whole country understand what they are objecting to: a way to fix this technical problem so that Speaker BOEHNER and the Republicans can pass the Senate bipartisan Violence Against Women Act and include the 30 million people who have been left out.

I thank my friend for yielding.

Mrs. MURRAY. I thank the Senator from California and say that she is absolutely correct. What I am about to do is to ask consent to do what we have done on many pieces of legislation, including the jobs and Transportation bills the Senator from California was able to pass, and the Senate overcame that technicality through a motion on the floor.

We have done it time and time again on bills like that. It seems to me that on a bill like this, which is affecting so many women and their right to protect themselves and the ability to get help in their communities, there should not be a technicality between them and our passing protections for them in this country.

UNANIMOUS CONSENT REQUEST—H.R. 9

Having said that, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the language of S. 1925, the Violence Against Women Act reauthorization, as passed in the Senate on April 26 by a vote of 68 to 31, be inserted in lieu thereof; that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Madam President, rather than doing the usual thing and reserving the right to object, I will object, and then I would appreciate the courtesy, before I offer a parallel UC, to make my remarks.

Mrs. MURRAY. Madam President, has the Senator from Iowa objected to my request?

The PRESIDING OFFICER. Objection has been heard. The Senator from Iowa.

Mrs. MURRAY. Madam President, the Senator from Iowa has objected. I just have to say that it is stunning to me that the Senator has objected to a simple procedure that we have done many times on Transportation bills and FAA bills and, sadly, now there is an inability to provide protections for the women we have been talking about.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I am going to make a unanimous consent request dealing with the same subject.

Before I do that, I am astounded that it took 100 days for the majority to decide that the bill they wanted to send to the House would be blue-slipped because they kept saying it really wasn’t subject to a blue slip. Obviously, the Constitution gives the House of Representatives the power to make that decision, and they made the decision that the fee in this bill would keep it from being accepted by the House of Representatives.

They have obviously overcome that problem. But they have not overcome some other problems with the legislation. My reason for objecting for people on my side who voted against this bill is because of some unconstitutional provisions in the Violence Against Women Act issues that don’t have to be brought up to guarantee there is adequate legislation for fighting violence against women.

By the way, I believe this act, which has been on the books for more than a decade and a half, is going to be carried on. So there is not going to be a situation where, whether or not we go through this process, there is not going to be legislation protecting women on the books. It is just a question whether it will be expanded in a way that was intended to make the bill controversial so, presumably, it could be made a political issue in an election year.

What bothers me about this whole process—besides the fact it has taken 100 days to get to the point of offering it for conference—is that it fits into a pattern of doing things at the last minute. We are 2 days away from a recess, and this is brought up at this particular time. I have to ask why. Why not sometime during the last 100 days?

I also see a pattern of this maneuver fitting into the maneuvers that have been going on ever since, I believe, the spring break we had in the Senate. Ever since then—as reported in an article published in the newspaper we know as Politico a couple of months ago about a strategy between the White House reelection effort and things that go on in the Senate—we seem to have a crisis every week.

We came back from the spring break, and we had the Buffett tax rule. That was carried on for a week. Everybody knew that wasn’t going to pass, but we wasted a whole week on the Buffett tax rule.

Then this issue was brought up before and passed about that time as part of a strategy of having a war on women come up as an issue. That ended in this legislation being passed through the Senate but in a way where everybody knew it wasn’t going to get through the House of Representatives. But it was a very convenient political issue.

Later on, we had the equal wages for women legislation that came up for about a week. Once again, everybody knew that wasn’t going to go anywhere, but it was debated in this assembly, taking up time from a lot of important issues that ought to be dealt with—the economy and creating jobs. We spent a week on that.

Then we spent a week on taxing the rich, and everybody knew that wasn’t going to go anywhere.

I think we spent a month on interest rates on student loans. Everybody knew there was a bipartisan solution to that, but nobody wanted to go there until the President had a whole month of going to university campuses to blame Republicans for not passing a bill that would keep interest rates low on student loans.

Then we spent last week on the DISCLOSE Act. Everybody knew that wasn’t going to go anywhere.

So we have had a whole spring and summer in this body of accomplishing nothing because there is a strategy behind everything. The White House and the leadership of the Senate to help this President get reelected. And to keep away from issues the people of this country are concerned about, which are the economy and creating jobs and the fact that this White House and this Senate aren’t going to do anything to work through those issues.

Here in the Senate it is an issue of politics and not an issue of process. I think the American people know the games being played, and they are sick and tired of it.

So I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 4970, the House-passed Violence Against Women Reauthorization Act; provided further that all after the enacting clause be stricken, the text of the Senate-passed violence against women bill, S. 1925, with a modification that strikes sections 805 and 810 related to the immigration provisions; that the bill be read three times and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferences on the part of the Senate with a ratio agreed to by both leaders.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection? The Senator from Washington.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Washington.

Mrs. MURRAY. Mr. President, I listened carefully to the passion of the Senator from Iowa on behalf of the Republican majority and Speaker BOEHNER, and, frankly, I have to say it is offensive to say that violence against women is about politics. This is about women who are abused, women who are powerless to fight back, and
women being able to get the protection they need in this country that has provided protection for a very long time, to make sure women who are immigrants, women who live in a tribe, women who are gay and lesbian, women who live on and off college campuses get the protection this legislation would provide. This is not about politics, this is about violence and this country standing up and saying we are going to protect them.

Make no mistake about it, what the Republicans are saying is that they want to move this bill to conference so they can strip out those provisions. Well, they have crossed a line—a line that in the history of this nonpolitical, bipartisan bill has been so deeply important to so many of us. They made this bill about politics just now. I find that offensive.

What they want is to take the Senate’s bipartisan-passed bill, supported by both Republicans and Democrats here, in conference, and then pick it apart. They want to take it to conference so they can have a discussion about which women in this country deserve protection and which do not. They want to pit one group of women against another. This is not a game. It is not politics. And it certainly is not a game I am going to play. The new protections in this bill have been supported by Republicans and Democrats, groups across this country, and many provisions benefit Americans. They are not bartering chips, and it is not about politics.

The objection of the Senator on behalf of the Republicans raises issues that really are nothing more than a smoke screen. They do not want to be out in front saying they are willing to discriminate against certain women. They would rather hide behind these procedural objections. But I would remind all our colleagues that these provisions are not about anger, they are not about the politics they have been routinely overcome here in the Senate. Just as I said a few minutes ago, the transportation and jobs bill we passed a month ago, the blue slip issue was overcome. The FAA reauthorization last year funding our Nation’s airports—overcome. The Food Safety Act—overcome. The Travel Promotion Act. All those had blue slip issues, and all of them were overcome, and there was a reason why—leadership and the will to do the right things. So let me make it abundantly clear. This is not about politics. It is about protecting women in this country. It is about making sure we do what is right for so many women who are looking to Congress to put in place the protections they deserve.

So the ball is in the Speaker’s court now. He is going to have to talk to women across the country about why their protections are at risk because of politics. But I want everyone to be clear: We are not going to compromise on the issues that are so important to so many women and throw them under the bus. That is not what we have fought for year after year on bipartisan legislation when we passed the Violence Against Women Act before. It is inclusive, it is bipartisan, and it is above ideology and partisan games. It is a bill that makes sure that no matter who you are, whether you live or whom you love, you are protected in this great country in which we live.

Politics has no place in this. I would agree with the Senator from Iowa. Who is playing politics? We will leave it up for the Speaker to answer. What I have asked is that the Senate do what we have done many times on many bills—move this bill to the House in a bipartisan way and pass it, and then politics won’t matter, women will be covered.

I hope our Senate colleagues who have objected and the Speaker will reconsider. They can easily pass this bill today or next month, put it in place, and women in this country can say the leaders of this country are fighting for them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I just want to respond in terms of responding to Senator GRASSLEY, who is a friend. We enjoy a very good relationship on the Judiciary Committee, and we are just friends. But the idea that these new provisions in the VAWA bill are political just couldn’t be further from the truth.

Let me talk about just one provision. It is about women on Indian reservations who get abused by a partner or a boyfriend or husband who isn’t Native. And this happens all the time. This provision gave jurisdiction to the tribes to prosecute these individuals.

I am on the Indian Affairs Committee. I talk to tribal leaders all the time. I go to reservations all the time. My colleagues have no idea how grateful our tribal leaders were and how important this was. One out of every three Indian women in this country is raped at some time in her life, and by far the largest majority of that is not by male Indians. It is by non-Indians. I can’t think of anything that is less political. I just can’t. And I ask my colleagues to think, to give a second of thought before they say stuff like that.

It really is, as Senator MURRAY said, offensive to believe they actually found it more sad. I find it sad.

THE MEDICARE DIABETES PREVENTION ACT OF 2012

Mr. President, I came to the floor to talk about diabetes. And the Presiding Officer has been such a champion in talking about the money that can be saved in our health care system by the prevention of chronic disease.

The burden of chronic disease in our country is staggering. Chronic disease affects half of all American adults, and 7 out of 10 deaths each year are due to chronic disease. If current trends continue, by the year 2020, 52 percent of American adults will either have type 2 diabetes or elevated glucose levels, known as prediabetes, and diabetes can often lead to other chronic diseases, such as heart disease.

But as grim as these statistics are for our country, we also have some of the best health care systems in the world. A few years ago, the Centers for Disease Control and Prevention, the CDC, conducted a pilot program called the Diabetes Prevention Program in two cities: St. Paul, MN, and Indianapolis, IN. This program, which was administered by the YMCA, is a program focusing on 16 weeks of nutritional training, eating healthy, and physical activity. It costs about $300 per participant. The results of this pilot were extraordinary. Among adults with prediabetes—who are at the highest risk for developing type 2 diabetes—the program reduced chances that a participant would be diagnosed with diabetes by 58 percent. For adults age 60, it reduced the likelihood of being diagnosed with type 2 diabetes by 71 percent.

That is why Senator LUGAR and I introduced legislation in 2009 to authorize the National Diabetes Prevention Program as a grant program through the CDC. This bill was passed as part of the health care law and is helping community-based organizations such as the YMCA administer the program across the country. No one can participate in this program if it is not available, which is why we needed the CDC to help expand the program and scale it up. Thanks to their work and to our amendments in the Senate Energy Act, the YMCA is now offering the Diabetes Prevention Program at more than 300 sites in 30 States.

But we also need health insurers to pay for the program to make sure everyone who needs it—but gets it. We know that when eligible adults participate in the program, it saves everyone money. In fact, the CEO of United Healthcare told me that they will cover this. Why? Because they save $4 for every $1 they invest in the program because their beneficiaries are healthier. And the Urban Institute estimated that implementing community programs such as the Diabetes Prevention Program could save $191 billion nationally, with 75 percent of the savings—more than $142 billion—going to Medicare and Medicaid Programs.

That is why the Federal Government should also invest in this cost-saving prevention for seniors. Nearly one-third of Medicare beneficiaries had diabetes in 2010. The Diabetes Prevention Program costs about $300 per participant, as compared to more than $6,000 a year in added health care costs for someone with type 2 diabetes. Questions that by preventing diabetes, we can all save money while keeping our seniors healthier.

That is why I introduced legislation yesterday with my friends Senators LUGAR, ROCKEFELLER, COLLINS, and SHAHEEN, to allow Medicare to cover the National Diabetes Prevention Program. We are doing this to help our
seniors enjoy their golden years while staying as healthy as possible. We are also doing it because it is the fiscally responsible thing to do. That is why the American Diabetes Association, the American Heart Association, the American Public Health Association, and the YMCA of the USA, along with the Alzheimer's Association and the National Council of Aging, have all endorsed this legislation. The National Association of Chronic Disease Directors, the National Association of State Long-Term Care Ombudsman Programs, and the YMCA of the USA have all endorsed this legislation.

We know a really good way to prevent type 2 diabetes, and we know how to do it while saving the Federal Government billions of dollars. In fact, we know doing it will save the Federal Government billions of dollars.

Let's all here work together to prevent chronic disease in our country. I urge the Presiding Officer and my colleagues on both sides of the aisle to join me in doing what that every senator has access to the Diabetes Prevention Program when they need it.

I-35W BRIDGE COLLAPSE

Mr. FRANKEN. Mr. President, I would like to take a moment to recognize that today in the fifth anniversary of a tragedy in my home State—the collapse of the I-35W bridge in Minneapolis. The collapse killed 13 people and injured 145 others. That collapse was a shock to Minnesotans and to the country. How could a bridge in our Interstate Highway System collapse? It underscores the importance, of course, of investing in our infrastructure. We did move quickly to replace the bridge—and it is a beautiful bridge—thanks to the leadership of Senator Klobuchar and others.

I wish to say a few words about the response by the people and the first responders in Minneapolis and the metropolitan area. It was amazing. All the first responders had interoperable radio signals. People in Minneapolis ran to the bridge to help. People did heroic things. I am very proud of Minnesota. I am proud of Mayor Rybak and the response of other first responders in the metropolitan area. I am so proud to represent Minnesota.

My heart goes out to the families of those who perished that day and also to their loved ones and their friends and also to the survivors who are still recovering in so many different ways.

I urge my colleagues not to forget that day. We need to invest in our infrastructure to make sure this doesn’t happen again.

Mr. President, I yield the floor.

Mr. SCHUMER. Mr. President, I thank the Senator from Minnesota for his great remarks. He really does care about Minnesota. It is a nice State. I yield the floor.

IRAN SANCTIONS

Mr. President, in a few hours the I-35W bridge collapsed in my home State—of a tragedy in my home State—the collapse of the I-35W bridge in Minneapolis. The collapse killed 13 people and injured 145 others. That collapse was a shock to Minnesotans and to the country. How could a bridge in our Interstate Highway System collapse? It underscores the importance, of course, of investing in our infrastructure. We did move quickly to replace the bridge—and it is a beautiful bridge—thanks to the leadership of Senator Klobuchar and others.

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Mr. President, I yield the floor.

Mr. SCHUMER. Mr. President, I thank the Senator from Minnesota for his great remarks. He really does care about Minnesota. It is a nice State. I yield the floor.

Mr. President, in a few hours the Iran sanctions bill is likely to pass both the House and the Senate. That is very good news because when it comes to Iran, time’s a wastin’. We need to ratchet up the pressure. And this is a powerful package that will paralyze the Iranian economy. It tightens the screws tighter, tighter, tighter, so that the Iranians will have no choice but to see their economy basically in desperate circumstances, with no way to produce and test a nuclear bomb. And earlier this year DNI Director Clapper told the Senate Intelligence Committee that Iran’s leaders even seem prepared to attack U.S. interests overseas. Let me say this, we know Iran is on the path to continued evil.

Just last week a suspected suicide bomber killed 6 people and wounded 30 aboard an Israeli tourist bus in a coastal town in Bulgaria. Israel believes—and I tend to agree with them—that Hezbollah and Iran are to blame. Many questions remain about the bomb, but many Western counterterrorist officials share the suspicions that Israel and, I, frankly, both have.

I believe that we have the government the capa-

city to impose even more crippling sanctions on Iran should they continue with their nuclear weapons program, the House and the Senate are putting forth a tough, smart plan to ratchet it up. Together, Senate Majority Leader Harry Reid and I are working to send the very real threat Iran poses to the United States and our allies, particularly Israel.

I am not going to go over what the bill does. That has been talked about. But I want to mention one part of the bill before I sit down.

I really happy and grateful to Chairman JOHNSON that the measure before us will also include language adopted from the Syrian Human Rights Accountability Act. That is legislation I co-introduced this year with my friend and colleague from New York, Senator GILLIBRAND. The legislation would require the administration to identify violators of human rights in Syria, it would call for increased targeted and proportional, I mean, proportionate, means to impose even more crippling sanctions on Syria. It would also block any financial aid and property transactions in the United States involving Syrian leaders involved in the crackdown on protesters.

If the Syrian Government, which in many respects operates as a client state for the rogue Iranian regime, will not willingly change its brutal approach and continues to violate the human rights of those seeking to exercise their voices, then we have to do everything we can to send the strongest message possible to that nation’s leadership that this behavior is beyond the pale and not without consequences.

In conclusion, I believe my colleagues—Chairman JOHNSON, ranking member SHELBY, Senator MENENDEZ, and Senator KIRK, have done an excellent job crafting a comprehensive plan to arm the administration with the tools it needs to put a stop to Iran’s nuclear program. I urge my colleagues to unanimously support the Iran Threat Reduction and Syria Human Rights Act of 2012.

I yield the floor.
The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes. The PRESIDING OFFICER. Without objection.

SRVICEMEMBERS’ PROTECTION ACT

Mr. BROWN of Ohio. Mr. President, I rise today because servicemembers who risk their lives protecting our Nation should not have to ever worry about predatory practices. They should not have to worry about whether they can vote absentee while serving abroad. While they are fighting our Nation’s foes, they should not have to worry about fighting a foreclosure. When they are serving our country, they should not have to worry if their civilian job, if they are Guard or Reserve, will be available when they return.

Unfortunately, too many do worry about those things. I joined with the Attorney General of the United States at Wright Patterson Air Force base near Dayton, OH, and spoke with men and women who serve our country, air men and air women. Also around that time I spoke to some Guard and Reserve, members of the Guard and Reserve who serve our country, about some of these fraudulent practices. When they are overseas, some of them do not know when they return if they are going to still have their job. They don’t know what happens to them when they go back to school if they are enrolled in a university, private or public, 2-year or 4-year. They don’t know what happens sometimes with their families in foreclosure or facing financial fraud.

We know that employment is critical for servicemembers and military families. So is housing. So is protecting their ability to cast a ballot. That is why I am sponsoring legislation, the Servicemembers’ Protection Act, which will provide a wall of protection to those women in uniform. It would make critical changes to the Servicemembers Civil Relief Act that could improve the quality of life for members of the Armed Forces.

My bill first would strengthen housing and lending rights for servicemembers. Right now, a bank cannot foreclose upon servicemembers while they are serving overseas until it gets a court order. Yet the bank has no real obligation to those men and women in uniform to those who are on active duty overseas. My bill would require lenders who want to foreclose on a home to conduct a meaningful investigation into a borrower’s military status. It would increase civil penalties for violating servicemember’s rights as a homeowner.

The bill also would strengthen enforcement for the Uniformed and Overseas Citizens Absentee Voting Act, to make sure servicemembers’ votes are counted. It would create a nationwide standard for getting absentee ballots to overseas servicemembers in a timely fashion.

Finally, it would make sure servicemembers can return to their jobs after they have completed their military service with the seniority and pay rate they would have earned if they remained continuously employed by the civil employer.

We know the Guard and Reserve who are called up leave their civilian jobs and too often come home to the uncertainty of. What happens when I arrive home? Members of the Guard should not have to worry about whether they will return to the same job and the correct pay rate.

As citizens of a grateful Nation, we have a responsibility to do something—more than something to protect servicemembers’ rights as they sacrifice to keep our country safe. That is why I urge my colleagues to stand up for our servicemembers. It is time we serve those who served us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA INTERNS

Ms. MURKOWSKI. Mr. President, I am delighted to have a fine group of young Alaskans with me—not only on this floor that I have two sons out on a fishing trip today in the Gulf of Alaska. As they cross the gulf, I wonder if they will encounter debris from the tsunami?

We saw at one point in time a Japanese vessel that was literally a ghost ship, a relic from that tsunami. The Coast Guard took that vessel out of the navigation channels. Alaskans and people who live on the coast are very aware when there is stuff out in the water uncharted and unknown, and we want to understand and know a little bit more.

This past June, I joined the U.S. Coast Guard to see for myself what was washing up on some of Alaska’s remote shorelines and our beaches. We flew out to Kayak Island. Alaskans and we wanted to see what might be there other than the typical marine debris, unusual things like nets, ropes, and buoys. We saw real evidence of what is coming our way from the tsunami. We saw colored buoys. We saw large styrofoam blocks. There was a large container that had washed up very recently.

We have a picture from NOAA that shows some of what we saw washed up there on Kayak Island. These are all the plastic buoys. The black ones, we were told, are what we see more of coming out of Japan.

Now, you may wonder, have we been clearly able to identify whether these items came from Japan or if this was the usual marine debris? NOAA is working to sort all of that out, but there’s a sign that gives us somewhat of an idea of whether what we saw out there on Kayak Island was typical marine debris or not.
Many saw pictures of this huge dock that recently arrived on the coastline in Oregon. Just look at the size here and think: this concrete dock had floccations on either end and traveled all the way across the Pacific literally in one hour onto the Oregon beach. I think when folks looked at that picture, their word was, Wow.

Again, for those who are navigators and fishermen, if they run across something like this in the water it is real evidence of why we need to be concerned.

This next photo is from somewhere in the Pacific. This shows the objects that are creating, again, a hazard to navigation. These same materials are going to end up somehow on a shoreline, whether it is on our beaches or in our ports. Think about the impact this may have on sensitive habitats, making them unusable, possibly deadly for certain marine animals, such as shore birds and other species that may rely on them.

I think what is important to recognize from these three pictures I have just shown is that we are seeing now the debris sitting on top or at least partly on top of the water. We are seeing it coming to U.S. shorelines earlier than anticipated because in addition to being carried by the currents from the ocean, this debris is being moved along by the wind.

What we are seeing in Alaska primarily are those buoys that sit up clear out of the water. You can also see fishing boats, building materials, and roofs in this photograph. Again, this is what we can see because it is above the water.

So one of the real questions we need to ask is, What is below the water? What is just below the surface that we can't see?

A couple of weeks ago, I met with some representatives from the Yakutat Tlingit Tribe from Yakutat, AK. Yakutat is in the northern part of the Alaskan peninsula on the eastern side of the Gulf of Alaska. It is a very remote community. It is only accessible by air or by boat. The closest community is hundreds of miles away and, Yakutat is surrounded by National Park Service and Forest Service lands.

So this community—the tribe, city, borough—is meeting weekly to assess the debris that is coming up on their beaches, and they are trying to put together a response. They have done some cleanup along 15 miles of area beaches.

One beautiful beach is called Cannon Beach. It has black sand. It is absolutely gorgeous. I visited it in March, and now we are seeing the Styrofoam, housing foam, and buoys coming up on it and the other beaches near Yakutat. The community estimates that they have about 600 pounds of marine debris per mile. The borough has 1,074 miles of coastline, so this small village community is looking at the possibility of 3,000 tons of debris.

This next picture is actually from Yakutat. This details another problem that our coastal communities are facing. What do we do with this marine debris? Our landfills, particularly in southeastern Alaska, are maxed out or close to being maxed out. This landfill space that is already filling up could very quickly be overwhelmed by tsunami debris. And not only are many residents working to clean up beaches with limited landfills, often they are in very rugged and very remote locations, many with no road to access. Sometimes they can’t land a vessel or a boat on the beach because it is just too dangerous. So how do we access this debris? That is a challenge.

It is also costly, and we are faced with the question of what do we do with the debris we have collected?

Yakutat is exploring some pretty creative solutions and alternative disposal solutions. Yakutat is one of those communities that has extremely high energy costs. If my memory serves me, I believe they pay in excess of 50 cents per kilowatt hour. So how do they deal with challenges and problems, they try to find solutions that help with their high cost of energy.

What Yakutat is looking at now is whether there is the potential for any waste-to-energy technologies that could deal with two problems: clean up debris and support long-term efforts to deal with the high cost of energy. It is kind of a two-for-one. They are trying to figure out how they can turn this problem into an energy source, and in this way they can support long-term community marine debris cleanup efforts. This would be a creative solution for this small remote community, largely on their own and facing truckloads of debris.

Now the State of Alaska has engaged in tsunami debris coordination, and I am told the Alaskan region representatives of various Federal agencies are as well. Other agencies have formed across the Federal Government really need to be part of the plan and engage creatively to address this accumulating debris.

I don’t have my typical Alaska map here today but I usually use when I speak, but my State has an incredible coastline—more coastline than the rest of the country put together—and we depend on our marine sources for livelihood and recreation. We value a healthy coastline to support a resilient marine environment, fisheries, our tourism, and our coastal communities are so dependent on a strong and sustainable region.

So, think about this from the tourism perspective. When somebody is paying thousands of dollars to come up to Alaska to visit remote, wild areas, they are certainly going to be disappointed if they are greeted by a beach full of Styrofoam or pass by the many debris fields that are accumulating.

Communities up and down the coastline need assurance that the headquarters of various agencies are going to be part of the cleanup plan. In the aftermath of Hurricane Katrina, FEMA compiled a document denoting the debris removal authorities of Federal agencies. That document outlined that the Departments of Agriculture, Commerce, Defense, Homeland Security, the EPA, the DOI, and the NOAA had a role to play in debris removal.

So for this reason—and using this federal memorandum as an example—I have asked the White House to establish and lead an interagency force to lead for tsunami debris. We also need to engage the relevant States, tribes, local governments, and international partners by inviting them to participate in this task force. We all need to work together. We cannot leave a little community like Yakutat saying: Clean up your section of the coastline.

I know private and government Japanese representatives have expressed interest in helping with the debris problem, leveraging their experience and technology with waste-to-energy devices could provide a great opportunity for the U.S., Japan and public partnerships to come together and address the debris.

There are many reasons we need to act now. It is a difficult time of year for many of us here in Washington, DC, to think about winter storms. We are enjoying some pretty warm weather here. But we need to recognize that severe storms in Alaska will mean for accumulating debris. We have a lot of areas being impacted by tsunami debris that have already had huge tide swells. If we add that to a winter storm in areas with beaches, some of the debris we see will be buried deep by the sand, and will only be uncovered when snow melts. However even during the spring, accessing the coastline can be challenging due to breakup conditions. We have extreme tides, the weather will also move the debris up into the tree line, making access and removal even more difficult.

This last picture will give my colleagues some indication of what I am talking about when we think about the Alaska coastline. This is a part of the State called Montague Island. With good high tides and the weather we get, downed trees are part of the ocean accumulation on the shore. You can see in the picture when you are dealing with challenges, debris being broken down by current winds.

Where debris lands on rough and rocky shorelines, wave action is expected to break it up. We know that happens, and I am concerned about our marine life, birds and animals consuming smaller plastic particles that have been broken down by this wave action. A piece of Styrofoam that is easy to pick up today because it is reasonably good-sized is going to be much
more difficult to clean up when it has been broken down by wave action. So, again, all of this argues for prompt action.

Maybe the best we can do for now is pick up the debris and store it somewhere, perhaps in a landfill; however, looking at the Yakutat picture, storing it in a landfill in most of these communities is probably not going to be feasible. Bailing technology could be available to Alaskan communities for about $10,000, and these machines have won at least my support for the voluntary cleanup efforts and provide a means to store the debris rather than force stranded landfills to absorb the incoming debris. I throw this out because I think it is important that we get creative about this. We need to be exploring all available technologies to support the most efficient means to handle this tsunami debris and other marine debris for the long run.

Every year I attend an annual alternative energy fair. It is held in the interior part of the State at Chena Hot Springs. We always learn something good and new at this energy fair. Last year, when I was there, I saw a device that is actually in production. It is on-the-shelf technology. It may help turn much of that material that is hitting our coastline into fuel. The device—I called it a gizmo but I know there is a much more technical term for it—processes plastics into fuel with the capacity to produce as much as 2,400 gallons per day. My point is that people in Yakutat, people are looking at this and saying, We can actually take some of the waste, the garbage, the debris, the plastic, and turn that into fuel so we don’t have to pay 6 bucks a gallon to fill up a four-wheeler, truck, or boat.

Given the tight budgets across the country, again, I think we need to be creative. We need to identify and deploy all available resources and share information. We need to leverage local knowledge, local expertise, and proximity to the debris, as well as their vested interest in the cleanup efforts.

Our Federal agencies have regional staff and they have facility resources. Many run programs that are consistent with the objectives of tsunami debris response and mitigation. For those who would suggest, Well, if it has come up on your shore, it is your responsibility; there is no Federal role here; it is up to the States, there could be no Federal role, I would say, oh, I think this is what we have to do. We have to address this as a national priority. I encourage my colleagues to join me in recognizing that marine debris is a national problem as well as a priority, and I am pleased to receive the help of their Federal partners to address this as a national priority.

I encourage my colleagues to join me in recognizing that marine debris is a national problem as well as a priority, and I am pleased to receive the help of their Federal partners to address this as a national priority.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

CYBER SECURITY

Mr. GRASSLEY. Mr. President, over the last few days I have been reading numerous times that we must protect cyber critical infrastructure; otherwise, our country is in jeopardy. Everybody agrees with that statement. Enhancing cyber security is important to our national security. I support efforts to strengthen our Nation against critical cyber attacks.

However, I take issue with those who have come to the floor and argued that those who don’t support this bill are against strengthening our Nation’s cyber security. A disinformation campaign about how to address policy matters shouldn’t evolve into accusations about a Member’s willingness to tackle tough issues. The debate over cyber security legislation has turned from a substantive analysis of the merits into a political blame game as to which side supports defending our Nation more. If we want to tackle big issues such as cyber security, we need to rise above the rhetoric. Disagreements over policy should be openly and freely debated.

Unfortunately, this isn’t how the debate on cyber security proceeded. Instead, before a real debate began, the majority leader cut that debate off. As the discussion of cyber security began on the floor this week, Senators stated that a failure to grant broad new powers to the Federal Government will lead to a cyber 9/11. I agree that if we don’t pass this bill, if we don’t have cyber security, there could be a national security consequence. However, I don’t believe giving the Federal Government more regulatory authority over business and industry, as supporters of this bill propose, is the answer to strengthening cyber security.

Chief among my concerns with the pending bill is the role played by the Department of Homeland Security. These concerns stem from oversight that I have introduced of the implementation of a law called the Chemical Facility Antiterrorism Standards Program. That acronym would be CFATS. CFATS was the Department’s first major foray into regulation of the chemical sector.

The Department of Homeland Security spent nearly $5 billion on that program. Now, 5 years later, they have just begun to approve site security plans for the more than 4,000 facilities designated under the rule.

I have continued to conduct oversight on this matter. Despite assurances from the Department of Homeland Security that they fixed all the problems with CFATS, I keep discovering more problems. So now I am baffled why we would take an agency that has proven problems with overseeing a critical infrastructure and give them chief responsibility for our country’s cyber security.

Additionally, I am concerned with provisions that restrict the way information is shared. The restrictions imposed under title VII of the bill are a step backward from other information-sharing proposals. This includes the bill I have cosponsored, the SECURE IT bill. The bill before us places the Department of Homeland Security in the role of gatekeeper of cyber threat information. The bill calls for the Department of Homeland Security to destroy all information “as soon as possible” with other agencies. However, this surely will create a bottleneck for information coming into the government.

Further, title VII includes restrictions on what types of information can be shared, limiting the use of it for criminal prosecution, except those that cause imminent harm.

This is exactly the type of restriction on information sharing that the 9/11 Commission warned us about. In fact, the 9/11 Commission said, “the [wall] resulted in far less information sharing and coordination.” The 9/11 Commission further added, “the removal of the wall that existed before 9/11 between intelligence and law enforcement has opened up new opportunities for cooperative action.”

Why would we even consider legislation that could rebuild these walls that threaten our national security? How much of a real debate have we had on those issues I have raised? The lack of a real process in the Senate on this very bill amplifies my substantive concerns.

In fact, this is eerily reminiscent of the debate surrounding the health care reform bill. During that time, then-Speaker of the House PELOSI declared, “We have to pass the bill so that you can find out what is in it.” Well, we all know how well that worked out. Years of litigation later, the public is still learning what surprises the majority and President Obama had in store for the Nation’s health care system.

Now here we are, once again, in the last week before our August summer break, tackling a serious problem that hasn’t been given full process. I do not want cyber security legislation to become another health care reform bill. If we are serious about our
The provision is, obviously, a gift to the trial lawyers lobby, which American taxpayers should not have to pay for. And I do not think class action lawsuits against the government will help with cyber security.

Another amendment of mine would have removed industry-specific carve-outs from the bill. This is another example of how backroom deal making takes place so as to get support and build support for a bill. We saw this happen with the health care reform bill. It was the infamous “Cornhusker Kickback” that was agreed to in order to pass ObamaCare, and this process reminds me of that.

Here, to get support from companies in the information technology industry, the bill clearly states those companies cannot be identified as critical cyber infrastructure. So to build support for this bill—but without people knowing what is in the bill—the authors carved out these companies from having to comply with the bill.

For example, under this carve-out, say an information technology company builds a router that has a flaw that is exploited by hackers. That router is purchased by every sector of the critical infrastructure, including power, water, and probably a lot of others that I ought to be able to name.

If that router flaw is exploited and if that is attacked, the companies that bought the router are held responsible. However, the company that made the faulty router is not.

It is obvious how absurd this is. It is obviously how much of a major giveaway to a key industry it is, just to give the appearance of private sector support. This is not how we should handle cyber security, and I have an amendment to strike this provision. We should openly debate this issue and discuss whether this is the right course of action to give a carve-out to a specific segment of industry.

Again, the carve-out was a deal cut with one purpose: to limit opposition to the bill. Well, that was not good policy in 2009 on the “Cornhusker Kickback” in the health care reform debate, and we should learn from that lesson that it is, obviously, not good policy in 2012.

I also know that Senator Ron Johnson of Wisconsin had an amendment that the Congressional Budget Office issued a score on the cost of the bill before it could take effect. Why were the supporters of the bill opposed to doing that? Do they believe they have a right to spend millions or billions of taxpayers’ dollars at will without making the amount public?

Are the supporters of the bill really prepared to vote for this bill without revealing how much it will cost?

But I will not get a chance to debate my amendments or Senator Johnson’s amendment before the cloture vote because that is how the majority leader runs the U.S. Senate.

There are serious questions about this bill. It needs to be amended. We need to discuss changes. Unfortunately, it does not look as though that is going to happen.

I know some will, again, say that this has been a long process. The only thing true about that statement is that the issue and problem have been discussed for a long time, but not discussed for a long time on this bill.

If we are serious about addressing this problem, then let’s deal with it appropriately. Rushing something through that will impact the country in such a massive way is not the way the most deliberative body in the world, the U.S. Senate, should do its business. It is not good for the country, and it is, obviously, not good for the reputation of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand my distinguished colleague from Oklahoma has asked consent to speak at 6:30 p.m. I will take about 15 minutes, which would put us about 5 minutes past that time. So I ask unanimous consent to speak for about 5 minutes past that time. So I ask unanimous consent to speak for about 5 minutes past that time. So I ask unanimous consent to speak for about 5 minutes past that time.

The PRESIDING OFFICER. That is perfectly all right. I ask unanimous consent that at the conclusion of the remarks of my friend from New Jersey I be recognized for 30 minutes.

Mr. INHOFE. Mr. President, while we are focused on issues here at home—and certainly we should be—there are incidents taking place around the world, and those of us who care about democracy and human rights, those of us like myself who sit on the Senate Foreign Relations Committee, also have our focus on what is happening in other places in the world.

I come to the floor to talk about the violence and repression that continues in the country of Cuba—this time in a dramatic and brazen attempt to exercise power through fear and intimidation over those who want nothing more than to see the day when the people of Cuba are free—and against members of the international community.

Once again, I am forced to come to the floor to put a spotlight on what is happening inside of Cuba and all those who put their lives on the line for freedom and human rights around the world.

The information we are receiving from both public reports and other information from Cuba concerning the circumstances surrounding the death of Oswaldo Paya—the island’s most prominent and respected human rights advocate—is disturbing. It underscores the continued brutality and repression
of the Castro regime, and it demands a response from the international community, as well as from ourselves as part of that community. The facts as we know them are that 50 prodemocracy activists were arrested for the funeral of the Cuban who died in the tragic automobile accident that took the life of Oswaldo Paya. Paya's daughter Rosa Maria Paya immediately challenged the regime's version of events, stating that the family had received information from the survivors that their car was repeatedly rammed—rammed—by another vehicle. She said:

So we think it's not an accident. They wanted to do harm and then ended up killing my father.

The family also said that Oswaldo Paya was targeted in a similar incident 2 weeks earlier in Havana. The same thing: an effort as they were driving to ram them off the road. In retrospect, the family now sees that incident as a warning from the regime.

What we know is the car, driven by a politician from Spain, Angel Carromero, a citizen of Spain, and Aron Modig, a Swedish citizen, was less lucky than Paya's. Carromero, like Modig, was forced to offer a mea culpa, which was made available in a video presentation hosted by Castro's nefarious Ministry of the Interior.

The regime's logic has to boggle the mind of any reasonable person who cares about the rule of law. It is also my understanding, according to reports from Cuba, that—in a move typical of the Castro regime—Spanish diplomats were prohibited from seeing or meeting with Carromero until yesterday.

Meanwhile, the grieving widow of Oswaldo Paya has expressed outrage and has rejected an official report regarding the death of her husband and the circumstances surrounding the accident which has now blamed the accident on the actions of Angel Carromero, who was driving the car.

Paya's wife has said: "Until I'm able to speak with Angel or with Aron, the last two people who saw my husband alive, have access to the expert reports, and have the advice of people independent of the Cuban government, I can have no idea what really happened that day."

I cannot be certain that the regime killed Oswaldo Paya, but the circumstances of his death are highly suspicious. There is no question that the regime had no motive to kill Oswaldo Paya. Oswaldo Paya was most—one of the most prominent opponents of the Castro dictatorship, a Catholic activist who funded the Christian Liberation Movement in 1988.

He is best known for the Varela Project, a petition drive he launched in 2002 that called for free elections and other rights. That drive led the Cuban Government to adopt a constitutional amendment making the Communist system in Cuba irrevocable. It followed that with the 2003 Black Spring, which arrested 75 of the most prominent Cuban activists in that year.

Paya had become the most known, most visible face of Cuba's peaceful opposition movement. The European Parliament has rejected Castro's official report, and the Sakharov Prize for Freedom of Thought in 2002. That year, he was also nominated for a Nobel Peace Prize by hundreds of parliamentarians in a campaign led by his friend Vaclav Havel, the Czech Republic President.

Paya was determined that Cuba and Cubans should enjoy the benefits of freedom and democracy and he committed his life to that cause and he may very well have lost his life to that cause. We cannot continue to turn our back on Cubans who are struggling in peaceful ways to promote democracy and human rights. We cannot allow the violence and the repression, the brutal detentions to continue without consequence. We cannot allow innocent members of the international community to be brutalized and victimized by the Castro brothers so they can hide the truth without the international community standing together and demanding a change in their repressive and illegal actions.

Will the Castro regime stop at nothing, nothing to repress the rights of its people? Can we turn our back on the rule of law on the Cuban people, on the facts of this case, on Mr. Carromero or can we once again stand, speak, and demand they be taken off the Castro regime's list of wanted criminals?
I am hoping our colleagues will join us in helping break the silence, on behalf of the memory of Oswaldo Paya and on behalf of all those who lose their lives every day or their liberty simply because they peacefully choose to try to change the nature of the country in which they live. It is something America should be a beacon of light for, something I hope we can shine very brightly, and in doing so, create a protective element to those who are peacefully trying to create change inside Cuba. We should do no less.

ALAN GROSS
Ms. MIKULSKI. Mr. President, 32 months almost 3 full years. That is how long Maryland native Alan Gross has been held by Cuba as a political prisoner.

Alan Gross went to Cuba in 2009 on an USAID contract to help install wireless Internet. The Cuban government responded by putting him in jail. They declared him a spy, ran a sham trial and sentenced him to 15 years in prison.

Alan Gross is from Potomac, MD, and like me, studied social work at the University of Maryland. I have met his wife on numerous occasions. Her focus and strength are truly inspiring. While her husband has been held in a Cuban prison, she has held down the fort and held the pressure on the Cuban government for its poor treatment of her husband.

And Alan Gross has held strong in the face of his unfair imprisonment. To maintain his physical and mental strength, he would pace his room and do pull ups. Unfortunately, however his health has declined. He has lost more than 100 pounds, has losing ability to walk, and—most worryingly—has had a mass develop behind his shoulder. Rather than act humanely, the Cuban government is doing nothing to help him.

Then again today two things happened. First of all, we had the senior Senator from Massachussetts come down to the floor and was somewhat critical of me and anyone who is a skeptic. I think it is important to realize that to understand—so you understand, when we are talking, what we are referring to.

Those people who believe the world is coming to an end because of global warming and that is due to man-made anthropogenic gases, we call those people alarmists. Those people such as myself who have looked at it very carefully and have come to the conclusion that is not happening and the fact or the assertion that global warming is occurring today and it is occurring because of the release of CO2 and anthropogenic gases, methane, and such that it is a hoax, which I said way back in 2003. This became quite a charge to a lot of people, a hoax that— the fact that all of this is happening is due to manmade gases. I believe it is the greatest hoax ever perpetrated on the American people.

As a result of that, a lot of people are trying to do things to this country that are detrimental. By the way, we also had this morning—it was enjoyable. This is the first time since 2009 that the Environment and Public Works Committee has had a hearing on global warming, on the science or lack of science behind global warming.

I was delighted to see all these things resurrected. I know it is not proper to talk about your own books on the floor, and I do not do it, except I have to do it because it was mentioned by some of my adversaries, my book was called "Hoax." Things were taken out of this book so I had to defend them. Let me just mention, if I can in this fairly short period of time that I have, I think it is only 30 minutes, some of the things that were stated. First of all, why the senior Senator from Massachusetts and then make some comments about the hearing this morning.

In fact, I am glad it is coming to the surface again. First of all, I was referred to as a "skeptic." I mentioned just now that skeptics are those who do not believe what I referred to as the hoax. He referred to us as "flat earthers." I learned a long time ago that they have their side; they do not have the science on their side, they respond with name calling. I have been called a lot of names. Let me just name a few. This comes right out of the book and some of the things that were flat earthers.


But quite often we hear these things, it is only because there is not logic or science on their side. They do name calling, which is fine. To me, that gets attention, and it needs to have the attention. The second thing, one of the other things that came out this morning, the statement was made by the senior Senator from Massachusetts, and I am quoting now. I believe there are 6,000 peer-reviewed studies that say that no one peer-reviewed study that proves it is not happening.

There is not one, not one peer-reviewed study. A peer-reviewed study is a study that is published and then the peers review it. I think that is a process that is necessary. Consequently, that statement was made. That statement just flat is not right. In fact, let me go ahead and talk about some of these studies. If we look at the Harvard-Smithsonian study, that was a study which examined the results of more than 240 peer-reviewed papers published by thousands of researchers over the past four decades.

The study covers a multitude of geophysical and biological climate indicators. They came to the conclusion—this is a Harvard-Smithsonian peer-reviewed study. They concluded that climate change is not real, that the science is not accurate.

Dr. Fred Seitz. Dr. Fred Seitz is a former president of the National Academy of Science. He said: "There is no convincing scientific evidence that human release of carbon dioxide, methane or other greenhouse gases is causing or will in the foreseeable future..."
cause catastrophic heating of the earth’s atmosphere and disruption of the earth’s climate."

I would like to pause at this moment, because I see the majority leader on the floor of the Senate, and inquire if they would like to make a leadership time. I would be very glad to yield to them that time. Apparently, that is not the case.

Thirdly, this is something that happened very recently. One of the universities, George Mason University, surveyed 25,000 weathercasters and found that only 19 percent of the weathercasters felt catastrophic global warming is taking place and is a result of human activity.

That is quite a change from what is used to be. That means 81 percent of those weathercasters that we all see every night are saying that is not true. Dr. Robert Laughlin, a Nobel Prize-winning Stanford University physicist, said:

"Please remain calm. The earth will heal itself. Climate is beyond our power to control. The earth doesn’t care about government change and legislation. Climate is a matter of geologic time, something the earth does on its own without asking anyone’s permission or explaining itself."

I think the statement is certainly not an accurate statement that was made this morning. By the way, in terms of the climate change, I would like to say there is a Web site called Climate Depot by Marc Morano. In this, we can find multitudes of peer-reviewed studies. There is not time to go over them all, but we certainly can find them on that particular Web site.

Another statement made by the senior Senator from Massachusetts this morning was when they were talking about a former climate skeptic, Richard Muller, M-u-l-e-r. He changed his mind through extensive research, implying he was a skeptic and he is now an alarmist. Let me tell you about Richard Muller. In 2008 Richard Muller said that the bottom line is that there is a consensus. The Inter-governmental Panel on Climate Change—we will talk about that later. The President needs to know what the IPCC says. Second, they say that most of the warming of the last 50 years is probably due to humans. You need to know that this is from carbon dioxide and that you need to know the understanding of the technology.

Mr. President, I was talking about responding to the speech made on the floor this morning by the senior Senator from Massachusetts.

I think the main thing I got across at that time was the assertion that site made that there are 6,000 peer-reviewed studies that say not one peer-reviewed study proves that global warming is not happening and that anthropogenic gases would be the cause of it. I know it was the intent of the senior Senator from Massachusetts to say something that was factually wrong, but I did read several peer-reviewed studies and referred to the Web site climatodepot.com, if anyone is interested in that.

Second is the fact that the Senator from Massachusetts—and then again in the hearing this morning, Richard Muller was referred to several times as being a skeptical person. He converted over to an alarmist. I suggested—and I read something to show that, in my opinion, he never was a skeptic. I would like to make some comments about Richard Muller.

If you go to my Web site, you will find about 1,000 scientists who have come around and said: No, this assertion that we are having catastrophic global warming due to anthropogenic, manmade gases is not correct. Muller is not on that list. However, when they say that he is the one and made such a big issue, I will quote a couple people about their expressing themselves on the credibility of Richard Muller.

Professor Judith Curry, a climatologist at the Georgia Institute of Technology, stated "way over-simplistic and not at all convincing, in my opinion." She was talking about the comments made by Muller. She also said I don’t see that their paper adds anything to our understanding of the causes of the recent warming." That is on the paper submitted by Richard Muller.

Roger Peilke, Jr., said that the "bigger issue is how the New York Times let itself be conned into running [Muller’s] op-ed."

Michael Mann is the guy who started this whole thing at the U.N., putting it together. He had the hockey stick thing that has been totally discredited. He said:

"It seems, in the end—quite sadly—that this is all really about Richard Muller’s self-aggrandizement.

So much for the statements that were made to give credibility to their side by Richard Muller.

I think the statement that was stated this morning was we have evidence of climate change all around—wildfires, drought and vegetation, and all that type. Then they talked about glaciers. Well, let me just share the facts about glaciers. There are very significant, as far as the droughts and all that are concerned. Again, this is a statement made by the senior Senator from Massachusetts this morning, talking about all these things that are happening as a result of global warming.

Well, hurricanes, according to NOAA, have been on the decline in the United States since the beginning of records in the 19th century. The worst decade for major—category 3, 4, and 5—hurricanes was in the 1940s.

To quote the Geophysical Research Letters:

"Since 2006, global tropical cyclone energy has decreased dramatically . . . to the lowest levels since the late 1970s. Global frequency of tropical cyclones has reached a historic low.

So just the opposite. On tornadoes, NOAA scientists reject a global warming link to tornadoes. To quote them:

"No scientific consensus or connection between global warming or tornado activity.

Droughts. The Senator talked about droughts this morning. Reading from this article, the headline is "Scientist disagrees with Obama on cause of drought," and to quote Dr. Robert Hoerling, a NOAA research meteorologist, "This is not a climate change drought."

They further said severe drought in 1934 covered 80 percent of the country compared to only 25 percent in 2011.

The statements that were made about the Arctic and about Greenland this morning, if you look at a November 2007 peer-reviewed—and I stress peer-reviewed—study, conducted by a team of NASA and university experts, it found cyclical changes in ocean currents impacting the Arctic. The excerpt from this peer-reviewed study by NASA says:

"Our study confirms that many changes seen in upper Arctic Ocean circulation in the 1990s were mostly decadal in nature, rather than trends caused by global warming.

And 2011 sees 9,000 Manhattans of Arctic ice recovery since the low point in 2007.

I would like to explain what that means. When we talk about the Manhattan Arctic recovery, they use Manhattan because that is something people can identify with, and then they relate that to the recovery of ice. In this case, it is, again, from NASA. In 2011, there were 9,000 Manhattans of Arctic ice recovery since the low point in 2007. Now, this study was 2011. So that means the low point was actually below that, and it has been decreasing since that time.

Now, that was the Arctic. In the Antarctic there is a 2008 peer-reviewed paper in the American Geophysical Union, and it found a doubling in snow accumulation in the western Antarctic Peninsula since 1850. In a paper published in the October—it is called Climate Examples, the trend of sea ice extends along the east Antarctic coast from 2000 to 2008 and finds a significant increase of 1.3 percent per year.

Let’s talk about Greenland. And I will always remember when I had occasion—well, one of the things I have been interested in is aviation. I have been an active pilot for, I guess, 60 years now. The occupier of the chair is fully aware of this because he and I together were able to pass the pilots’ bill of rights, so for the first time an accused pilot has access to the judicial system. But as the occupier of the chair is fully aware, I had occasion to fly an airplane around the world one time, emulating the flight of Wiley Post when he went around the world. It is an exciting thing, but it is one of those things where you feel you are glad you did it, but you never want to do it again. It was kind of miserable at the time.

Anyway, I remember coming across Greenland, following Wiley Post, and starting in the United States, going up to Canada, then Greenland, to Iceland,
back to western Europe, and then across Siberia. But in Greenland they are still talking up there about what it used to be like in Greenland. They had gone through this melting period where everyone up there was growing things. They would gather up there, talking about the good old times. They would, of course, the cold spell came along, and it got much colder and it was much worse.

Now, the IPCC, in 2001, covered this. They published the green ice sheet would require temperatures to rise by 5½ degrees Celsius and remain for 1,000 years. The ice sheet is growing 2 inches a year. So that is Greenland, and they were just talking about Greenland this morning. In fact, they talked about it during this hearing too.

Let me mention this IPCC and remind everyone of something that people tend to forget. The IPCC is the Intergovernmental Panel on Climate Change, which is a group that is put together by the United Nations a long time ago. It all started in 1992 down in Rio de Janeiro. They had their big gathering down there to try to encourage everyone to pass the Kyoto Treaty. The treaty was never even submitted by the Clinton-Gore administration, although Gore went to this big meeting in Rio de Janeiro. They had a wonderful time down there. At that time they were all saying the world is coming to an end so we have to have the United States go to this Kyoto Treaty to stop all that. Well, that is the IPCC that I have been very critical of because that is the science on which all of these things are based that we are dealing with today.

So much for these things that were stated in terms of the disasters and the droughts and all of these problems. The next thing he talked about—and I have already talked about Greenland—is he talked about it is going to be necessary to have the United States go to this Kyoto Treaty to stop all that. Well, that is the IPCC that I have been very critical of because that is the science on which all of these things are based that we are dealing with today.

The avoidance of responsibility has to start. We have been waiting for 20 years now while other countries, including China, are stealing our opportunities.

Let’s put up that chart. Let’s talk a little about China. You know China is the great beneficiary of anything we do here to put caps on carbon because they are the ones that are doing it. So they say China is making great strides in reducing their carbon emissions. Well, look at this. The green line there is China. This is in emissions—billions of tons of emissions. It starts down at 2, a little over 2, which was in 1990, and it was fairly low until 2002.

Look at what has happened. It has doubled in tons of emissions. China has actually doubled in that period of time, from 2002 to 2012—a 10-year period. At the same time, we have actually reduced our emissions—both the United States and the European Union. To suggest that China is sitting back there waiting for us to provide the leadership for them to destroy their economy is pretty outrageous.

By the way, the other statement that has been made in the past, not just by the Senator to whom I have referred but several others, is that we are not going to be able to solve the problem and to do something about our reliance upon the Middle East just by developing our own resources. That is wrong.

There is a guy named Harold Hamm, who is now the authority, and he has actually had more successful production in tight formations. He happens to be from my State of Oklahoma. I called him up before a speech or a debate I was involved in probably 6 months ago, and I said to Harold Hamm: You know, if we were to open up the United States, the United States, then there would be a surge in the production in this country, in the recovery, but that is all in private lands; none in public lands because we have had a reduction in public lands.

The Obama administration has said over and over and over—and I guess if you say something wrong enough times people will believe it—that even if we open these public lands it would take 10 years before that would arrive at the pumps.

So I asked Harold Hamm, and I said: You are going to have to give me something you can document, but if we were to set up in New Mexico, for example, where you are precluded on public lands—just like we did in the United States. The answer was: No. He said: It would take 30 days to go down and lift it up—60 days before we have to prepare a small pipeline to get the oil up to a refinery, then in 10 days you get it to the refinery and to the pumps.

Well, I am just saying there is this whole idea we have to rely on some kind of green energy that has not even been developed yet in terms of technology and ration what we have in this country. I mean, this Obama administration has had a war on fossil fuels since before he was elected President of the United States. He wants to kill fossil fuels. We don’t know what he is going to do. We all know what he is going to do. I am not going to quote all the people in his administration who say we are going to have to raise the price at the pumps to be comparable to Central Europe before people will be weaned off of fossil fuel because I think people know that now.

This morning was kind of interesting. We had a hearing this morning, part of which was by Dr. Christopher Field. He was a witness for the other side, and he made a lot of statements. It was kind of interesting because there is an article that was sent out, written by Roger Pielke, Jr., who is from the University of Colorado at Boulder, and he was actually on the IPCC at one time. But he is one of the authorities who disagrees with me, and he talked about how wrong Dr. Field was.

Now, this is what Field said, first of all:

As the U.S. copes with the aftermath of last year’s record-breaking series of $14 billion climate-related disasters and this year’s massive wildfires and storms, it is critical to understand that the link between climate change and the kinds of extremes that lead to disasters is clear.

Well, what did Roger Pielke say this morning? He said:

Field’s assertion that the link between climate change and disaster “is clear,” which he supported with reference to U.S. “billion dollar” economic losses, is in reality scientifically unsupported by the IPCC. Period.

That was the response to the assertion made this morning.

Another assertion made this morning by Field was:

The report identified some areas where droughts have become longer and more intense (including southern Europe and west Africa), but others where droughts have become less frequent, less intense or shorter.

This is what was said in response to that. Again, this is Dr. Roger Pielke, Jr., just today. This is in today’s paper he published.

Field conveniently neglected in his testimony to mention that one place where droughts have gotten less frequent, less intense or shorter is the United States. Why did he fail to mention this region surely of interest to U.S. Senators . . . Myself included—that were on the panel?

The third thing he mentioned on NOAA’s billion-dollar disasters; Field said:

The U.S. experienced 14 billion-dollar disasters in 2011, a record that far surpasses the previous maximum of 9.

Field says nothing about the serious issue of drought with NOAA’s tabulation. The billion-dollar disaster memo is a PR train wreck, not peer-reviewed, and is counter to the actual science summarized in the IPCC. Again, this is Dr. Pielke, Jr., who disagrees with me on this, but he said he is tired of people saying things that are not true.

I ask unanimous consent to include his entire statement in the RECORD because he goes over point after point and discredits everything that was said by this witness—whose name is Christopher Field—this morning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
IPCC was unable to attribute any trend in tropical cyclone disasters to climate change (anywhere in the world and globally overall). In fact, there has been no trend in US hurricane frequency over centuries or more, and the US is currently experiencing the longest period with no intense hurricanes landfalls ever seen. Field fails to support the IPCC’s oft-repeated position of a great flood risk of hitting an extreme. The IPCC (IPCC 2012) concludes that climate change increases the risk of heat waves (90% or greater probability), heavy precipitation (66% or greater probability), and droughts (medium confidence) for most land areas. ‘’

What the IPCC actually says: ‘’The absence of an attributable climate change signal in losses also holds for flood losses’’ and (from above): ‘’In some regions droughts have become less frequent, less intense, or shorter, for example, in the conterminous US’’

Field fails to explain that no linkage between flood disasters and climate change has been established. Increasing precipitation is not the same thing as increasing streamflow, floods or disasters. In fact, floods may be decreasing worldwide and are not increasing the US. The fact that drought has declined in the US is not the same thing as increasing risk impacts that can be attributed to climate change. Yet he implies exactly the opposite. Again, why include such obvious misrepresentations when they are so easily refuted?

Field is certainly entitled to his (wrong) opinion on the link between climate and disasters. However, it utterly irresponsible to fundamentally misrepresent the conclusions of the IPCC before the US Congress. He might have explained why he thought the IPCC was wrong in its conclusions, but it is foolish to pretend that the body said something other than what it actually reported. Just like the inconvenient fact that people are influencing the climate and carbon dioxide is a main culprit, the science says what the science says.

Field can present such nonsense before Congress because the politics of climate change are so poisonous that he will be applauded for his misrepresentations by many, including some CEOs. Undoubtedly, I will be attacked for pointing out his obvious misrepresentations. Neither response changes the basic facts here. Such is the sorry state of climate science today.

Mr. INHOFE. It is important to talk about the IPCC because if we stop and think about it, everything that has been happening comes from the science that was investigated and formulated by the IPCC. Intergovernmental Panel on Climate Change, the United Nations, the United States of America. In my book I talk a little bit about this, and I don’t want to go into much detail about this, but I don’t believe it would be appropriate to mention it at this time. But at today’s hearing, we talked about the IPCC.

When they were unable, through about five or six different bills, to get cap and trade through—keep in mind, cap and trade through legislation would cost the American people between $300 billion and $400 billion a year. But when they had something happen in December 2009.

The United Nations has this big party every year, and they invite countries from around the world to testify that global warming is happening and they are going to do something about it. One time in Milan, Italy, I saw one of my friends from West Africa, I said, ‘’What in the world are you doing here? You know better than this—in terms of global warming, this is the biggest party of the year. Besides that, if we agree to go along with this, we in West Africa are going to get billions of dollars from the United Nations, from those countries in the developed nations.’’

Another big party was coming up in Copenhagen in 2009. I think Senator KERRY had gone over; Hillary Clinton had gone over. I don’t believe Barack Obama was there. NANCY PELOSI was there and several others were there. They were telling all these countries: ‘’Don’t you worry about it because we in the United States of America are going to pass cap-and-trade legislation this year. So I said I was going to go over as a one-man truth squad and try to tell them the truth, and I did. I went over and told the 191 other countries there: We are not going to pass cap and trade. It is dead. It is done. They can’t get one-third of the Senate to support it. I left one time over in the liberal, Lisa Jackson—I really like her. She is Obama’s appointee and is now the Director of the Environmental Protection Agency. Right before I went to Copenhagen, we had a hearing, and she was present.

I said: Madam Administrator, I have a feeling that once I leave and go to Copenhagen, you are going to come out with an endangerment finding that will give you justification to start doing what they couldn’t do by legislation through regulations. And I could see a smile on her face.

I said: When you do this, it has to be based on science. What science are you going to base this on?

Field says: Well, I’ll tell you, the Intergovernmental Panel on Climate Change would be the major thing. And, sure enough, that is exactly what happened. I could not have planned it, but she made this declaration that we now are going to be able to do through regulation, which we couldn’t do through legislation, what we couldn’t do through legislation because the people of America had spoken through their elected representatives in the House and the Senate and had denied the opportunity to do cap and trade, so they decided to do it in an ending finding. And I think you can see it at this time.

What happened afterward is what I call poetic justice. Climategate occurred. I had nothing to do with it when it happened, but all the speeches I had made in the previous 10 years on this floor of this Senate were speeches saying exactly the same thing: that they were cooking the science and what they were saying was not real.

I read several of the editorials that came out after climategate. The New York Times has been on the other side of this issue. They said: ‘’Given the stakes, the IPCC cannot allow more missteps and, at the very least, must..."
tighten procedures and make its deliberation more transparent. The panel’s chairman . . . is under fire for taking consulting fees from business interests. . . .

The Washington Post, which has also been on the other side of this issue, said:
Recent revelations about flaws in that seminal IPCC report, ranging from typos in key dates to sloppy sourcing, are undermining confidence not only in the panel’s work but also in projections about climate change.

Newsweek:
Some of the IPCC’s most-quoted data and recommendations were taken straight out of unchecked activist brochures, newspaper articles . . .

Christopher Booker of the UK Telegraph said of climategate, “. . . the worst scientific scandal of our generation.”

Clive Cook of the Financial Times said: “The stink of intellectual corruption is overpowering.”

A prominent physicist from the IPCC said: “Climategate was a fraud on the scale I have never seen.”

Another UN Scientist, balls:
UN IPCC Coordinating author Dr. Philip Lloyd calls out IPCC ‘fraud’—the result is not scientific.

Newswise:
Once celebrated climate researchers feeling like used car salesmen. Some of IPCC’s most-quoted data and recommendations were taken straight out of unchecked activist brochures.

Clive Cook of the Atlantic Magazine, speaking of the IPCC, responds:
I had hoped, not very confidently, that the various Climategate inquiries would be severe. This would have been a first step towards restoring confidence in the scientific consensus.

So everyone is in agreement that this is what climategate was all about. And why I am spending so much time on this is because this is the science of all of these things that started since Kyoto.

By the way, the Senator, this morning on the floor, commented about the Kyoto Treaty. Let’s keep in mind, the Kyoto Treaty was back during the Clinton-Gore administration. They were strongly in support of it. Vice President Gore went down to the summit they were having in Rio de Janeiro and signed the treaty, but they never submitted it to the Senate.

To become a part of a treaty, it has to be the United States. It never was, and people need to understand that there is a reason it never was submitted.

I would suggest a couple of other things in the remainder of the time that I have that I think are significant and worthy of bringing up. One would be the one-weather event. The thing that we are hearing more about than anything else is that it has been a very hot summer. On Monday, my wife called me up and said: In Tulsa it is 109 degrees today.

I was joking around with my good friend from Vermont—we disagree with each other, but he is a good friend.

Sure, it is hot. But it is so important that people understand, weather is not climate.

Roger Pielke, Jr., a professor of environmental studies at University of Colorado, said:
Over the long term, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, chair of the Georgia Institute of Technology’s School of Earth and Atmospheric Sciences, has said:
I have been completely unconvinced by any of the arguments . . . that attribute a single extreme weather event, a cluster of extreme weather events, or statistics of extreme weather events to anthropogenic forcing.

Myles Allen at the University of Oxford’s Atmospheric, Oceanic, and Planetary Physics Department:
When Al Gore said . . . that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms and droughts . . . my heart sank.

I consider Rachel Maddow of MSNBC to be one of the outstanding liberals, and she is one of my four favorite liberals. I have been following her program, and I have enjoyed it. Bill Nye, the Science Guy, agrees that some of these weather events have nothing to do with global warming.

The other thing I made a note of that came up this morning was that they said there is no evidence on cooling. I think it is important to talk about that a little bit because a prominent Russian scientist said:
We should fear a deep temperature drop—not catastrophic global . . . Warming had a natural origin . . . CO2 is not guilty.

U.N. Fears (More) Global Cooling Cometh! An IPCC scientist warns the U.N.:
We may be about to enter one or even two decades during which temps cool.

I ask unanimous consent all of these be placed in the RECORD showing that a single weather event has nothing to do with climate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL COOLING PREDICTIONS

3. Paleoclimatologist scientist Dr. Bob Carter, James Cook University in Australia, who has testified before the U.S. Senate Committee on EPW, noted on June 18, 2007, “The accepted global average temperature statistics used by the Intergovernmental Panel on Climate Change (IPCC) show that no ground-based warming has occurred since 1998. Oddly, this 8-year-long temperature stability as occurred despite an increase over the same period of 15 parts per million (or 4%) in atmospheric CO2.

(ANDREW REVKIN)

4. Just months before Copenhagen, on September 23, 2009, the New York Times acknowledged, “The world leaders who met at the United Nations to discuss climate change . . . are faced with an intricate challenge: building momentum for an international climate treaty at a time when global temperature has relatively stable for a decade and may even drop in the next few years.”

Mr. INHOFE. I do think it is important to bring this up because this is happening right now, after 3 years, and not one mention of global warming, and all of a sudden it is global warming.

Mr. President, I ask unanimous consent to extend my time by 5 minutes.

Mr. BEGICH. Without objection, it is so ordered.

Mr. INHOFE. This morning I showed a picture of an igloo. I have 20 kids and grandkids. My daughter Molly and her husband have four children under the age of those is adopted from Africa, a little girl. She was brought over here when she was a little baby. She is now 12 years old, reading at a college level. She is an outstanding little girl. I sponsor the African dinner every February, and she, for the last 3 years, has been kind of a keynote speaker, and everybody loves her.

They were up here 2 years ago, and they couldn’t leave because all the airports were closed because of the ice storm. What do you do with a family of six when they are stuck someplace? They built an igloo. That was fun—a real igloo that will sleep four people. This became quite an issue, and we had articles from France and Great Britain all criticizing our country. In fact, when the Affordable Care Act was declared by Keith Olbermann of MSNBC to be the worst family in America because of this.

The point they were trying to make is, no one ever asserted that because it was the coldest winter in several decades up here that somehow that refuted global warming. I said: No, that isn’t true. Now those same people are saying that it is.

So you can fool the American people part of the time and you can talk about all the hysteria and all the things that are taking place, but the people of America have caught on.

In March 2010, in a Gallup poll, Americans ranked global warming as last, No. 8 out of eight environmental issues. They had a vote, and this was dead last.

A March Rasmussen poll: 72 percent of American voters don’t believe global warming is a serious problem.

An alarmist, Robert Socolow, laments:
We are losing the argument with the general public big time . . . I think the climate change activists—myself included—have lost the American middle.

So as much money as they have spent and the efforts they have made, and moveon.org and George Soros and Michael Moore and the United Nations and the Gore people and the elitists out in California in Hollywood, they have lost this battle. Now they are trying to resurrect it. They would love nothing more than to pass this $300 billion tax increase. It is not going to happen.

But I am glad that we are talking about it again, and I applaud my friend Senator SANDERS from Vermont is a real sincere activist on the other side. We agree on hardly anything—except infrastructure, I would have to
say—and yet we respect each other. That is what this body is all about. We should have people who are on both sides of all these controversial issues talking about it. There has been a silence for 3 years. Now we are talking about it.

So welcome back to the discussion of global warming. I look forward to future discussions about this.

Mr. President, I yield the floor.

Mr. REID. Mr. President, we are about to do something really important in the Senate. It would increase U.S. textile exports to Central American countries, it would promote development and economic stability by creating jobs in, of course, African countries, and it would extend U.S. import sanctions with Burma, which the Republicans have supported since 1996.

This bill would help maintain about 2,000 jobs in North Carolina and South Carolina alone. It is a very good bill. It is fully paid for. It is an important piece of legislation.

Mr. President, I ask unanimous consent that the order for the consideration of Calendar No. 459, S. 3326; that the only amendment in order be a Coburn amendment, the text of which is at the desk; that there be 30 minutes for debate equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the amendment; that if the amendment is not agreed to, the bill be read the third time and passed without further action or debate; that when the Senate receives H.R. 5986 and if its text is identical to S. 3326, the Senate proceed to the immediate consideration of H.R. 5986, the bill be read the third time and passed without further debate, with no amendments in order prior to passage; further that if the Coburn amendment is agreed to, the Finance Committee be discharged from further consideration of H.R. 9 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 3326, as amended, be inserted in lieu thereof, the bill be read the third time and passed without further debate; that when the Senate receives H.R. 5986, the Senate proceed to it forthwith and all after the enacting clause be stricken and the text of sections 2 and 3 of S. 3326, as reported, by inserted in lieu thereof, the bill be read the third time and passed, without further debate, as amended, and S. 3326 be returned to the Calendar of Business; finally, that all motions be in order other than motions to waive or motions to table and that motions to reconsider be made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not be objecting, let me echo the remarks of the majority leader. This is an important piece of legislation.

The part I have the most interest in is the renewal of Burma’s sanctions—something we have done on an annual basis for 10 years. We are renewing this sanctions legislation in spite of the fact that much progress has been made in Burma in the last year and a half. Secretary Clinton will, of course, recommend to the President that these sanctions be waived in recognition of the significant progress that has been made in the last year and a half in that country, which is trying to move from a rather thugsish military dictatorship to a genuine democracy. There is still a long way to go.

This is an important step in the right direction. America speaks with one voice regarding Burma. My views are the same as the views of the Obama administration as expressed by Secretary Clinton.

I thank the chairman of the Finance Committee also for helping us work through the process, and particularly Senator COBURN, who had some reservations about the non-Burma parts of this bill. I think we have worked those out and are moving forward. It is an important step in the right direction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT OF 2012

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3850.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Resolved, that the House agree to the amendment (H.R. 3850—obtained by amendment of the Senate to the bill (H.R. 3850)—entitled “An Act to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes”, with an amendment.

Mr. JOHNSON of South Dakota. Mr. President, I rise in strong support of the Iran Threat Reduction and Syria Human Rights Act, our legislation which embodies a bipartisan, bicameral agreement to reconcile the current Senate and House-passed versions of Iran sanctions legislation. Once implemented, this comprehensive new set of sanctions will help dramatically to increase the pressure on Iranian government leaders to abandon their illicit nuclear activities and support for terrorism. This bill passed the House of Representatives by an overwhelming bipartisan vote of 421 to 6 earlier this evening. I hope all of my colleagues will join us in supporting it so that it can be adopted by the Senate and signed into law by the President as soon as possible.

So far, in the sputtering P5+1 negotiations, Iran has shown no clear signs of a willingness to work with the international community to engage in a serious way on nuclear issues. It remains to be seen whether Iran will ultimately be willing to work towards progress on the central issues at upcoming negotiating sessions, or whether the meetings will simply be another in a series of stalling actions to buy time to enrich additional uranium and further fortify their nuclear program. That is why I think it necessary to intensify the pressure, and move forward quickly now on this new package that leaves no doubts about U.S. resolve on this issue.

As we all recognize, economic sanctions are not an end: they are a means to an end. That end is to apply enough pressure to secure agreement from Iran’s leaders to fully, completely and verifiably abandon their illicit nuclear arms programs and move deeper into Iran’s energy sector.

Isolated diplomatically, economically, and otherwise, Iran must understand that the patience of the international community is fast running out. With these new sanctions, including those targeted at the I-R-G-C, we are pressuring Iran’s military and political leaders to make a clear choice. They can end the suppression of their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorist activities around the globe. Or they can continue to face sustained multilateral economic and diplomatic pressure, and deepen their international isolation.

This legislation is based on the Senate bill which passed with unanimous support in May. It incorporates new measures from Democrats and Republicans in the House and Senate. The sanctions contained in this bill reach far beyond Iran’s nuclear program, suspend enrichment, and stop supporting terrorist activities around the globe. So welcome back to the discussion of this.

Mr. JOHNSON of South Dakota. Mr. President, I yield the floor.
in joint ventures with the National Iranian Oil Company, NIOC; provides insurance or re-insurance to the National Iranian Oil Company or the National Iranian Tanker Company, NITC; helps Iran evade oil sanctions through reflagging or other means; or sells, leases, or otherwise provides oil tankers to Iran unless they are from a country that is sharply reducing its oil purchases from Iran.

The bill also expands sanctions against Iran by the Syrian officials for human rights abuses, including against those who engage in censorship, jamming and monitoring of communications, and tracking of Internet use by ordinary Iranian citizens.

Many of my colleagues, both Democrats and Republicans, have helped us get to this point. I want to particularly thank Chairman Ros-Lehtinen of the House Foreign Affairs Committee. Without her help, we would not be here. I also want to thank my colleagues, including Senator Schumer, Gillibrand, Lautenberg, Brown, Kyle, Lieberman, and others who contributed their ideas. I also want to thank Majority Leader Reid for his tireless efforts to enact a strong comprehensive sanctions bill.

Finally, I want to thank the staff who crafted the details of this bill, and worked long hours in intensive discussions over several weeks to get it done. They include Patrick Grant, Steve Kroll, Georgina Cannon, Ingianni Acosta and Colin McGinnis of my Committee staff; Dr. Yleem Poblete, Matt Zweig, and Ari Friedman of Chairman Ros-Lehtinen’s staff; John O’Hara and Andrew Olmem of Senator Shelby’s staff, and Shanna Winters, Dr. Richard Kessler, and Alan Makovsky of Ranking Member Berman’s staff.

All told, when enacted this bill and other measures under consideration will significantly increase pressure on Iran to abandon its illicit nuclear activities. I ask unanimous consent to have printed in the RECORD a detailed summary of the bill. I urge all my colleagues to support this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**Iran Threat Reduction and Syria Human Rights Act of 2012**

**SECTION-BY-SECTION SUMMARY**

Sec. 1—Short Title, Table of Contents

Sec. 2—Definitions: Provides that the definitions of key terms (“appropriate congressional committees,” and “knowingly”) will be those found in the Iran Sanctions Act (ISA) of 1996, as amended, and that the definition of “United States person” will be those found in the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA). Also defines financial transactions, to mean any transfer of value involving any instrument, regardless of form or medium of expression, including by electronic means.

Sec. 102—Exploring Sanctions to Effort to Counter Illegal Nuclear Activities: Requires imposition of at least five ISA sanctions on a person who owns or operates a vessel that on or after January 1, 2012, anywhere in the world in which Iran’s government is a substantial partner or investor has purchased or transported any goods, goods, technology or other items, and know, or should have known, this action would materially contribute to the ability of Iran to develop its nuclear or WMD programs, or would materially assist the regime’s ability to develop or acquire an effective nuclear weapon.

Sec. 202—Sanctions for Shipping WMD to Iran: Requires imposition of at least five ISA sanctions on a person who knowingly and intentionally sells, leases, or provides ships, vessels, or other equipment or services to Iran or a person acting for or on behalf of the Iranian regime, to the extent that the sale, lease, or provision of such equipment or services would materially contribute to the ability of Iran to develop its nuclear or WMD programs, or would materially assist the regime’s ability to develop or acquire an effective nuclear weapon.

Sec. 203—Expansion of Sanctions with Respect to the Development of WMDs: Requires imposition of five or more ISA sanctions on persons who export, transfer, or re-transfer to, or for the benefit of, Iran or its government goods, services, technology or other items and know or should have known this action would materially assist the ability of Iran to develop its nuclear or WMD programs, or would materially assist the regime’s ability to develop or acquire an effective nuclear weapon.

Sec. 302—Sanctions for Re-exporting WMD Materials: Requires imposition of five or more ISA sanctions on persons who re-export to Iran, or for the benefit of Iran or its government, goods, services, technology or other items, and know or should have known this action would materially assist the ability of Iran to develop its nuclear or WMD programs, or would materially assist the regime’s ability to develop or acquire an effective nuclear weapon.

Sec. 303—Sanctions for Perpetuating Iran's Nuclear Weapons Program: Requires imposition of five or more ISA sanctions on persons who knowingly and intentionally sell, lease, or provide ships, vessels, insurance or reinsurance, or other shipping services,
for transportation of goods that materially contribute to Iran’s WMD program or its terrorism-related activities. Applies as well to parents of the persons involved if they knew or should have known of the sanctioning activity and to any of subsidiaries or affiliates of the persons involved that knowingly participated in the activity. Permits the President to designate as "vital to the national security interest," but requires a report to Congress regarding the use of such a waiver; the President must, in any event, submit to Congress identifying operators of vessels and other persons that conduct or facilitate significant financial transactions with Iranian ports designated for IEEPA sanctions.

Sec. 212—Imposition of Sanctions for Provision of Underwriting Services or Insurance: Requires five or more ISA sanctions against companies providing underwriting services, insurance, or reinsurance to the National Iranian Oil Company (NIOC) or the National Iranian Tanker Company (NTTC) or a successor entity to either company. Provides an exemption for persons providing such services for activities involving the Central Bank of Iran or the Iran National Oil Company. Provides for periodic public disclosure of such information, and communication of that information by the SEC to Congress and the President. Requires the Secretary of the Treasury to report to Congress regarding the use of such waivers.

Sec. 213—Imposition of Sanctions for Purchase, Subscription to, or Facilitation of the Issuance of Iranian Debt: Requires the imposition of five or more ISA sanctions on persons who purchase, subscribe to, or facilitate the issuance of Iranian debt, or of a US person's family members. Provides for Presidential discretion to approve a waiver if essential to the national interest or if approved by the senior officials, including the Supreme Leader, the President, members of the Assembly of Experts, senior members of the Intelligence Ministry of Iran, and senior members of the IRGC if they provide such services to the Central Bank of Iran and Iranian banks that have been designated for IEEPA sanctions, or providing support for terror, and assessing efforts to cut off the direct provision of such services to such institutions. Authorizes the imposition of sanctions under CISADA or IEEPA on persons continuing to provide such services to the CBI or such other Iranian institutions, subject to an exception for persons subject to financial institutions that facilitate a significant transaction or transactions or provides significant services not only to certain designated financial institutions, but also to designated financial institutions whose property or interests in property are blocked based on their connection to Iran's proliferation of weapons of mass destruction or support of terrorism.

Sec. 214—Imposition of Sanctions for Transactions with Persons Sanctioned for Certain Activities Relating to Terrorism or Proliferation of WMD: Extends CISADA to impose secondary sanctions and the US Treasury to designate financial institutions that facilitate a significant transaction or transactions or provides significant services not only to certain designated financial institutions, but also to designated financial institutions whose property or interests in property are blocked based on their connection to Iran’s proliferation of weapons of mass destruction or support of terrorism.

Sec. 215—Expansion of Mandatory Sanctions with Respect to Financial Institutions: Directs the Secretary of the Treasury to impose secondary sanctions against foreign financial institutions that facilitate significant transactions or transactions or provide significant services not only to certain designated financial institutions, but also to designated financial institutions whose property or interests in property are blocked based on their connection to Iran’s proliferation of weapons of mass destruction or support of terrorism.

Sec. 216—Liability of Parent Companies for Violations of Sanctions by Foreign Subsidiaries: Requires the imposition of civil penalties under the International Emergency Economic Powers Act of $100,000 per violation, which may be increased to twice the amount of the relevant transaction, on US parent companies for the activities of their foreign subsidiaries which, if under- taken by a US person, would be subject to such sanctions. Requires that the US, in consultation with foreign governments, withdraw visa privileges for senior officials, affiliates, and agents of the IRGC.

Sec. 217—Continuation of Sanctions for the Government of Iran: The Central Bank of Iran, and Sanctions Evaders: Requires that various sanctions imposed by Executive Order, including blocking the property of the Government of Iran’s financial institutions, imposing penalties on foreign sanction evaders, and blocking the property of the CBI, will remain in effect until the President, at least 120 days after Congress has ceased to support terrorism and Iranian development of WMD. Requires the Treasury to impose additional reporting requirements on foreign investors in Iran and to report to Congress regarding the use of such waivers.

Sec. 218—Sense of Congress and Rule of Construction: Requires a report to Congress regarding the use of such waivers, as applicable. Waiver is available if essential to the national security interests of the US.

Sec. 221—Identification and Sanctions on Foreign Government Agencies Carrying Out Activities or Transactions with Certain Iran-Affiliated Persons: Requires the President to report to Congress within 90 days after the President takes any action—including barter transactions—with the IRGC, its agents or affiliates. Requires the President to report on designation and provides for a waiver if vital to the national security interest of the US.

Sec. 222—Expanded Reporting on Iran’s Crude Oil and Refined Petroleum Products: Requires additional reporting by the President on the volume of crude oil and refined petroleum products. Also, outlines priorities for investigating certain foreign persons, entities, and transactions that provide financial institutions safety and soundness purposes, that are consistent with and in furtherance of this Act. Requires the President to report on the designation or revocation of Designated Iranian Financial Institutions Pursuant to the McCarran-Ferguson Act.

Sec. 223—GAO Reports on Foreign Investment in Iran’s Energy Sector: Mandates reports from GAO on foreign investment in Iran’s energy sector, exporters of refined petroleum products, and the provision of shipping and insurance services to Iran, Iranian energy joint ventures worldwide, and countries where gasoline and refined petroleum products exported to Iran are produced or refined.

Sec. 224—Expanded Reporting on Iran’s Energy Sector: Requires the President to report on the designation and information Disclosures on Certain Activities in Iran: Amends the Securities and Exchange Act of 1934 to require issuers whose stock is traded on US stock exchanges to disclose whether they or their affiliates have knowingly engaged in activities (i) described in section 3 of ISA (energy sector activity), (ii) described in section 310A(b)(1) of CISADA (related to foreign financial institutions that facilitate WMD/terrorism, money laundering, and terrorism financing), (iii) in 105A(b)(2) of CISADA (related transfer of weapons and other technologies to Iran likely to be used for human rights abuses); (iv) involving property that is blocked for WMD/terrorism and; (v) involving persons or entities in the government of Iran (without the authorization of a Federal department or agency). Provides for periodic public disclosure of such information, and communication of that information by the SEC to Congress and the President. Requires the Secretary of the Treasury to report to Congress regarding the possible imposition of sanctions as specified, and to make a sanctions determination within six months.

Sec. 225—Identification and Sanctions on Foreign Persons Supporting IRGC: Subjects foreign persons to ISA sanctions if those persons knowingly provide material assistance to, or engage in any significant transaction—including barter transactions—with the IRGC, its agents or affiliates. Requires the President to report on designations and provides for a waiver if vital to the national security interest of the US.
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each agency of the government of a foreign country, other than Iran, that the President determines knowingly and materially supported a foreign person that is an official, agent, or employee of IRGC designated pursuant to IEEPA or various UN Resolutions. Provides authority for the President to impose various measures described in the section, including sanctions on those responsible for or complicit in those abuses against the citizens of Iran. Waiver is also amended, so that it is available if "essential to the national security interests." Establishes a minimum procurement ban of five years and a ban of ten years for violations.

Sec. 312—Sanctions Determinations on NIOC and NITC: Amends CISADA to require the Secretary of the Treasury to determine, at least annually, if the National Iranian Oil Company (NIOC) and the National Iranian Tanker Company (NITC) are agents or affiliates of the IRGC. If found to be IRGC entities, sanctions apply to transactions or relevant financial services for the purchase of petroleum or petroleum products from the NIOC or NITC, but only if the President determines that there exists a sufficient supply of petroleum from countries other than Iran to permit purchasers to signifi- cantly reduce purchases from Iran. Provides for an exception to financial institutions of a country that is significantly reducing its purchases of Iranian petroleum or petroleum products within specified periods which track those provided for in section 1245 of the FY 2012 National Defense Authorization Act.

Sec. 401—Sanctions on those Complicit in Human Rights Abuses: States the sense of Congress that the Supreme Leader, senior members of the Intelligence Ministry, senior members of the Islamic Revolutionary Guard Corps (IRGC) and other groups, and other Ministers, are responsible for directing and controlling serious human rights abuses against the Iranian people and should be subject to penalties under CISADA. If the President determines that anyone or any group is an agent or affiliate of IRGC, sanctions apply to transactions or relevant financial services for the purchase of petroleum or petroleum products from the NIOC or NITC, but only if the President determines that there exists a sufficient supply of petroleum from countries other than Iran to permit purchasers to significantly reduce purchases from Iran. Provides for an exception to financial institutions of a country that is significantly reducing its purchases of Iranian petroleum or petroleum products within specified periods which track those provided for in section 1245 of the FY 2012 National Defense Authorization Act.

Sec. 403—Sanctions on those Engaging in Military, Financial, and Nuclear Cooperation: Provides the President with the necessary procedures to determine and report to Congress on how best to assist Iran’s citizens in freely and safely accessing the Internet, developing counter-countermeasures to regain full access to “surrogate” programming including Voice of America’s Persian News Network, and Radio Farda inside Iran, and taking other similar measures.

Sec. 404—Comprehensive Strategy to Promote Internet Freedom in Iran: Requires the Secretary of Homeland Security to devise a comprehensive strategy and report to Congress on how best to assist Iran’s citizens in freely and safely accessing the Internet, developing counter-countermeasures to regain full access to “surrogate” programming including Voice of America’s Persian News Network, and Radio Farda inside Iran, and taking other similar measures.

Sec. 405—Statement of Policy on Political Prisoners: Declares the policy of the US to expand efforts to identify, assist, and protect political prisoners of conscience in Iran, intensify work to abolish Iranian human rights violations, and publicly call for the release of political prisoners. Provides the President with the authority to impose new sanctions on any individual, including a family member, who is responsible for a violation of the sense of Congress that satellite service providers and other entities that directly provide satellite service to the Iranian government or its entities should cease to provide such service unless the government ceases its activities intended to jam or restrict the Internet. Requires the President to report on designations and waivers, as applicable.

Sec. 406—Sanctions on those Engaging in Censorship in Iran: Provides that nothing in this Act shall be construed as a declaration of war or an authorization of the use of force against Iran. Provides for termination of some provisions of the new law if
the President certifies as required in CISADA that Iran has ceased its support for terrorism and ceased efforts to pursue, acquire or develop nuclear weapons or other mass destructive and ballistic missiles that could launch technology, and has verifiably dismantled its WMD.

Sec. 701—Short Title for Title VII: The “Syria Human Rights Accountability Act of 2012.”

Sec. 702—Sanctions on those Responsible for Human Rights Abuses of Syria’s Citizens: Requires the President to identify within 90 days, and sanction under IEEPA, officials of the Syrian government or those acting on their behalf who are complicit in or responsible for specific crimes against humanity or serious human rights abuses against Syria’s citizens, regardless of whether the abuses occurred in Syria.

Sec. 703—Sanctions on those Transferring to Syria Technologies for Human Rights Abuses: Requires the President to identify and sanction persons determined to have engaged in the transfer of technologies—including weapons, rocket launchers, and munition surveillance equipment—to Syria after November 25, 2011, which the President determines are likely to be used by Syrian officials to commit torture, extrajudicial executions, or other crimes.

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend, the distinguished Chairman of the Senate Committee on Banking, Housing, and Urban Affairs, regarding HR 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012. I want to thank the chairman for crafting a strong sanctions package that includes language to close a loophole that is in current U.S. law.

The fear is that engaging in humanitarian trade with Iran’s energy sector and certain other activities related to this bill be printed in the Record.

Mr. JOHNSON of South Dakota. The motion was agreed to.

Mr. JOHNSON of South Dakota. Yes. That is my intent.

Mr. LAUTENBERG. I thank Chairwoman JOHNSON for all of her work on this important bill. The administration has continued to defy numerous United Nations Security Council resolutions. It funds Hamas, Hezbollah, and other terrorist organizations, and it commits severe human rights abuses against its own people. We must do everything we can to place as much pressure on the Iranian regime as possible to change its behavior, and I am pleased that we have finally closed this loophole in current law and put U.S. companies on notice that they will be held responsible for the activities of their subsidiaries with respect to Iran.

Mr. REID. I move to concur in the House amendment, and I believe the Senate is ready to act on this motion.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. JOHNSON of South Dakota. Humanitarian trade, including agricultural commodities, food, medicine and medical products has long been specifically exempted by Congress from successive rounds of Iran sanctions legislation, as long as such trade is licensed by the Department of the Treasury’s Office of Foreign Assets Control, or OFAC.

With the sharp drop in the value of Iran’s currency, and the worsening economic situation in Iran, it is becoming more apparent that U.S. financial sanctions targeting the Iranian financial system are causing increased concern among U.S. and other businesses, and banks of our allies engaged in such trade.

The fear is that engaging in humanitarian trade in the current sanctions environment might lead to sanctions for legitimately licensed humanitarian trade. We must underscore with other countries and their banks that humanitarian trade with Iran is not subject to sanctions if it is appropriately licensed by OFAC.

This has been a concern since the Senate first considered this bill and this concern still remains. It is not and has not been the intent of U.S. policy to harm the Iranian people by prohibiting humanitarian trade that is licensed by the U.S. Treasury Department, and we should do all we can to avoid this outcome. OFAC consistently issues many licenses, both general and specific, for this type of trade.

The practical financing difficulties arising today between banks and those engaging in licensed humanitarian trade can be best addressed by U.S. government officials, who should do more to make it clear that under U.S. sanctions will be imposed against third-country banks that facilitate OFAC-licensed or exempted humanitarian trade. The Administration must continue to make this clear in public statements, in private meetings with official representatives of other countries, and in their public statements elsewhere as appropriate. Misinterpretation of U.S. law, among foreign financial institutions, should no longer deny
the people of Iran the benefit of OFAC-approved humanitarian trade.

Mr. REID. I am pleased that the Senate has just passed the final version of the Iran Sanctions legislation.

I want to thank Senators JOHNSON, SHELBY and MENENDEZ for their leadership on their hard work getting this bill completed.

At a time when Iran continues to defy the international community with its nuclear weapons program, it is critical we continue to tighten our sanctions regime.

This legislation expands our existing sanctions on Iran's energy sector, and imposes new sanctions targeting shipping and insurance.

Iran continues to try to evade existing sanctions. But this legislation, in combination with newly announced measures by the Obama administration, closes loopholes and stops the use of front companies or financial institutions to get around international sanctions.

Our current sanctions, and a recent European Union ban on purchasing Iranian oil, have already had an impact.

In spite of the rhetoric coming out of Iran, the regime is clearly feeling the heat.

Oil exports are down by 50 percent, and the Iranian currency has lost nearly 40 percent of its value.

Iranian tankers full of oil are crowding the waters around Iran, acting as floating storage facilities for oil the rogue nation cannot sell.

Over the past year, I have come to the floor many times urging passage of this measure.

I am pleased we have finally completed this important work.

There is no time to waste, as the Iranian regime continues to threaten our ally Israel and the national security of the United States.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CHIEF ROD MAGGARD

Mr. McCONNELL. Mr. President, I rise today in memory of former Hazard Police Chief Rod Maggard. Chief Maggard was a prominent member of the Perry County, KY, community, and he dedicated his life to serving his country, state, and city.

A native of the southeastern Kentucky region, Chief Maggard was born on April 9, 1944, to Ivory and Margaret Maggard. After graduating from Cumberland High School, he attended Southeast Community College. Shortly thereafter, Chief Maggard received his draft notice for the Vietnam War. Initially, he was stationed in Biloxi, MI, where he worked as a Morse radio intercept operator, and he ultimately served a 14-month tour in DaNang, Vietnam.

Chief Maggard became a State trooper in 1967 when he returned home from the war. He was a decorated trooper and received the Title of the Year Award for the Hazard KSP Post. In 1981, Maggard left public service and became director of Blue Diamond Coal’s security. However, in 1991, he returned to public duty when he accepted the position of police chief for the City of Hazard.

His career was highly distinguished as he earned many different forms of recognition. Chief Maggard was invited to the White House to represent the Kentucky Chiefs of Police; he also served on the Kentucky Law Enforcement Council from 1995 to 2001; in 1997 he was appointed to the National Law Enforcement and Corrections Technology Center Advisory Council; and he was president of the Kentucky Association of Chiefs of Police from 1999 to 2000. In 2001, Chief Maggard retired from the police force and became director of the Rural Law Enforcement Technology Center in Hazard.

Though a decorated police officer and public servant, the legacy Chief Rod Maggard hoped to leave was that of a good member of his community. Current Hazard police chief Minor Allen said that Chief Maggard was not just a mentor but more like a second father to him. He found the love of Hazard and Kentucky that set Maggard apart as a great police chief, and that is the reason why Rod will be dearly missed by those he knew and with whom he worked.

Today, I ask that my colleagues in the U.S. Senate would join me in honoring Chief Rod Maggard. I extend my most sincere condolences to his wife, Beverly; their daughters, Lesley Buckner, Brandi Townsley, and Vali Dye; his nephews, Tommy and James Charles Maggard; and many more beloved family members and friends. The Hazard Herald, a publication from Hazard, KY, published an obituary that highlighted Chief Maggard’s outstanding service to Kentucky. Mr. President, I ask unanimous consent that said article appear in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

(From the Hazard Herald, June 20, 2012)

ROD MAGGARD

Rodney Mitchell Maggard, 68, of Hazard, passed away on Wednesday, June 13, at the hospice care center in Hazard. He was the former director of the Rural Law Enforcement Technology Center and former chief of police with the Hazard Police Department.

He was the son of the late Ivory Mitchell Maggard and the late Margaret McIntosh Maggard, and was preceded in death by his brother, James Charles Maggard.

He is survived by his wife, Beverly Maggard; daughters Lesley Buckner and husband Jeff, and Vali Dye and husband Kevin; brother Tommy Wayne Maggard; godson Anthony Bersaglia; grandchildren Ali Townsley, Walker Townsley, Mitchell Buckner, Grayson Dye, and Avery Dye; along with a host of family and friends.

Arrangements were handled by Maggard Mountain View Chapel of Hazard. Funeral services were held on Saturday, June 16, at the Forum, with Dr. Bill Scott and Rev. Chris Fugate officiating. Interment was at Charlie Maggard Cemetery at Blair, Kentucky.

REMEMBERING AURORA’S LOSS

Mr. LEVIN. Mr. President, as we gain perspective on the recent horrific shooting in Aurora, CO, our thoughts and prayers are with the victims, their families, and on all those who have been impacted by this tragedy. I, like many Americans, have been uplifted by the many examples of courage and heroism that have emerged from this dark moment. A young woman refusing to leave her injured friend, pulling her out of harm’s way. A man giving his life to shield a loved one. A 19-year-old stepping back into danger to rescue a mother and her two young daughters.

These stories and the others that will certainly emerge as time goes on are as powerful reminders of the simple decency that makes our Nation strong.

But as we reflect on these stories, it is also important that we begin to understand what caused or contributed to this heinous act. When an alleged shooter burst into the theater, he opened fire on the audience with an AR–15 assault rifle. The AR–15 is a type of military-style assault weapon, built for no purpose other than combat. According to the Congressional Research Service, they were designed in the aftermath of the Second World War to give soldiers a weapon suited for the modern battlefield. Such weapons often use high-capacity ammunition magazines, which allow shooters to continuously fire rounds without reloading.

Between 1994 and 2004, a Federal ban prohibited the purchase of assault weapons. The idea was that if we took lethal weapons with no sporting purpose off the streets, it would make our society safer and protect American lives. Our law enforcement community strongly supported the ban. And it worked. After the ban was enacted, Brady Campaign studies observed a 66 percent decrease in the number of assault weapons that the Bureau of Alcohol, Tobacco, and Firearms, ATF, traced back to a crime scene. When assault weapons were taken off the market, our Nation became safer. But, unfortunately, Congress allowed the assault weapons ban to lapse in 2004, and repeated efforts to reinstate it have been unsuccessful.

So this past May, when the alleged gunman walked into a local gun shop, he was able to purchase an AR–15 assault rifle. The sale was completely
legal. Two months later, he used that same weapon to open fire on a movie theater, filled with innocent people. The oversized ammunition magazine allowed him to fire continuously. Thankfully, the weapon jammed during the attack, and he was forced to switch to one of the other three firearms he had purchased legally, in the preceding weeks. He killed 12 and injured 58. Some were fathers and sons, mothers and daughters. They were all individuals with plans and dreams. Some were members of our armed services who had volunteered to fight for our country.

Mr. President, as elected officials, our greatest responsibility is to protect the lives of the American people. A renewal of the Federal ban on assault weapons would help keep these combat weapons off our streets and out of our neighborhoods. It would prevent them from getting into the hands of criminals who can legally buy them today or who can acquire a straw purchaser to do so. They aren't used to chase to do so. They aren't used to

CONGRATULATING KRISTIN ARMSTRONG

Mr. CRAPO. Mr. President, my colleague Senator Jim Risch joins me today in congratulating fellow Idahoan Kristin Armstrong, who won her second consecutive gold medal in the Olympic cycling time trial. Kristin's perseverance and drive is an inspiration. In 1998 in Beijing, Kristin, who is a Boise resident and graduate of the University of Idaho, took home the gold. She returned to racing in 2011 after a retirement to give birth to her son, Lucas.

Throughout her racing career, Kristin has demonstrated remarkable dedication and strength. Despite breaking her collarbone in the Exergy Tour in Idaho 2 months ago and sustaining minor injuries from a crash just a few days before the London 2012, Kristin did not let these difficulties hold her back. She surpassed many skillful competitors to once again achieve the gold medal while also becoming the oldest champion in a road cycling event. Kristin's time of 37 minutes and 34.82 seconds for the 18-mile course was more than 15 seconds faster than the silver medalist. These are considerable accomplishments.

We join the many Idahoans and Americans who applaud Kristin's commitment and excellence. We also commend Kristin's friends and loved ones, including her husband, Joe Savola, and son, Lucas William Savola, who have supported Kristin. Kristin is truly a gifted athlete with immense abilities and talents. Her capacity to push forward beyond the challenges provides encouragement to all of us, and we congratulate her on this, and her many, extraordinary achievements.

JOHN "JACK" KIBBIE

Mr. HARKIN. Mr. President, I have come to the floor today to pay tribute to a truly exceptional public servant and fellow Iowan, Jack Kibbie. Jack is retiring this year after 32 years of public service in the Iowa State Legislature. A decorated war hero before his time in office, Jack was awarded the Bronze Star for his service as a tank commander during the Korean war. After serving 4 years each in the Iowa House of Representatives and the Iowa Senate, he left the Senate in 1968 but returned in 1988 and has served ever since. The longest-serving Senate president in Iowa's history, Jack has dedicated his life to fighting for Iowans and all Americans and I am truly proud to have the opportunity to honor his life's work today.

Jack has spent much of his time in public office supporting Iowa students. Known as the "Father of Iowa's Community Colleges," he sponsored the 1965 bill that created Iowa's community college system. Later on, Jack served on the Iowa Lakes Community College Board of Governors and was president for 10 of those years. What is most remarkable about all of this work is that Jack himself does not have a college degree, but he spent his life making sure his fellow Iowans had the opportunity to attain one. Over the years, we have seen the Iowa community college system grow and succeed. The statewide community college student body, which began with a modest enrollment of 9,000 students, has flourished into a system of 15 schools that now serve more than 155,000 college students and more than 254,000 non-credit students in every corner of the State. Together, these students represent nearly 22 percent of Iowa's working population.

This will forever stand as Jack Kibbie's great legacy—a living legacy that will enrich and empower Iowans far into the future. By 2018, for instance, Iowa will add 101,000 jobs requiring a postsecondary education, according to the Georgetown University Center on Education and the Workforce. By this same year, nearly two out of every three jobs in Iowa will require postsecondary training beyond high school. At a time when community colleges are needed more than ever to help the United States regain its standing as the Nation with the highest proportion of college graduates in the world, Iowa's system—thanks to Jack Kibbie's life's work—is up to that task.

Another legacy of Jack Kibbie—often overlooked—is his leadership in ensuring that the Iowa Public Employee Retirement System is rock-solid. Jack has fought to ensure Iowa has one of the best funded public pension funds in the United States because he believes strongly in providing workers with traditional pensions. I couldn't agree more.

And I don't think there is anyone in Iowa who has been more persistent and determined—going back many years—in championing alternative fuels such as ethanol, biodiesel, and wind energy. Today, Iowa is the No. 1 biofuels producer in the United States and that is in no small measure thanks to Jack Kibbie.

Mr. President, Jack Kibbie's retirement is a tremendous loss for Iowans. For more than five decades Jack has fought for them and stood up for the values that make this country great. I wish him a long and happy retirement with his wife Kay and family.

JUSTICE FOR THE BYTYQI FAMILY

Mr. CARDIN. Mr. President, today is the 37th anniversary of the Helsinki process. Starting with the signing of the Helsinki Final Act on August 1, 1975, this process involving a conference which helped end the Cold War and reunite Europe. It has continued as a Vienna-based organization that today seeks to resolve regional conflicts and promote democratic development and the rule of law throughout the region.

While serving in both chambers of the U.S. Congress, it has been a unique and rewarding privilege to engage in this diplomatic process and its parliamentary component as a member and chairman of the U.S. Helsinki Commission, with the goal of improving the lives of everyday people. While they may be citizens of other countries, promoting their human rights and fundamental freedoms helps us to uphold our national interest to engage in this process. On this anniversary, however, I do want to focus on three U.S. citizens who suffered the ultimate violation of their human rights when they were taken into a field and shot, deliberately murdered, in July 1999 by a special operations unit under the control of the Interior Ministry in Serbia. They were brothers: Yill, Agron and Mehmet Bytyqi.

The Bytyqi brothers were Albanian-Americans from New York. Earlier in 1999, they went to Kosovo to fight as members of the Kosovo Liberation Army in a conflict which eventually prompted a NATO military intervention designed to stop Serbian leader Slobodan Milosevic and his forces. When the conflict ended, the Bytyqi brothers assisted ethnic Roma neighbors of their mother in Kosovo by escorting them to the Serbian border. Allegedly straying into Serbian territory, they were arrested and sentenced to 2 weeks in jail for illegal entry. When released from prison, they were

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not freed. Instead, the Bytyqi brothers were transported to an Interior Ministry training camp in eastern Serbia, where they were brutally executed and buried in a mass grave with 75 other ethnic Albanians from Kosovo. Two years after the Milosevic regime, their bodies were recovered and repatriated to the United States for burial.

Ylli, Agron and Mehmet were never given a fair and public trial, an opportunity to defend themselves, or any semblance of a semblance of due process. Their trial, their eventual conviction, and the subsequent murder of journalist Slavko Curuvija, who testified before the Helsinki Commission on the abuses of the Milosevic regime just months before. There needs to be justice for each of these cases, but together with other unresolved cases they symbolize the lack of transparency and reform in Serbia’s Interior Ministry to this day. Combined with continued denials of what transpired under Milosevic in the 1990s, including the 1995 genocide at Srebrenica in neighboring Bosnia, these cases show that Serbia has not completely put an ugly era in its past behind it. For that reason, not only does the surviving Bytyqi family in New York, as well as the friends and family of Slavko Curuvija, still need to have the satisfaction of the people of Serbia need to see justice triumph in their country as well.

I want to thank the U.S. Mission to the OSCE in Vienna, which under the leadership of Ambassador Ian Kelly continues to move the Helsinki process forward, for recently raising the Bytyqi murders and calling for justice. I also want to commend the nominee for U.S. Ambassador to Serbia, Michael David Kirby, for responding to my question on the Bytyqi and Curuvija cases at his Foreign Relations Committee hearing by expressing his commitment, if confirmed, to make justice in these cases a priority matter. On this anniversary of the Helsinki Final Act, I join their call for justice.

TRIBUTE TO JOEL BOUSMAN

Mr. ENZI. Mr. President, I rise to speak briefly on behalf of Joel Bousman who will be inducted into the Wyoming Agriculture Hall of Fame later this month at the 100th Wyoming State Fair. Since 1992, Wyoming has recognized the individuals each year who have made substantial contributions to agriculture in our State. This year I have the honor of presenting this award to Joel with my colleague Senator BARRASSO.

Joel Bousman is a fourth generation rancher and operator of Eastfork Live stock in Boulder, WY. Actively involved in the Wyoming Stock Growers Association, he is admired for his leadership in the State’s livestock industry. Having served as regional vice president of the Wyoming Stock Growers and president of the Green River Valley Cattlemen’s Association, Joel is a determined advocate and defender of agriculture.

Wyoming ranchers are known nationwide for their stewardship and Joel leads by example with his own operation and when grazing on public lands. In 2003, he was presented with the Wyoming Stock Growers Environmental Stewardship Award and was most recently, and undeniably, named a laureate of the Range Award. Bousman’s nomination letter reads, “He was a pioneer in initiating grazing monitoring that is conducted jointly by the federal land agencies and the grazing permittees. He remains active in promoting joint efforts to improve grazing and wildlife habitat on Wyoming’s working lands.

Wyoming Agriculture Hall of Fame Award recipients are also expected to serve their communities and Joel has been no exception as the chairman of the Sublette County Board of County Commissioners. Joel has not only served his community as a commissioner but has regularly come to Washington to bring his message before congressional committees and directly to Members. Wyoming Governor Matt Mead writes that Joel is, “a proven leader who is well respected in all circles—from the halls of Congress to the Wyoming Capitol and from the Sublette County Board to a constituent’s kitchen table.”

I am proud to have the opportunity to recognize Joel’s achievements with Senator BARRASSO as a 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming and its public lands benefit from the stewardship of multi-species livestock production on the Hardy Ranch. Balancing the ranch’s resources has led Gene to also be an industry leader in terms of multiple use land management.

Mr. President, innovative is a word that describes Gene. He has organized his livestock operation to improve production utilizing land management through aerial monitoring. As a pilot, he has been flying planes for 50 years over the Hardy Ranch with the result being profitable livestock production and sustainable grazing. Furthermore, he has focused on innovation through superior genetics to produce quality livestock.

Gene is committed to the livestock industry. He works tirelessly to help his fellow producers. Previously, Gene served as president of the Wyoming Wool Growers Association and on boards for the Wyoming Stock Growers Association. However, his involvement does not stop there. He is still actively involved in many local, State, and national agricultural organizations. Currently, Gene serves as the chairman of the American Sheep Industry Association’s Predator Management Committee. Gene’s dedication and leadership will help ensure the success of the industry for future generations of agriculturalists.

As my friend Bryce Reece, executive vice president of the Wyoming Wool Growers Association, remarked, “We need a lot more Gene Hardy’s in this world.”

Mr. President, I ask my colleagues to join me and Senator Enzi in congratulating Gene Hardy, 2012 inductee into the Wyoming Agriculture Hall of Fame. Wyoming lands and livestock are better because of his service.

ADDITIONAL STATEMENTS

REMEMBERING MARY LOUISE RASMUSON

Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska’s most endeared philanthropists, Mary Louise Rasmuson. Mrs. Rasmuson died on July 30, 2012, at her home in Anchorage, AK. Mary Louise Rasmuson was a beloved Alaska pioneer who saw opportunity in every challenge. She was generous in spirit and deed, and through her family foundation made Alaska a much stronger and vibrant state.

Intelligent. Diplomatic. Principled and ethical. Gentle but firm. Mrs. Rasmuson spent her life breaking barriers, challenging conventions, and seeking to improve opportunities for those around her.

She was a trailblazer for women and left her mark across the country and the State of Alaska through her leadership, philanthropy, and the family foundation that she helped lead with her husband.

Selected from the initial pool of 30,000 applicants for the new Women’s Army Corp-WAC she rose quickly...
through the ranks and in 1957 became the fifth commander of the WAC, a position she held for 6 years, first appointed by President Eisenhower and reappointed by President Kennedy. Mary Louise led the way for women in the military. Mrs. Rasmuson’s oral history of the WAC unit, World War II and the Korean War is among those recorded by The Library of Congress for The Veterans History Project.

In 1945, as the United States entered World War II, Mrs. Rasmuson left her job as an assistant principal in a school district near Pittsburgh and became a member of the first class of the new WAC. As director of the WAC unit, military historians credit her with major achievements including increasing the WAC’s strength, insisting on effectiveness in command, working with Congress to amend laws that deprived women of reservist, chelch and appointment opportunities open to women.

Mrs. Rasmuson retired in 1962 after 20 years of military service, during which she earned the Merit Flight medal with two oak leaf clusters for her work integrating Black women into the WAC. She was also awarded the Women’s Army Auxiliary Corps Service Medal, the American Campaign Medal, World War II Victory Medal, Occupation Medal and National Defense Medal. At an event honoring her, former U.S. Secretary of Defense William Perry said, “When you hear about women seizing new opportunities to serve, remember that they march behind Colonel Rasmuson.”

Mary Louise’s impact can be felt virtually everywhere in Alaska, whether improving the position of families, founding a world-class museum, enhancing the health and well-being of the community, and advancing understanding of Alaska Native cultures on a national stage. Her contributions have reached every corner of Alaska, from Ketchikan to Gambell.

Mrs. Rasmuson arrived in Alaska in 1962 after her marriage to Elmer E. Rasmuson, chairman of National Bank of Alaska. Together, they made a formidable team influential in the public and civic agenda in a rapidly developing city and State. She quickly adapted to life in Alaska and became active in several community groups. One of her most visible impacts on Alaska came from her service as head of the board of Anchorage Historical and Fine Arts Commission and later as chair of the Anchorage Museum Foundation. Her vision, passion and personal effort led to the creation of the Anchorage Museum of Art and History. As Mayor of Anchorage, I was proud to be with Mrs. Rasmuson to cut the ribbon on the latest expansion of the museum, now named the Anchorage Museum at Rasmuson Center, a culminating moment in her decades-long vision to build a great museum for all Alaskans.

In 1967, Mrs. Rasmuson began what would become 45 years of service on the board of Rasmuson Foundation. She maintained an active voice in the affairs of the Foundation and regularly attended board meetings until her late 90s, when she transitioned to an emeritus position. Even in the last years of her life, Mrs. Rasmuson received briefings from Foundation officers seeking Foundation support.

Facilities that bear her name include the Elmer and Mary Louise Rasmuson Theater at the Smithsonian National Museum of the American Indian in Washington, D.C., and Mary Louise Rasmuson Center for Rheumatic Disease at the Benaroya Research Institute of Virginia Mason Hospital in Seattle, WA, and the Mary Louise Rasmuson Pavilion at the Boy Scouts of America Camp Gorsuch in Chugiak, AK. Mary Louise Rasmuson will be missed by all who knew her, but her legacy will live forever in the hearts and minds of Alaskans.

TRIBUTE TO SOFIA GUANA

Mrs. HELLER. Mr. President, I rise today in celebration of one of Nevada’s own, Sofia Guana, on her 100th birthday. Her dedication to community service is commendable, and I am proud that she calls Nevada home.

After Sofia came to Carson City, NV, just more than 20 years ago, she dedicated her time to investing in the Silver State. Whether it was through working for the University of Nevada’s Cooperative Extension or volunteering for the local senior citizen’s center, Sofia’s commitment to the betterment of her State and community is commendable. She serves as an example to us all, and I hope that many more will follow in her footsteps.

Sofia’s dedication to the betterment of others does not stop with her local community of Carson. A devoted mother, grandmother, and great-grandmother, she is the lifeblood of her family.

Mr. President, I am proud to call Sofia one of Nevada’s own and wish her a very happy 100th birthday. On behalf of the State and the residents of Carson City, I thank her for her service and wish her all the best.

TRIBUTE TO JUDY KROLL

Mr. THUNE. Mr. President, today I would like to take the opportunity to honor Judy Kroll of Volga, SD.

Judy Kroll has spent her career serving the community of Brookings, SD, in her capacity as an educator, as well as the director of the thriving speech and debate program at Brookings High School.

Judy, who retired this summer, served as a South Dakota educator for 37 years, teaching in both Madison and Parkston before starting at Brookings High School in 1989. During her 32 years as an educator and debate coach in Brookings, she has left an indelible impact on her students, dedicating an immeasurable amount of time to positively impacting the lives of young people. Judy has devoted countless hours to advance the critical and analytical skills of those students who she taught, coached, and mentored.

During her coaching career, Judy has been named South Dakota Coaches Association Coach of the Year on numerous occasions and coached her students to multiple State championships in various speech and debate events. Her success as a coach was also demonstrated at the national level. She coached policy debate teams to 2nd and 3rd place finishes in 2000 at the National Forensics League National Speech and Debate Tournament and a 7th place finish earlier this summer at the same tournament.

Judy’s longstanding involvement in the debate community has been recognized not only by her South Dakota peers, but at a national level as well. In 2011, she was admitted to the National Forensics League Hall of Fame and is one of the thousands of debate coaches who have been a part of the National Forensics League since its inception in 1925, only 158 individuals have earned this honor. Judy is one of four South Dakotans to have received this distinction. That year, she was recently named the 2012 National Forensics League Coach of the Year. This award recognizes Judy’s outstanding leadership and commitment to National Forensics League activities. Judy’s receipt of this award marks only the second time a South Dakotan has received such an honor since it was first awarded in 1953.

During her teaching and coaching career, Judy encouraged her students to never give up on accomplishing their goals. She promoted outstanding sportsmanship and for years a large display in her classroom read, “What is popular is not always right, and what is right is not always popular. Judy identified for her students the importance of working hard and attaining success without compromising ethics and sense of doing what is right.

I join Judy’s family, friends, and students in recognizing her meritorious work and extend my sincere thanks and appreciation to Judy for all she has done for her students and the State of South Dakota, and wish her the best in her retirement.

MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 828. An act to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:
EC–7027. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Fisheries Management Plan for the Northeast Fishing Zone at Off Alaska: Pacific Cod by Vessels Using Jig Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648–XC079) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7028. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Fisheries Management Plan for the Northeast Fishing Zone at Off Alaska: ‘Other Rockfish’ in the Western Regulatory Area of the Gulf of Alaska" (RIN0648–XC087) received in the Office of the President of the Senate on July 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7029. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Eureka, NV" (RIN2120–AA66) (Docket No. FAA–2011–1333) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7030. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace: Livingston, MT" (RIN2120–AA66) (Docket No. FAA–2012–0139) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7031. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Oickey, Id" (RIN2120–AA66) (Docket No. FAA–2011–1211) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7032. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Fort Rucker, AL" (RIN2120–AA66) (Docket No. FAA–2011–1457) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Management Amendment to Class E Airspace; Fort Rucker, AL" (RIN2120–AA66) (Docket No. FAA–2011–1457) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Woodland, CA" (RIN2120–AA66) (Docket No. FAA–2012–0345) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pontiac, MI" (RIN2120–AA66) (Docket No. FAA–2011–1142) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lakehurst, N.J." (RIN2120–AA66) (Docket No. FAA–2012–0129) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Modification of Multiple Domestic, Alaskan, and Hawaiian Compulsory Reporting Points" (RIN2120–AA66) (Docket No. FAA–2012–0129) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7038. 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: Culebra, PA" (RIN2120–AA66) (Docket No. FAA–2012–0139) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7039. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Management Amendment to Class E Airspace; Fort Rucker, AL" (RIN2120–AA66) (Docket No. FAA–2011–1457) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7040. A communication from the Deputy Assistant General Counsel, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airport Concessions Disadvantaged Business Enterprise: Program Improvements" (RIN2105–AE10) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; San Juan, RI" (RIN2120–AA66) (Docket No. FAA–2012–0279) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Concept Limited (Type Certificate Previously Held by Alpha Aviation Design Limited Airplanes)" (RIN2120–AA66) (Docket No. FAA–2011–2029) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7043. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Miami, FL" (RIN2120–AA66) (Docket No. FAA–2011–2029) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.
Aeronautical Accessories, Inc., High Landing Gear Aft Crotchube Assembly” ((RIN2120–AA64) (Docket No. FAA–2012–0033)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7043. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Fokker Services B.V. Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0300)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7044. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Agusta Sp.A. Helicopters” ((RIN2120–AA64) (Docket No. FAA–2012–0013)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7045. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7046. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7047. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dassault Aviation Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0013)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7048. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0033)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7049. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7050. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Hartzell Engine Technologies Turbochargers” ((RIN2120–AA64) (Docket No. FAA–2012–0013)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7051. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7052. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7053. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Waco Classic Aircraft Corporation Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7054. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Continental Motors, Inc. (CM1) Reciprocating Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7055. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Continental Motors, Inc. (CM1) Reciprocating Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7056. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0441)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7057. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7058. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7059. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bell Helicopter Textron Canada, Limited, Helicopters” ((RIN2120–AA64) (Docket No. FAA–2012–0007)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7060. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0106)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7061. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120–AA64) (Docket No. FAA–2012–0007)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7062. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0007)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0007)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0007)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120–AA64) (Docket No. FAA–2012–0007)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.
A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Part 121 AirCarriers; Renewal of Authority, 19–20 of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1254)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “High-Speed Groundline Groundline; National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Adherence to Provisions of the Federal Acquisition Regulation; DoD Voucher Processing” ((RIN0579–AD30) (Docket No. APHIS–2007–79)) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7009. A communication from the Chief, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Third Party Payer Issues and Reporting Agent, Revisions to

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20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7066. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1257)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7067. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1415)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7068. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1412)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7069. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1255)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7070. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1115)) received during adjournment of the Senate in the Office of the President of the Senate on July 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7071. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA–2011–1028)) received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7072. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Area Naviga- tion (RNAV) Routes; Southwestern United States (November 2012–2026)” received during adjournment of the Senate in the Office of the President of the Senate on July 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC–7081. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report and rules entitled “Revisions to Rev. Proc. 98–32” (Rev. Proc. 2012–33) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7082. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule entitled “2012 Section 43 Inflation Adjustment” (Notice 2012–49) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7083. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2012 Marginal Production Rates” (Notice 2012–50) received in the Office of the President of the Senate on July 31, 2012; to the Committee on Finance.

EC–7084. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–089, of the proposed sale or export of defense articles and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7085. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Country Reports on Terrorism 2011”; to the Committee on Foreign Relations.


EC–7087. A joint communication from the Executive Director, the Chair of the Board of Governors, Patient-Centered Outcomes Research Institute, transmitting, pursuant to law, the Institute’s 2011 Annual Report; to the Committees on Health, Education, Labor, and Pensions.

EC–7088. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–092, of the proposed sale or export of defense articles and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel’s Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7089. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery expenses for FEMA–3330–EM in the Commonwealth of Massachusetts having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–7100. A communication from the Federal Liaison Officer, Patent and Trademark Office, to the Committee of the President of the Senate, transmitting, pursuant to law, the report of a rule entitled “Implementation of Statute of Limitations Provisions for Office Disciplinary Proceedings” (RIN0651–AC76) received in the Office of the President of the Senate on July 30, 2012; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

H.R. 2722. A bill to authorize the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 18–15S and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 376. A bill to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 3466. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided job training, and for other purposes; to the Committee on Finance.

By Mr. JOHANNES:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. PORTMAN (for himself, Mr. WARNER, and Ms. COLLINS):

S. 3468. A bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a commonsensical process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. CRAPAO):

S. 3470. A bill to permanently extend the private mortgage insurance tax deduction; to the Committee on Finance.

By Mr. RUBIO:

S. 3471. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on Olympic medals won by United States athletes; to the Committee on Finance.

By Mr. SCHATZ (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCAR):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.

By Mr. MURKLEY (for himself, Mr. KULSKI, and Mr. HARKIN):

S. 3474. A bill to provide consumer protection for students; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 3475. A bill to increase the participation of historically underrepresented demographic groups in science, technology, engineering, and mathematics education and industry; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. KERRY):

S. 3476. A bill to amend the Child Care and Development Block Grant Act of 1990 to ensure access to high-quality child care for homeless children and families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, Mr. CASHEY, Ms. SNOWE, Mrs. SHARRON, Mr. BROWN, and Mr. BROWN of Massachusetts):

S. 3477. A bill to ensure that the United States promote women’s meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCAR):

S. 3478. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Ms. SNOWE, Mr. WYDEN, and Mr. WARNER):

S. 3479. A bill to strengthen manufacturing in the United States through improved training, retention, and recruitment of workers, to deter evasion of antidumping and countervailing duty orders, and to promote United States exports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNES (for himself, Mr. CRAPAO, Mr. TESTER, Mr. KORIL, Mr. COCHRANE, and Mr. SCHUMER):

S. 3480. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. COCHRANE, and Mr. REED):

S. J. Res. 40. A joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCAR (for herself and Mr. CHAMBLISS):

S. Res. 355. A resolution recognizing the goals and ideals of the Women’s History Month and Life Caucus; to the Committee on Health, Education, Labor, and Pensions.
By Mrs. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BEGICH):

S. Res. 536. A resolution designating September 28, 2012, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; considered and agreed to.

By Ms. STABENOW (for herself, Ms. SHELBY, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAURENCE, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mr. SCHATZ, Mr. TESTER, Mr. UDALL of Colorado, Mr. WASSERMAN SHIFF, Mr. WHITEHOUSE, and Ms. MURKOWSKI):

S. Res. 537. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. CARDIN, Mr. KERRY, Mr. LUGAR, Mr. SHVELBY, Mr. MENENDEZ, Mr. TESTER, Mr. LIEBERMAN, Mr. WYDEN, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAPAO, Mr. CHAMBLES, Mr. COCHRAN, Mr. ISAKSON, Mr. WICKER, Mr. INHOFE, Mr. MAXBAUER, Mr. BROWN of Massachusetts, Mr. AKAKA, Mr. KIRK, Ms. MURKOWSKI, and Mrs. FEINSTEIN):

S. Res. 538. A resolution designating September 2012 as "National Prostate Cancer Awareness Month"; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mr. ALEXANDER, and Mr. LEVIN):

S. Res. 539. A resolution designating October 13, 2012, as "National Chess Day"; considered and agreed to.

By Mr. INOUYE (for himself and Mr. COCHRAN):

S. Res. 540. A resolution designating the week of August 6 through August 10, 2012, as "National Convenient Care Clinic Week"; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 55. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627; considered and agreed to.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMBS) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 558, a bill to limit the use of cluster munitions.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 794

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 794, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1526, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1530

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 1672

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1898

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1898, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to invest coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1935, supra.

S. 1999

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 1999

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. COCHRAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2138

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2118, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 2275

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2381

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2281, a bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases.

S. 3065

At the request of Mr. JOHANNES, the names of the Senator from Nebraska (Mr. NELSON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. LEES), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3204

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3219

At the request of Mr. GILLIBRAND, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3243, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee.

S. 3258

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3386

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3384, a bill to extend supplemental agricultural disaster assistance programs.
At the request of Mr. Wyden, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

At the request of Mr. JOHANNES, his name was added as a cosponsor of S. 3441, a bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes.

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PYOR) was added as a cosponsor of S.J. Res. 44, a joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2574 intended to be proposed to S. 3441, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from Utah (Mr. LEE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 2584 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2688 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

At the request of Mr. DE MINT, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 2699 intended to be proposed to S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Mr. KERRY:

S. 3465. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, for the past 47 years, the Older Americans Act, OAA, has provided a wide array of services to approximately 6 million Americans, family caregivers, and persons with disabilities. Through the Act, millions of Americans receive critical home and community-based services including, home-delivered meal programs, transportation, adult day care, legal assistance and health promotion programs. The National Aging Network delivers these vital services to local communities through the Administration on Aging, State Units on Aging, SUAs, and over 600 Area Agencies on Aging, AAAs.

The aging network supports a number of health, prevention and wellness programs for older adults, such as, chronic disease self-management programs, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and health screenings. Despite this focus on health promotion, currently, there is no definition of care coordination included in the Older Americans Act. In fact, the unique coordination needed for an older adult with multiple chronic conditions is absent from the definition of the OAA case manager role.

The inclusion of care coordination in the OAA is necessary to support the aging network for their role in linking medical care to community long-term services and supports. The Affordable Care Act is transforming the health care delivery system through medical home demonstration. Accountable Care Organizations, and the Partnership for Patient-Care Transitions. But to be truly successful, these reforms will require the coordination of care between state and federal health care programs and the aging network.

Today, I am introducing the Care Coordination for Older Americans Act, a bill that would integrate care coordination in the long-term services and supports system. My legislation would include a definition of care coordination in the declaration of objectives of the Older Americans Act and would require the aging network to develop and implement a care coordination plan to address the needs of older individuals with multiple chronic conditions.

I would like to thank a number of aging organizations who have been integral to the development of this legislation and who have endorsed it today, including: Aging Services of California, the American Geriatrics Society, the American Society on Aging, the Benjamin Rose Institute on Aging, the Center for Medicare Advocacy, the Consumer Coalition for Quality Health Care, the Easter Seals, The Gerontological Society of America, Leading Age, the National Association of Area Agencies on Aging, n4a, the National Academy of Elder Law Attorneys, the National Association of Nutrition and Aging Services Programs, the National Association of Professional Geriatric Care Managers, the National Center on Caregiving, the Family Caregiver Alliance, PHI Quality Care through Quality Jobs, the Social Work Leadership Institute / New York Academy of Medicine, and the University of Illinois College of Nursing Institute for Health Care Innovation. In addition, the National Coalition for Care Coordination was pivotal in their assistance developing a definition of care coordination which adequately addresses the needs of the aging network.

Since being enacted in 1965, the OAA has evolved over time to meet the ever-changing needs of our aging population. As we work to reauthorize this successful program that has allowed millions of seniors to remain independent in their homes and communities, we should incorporate new initiatives that reflect the current challenges facing seniors, such as the lack of co-ordinated between health programs and community long-term services and supports.

For all of these reasons, I urge my colleagues to cosponsor this important legislation and support its inclusion in the reauthorization of the OAA.

By Mr. JOHANNES:

S. 3467. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency; to the Committee on Environment and Public Works.

Mr. JOHANNES. Mr. President, I come to the floor today to discuss an issue I have brought up before in the Senate that continues to trouble me.

Whenever I meet with farmers and ranchers in Nebraska, they often raise concerns about regulatory overreach. I hear about the need for agencies such as the EPA to provide a more predictable and regulatory environment. So today I am introducing a bill that will do exactly that. It stops the EPA’s use of aerial surveillance of...
agricultural operations for a period of 12 months—1 year.

Earlier this year, I began hearing about this issue from constituents who are worried about privacy concerns. Thus, a few of my colleagues and I wrote to Administrator Jackson and the May asking her several questions about EPA’s practice of flying over livestock operations and taking pictures. We were curious about the scope of flights over agriculture operations in Nebraska and the country. We asked how the agency selects targets for surveillance and whether any images of residences, land, or buildings not subject to EPA regulation were being captured.

Additionally, we asked a very fair question: We asked about the use of the images, where are they stored, how are they used, who are they shared with, and how long they would remain on file—a fairly straightforward, fair, basic question.

Well, to say the least, EPA has been less than forthcoming about the use of aerial surveillance. EPA has acknowledged aerial surveillance activities in Nebraska and West Virginia. But despite repeated requests, details concerning the national scope of this program and its management by EPA headquarters have not been disclosed.

You see, I believe the American public deserves open, straightforward, honest information about why EPA is flying over their land—not just in Nebraska but across the country.

Time and time again, farmers have consistently proven they are excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining it and protecting it and leaving it improved.

I agree wholeheartedly that we should ensure our waterways are clean and our air is safe. So I want to be very clear: This legislation does not affect EPA’s ability to use traditional onsite inspections. But we want EPA’s track record of ignoring agriculture, if not downright contempt for it, farmers and ranchers do not trust this agency, and they sure as heck do not approve of EPA doing low-altitude surveillance flights over citizens’ private property.

So until EPA takes a more commonsense, transparent, open approach, we need to step on the brakes. This bill simply does that. It places a 1-year moratorium on EPA from using aerial surveillance. This will give the agency time to come clean about its activities nationwide and make the case that these flights are an appropriate use of agency authority and taxpayer money.

Unlike the EPA does that openly, the level of trust between farmers and ranchers and the EPA will continue to erode. In the meantime, passage of this legislation will help provide our farmers and our ranchers and others in rural America with much needed regulatory certainty.

I offered an amendment on this issue during the recent farm bill debate. It got broad bipartisan support—56 votes. Ten of my colleagues on the other side of the aisle joined me in this effort, so it is not a partisan issue.

I urge my colleagues to continue their support of this effort to bring accountability and transparency to the Environmental Protection Agency.

By Mr. BINGAMAN:

S. 3469. A bill to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. RINGAMAN. Mr. President, I am today introducing a bill to implement the recommendations of the Blue Ribbon Commission on America’s Nuclear Future.

The Blue Ribbon Commission was appointed by Secretary of Energy Steven Chu, at the request of President Obama, in March 2010. The purpose of the Commission was to examine the nation’s nuclear waste management policy, consider alternatives, and recommend changes. The Commission was made up of 15 distinguished members, and co-chaired by Representative Lee Hamilton and General Brent Scowcroft. Two of our former colleagues, Senator Domenici and Senator Hagel, were members.

The Commission did an outstanding job. It met more than two dozen times over two years, conducted five public hearings across the country, heard testimony from countless experts and stakeholders, visited nuclear waste management facilities both here and abroad, and assembled a thorough, thoughtful, and authoritative report.

The Commission made eight clear, concise, and eminently sensible recommendations. Principally, it recommended that we adopt a new, consensus-based approach to siting nuclear waste management facilities, and that we establish a new organization to manage the nuclear waste management program. It affirmed the need to build one or more geologic repositories in which nuclear waste can be permanently buried, and it endorsed the need for establishing interim storage facilities pending completion of a repository.

But we were unable to agree on the “linkage” between storage facilities and the repository.

Under current law, the Department of Energy cannot begin constructing a storage facility unless the Regulatory Commission issues a license to construct the repository. The Commission found that this tight linkage has prevented a storage facility from being built and recommended that it be eliminated. But the commission also recognized the need for what it called “positive linkages” between storage and disposal to ensure that progress continues on both fronts and interim storage does not end up become permanent.

Meanwhile, while our discussions were underway, the Energy and Water Development Appropriations Subcommittee reported legislation that authorizes the Secretary of Energy to begin storing nuclear waste at interim storage sites. My proposal for “positive linkages” was to allow the new agency to lease properties or lessees of spent nuclear fuel at a storage facility built under the authority in the appropriations bill, even if no agreement has
been reached on a repository, but to re-
quire there to be an agreement for a re-
pository before allowing the new agen-
cy to store nuclear waste at other stor-
age facilities.

Regrettably, we were not able to reach an agreement on this issue or on
whether the siting process for storage
facilities should be identical to the
siting process for repositories wherever possible.

Nonetheless, we agreed that I should intro-
duce a bill with the linkages that I have proposed and that the Com-
mittee on Energy and Natural Re-
sources should hold a hearing on it in
September. I recognize, of course, that
the bill will not become law this year.
But my hope is to obtain testimony on
it and to build a legislative record that
might serve as the foundation for fur-
ther consideration and ultimate enact-
ment in the next Congress.

The Blue Ribbon Commission found
that “it is long past time for the gov-
ernment to make good on its commit-
ments to the American people to pro-
vide for the safe disposal of nuclear
waste.”

“Put simply,” the Commission said,
“this nation’s failure to come to grips
with the nuclear waste issue has al-
ready proved damaging and costly. It
will be even more damaging and more
costly the longer it continues. . . .”

The commission has performed a
very valuable service to the nation in
showing us a way forward. Its rec-
ommendations merit our careful con-
ideration and deserve our approval. I
have attempted to put them into legis-
lative form so that they can be enacted
and implemented.

I recognize that will not happen this
year. It will take a great deal more
time and work. But it must begin and
I hope it will continue in the next Con-
gress.

Mr. President, I ask for unanimous
consent that the bill be printed in the
RECORD.

There being no objection, the text of
the bill was ordered to be printed in
the RECORD, as follows:

S. 3469

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This Act may be cited as the “Nuclear Waste Administra-
tion Act of 2012.”
(b) Table of Contents.—The table of con-
tents of this Act is as follows:

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLES II—NUCLEAR WASTE ADMINISTRATION

Sec. 201. Establishment.
Sec. 203. Other officers.
Sec. 204. Inspector General.
Sec. 205. Nuclear Waste Oversight Board.
Sec. 206. Conforming amendments.

TITLES III—FUNCTIONS

Sec. 301. Transfer of functions.
TITLE II—NUCLEAR WASTE ADMINISTRATION

SEC. 201. ESTABLISHMENT.

(a) Establishment.—There is established an independent agency in the executive branch to be known as the “Nuclear Waste Administration”.

(b) Purpose.—The purposes of the Administration are—

(1) to discharge the responsibility of the Federal Government to provide for the permanent disposal of nuclear waste;

(2) to protect the public health and safety and the environment in discharging the responsibility under paragraph (1); and

(3) to ensure that the costs of activities under paragraph (1) are borne by the persons responsible for generating the nuclear waste.

SEC. 202. PRINCIPAL OFFICERS.

(a) Administrator.—

(1) Appointment.—There shall be at the head of the Administration a Nuclear Waste Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are, by reason of education, experience, and attainments, exceptionally well qualified to perform the duties of the Administrator.

(2) Functions and Powers.—The functions and powers of the Administration shall be vested in and exercised by the Administrator.

(b) Defense and Direction.—The Administrator may, from time to time and to the extent permitted by law, delegate such functions of the Administrator as the Administrator determines to be appropriate.

(c) Compensation.—The President shall fix the annual compensation of the Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation of the Administrator as the Administrator determines to be appropriate.

(d) Delegation.—The Administrator may, from time to time and to the extent permitted by law, delegate such functions of the Administrator as the Administrator determines to be appropriate.

(e) Duties.—The Deputy Administrator shall—

(A) perform such functions as the Administrator shall from time to time assign or delegate; and

(B) act as the Administrator during the absence, disability, or retirement of the Administrator or in the event of a vacancy in the office of the Administrator.

(f) Compensation.—The President shall fix the total annual compensation of the Deputy Administrator in an amount that—

(A) is sufficient to recruit and retain a person of demonstrated ability and achievement in managing large corporate or governmental organizations; and

(B) does not exceed the total annual compensation of the Administrator.

SEC. 203. OTHER OFFICERS.

(a) Establishment.—There shall be in the Administration—

(1) a General Counsel; and

(2) a Chief Financial Officer, who shall be appointed from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, financial management practices in large governmental or business entities; and

(b) President, or Congress, as appropriate, any actions that may be needed to ensure the implementation of this Act.

(c) Meetings.—The Oversight Board shall meet at least once every 90 days.

(d) Reports.—The Oversight Board shall report the findings, conclusions, and recommendations of the Oversight Board to the Administrator, the President, and Congress not less than once per year.

(e) Executive Secretary.—The Oversight Board shall appoint and fix the compensation of the Executive Secretary, who shall—

(1) assemble and maintain the reports, records, and other papers of the Oversight Board; and

(2) perform such functions as the Oversight Board shall from time to time assign or delegate.

(f) Additional Staff.—The Oversight Board may appoint and fix the compensation of such additional clerical and professional
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staff as may be necessary to discharge the responsibilities of the Oversight Board.

(2) LIMITATION.—The Oversight Board may appoint not more than 10 clerical or professional staff under this subsection.

(3) SUPERVISION AND DIRECTION.—The clerical and professional staff of the Oversight Board shall be under the supervision and direction of the Secretary.

(i) ACCESS TO INFORMATION.—(Duty to inform.)—The Administrator shall keep the Oversight Board fully and currently informed of all of the activities of the Administration.

(ii) PRODUCTION OF DOCUMENTS.—The Administrator shall make the Oversight Board with such records, files, papers, data, or information as may be requested by the Oversight Board.

(iii) SUPPORT SERVICES.—To the extent permitted by law and requested by the Oversight Board, the Administrator of General Services shall provide the Oversight Board with necessary administrative services, facilities, and support on a reimbursable basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Oversight Board from amounts in the Nuclear Waste Fund to carry out this section such sums as are necessary.

Title III—Functions

Sec. 301. Transfer of Functions.

There are transferred to and vested in the Administrator all functions vested in the Secretary by—

(1) the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) relating to—

(a) the construction and operation of a repository;

(b) entering into and performing contracts for the disposal of nuclear waste under section 202 of that Act;

(c) the collection, adjustment, deposition, and use of fees to offset expenditures for the management of nuclear waste; and

(D) the issuance of obligations under section 302(e)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(5)); and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, relating to the pilot program for the construction and operation of 1 or more storage facilities to the extent provided in a cooperative agreement transferred to the Administrator pursuant to section 302(b).

Sec. 302. Transfer of Contracts.

(a) TRANSFERS.—Each contract for the disposal of nuclear waste entered into by the Secretary before the date of enactment of this Act shall continue in effect according to the terms of the contract with the Administrator substituted for the Secretary.

(b) COOPERATIVE AGREEMENT.—Each cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act shall continue in effect according to the terms of the agreement with the Administrator substituted for the Secretary.

Sec. 303. Additional Functions.

In addition to the functions transferred to the Administrator under section 301, the Administrator may site, construct, and operate—

(1) additional repositories if the Administrator determines that additional disposal capacity is necessary to meet the disposal obligations of the Administrator;

(2) a test and evaluation facility in connection with a repository if the Administrator determines that the demonstration facility is necessary to develop data and experience for the safe handling and disposal of nuclear waste at a repository; and

(3) additional storage facilities if the Administrator determines that additional storage capacity is necessary pending the availability of adequate disposal capacity.

Sec. 304. Siting Nuclear Waste Facilities.

(a) In General.—In siting nuclear waste facilities under this Act, the Administrator shall employ a process that—

(1) allows affected communities to decide whether, and on what terms, the affected communities will host a nuclear waste facility;

(2) is open to the public and allows interested persons to be heard in a meaningful way;

(3) is flexible and allows decisions to be reviewed and modified in response to new information or new technical, social, or political developments; and

(4) is based on sound science and meets public health, safety, and environmental standards.

(b) Siting Guidelines.—

(1) ISSUANCE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue general guidelines for the consideration of candidate sites for—

(A) repositories; and

(B) storage facilities.

(2) REPOSITORY.—In adopting guidelines for repositories under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10122(a)).

(3) STORAGE FACILITIES.—(A) IN GENERAL.—In adopting guidelines for storage facilities under paragraph (1), the Administrator shall comply with the requirements of section 112(a) of the Nuclear Waste Policy Act of 1992 (42 U.S.C. 10122(a)), except to the extent that section 112(a) of that Act requires consideration of underground geophysical conditions that the Administrator determines do not apply to above-ground storage.

(B) OTHER GUIDELINES.—In addition to the requirements described in subparagraph (A), the guidelines for storage facilities shall require the Administrator to take into account the extent to which a storage facility would—

(i) enhance the reliability and flexibility of the system for the disposal of nuclear waste;

(ii) minimize the impacts of transportation and handling of nuclear waste; and

(iii) unduly burden a State in which significant volumes of—

(C) REVIEW OF POTENTIAL SITES.—(A) REQUIREMENT.—Before selecting a site for site characterization under subsection (c), the Administrator shall select—

(A) at least 1 site for site characterization as a repository; and

(B) at least 1 site for site characterization as a storage facility.

(2) PREFERENCE FOR CO-LOCATED REPOSITORY AND STORAGE FACILITY.—In selecting sites for site characterization as a storage facility, the Administrator shall give preference to sites determined to be suitable for co-location of a repository and a storage facility.

(3) PUBLIC HEARINGS.—Before selecting a site for site characterization, the Administrator shall hold public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located—

(A) to inform the public of the proposed site characterization; and

(B) to solicit public comments and recommendations with respect to the site characterization plan of the Administrator.

(4) CONSULTATION AND COOPERATION AGREEMENT.—(A) REQUIREMENTS.—Before selecting a site for site characterization, the Administrator shall enter into a consultation and cooperation agreement with—

(b) the governing body of the affected unit of general local government of an Indian tribe within the reservation boundaries of which the site is located; or

(c) the governing body of the affected unit of general local government of an Indian tribe, if the site is located within the reservation of an Indian tribe.
(i) the Governor of the State in which the site is located;  
(ii) the governing body of the affected unit of general local government; and  
(iii) the governing body of an affected Indian tribe, in the case of—  
(A) a site located within the boundaries of a reservation; or  
(B) any Indian tribe the federally defined possessory or usage rights to land outside of a reservation of which may be substantially and adversely affected by the repository or storage facility.  
(B) CONTENTS.—The consultation and cooperation agreement shall provide—  
(i) compensation to the State, any affected units of local government, and any affected Indian tribes for any potential economic, social, or environmental impacts associated with site characterization; and  
(ii) financial and technical assistance to enable the State, affected units of local government, and affected Indian tribes to monitor, review, evaluate, comment on, obtain information on, and make recommendations on site characterization activities.  
(e) Final Site Suitability Determination.—  
(1) Determination Required.—On completion of site characterization activities, the Administrator shall make a final determination of whether the site is suitable for development as a repository or storage facility.  
(2) Basis of Determination.—In making a determination under paragraph (1), the Administrator shall determine if—  
(A) the site is scientifically and technically suitable for development as a repository or storage facility, taking into account—  
(i) whether the site meets the siting guidelines of the Administrator; and  
(ii) whether there is reasonable assurance that a repository or storage facility at the site will meet—  
(I) the radiation protection standards of the Administrator of the Environmental Protection Agency; and  
(II) the licensing standards of the Commission; and  
(B) development of a repository or storage facility at the site is in the national interest.  
(3) Public Hearings.—Before making a final determination under paragraph (1), the Administrator shall provide public hearings in the vicinity of the site and at least 1 other location within the State in which the site is located to solicit public comments and recommendations on the proposed determination.  
(f) Consent Agreements.—  
(1) Requirement.—On making a final determination of site suitability under subsection (e), but before submitting a license application to the Commission under subsection (g), the Administrator shall enter into a cooperative agreement with—  
(A) the Governor of the State in which the site is located;  
(B) the governing body of the affected unit of general local government; and  
(C) if the site is located on a reservation, the governing body of the affected Indian tribe.  
(2) CONTENTS.—The consent agreement shall—  
(A) contain the terms and conditions on which each State, local government, and Indian tribe agrees to host the repository or storage facility; and  
(B) express the consent of each State, local government, and Indian tribe to host the repository or storage facility.  
(3) TERMS AND CONDITIONS.—The terms and conditions under paragraph (2)(A)—  
(A) shall promote the economic and social well-being of the people living in the vicinity of the repository or storage facility; and  
(B) may include—  
(i) financial compensation and incentives;  
(ii) economic development assistance;  
(iii) operational limitations or requirements;  
(iv) regulatory oversight authority; and  
(v) in the case of a storage facility, an enforceable deadline for removing nuclear waste from the storage facility.  
(4) RATIFICATION.—The consent agreement entered into under this section shall have legal effect unless ratified by law.  
(5) Binding Effect.—On ratification by law, the consent agreements are binding on the parties; and  
(B) shall not be amended or revoked except by mutual agreement of the parties.  
(g) Submission of License Application.—  
On determining that a site is suitable under subsection (e) and ratification of a consent agreement under subsection (f), the Administrator shall submit to the Commission an application for a construction authorization for the repository or storage facility.  
SEC. 305. LICENSING NUCLEAR WASTE FACILITIES.—  
(a) Radiation Protection Standards.—  
(1) Radiation Protection Standards.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue regulations pursuant to subsection (e) of section 304(f)(3), 42 U.S.C. 10281, or any other applicable regulations, for the protection of the public from radiation or loss of life or injury, or for the protection of the environment from offsite releases from radioactive material in geological repositories.  
(b) Commission Regulations.—Not later than 1 year after the adoption of generally applicable standards by the Administrator of the Environmental Protection Agency under section 304(f)(2), the Administrator shall promulgate regulations to authorize under other provisions of law, fully licensed, and appropriate standards adopted by the administrator of the Nuclear Regulatory Commission governing the licensing of geological repositories to be consistent with any comparable standards adopted by the Administrator of the Environmental Protection Agency under subsection (a).  
(c) Construction Authorization.—  
(1) Applicable Laws.—The Commission shall consider an application for a construction authorization for a nuclear waste facility in accordance with the laws (including regulations) applicable to the applications.  
(2) Agreement.—Not later than 3 years after the date of the submission of the application, the Commission shall issue a final decision approving or disapproving the issuance of a construction authorization.  
(3) Extension.—The Commission may extend the deadline under paragraph (2) by not more than 1 year if, not less than 30 days before the deadline, the Commission submits to Congress and the Administrator a written report that describes—  
(A) the reason for failing to meet the deadline; and  
(B) the estimated time by which the Commission will issue a final decision.  
SEC. 306. LIMITATION ON STORAGE.—  
(a) In General.—Except as provided in subsection (b), the Administrator may not possess, take title to, or store spent nuclear fuel at a storage facility licensed under this Act before ratification of a consent agreement for a repository under section 304(f)(4).  
(b) Exception.—The Administrator may possess, take title to, and store not more than 10,000 metric tons of spent nuclear fuel at a storage facility licensed and constructed pursuant to a cooperative agreement entered into before the date of enactment of this Act.  
(c) Penalties.—The Commission shall assess a civil penalty of $25,000 per day for each violation of this section and for each violation of any applicable standard or regulation.  
(d) Authorization.—The Administrator may apply for and obtain a license under this Act for the establishment of a repository or storage facility to store spent nuclear fuel from the nuclear propulsion program pending disposition in a repository.  
(e) Memorandum of Agreement.—The arrangements shall be covered by a memorandum of agreement between the Secretary and the Administrator.  
(f) Costs.—The portion of the cost of developing, constructing, and operating the repository or storage facilities under this Act that is attributable to defense wastes shall be allocated to the Federal Government and paid by the Federal Government into the Capital Fund.  
(g) Prohibition.—No defense waste may be stored or disposed of by the Administrator in any storage facility or repository constructed under this Act or section 304(f)(4) of the Energy and Water Development and Related Agencies Appropriations Act, 2013, until such waste is appropriately paid into the Capital Fund in an amount equal to the fees that would be paid by contract holders under section 302 of the Nuclear Waste Policy Act of 1982, 42 U.S.C. 10276, for repository waste generated by a contract holder.  
SEC. 308. TRANSPORTATION.—  
(a) In General.—The Administrator shall prepare a program to transport nuclear waste—  
(1) from the site of a contract holder to a storage facility or repository;  
(2) from a storage facility to a repository; and  
(3) in the case of defense waste, from a Department of Energy site to a repository.  
(b) Procedures.—The procedures for the transportation of nuclear waste under this Act except in packages—  
(1) the design of which has been certified by the Commission; and  
(2) that have been determined by the Commission to satisfy the quality assurance requirements of the Government Accountability Office.  
(c) Notification.—Prior to any transportation of nuclear waste under this Act, the Administrator shall provide advance notification to States and Indian tribes through whose jurisdiction the Administrator plans to transport the nuclear waste.  
(d) Transportation Equipment Fund.—  
(1) PUBLIC EDUCATION.—The Administrator shall conduct a program to provide information to the public about the transportation of nuclear waste.  
(2) Training.—The Administrator shall provide financial and technical assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste to train public safety officials and other emergency responders on—  
(i) procedures required for the safe, routine transportation of nuclear waste; and  
(ii) procedures for dealing with emergency response situations involving nuclear waste, including instruction of—  
(I) government and tribal officials and public safety officials in command and control procedures;  
(II) emergency response personnel; and  
(III) radiological protection and emergency medical personnel.  
(e) Equipment.—The Administrator shall provide monetary grants and contributions to in-kind assistance to States and Indian tribes through whose jurisdiction the Administrator plans to transport nuclear waste for the development of equipment for responding to a transportation incident involving nuclear waste.
TITIE IV—FUNDING AND LEGAL PROCEEDINGS

SEC. 401. WORKING CAPITAL FUND.
(a) Establishment.—There is established in the Treasury a separate fund, to be known as the “Nuclear Waste Administration Working Capital Fund”, which shall be separate from the Nuclear Waste Fund.

(b) Contents.—The Working Capital Fund shall consist of—

(1) all fees paid by contract holders pursuant to section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) on or after the date of enactment of this Act, which shall be paid into the Working Capital Fund—

(A) notwithstanding section 302(c)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)(1)) is amended—

(B) immediately on the payment of the fees;

(2) any appropriations made by Congress to pay the share of the cost of the program established under this Act attributable to defense wastes; and

(3) the interest paid on the unexpended balance of the Working Capital Fund.

(c) Availability.—All funds deposited in the Working Capital Fund:

(1) shall be immediately available to the Administrator to carry out the functions of the Administrator, except to the extent limited in annual authorization or appropriation Acts;

(2) shall remain available until expended; and

(3) shall not be subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

(d) Use of Fund.—Except to the extent limited in annual authorization or appropriation Acts, the Administrator may make expenditures from the Working Capital Fund only for purposes of carrying out functions authorized by this Act.

SEC. 402. NUCLEAR WASTE FUND.
(a) Elimination of Legislative Veto.—Section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)) is amended to strike “transmittal” in the ending of the sentence and inserting “transmittal.”

(b) Interest on Unexpended Balances.—Section 302(e)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(e)(3)) is amended—

(1) by striking “Secretary” the first, second, and fourth place it appears and inserting “Administrator of the Nuclear Waste Administration”;

(2) by striking “‘the Fund’” each place it appears and inserting “‘the Waste Fund or the Working Capital Fund established pursuant to section 302(a) of the Nuclear Waste Administration Act of 2012’”.

SEC. 403. FULL COST RECOVERY.
In determining whether insufficient or excessive money is being collected to ensure full cost recovery under section 302(a)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(4)), the Administrator shall—

(1) include any funds that will be appropriated to the Nuclear Waste Fund to cover the costs attributable to disposal of defense wastes; and

(2) be sure to account the additional costs resulting from the enactment of this Act.

SEC. 404. JURISDICTION.
(a) Jurisdiction.—

(1) Courts of Appeals.—Except for review in the Supreme Court, a United States court of appeals shall have original and exclusive jurisdiction over any civil action—

(A) for a violation or the administering or the Commission under this Act;

(B) alleging the failure of the Administrator or the Commission to make any decision, or take any action, required under this Act;

(C) challenging the constitutionality of any decision made, or action taken, under this Act; or

(D) for review of any environmental assessment or environmental impact statement prepared pursuant to section 301 of the Nuclear Waste Policy Act of 1969 (42 U.S.C. 5221 et seq.) with respect to any action under this Act, or alleging a failure to prepare any such assessment or statement with respect to any such action.

(2) Venue.—The venue of any proceeding under this section shall be—

(A) the judicial circuit in which the petition involved resides or has the principal office of the petitioner; or

(B) the United States Court of Appeals for the District of Columbia Circuit.

(b) Deadline for Commencing Action.—

(1) In General.—Except as provided in paragraph (2), no civil action for judicial review described in subsection (a)(1) may be brought not later than the date that is 180 days after the date of the decision or action or failure to act involved.

(2) No Knowledge of Decision or Action.—If a party shows that the party did not know of the decision or action complained of (or of the failure to act) and that a reasonable person acting under the circumstances would not have known, the party may bring a civil action not later than 180 days after the date of actual or constructive knowledge of the decision, action, or failure to act.

(c) Settlement.—The Attorney General, in his or her discretion, may enter into any settlement of any action described in paragraph (2) with any person described in paragraph (1).

(d) New Contracts.—Notwithstanding section 302(a)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(6)), the Administrator shall not enter into any contract after the date of enactment of this Act that obligates the Administrator to begin disposing of nuclear waste before the Commission has licensed the Administrator to operate a repository or storage facility.

(e) Nuclear Indemnification.—

(1) Indemnification Agreements.—For purposes of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) commonly known as the “Price-Anderson Act” —

(A) any person that conducts nuclear waste activities under a contract with the Administrator that may involve the risk of public liability shall be treated as a contractor of the Secretary; and

(B) the Secretary shall enter into an agreement of indemnification with any person described in subparagraph (A).

(f) Conforming Amendment.—Section 11 ff. of the Atomic Energy Act of 1954 (42 U.S.C. 2214(f)) is amended by inserting “or the Nuclear Waste Administration” after “Secretary of Energy”.

TITLE V—ADMINISTRATIVE AND SAVINGS PROVISIONS

SEC. 501. ADMINISTRATIVE POWERS OF ADMINISTRATOR.
The Administrator shall have the power—

(1) to perform the functions of the Secretary transferred to the Administrator pursuant to this Act;

(2) to enter into contracts with any person who generates or holds title to nuclear waste generated in a civilian nuclear power reactor for the acceptance of title to subsequent transport, storage, and disposal of the nuclear waste;

(3) to enter into and perform contracts, leases, and cooperative agreements with public agencies, private organizations, and persons necessary or appropriate to carry out the functions of the Administrator; to acquire in the United States, real estate for the construction, operation, and decommissioning of nuclear waste facilities;

(4) to obtain from the Administrator of General Services the services the Administrator of General Services is authorized to provide agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

(5) to conduct nongeneric research, development, and demonstration activities necessary or appropriate to carry out the functions of the Administrator; and

(7) to make such rules and regulations, not inconsistent with this Act, as may be necessary to carry out the functions of the Administrator.

SEC. 502. PERSONNEL.
(a) Officers and Employees.—In addition to the senior officers described in section 303, the Administrator may appoint and fix the compensation of such officers and employees as may be necessary to carry out the powers and duties of the Administrator.

(b) Compensation.—Except as provided in paragraph (3), officers and employees appointed under this section shall be appointed in accordance with the civil service laws and the compensation of the officers

ments in cases arising from the failure of the Secretary to meet the deadline of January 31, 1998, to begin to dispose of nuclear waste under contracts entered into before the date of enactment of this Act; and

(c) Payment of Judgments and Settlements.—Payment of judgments and settle-
and employees shall be fixed in accordance with title 5, United States Code.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Administrator may, to the extent that the Administrator determines necessary to discharge the responsibilities of the Administrator—

(A) appoint exceptionally well qualified individuals to scientific, engineering, or other critical positions without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service; and

(B) fix the basic pay of any individual appointed under subparagraph (A) at a rate of not more than level 1 of the Executive Schedule, subject to the civil service laws, except that the total annual compensation of the individual shall be at a rate of not more than the highest total annual compensation payable under section 310 of title 3, United States Code.

(4) MERIT PRINCIPLES.—The Administrator shall ensure that the exercise of the authority granted under paragraph (3) is consistent with the merit principles of section 2301 of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Administrator may obtain the temporary or intermittent services of experts or consultants as authorized by section 3109 of title 5, United States Code.

(c) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Administrator may establish, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), such advisory committees as the Administrator may consider appropriate to assist in the performance of the functions of the Administrator.

(2) COMPENSATION.—A member of an advisory committee, other than a full-time employee of the Federal Government, may be allowed compensation in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service without pay, while attending meetings of the advisory committee or otherwise serving away from the homes or regular place of business of the member at the request of the Administrator.

SEC. 504. MISSION PLAN.

(a) IN GENERAL.—The Administrator shall submit a mission plan for public comment by the Oversight Board prior to implementing the proposed changes.

(b) M ANAGEMENT REPORT.—The annual report submitted under subsection (a) shall include—

(1) the annual management report required under section 9106 of title 31, United States Code; and

(2) the report on any audit of the financial statements of the Administration conducted under section 9105 of title 31, United States Code.

SEC. 505. SAVINGS PROVISIONS; TERMINATIONS.

(a) COMMISSION PROCEEDINGS.—This Act shall not affect any proceeding or any application for any order pending before the Commission on the date of enactment of this Act.

(b) AUTHORITY OF THE SECRETARY.—This Act shall not transfer or affect the authority of the Secretary with respect to—

(1) the maintenance, treatment, packaging, and storage of defense wastes at Department of Energy sites prior to delivery to, and acceptance by, the Administrator for disposal in a repository; and

(2) the conduct of generic research, development, and demonstration activities related to nuclear waste management, including proliferation-resistant advanced fuel recycling and transmutation technologies that minimize environmental and public health and safety impacts; and

(3) training and workforce development programs relating to nuclear waste management.

(b) PILOT PROGRAM.—Notwithstanding section 301, the Administrator may proceed with the siting and licensing of 1 or more proposed reactors to the extent that a cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with the terms of the cooperative agreement; and

(2) section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

(d) TERMINATIONS.—The authority for each function of the Secretary relating to the siting, construction, and operation of repositories, storage facilities, or test and evaluation facilities not transferred to the Administrator under this Act shall terminate on the date of enactment of this Act, including the following:

(1) to provide interim storage or monitored, retrievable storage under subparts B and C of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10321 et seq.); and

(2) to site or construct a test and evaluation facility under title II of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10191 et seq.); and

(3) to issue requests for proposals or enter into agreements under section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013.

SEC. 507. TECHNICAL ASSISTANCE IN THE FIELD OF SPENT FUEL STORAGE AND DISPOSAL.

(a) JOINT NOTICE.—Not later than 90 days after the date of enactment of this Act and annually for 5 succeeding years, the Commission and the Oversight Board shall—

(1) submit the final mission plan to Congress, the President, and the Oversight Board for public comment; and

(2) provide interested persons an opportunity to comment on the proposed plan.

(b) SUBMISSION OF FINAL MISSION PLAN.—After consideration of the comments received, the Administrator shall—

(1) revise the proposed mission plan to the extent that the Administrator considers appropriate; and

(2) submit the revised mission plan to Congress, the President, and the Oversight Board prior to implementing the proposed changes.

(c) PILOT PROGRAM.—Nothwithstanding section 223(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10323(c)) and before the date of enactment of this Act in accordance with the terms of the cooperative agreement entered into by the Secretary pursuant to section 312 of the Energy and Water Development and Related Agencies Appropriations Act, 2013, before the date of enactment of this Act in accordance with...
"Secretary" each place it appears and inserting "Nuclear Waste Administrator".

(d) REPORTS.—Section 508 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking "Secretary" and inserting "Nuclear Waste Administrator".

(e) TERMINATION.—Section 510 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10270) is amended by striking "Secretary" and inserting "Nuclear Waste Administrator".

SEC. 309. REPEAL OF VOLUME LIMITATION.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mr. BINGGELI, Mr. BLUNT, Mrs. BOXER, Mr. FRANKEN, and Ms. KLOBUCHA):

S. 3472. A bill to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I come to the floor to speak about a bill that I have the pleasure of helping to lead with several of my colleagues, particularly Senator GRASSLEY, who has been my long-standing partner and a wonderful cochair of the foster care caucus. There are any number of us, Republicans and Democrats, who have our eyes on and our hearts connected to the 500,000 children who are technically being raised by the government.

The government does many things well, but raising children isn’t one of them. So it is our responsibility, when we enter into or respond to a case of abuse, gross abuse, neglect, or gross neglect, that we respond appropriately by removing children from homes who have, unfortunately, been tortured at times by their own parents. That, of course, is incomprehensible to me and to many of us every day. I was with my family this weekend. They will be with me and have been with me for every important moment of my life. When did somebody get a notion that children don’t need a family after they are 18? It is a silly notion, and it is not even true. We would not send our own children into the world alone by themselves. So our whole foster system needs great reform, and we are working on that.

But one piece of this system that needs reform is how we are trying to address today by introducing the Uninterrupted Scholars Act, which is a bill that Senator GRASSLEY and many others, including Senator BINGGELI, Senator BLUNT, Senator BOXER, Senator FRANKEN, and, of course, we have so graciously agreed to cosponsor and provide their leadership. Congresswoman Bass is a U.S. Representative from California’s 33rd District. She, along with Congresswoman BACHMANN from Minnesota, Congressman MARINO from Pennsylvania, and Congressman MCDERMOTT from Washington State, has introduced the same bipartisan bill in the House. So we are very excited about the strong bipartisan support for this bill.

All this bill says—and it makes such sense I can’t believe it is not in the law already—is that when a child comes into the care of the government, the government is responsible for the care of this child—now it is not parents any longer because the parents’ rights either have been terminated or are in the process of being terminated—the government will have the right, or the agencies representing the government, to their academic records.

What is happening now is foster children are getting lost not only in the system but lost in their schools because of the difficulty in getting access to education records under the guise that these records should be private, et cetera.

What is happening is some of these privacy rules are not protecting the children, they are protecting the system that is broken, and that is the problem. We are doing everything we can to protect the privacy of the child, but what is happening is some of these privacy rules—let’s put this up on a screen so that we can’t find out that the school is not doing its job on behalf of the child, or the social workers are not doing their job on behalf of the child.

It is a simple streamlines the process of making sure academic records can be accessed by foster families—either adoptive families or guardians—without having to go through the courts for a long, extended timeframe. It is essentially a one-page change. It is one of probably 100 changes to this system that need to be made. Of course, we can make these new laws in Washington. A lot of this has to be carried out with heart and compassion and cooperation, which, unfortunately, we cannot legislate from Washington. But what we can do is try, when we see a problem—this problem was identified not by me or by my staff. It was actually identified by foster youth who came up here this summer to intern and brought to our attention the issue that some of their records are not accessible to their foster families who are trying their best to raise them and to help them, et cetera. And the young people themselves have asked for this change. We are happy to accommodate that request.

Let me end by saying again, there are over 400,000—about 400,000 to 500,000—children who have experienced foster care system representing less than one-half of 1 percent of all the children in America, which is about 100 million. But it is an important one-half of 1 percent because these are children whose parents have failed them. These are children who are vulnerable and need us to love them extra specially, to help them extra specially. That is what some of us spend a good bit of our time trying to do because we are willing and able to become great citizens of our Nation but need that extra special help.

So this Uninterrupted Scholars Act will give access, appropriately with protections, to their academic records. Senator FRANKEN has a bill to give them choice in public schools to help them get stability in their public schools, so they can stay with their friends, their teachers, as they, unfortunately, have to move around in the system.

Many people will benefit—most importantly, the youth involved.

By Mr. INHOFE:

S. 3473. A bill to replace automatic spending cuts with targeted reforms, and for other purposes; to the Committee on Finance.
Mr. INHOFE. Mr. President, I am waiting now for them to bring up a bill I have filed today and will have a number to go with it which I will announce in a moment.

First of all, let me say that the talk of these cuts does not mean the sequestration problems we are having. I would only observe that I don’t know why it is so difficult for people to understand, but President Obama has written four budgets and these budgets have come before us, and if we add up all of the deficits in the four budgets, it comes to $5.3 trillion worth of deficits. I suggest that is more deficit than all Presidents in the history of this country for the past 200-plus years.

So, people say, how did we get into this mess? Because when we have those kinds of deficits over a period of time, we wonder where it is coming from. Let me tell my colleagues where it didn’t come from, where it wasn’t spent, and that is military.

I would suggest to my colleagues where it didn’t come from, where it wasn’t spent, and that is military.

I went over the first budget President Obama had. I went over to Afghanistan so I could make sure I could get the attention of the American people and let them know how this disarming of America by President Obama is going. Of course, my colleagues who were part of that first budget, they would know that it cut out our only fifth-generation fighter, the F-22; our lift capacity, the C-17; the future combat system; the ground based interceptor in Poland. That was just the first budget. Then it has gotten worse since that time. Since there isn’t time to go over that detail year by year, I can only say that the President has already cut in his budget over the next decade $487 billion, roughly $500 billion, $1 trillion—from defense spending over the next 10 years.

I would suggest to my colleagues that the American people—this is something that is very frustrating, because they assume that when we send our kids into battle, they have the best of equipment, and this just flat isn’t true. The British have an AS90, a Howitzer that is better than ours. The Russians have the 2S19 that is better than ours. Even South Africa has a system that is a better nonline-of-sight cannon than we have in our arsenal. The Chinese have a J-10 that is better than ours. In fact, they are now cranking them out to where they rival our F-15s, F-16s, and F/A-18s.

So the point I am making here is there has been no emphasis. If we go out and borrow and increase the deficit by $3 trillion as this President is doing, one would think we would be in a position to have a lot more robust military, but the truth is, far from reality, has consistently cut over that period of time.

In the event the Obama sequestration as it is designed right now goes through, there will be another $1 trillion that will come out of the military. Even the President’s own Secretary of Defense, Secretary Panetta, has said if these cuts take place—talking about the Obama sequestration cuts—in addition to what he has already cut, it would be “devastating to the military.” That means we would have the smallest ground fleet since the 1940s, we would have the smallest fleet of ships since the Navy was smaller, and the smallest tactical fighter capability for force in the history of the Air Force.

So if we want the United States to continue providing the type of global leadership our people have come to expect and meet the expectations of the American people, they are shocked when they find out other countries have things that are better than we have.

If we want to beat this, then we are going to have to do something about, No. 1, what is happening to the military; and No. 2, the sequestration. I have it all in one bill. In a minute we will get a number for that bill. Anyway, it is called the Sequestration Prevention Act. It replaces the sequestration cuts with some smart reforms, and I am going to go over those in a minute to show my colleagues what they are. It replaces the $1.2 trillion and then has a lot of money left over.

Let me just kind of go over what this bill would do. People keep saying: We cannot do anything about it. We cannot do anything about the sequestration, the cuts.

We have been on a great committee that was supposed to be out there finding $1.2 trillion over a 10-year period and yet we have a President who was able to give us deficits of five times that much over just a 4-year period.

What it does, first of all, to come up with this $1.2 trillion, plus rebuilding the military—we want to rebuild the military, in my estimation, up to 4 percent of GDP. For the last 100 years, prior to 1990—for 100 years—the average defense spending constituted 5.7 percent of GDP. That was the average, in times of war and in times of peace. Now it is all the way down, after his sequestration, to below 3 percent; in other words, about half of that.

What I wish to do with additional funds that come from this bill I am introducing today is put that back into the military and bring us up to 4 percent of GDP—still considerably less than where we have been over the last 100 years.

The first thing it does is completely repeal ObamaCare and adopts Paul Ryan’s approach to block granting the Medicaid Program so States have complete control over the dollars they use to reach their low-income populations with health care assistance. Together, these two changes will reduce spending by $1.1 trillion over 10 years.

Secondly, it returns nondefense discretionary spending to the 2006 levels. When this President came in, the amount of the nondefense discretionary spending surged. This would have a savings over that period of time of $952 billion.

Finally, the legislation includes comprehensive medical malpractice and
tort reform. That is the same thing that was passed by the House of Representa-
tives and that would save $74 billion over 10 years.

All told, all the savings generated would be $2.6 trillion—not $1.2 trillion—over 10 years. So let me tell you—just tell you—we cannot get there from here. Clearly, we can get there from here.

We use the remaining amount to beef up the military to get back to our 4-
percent level. I believe if we were to talk to the average American, they
would say: Yes, let’s go ahead and do this. Why aren’t we doing it now?

Let me mention one other thing before I conclude; that is, we have some-
thing called the WARN Act. What that does is require the employers—who
know because of sequestration there are going to be layoffs—to give pink
slips at least 60 days prior to the time that will happen. Under sequestration,
if they do not adopt my act, if they do that, those pink slips would have to be
out there by the 2nd of November.

The President does not want that to
happen. He does not want the Obama
sequestration to be pointed out and
identified as to what is causing them
to lose their jobs, so he is trying to get
companies not to comply with the
WARN Act.

Clearly, the WARN Act says “an em-
ployer shall not order a plant closing
or mass layoff until the end of a 60-
day period after the employer serves writ-
ten notice of such an order.”

The WARN Act states—this is very
significant because if there are compa-
nies out there that are listening to the
President when he is asking them not
to issue the pink slips, this is what
would happen to them—it states that
“any employer who orders a plant clos-
ing or mass layoff in violation of Sec-
tion 3 . . . shall be liable to each ag-
grieved employee who suffers an em-
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In other words, if they do not do it,
then that opens the doors for all the
trial lawyers to come in. Just imagine
the cases. At LockeHeed Martin, they
say they are going to have to let go of
some 120,000 people. If they had a class
action suit, each one who was let go
would receive something like $1,000.

That would be $120 million that com-
pany would have to pay. I cannot imag-
ine the board of directors of any com-
pany anywhere in America not com-
plying with this legal act called the
WARN Act.

By Mrs. BOXER (for herself, Mrs.
HUTCHISON, Mr. CASSEY, Mrs. SNOWE,
Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mr. BROWN of
Massachusetts):

S. 3477. A bill to ensure that the
United States promotes women’s mean-
ingful inclusion and participation in
mediation and negotiation processes
undertaken in order to prevent, miti-
gate, or resolve violent conflict and
implements the United States National
Action Plan on Women, Peace, and Se-
curity; to the Committee on Foreign
Relations.

Mrs. BOXER. Mr. President, I rise
today to introduce the Women, Peace,
and Security Act of 2012 with Senators
HUTCHISON, CASSEY, SNOWE, SHAHEEN,
GILLIBRAND and SCOTT BROWN. A com-
panion bill was also introduced in the
House of Representatives today by
Representatives CARNAHAN, BERMAN
and SCHARKOWSKY.

This important legislation will help
continue the United States National Ac-
tion Plan on Women, Peace, and Secu-
ry, which was released by the Obama
administration in December, 2011, to
help further ongoing U.S. initiatives
regarding women, peace, and security
and the objectives of United Nations
Security Council Resolution 1325,
UNSCR 1325.

UNSCR 1325 calls on all countries
to establish national action plans aimed
at promoting the inclusion of women in
peace resolution efforts and peace-
building institutions, such as police
services.

This is essential because women
and girls are disproportionately impacted
by violence and armed conflict. But at
the same time, we know that women
are critical to helping prevent violence
before it occurs and resolving crises
once they begin. Furthermore, evi-
dence shows that integrating women
into peace-building processes helps pro-
mote democracy and ensure the likeli-
hood of a peace process succeeding.

With the National Action Plan on
Women, Peace, and Security, the U.S.
joins the more than 37 other countries
who have released similar National Ac-
tion Plans recognizing women’s con-
tributions to peace building and com-
mitting to support women’s inclusion
in all aspects of peace processes.

As Chair of the Senate Foreign Rela-
tions Subcommittee on International
Operations and Organizations, Human
Rights, Democracy, and Global Wom-
en’s Issues, I am proud of the Obama
administration in December, 2011, to
make this important initiative, and remain
committed to continuing to promote the
full inclusion of women in all aspects
of peace-building efforts.

I look forward to working with my
colleagues to pass this important legisla-
tion.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 535—RECOG-
NIZING THE GOALS AND IDEALS
OF THE MOVEMENT IS LIFE CAU-
CUS

Ms. KLOBUCHAR (for herself and Mr.
CHAMBLISS) submitted the following
resolution; which was referred to the
Committee on Health, Education,
Labor, and Pensions:

S. Res. 35

Whereas arthritis is the number one cause of
disability in the United States, according
to the Centers for Disease Control and Pre-
vention, affecting 50,000,000 Americans, and
among the leading reasons for doctors’ visits
and missed work;

Whereas the Centers for Disease Control
and Prevention finds that in 2003 arthritis
in the United States economy $128,000,000,000 annually in medical costs and
lost wages;

Whereas 27,000,000 Americans suffer from
osteoarthritis (the most common form of ar-
thritis) and almost 80 percent have some de-
gree of movement limitation;

Whereas the onset of chronic joint pain
and osteoarthritis can lead to disability and
a personal independence which they would
say they are going to have to let go of
their jobs, so he is trying to get the
companies not to comply with the
WARN Act.

Clearly, the WARN Act says “an em-
ployer shall not order a plant closing
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I look forward to working with my
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SUBMITTED RESOLUTIONS

SENATE RESOLUTION 535—RECOG-
NIZING THE GOALS AND IDEALS
OF THE MOVEMENT IS LIFE CAU-
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Ms. KLOBUCHAR (for herself and Mr.
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Whereas arthritis is the number one cause of
disability in the United States, according
to the Centers for Disease Control and Pre-
SENATE RESOLUTION 536—DESIGNATING SEPTEMBER 9, 2012, AS "NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY"

Ms. MURKOWSKI (for herself, Mr. JOHNSON of South Dakota, and Mr. BECHT) submitted the following resolution; which was considered and agreed to:

S. Res. 536

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions than the term “fetal alcohol syndrome” and has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a tier of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime; and

Whereas the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote awareness of the devastating consequences of alcohol consumption during pregnancy, thus establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day; and

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol…. would the rest of the world listen?”; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day; Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2012, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of September 9, 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

SENATE RESOLUTION 537—SUPPORTING THE GOALS AND IDEALS OF NATIONAL OVARIAN CANCER AWARENESS MONTH

Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CARDIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MURKOWSKI, Mr. Moran, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WURK) submitted the following resolution; which was considered and agreed to:

S. Res. 537

Whereas ovarian cancer is the deadliest of all gynecologic cancers; and

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States; and

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease; and

Whereas there are those of our mothers, sisters, daughters, family members, and community leaders; and

Whereas the mortality rate for ovarian cancer has not significantly decreased since the “War on Cancer” was declared, more than 40 years ago; and

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk; and

Whereas some women, such as those with a family history of breast or ovarian cancer, are at higher risk for developing the disease; and

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer; and

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer; and

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms; and breast-feeding; and

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent; and

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease; and

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis; and

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as “National Ovarian Cancer Awareness Month” with—

(A) to raise awareness and educate all individuals about the importance of screening methods for, and treatment of, prostate cancer;
WHEREAS the Federation is very supportive of scholastic chess programs and sponsors a national chess day to enhance awareness and problem-solving and higher-level thinking learning styles and strengths and promotes educational Chess Day to enhance awareness and problem-solving and higher-level thinking learning styles and strengths and promotes

SCHOOL PERFORMANCE

WHEREAS approximately 1⁄2 of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10; and

WHEREAS many schools have linked scholastic chess programs to the improvement of students’ scores in reading and math, as well as improved self-esteem; and

WHEREAS the Federation offers guidance to educators to help incorporate chess into the school curriculum; and

WHEREAS chess is a powerful cognitive learning tool that can be used to successfully enhance students’ reading skills and understanding of math concepts; and

WHEREAS chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills; Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 6 through August 12, 2012, as “National Convenient Care Week”; and

(2) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(3) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinic.

SCHOOL PERFORMANCE

WHEREAS millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining care as well; and

WHEREAS convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States; and

WHEREAS convenient care clinics follow rigid industry-wide quality of care and safety standards; and

WHEREAS convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians; and

WHEREAS convenient care clinicians all have advanced education in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screening; and

WHEREAS convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians’ offices, urgent care clinics, or emergency departments; and

WHEREAS convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes; Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 6 through August 12, 2012, as “National Convenient Care Clinic Week”; and

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model; and

(3) recognizes that people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

SCHOOL PERFORMANCE

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

AMENDMENTS SUBMITTED AND PROPOSED

S. 3414. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

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S. 3414. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

S. 3414. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.
SA 2760. Mr. JOHNSTON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2761. Mr. JOHNSTON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2762. Mr. JOHNSTON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2763. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2764. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2765. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2766. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2767. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2768. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2769. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2770. Mr. COLE (for Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN of Massachusetts, and Mr. COBURN)) proposed an amendment to the bill S. 1409, to intensify Federal spending.

SA 2771. Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

SEC. 415. REPORT ON NATIONAL GUARD CYBERSECURITY CAPABILITIES.

On page 154, strike line 9, and insert the following:

SEC. 415. REPORT ON NATIONAL GUARD CYBERSECURITY CAPABILITIES.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on:

(1) the current cybersecurity defensive, offensive, and training capabilities within the National Guard;

(2) the current balance of cybersecurity defensive, offensive, and training capabilities across the Active and Reserve components of the Armed Forces established in Title II of this Act; and

(3) the number of Federal cybersecurity civilian employees who are currently serving as members of the National Guard, including the States and units to which such National Guard members are assigned.

SEC. 416. MARKETPLACE INFORMATION.

SA 2747. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 185, line 7, insert “if a warrant has been obtained” and after “(A)”:

SA 2748. Mr. AKAKA (for himself, Mr. BLUMENTHAL, Mr. COONS, Mr. FRANKEN, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. DURBIN, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 105, after the end of the matter between lines 11 and 12, insert the following:

SEC. 205. PRIVACY BREACH REQUIREMENTS.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act, is amended by adding after subsection (c) the following:

“§ 3559. Privacy breach requirements

“(a) POLICIES AND PROCEDURES.—The Director of the Office of Management and Budget shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

“(1) timely notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

“(2) timely reporting to the Federal cybersecurity center (as defined in section 708 of the Cybersecurity Act of 2012), as designated by the Director of the Office of Management and Budget; and

“(3) additional actions as necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.

“(b) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Director of the Office of Management and Budget under subsection (a).”
on agency compliance with the policies and procedures established under subsection (a)."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—by adding sections for chapter II for chapter 35 of title 44, United States Code, as amended by section 201 of this Act, as amended by adding at the end the following: "3559. Privacy breach requirements.

SEC. 206. AMENDMENTS TO THE E-CONSUMER PROTECTION ACT OF 2002.

Section 230(b)(1)(A) of the E-Consumer Protection Act of 2002 (44 U.S.C. 3551 note; Public Law 107–347) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following: "(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source."

SEC. 207. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FEDERAL INFORMATION POLICY.

Section 3504(g) of title 44, United States Code, is amended—

(1) paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following: "(3) designate a Federal Chief Privacy Officer within the Office of Management and Budget who is a noncareer appointee in a Senior Executive Service position and who is a trained and experienced privacy professional to carry out the responsibilities of the Director with regard to privacy.".

SEC. 208. CIVIL REMEDIES UNDER THE PRIVACY ACT.

Section 552a(g)(4)(A) of title 5, United States Code, is amended—

(1) in clause (i), by striking "or" at the end,

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following: "(iii) using information in an identifiable form purchased, or subscribed to for a fee, from a commercial data source."

SEC. 416. GOVERNMENT ACCOUNTABILITY OF THE NATIONAL GUARD IN STATE BUDGET WITH RESPECT TO FEDERAL GOVERNMENT.

Funds provided under this Act for the National Guard are not available—

(A) for the payment of additional compensation to the members of the National Guard for the period of active duty prescribed under this Act; or

(B) for the payment of additional compensation to Reserve units activated under this Act.

SEC. 2749. Mrs. MURRAY (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 416. GOVERNMENT ACCOUNTABILITY OF THE NATIONAL GUARD IN STATE BUDGET WITH RESPECT TO CRITICAL INFRASTRUCTURE OPERATIONS.

(a) STUDY.—In general.—The Comptroller General of the United States shall conduct a study of the efforts and authorities of the Federal Government and State and local governments relating to the resiliency of public and private critical infrastructure operations after natural or man-made disasters, cyber attacks, or accidents, including the ability to operate critical infrastructure in the event of an attack or failure or in the event of a failure or interruption of electricity.

(b) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall—

(A) examine critical infrastructure, including—

(i) fueling stations;

(ii) wastewater treatment facilities;

(iii) banking institutions;

(iv) health care facilities;

(v) the Emergency Alert System; and

(vi) any other critical infrastructure that the Comptroller General identifies;

(B) examine the role and authority of—

(i) State public utility or service commissions;

(ii) the Federal Communications Commission;

(iii) the Federal Energy Regulatory Commission; and

(iv) the North American Electric Reliability Corporation; and

(C) review the policies on the priorities for restoring electrical power; and

(D) consider—

(i) the voluntary Defense Industrial Base Critical Infrastructure Protection program of the Department of Defense;

(ii) the West Virginia University project for Cyber Security in Critical Infrastructure.

SA 2751. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 6, beginning on line 2, strike "the underlying framework that information systems and assets rely on" and insert "information and information systems relied upon".

On page 7, strike line 20 and all that follows through page 8, line 9, and insert the following:

(20) OPERATOR.—The term "operator"—

(A) means an entity that owns or operates (i) critical infrastructure, or (ii) any system supporting emergency services; to an extent that the operation of such an entity would have resulted in severe, widespread, or regional economic, environmental, health, or safety consequences;

(B) does not include a company contracted by the owner to manage, run, or operate; critical infrastructure, or to provide a specific information technology product or service that is used or incorporated into that critical infrastructure.

On page 8, beginning on line 14, strike ", or"., and insert the following:

On page 8, after line 22, insert the following:

SA 2753. RULE OF CONSTRUCTION.

(a) DEFINITION.—In this section, the term "covered information" means information collected by a Federal agency solely for statistical purposes under a pledge of confidentiality.

(b) RULE OF CONSTRUCTION RELATING TO COVERED INFORMATION.—Nothing in this Act or an amendment made by this Act shall be construed to alter, amend, or repeal any provision of title 13, United States Code, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.), or the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), or any similar provision of law, that relates to the use, disclosure, or use of covered information, except that the head of each Federal agency that collects covered information pursuant to any such provision of law is authorized to disclose the covered information to the Secretary to fulfill the information security responsibilities.
of the head of the Federal agency and the Secretary under sections 3553 and 3554 of title 44, United States Code, as amended by this Act.

On page 10, line 7, before ‘‘;’’, and ‘‘and’’, in connection with activities authorized and conducted in accordance with this title’’,

On page 10, beginning on line 9, strike ‘‘technical services or assistance to owners and operators consistent with this title’’ and insert ‘‘guidance on the application of cybersecurity practices in accordance with this title’’.

On page 10, line 18, insert ‘‘and’’ after the semicolon.

On page 11, strike lines 1 through 13 and insert the following:
(d) MEMBERSHIP.—The Council shall be comprised of—

(1) the Secretary of Commerce;
(2) the Secretary of Defense;
(3) the Attorney General;
(4) the Director of National Intelligence;
(5) the heads of sector-specific Federal agencies that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g); and

(6) the heads of Federal agencies with responsibility for regulating the security of critical cyber infrastructure that are appointed by the President, by and with the advice and consent of the Senate, as determined by the President in accordance with subsection (g).

On page 12, line 3, before ‘‘provide’’ insert ‘‘or the disclosure of which is otherwise subject to legal restrictions’’.

On page 12, line 9, strike ‘‘and a’’ and insert ‘‘or a’’.

On page 12, line 13, after ‘‘responsibility’’ insert ‘‘including’’.

On page 13, line 12, after ‘‘with’’ insert ‘‘appropriate’’.

On page 13, line 20, strike ‘‘180 days’’ and insert ‘‘18 months’’.

On page 15, between lines 9 and 10, insert the following:
(6) INITIAL ASSESSMENTS.—Not later than 270 days after the date of enactment of this Act, the member agency designated under paragraph (1) shall complete initial cyber risk assessments described in paragraph (2).

On page 17, line 16, strike ‘‘damage’’ and insert ‘‘harm’’.

On page 18, line 2, strike ‘‘damage’’ and insert ‘‘harm’’.

On page 20, line 5, strike ‘‘180 days’’ and insert ‘‘1 year’’.

On page 20, line 12, strike ‘‘, standards, and’’.

On page 20, line 22, after ‘‘with’’ insert ‘‘appropriate’’.

On page 21, beginning on line 3, strike ‘‘relevant security experts and’’ and insert ‘‘appropriate security experts, except’’.

On page 21, between lines 17 and 18, insert the following:
(2) NIST INVOLVEMENT.—As part of the process described in paragraph (1), the Director of the National Institute of Standards and Technology shall be invited to provide advice and guidance on any possible amendments to the cybersecurity practices and any additional cybersecurity practices in consultation with appropriate public and private stakeholders.

On page 21, line 18, strike ‘‘(2)’’ and insert ‘‘(4)’’.

On page 21, line 19, strike ‘‘1 year’’ and insert ‘‘18 months’’.

On page 22, beginning on line 11, strike ‘‘180 days’’ and insert ‘‘1 year’’.

On page 22, line 13, strike ‘‘1 year’’ and insert ‘‘18 months’’.

On page 25, strike lines 10 through 17 and insert the following:
(1) IN GENERAL.—After the Council adopts a cybersecurity practice, a relevant sector coordinated and described in the Critical Infrastructure Partnership Advisory Council may issue a public report evaluating the cybersecurity practice, which may include input from appropriate sector entities, including universities, information security centers, national laboratories, and appropriate nongovernmental cybersecurity experts.

On page 25, line 19, strike ‘‘consider any review conducted’’ and insert ‘‘consider, in accordance with subsection (c), any public report issued’’.

On page 25, strike lines 21 through 24 and insert the following:
(1) VOLUNTARY GUIDANCE.—At the request of an owner or operator, the Council may provide guidance on the application of cybersecurity practices to the critical infrastructure in accordance with this title.

On page 26, line 5, strike ‘‘1 year’’ and insert ‘‘18 months’’.

On page 27, line 13, strike ‘‘an assessment’’ and insert ‘‘an initial assessment, in accordance with subsection (b)’’.

On page 28, beginning on line 15, strike ‘‘specific cybersecurity measures that, if implemented, would’’ and insert ‘‘guidance on how to’’.

On page 29, line 5, strike ‘‘owner’’ and all that follows through line 7, and insert the following:

(4) CYBERSECURITY SERVICES.—The term ‘‘cybersecurity services’’ means products, services, capabilities, and other resources intended to detect, mitigate, or prevent cybersecurity threats.

On page 47, line 23, strike ‘‘(4)’’ and insert ‘‘(5)’’.

On page 48, line 8, strike ‘‘(5)’’ and insert ‘‘(6)’’.

On page 49, line 1, strike ‘‘(5)’’ and insert ‘‘(7)’’.

On page 49, line 4, strike ‘‘(7)’’ and insert ‘‘(8)’’.

On page 50, line 13, strike ‘‘(8)’’ and insert ‘‘(9)’’.

On page 53, line 7, strike ‘‘and penetration testing’’ and insert ‘‘or the disclosure of which is otherwise subject to legal restrictions’’.

On page 57, line 24, strike ‘‘or to deploy countermeasures’’ and insert ‘‘or deploy countermeasures, or otherwise operate protective capabilities’’.

On page 60, line 17, strike ‘‘Assistant Secretary’’ and all that follows through line 19, and insert the following: ‘‘Director of the National Center for Cybersecurity and Communications’’.

On page 76, line 5, strike ‘‘section 3553’’ and insert ‘‘section 3553(d)(3)’’.

On page 77, beginning on line 17, strike ‘‘under the control of the Department of Defense’’ and insert ‘‘described in section 3553(k)(2)’’.

On page 77, beginning on line 20, strike ‘‘under the control of the Office of the Director of National Intelligence’’ and insert ‘‘described in section 3553(g)(3)’’.

On page 81, strike the matter between lines 15 and 16 and insert the following: ‘‘SUBCHAPTER II—INFORMATION SECURITY’’.

On page 90, line 18, before ‘‘National’’ insert ‘‘and other’’.

On page 90, beginning on line 17, strike ‘‘on the date of enactment of the Cybersecurity Act of 2012’’ and insert ‘‘transferred to the Department of Homeland Security’’.

On page 90, line 19, strike ‘‘Order 12472’’ and insert ‘‘Order 13618’’.

On page 91, beginning on line 19, strike ‘‘National Communications System’’ and insert ‘‘functions of the National Communications System transferred to the Department under section 201(g)’’.

On page 91, line 20, strike ‘‘the’’ and insert ‘‘their’’.

On page 91, line 21, strike ‘‘liabilities of the’’ and all that follows through line 24, and insert ‘‘liabilities’’.

On page 93, line 20, after ‘‘providing’’ insert ‘‘technical assistance, analysis of incidents, and other’’.

On page 102, line 5, after ‘‘as’’ insert ‘‘appropriate and’’.
On page 105, line 23, strike “authorized” and insert “permitted”.

On page 105, line 24, strike “Code,” or” and insert “Code.”

On page 106, line 2, after “et seq.”, insert “;” and section 3553 of title 44, United States Code.

On page 113, line 19, after “Communications” insert “;” and in consultation with the Director of the National Institute of Standards and Technology and the Administrator of the National Telecommunications and Information Administration.

On page 120, line 15, before “of,” insert “and” the Committee on Homeland Security and Governmental Affairs.

On page 120, line 16, after “Technology” insert “and the Committee on Oversight and Government Reform.”

On page 122, line 15, after “other” insert “cybersecurity.”

On page 128, line 18, after “Secretary” insert “and the Director of the Office of Personnel Management.”

On page 130, line 12, strike “shall” and insert “may.”

On page 131, line 16, after “Foundation” insert “;” In coordination with the Director of the Office of Personnel Management,”.

On page 134, line 6, strike “all” and insert “appropriate.”

On page 136, line 17, strike “engaged in” and insert “in vacant positions that are part of the Federal”.

On page 147, strike the matter between lines 3 and 4 and insert the following: “Sec. 245. National Center for Cybersecurity and Communications acquisition authorities.

Sec. 246. Recruitment and retention program for the National Center for Cybersecurity and Communications.

On page 152, strike line 20 and all that follows through page 153, line 14, and insert the following: (1) legal or other impediments to appropriate public awareness of the nature of methods of propagation of, and damage caused by common cybersecurity threats such as computer viruses, phishing techniques, and malware; and (2) a summary of the plans of the Secretary to enhance public awareness of common cybersecurity threats, including a description of the consultation by the Department for evaluating the efficacy of public awareness campaigns.

On page 201, line 19, strike “or”.

On page 201, between lines 19 and 20, insert the following: (11) to alter or amend the law enforcement or intelligence authorities of any agency or Federal cybersecurity center; or

On page 201, line 20, strike “(11)” and insert “(12)”.

SA 2752. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 61, between lines 4 and 5, insert the following: “(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations, the Secretary may authorize protective capabilities that affect the system only with the concurrence of the head of that agency.

SA 2754. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 60, strike lines 1 through 13 and insert the following: “(A) IN GENERAL.—If the Secretary determines that the situation constitutes a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in a timely response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other system traffic transit or to or from or stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information or information system or other agency information systems.

SA 2755. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 58, strike lines 18 through 21 and insert the following: “(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

(i) a system described in paragraph (2), (3), or (4) of paragraph (1); or

(ii) a system used to carry out payment, fiscal agency, lending, or liquidity activities or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

SA 2756. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 55, line 22, insert “, with the concurrence of the affected agency,” after “the Secretary”.

SA 2757. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 51, line 12, strike “used or”.

SA 2758. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 18, line 25, strike “or” and all that follows through page 19, line 2, and insert the following: “(C) a commercial item that organizes or communicates information electronically; or “(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 35 of title 44, United States Code, as amended by section 201 of this Act.

SA 2759. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 12, between lines 21 and 22, insert the following: “(b) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

SA 2760. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, between lines 12 and 13, insert the following: “(7) the Department of the Treasury; and

SA 2762. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 11, line 12, strike “and”.

On page 11, between lines 12 and 13, insert the following: “(7) the Department of the Treasury; and

On page 11, line 13, strike “(7)” and insert “(8)”.

On page 12, line 12, insert “or owner” after “the sector”. August 1, 2012
On page 12, between lines 21 and 22, insert the following:

(h) FEDERAL RESERVE BANKS.—For purposes of this title, the Federal agency with responsibility for regulating the security of critical cyber infrastructure of the Federal Reserve Banks is the Board of Governors of the Federal Reserve System.

On page 18, line 25, strike "or" and all that follows through page 19, line 2, and insert the following:

(3) Commercial item that organizes or communicates information electronically; or

(D) critical infrastructure that is subject to the requirements under subchapter II of chapter 156 of title 44, United States Code, as amended by section 201 of this Act.

On page 51, line 12, strike "used or".

On page 50, line 1, insert "with the concurrence of the affected agency," after "the Secretary.

On page 56, strike line 18 and all that follows through page 69, line 15, and insert the following:

"(B) EXCEPTION.—The authorities of the Secretary under this subsection shall not apply to—

(i) a system described in paragraph (2), (3), or (4) of subsection (g); or

(ii) a system used to carry out payment, fiscal, budgetary, or liquor control functions or Federal open market operations where the disruption of such system could reasonably result in catastrophic economic damage to the United States.

"(2) PROCEDURES FOR USE OF AUTHORITY.—The Secretary shall—

(A) in coordination with the Director of the Office of Management and Budget and, as appropriate, in consultation with operators of information systems, establish procedures governing the circumstances under which a directive may be issued under this subsection, which shall include—

(i) thresholds and other criteria;

(ii) privacy and civil liberties protections; and

(iii) providing notice to potentially affected third parties;

(B) specify the reasons for the required action and the duration of the directive;

(C) minimize the impact of directives under this subsection by—

(i) adopting the least intrusive means possible to achieve the purposes to secure the agency information systems; and

(ii) limiting directives to the shortest period possible;

(D) notify the Director of the Office of Management and Budget and head of any affected agency immediately upon the issuance of a directive under this subsection.

"(E) IMMEDIATE THREATS.—(A) IN GENERAL.—If the Secretary determines that there is a substantial and imminent threat to agency information systems and, after consultation with the affected agency, determines that a directive under this subsection is not reasonably likely to result in an appropriate response to the threat, the Secretary may authorize the use of protective capabilities under the control of the Secretary for communications or other systems the Secretary determines is necessary for transiting to or from stored on an agency information system. If prior consultation with the affected agency is not reasonably practicable under the circumstances, the Secretary may authorize the use of the protective capabilities without prior consultation with the affected agency for the purpose of ensuring the security of the information system or other agency information systems.

On page 61, between lines 4 and 5, insert the following:

"(D) CRITICAL INFRASTRUCTURE.—Notwithstanding subparagraph (A), if an agency identifies a system to the Secretary in writing as a system the disruption of which would cause grave damage to the economic infrastructure of the United States, including a system used to carry out payment, fiscal, budgetary, or liquor control functions or Federal open market operations, the Secretary may authorize the use of protective capabilities that affect the system only with the concurrence of the head of that agency.

On page 61, line 5, strike "(D)" and insert "(E).

On page 156, line 3, insert "and" after the semicolon.

On page 156, strike lines 4 through 9.

On page 156, line 10, strike "(4)" and insert "(3)."

SA 2763. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 108, line 21, after "software" insert "hardware, and other cybersecurity technology."

On page 121, line 6, after "science" insert "and cyber-engineering."

On page 121, line 14, after "Foundation" insert "Secretary," in consultation with the Secretary.

On page 124, line 13, strike "national and statewide" and insert "national, statewide, regional, and regional.

On page 125, line 24, after "other" insert "nonprofit or"

On page 137, between lines 5 and 6, insert the following:

"(e) REPORT.—The Secretary, in coordination with the Director of Personnel Management, the Director of National Intelligence, and the Chief Information Officers Council established under section 3603 of title 44, United States Code, shall submit a report to the appropriate congressional committees a report on whether the establishment of a national institute dedicated to cybersecurity education and training described under subsection (b) is appropriate.

SA 2764. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 107, line 1, after "science" insert "legal."

On page 108, strike lines 10 and 11 and insert the following:

amended by subsection (f);

(2) how improved education of judges and other legal professionals can contribute to cybersecurity; and

(3) any additional objectives the Director or

On page 115, line 11, before "; and" insert the following: ", including by increasing educational opportunities for judges and other legal professionals;"

On page 125, line 20, after "State," insert "national."

On page 126, strike lines 9 through 11 and insert the following:

(F) offensive and defensive cyber operations;

(G) legal analysis of cyber crime and cybersecurity; and

(H) other areas to fulfill the cybersecurity at the end of title IV, add the following:

SA 2765. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

"(a) DEFINITION.—In this section, the term "passive Internet Protocol route analytics" means a method for determining behaviors, patterns, and statuses of Internet Protocol network equipment and paths without—

(1) actively communicating directly with network equipment, such as routers and switches; or

(2) significantly inspecting the contents of an Internet Protocol network packet.

(b) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall initiate a 12-month pilot program to evaluate enhanced critical communications infrastructure monitoring systems, including systems supporting operational and situational awareness, national security, and emergency preparedness.

(c) EVALUATION CRITERIA.—By means of passive Internet Protocol route analytics, the pilot program under this section shall include criteria to evaluate the status of a representative subset of critical communications infrastructure.

(d) CONNECTIVITY.—The program shall at a minimum provide—

(1) end-to-end connectivity between the National Center for Critical Information Processing and Storage and United States Pacific Command facilities; and

(2) undersea communications between the mainland of the United States and Europe.

SEC. 416. CYBER EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION AND CAREER AND TECHNICAL INSTITUTIONS.

The Secretary of Education, in coordination with the Secretary, and after consultation with appropriate private entities, shall—

(1) develop model curriculum standards and guidelines to address cyber safety, cybersecurity, and cyber ethics for all students enrolled in institutions of higher education, and all students enrolled in career and technical institutions, in the United States; and

(2) analyze and develop recommended career and educational opportunities for judges and other legal professionals interested in pursuing careers in information technology, communications, computer science, engineering, law, mathematics, and science, as those subjects relate to cybersecurity.

SA 2766. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:
On page 174, strike line 12 and all that follows through page 180, line 14, and insert the following:

SEC. 703. CYBERSECURITY EXCHANGES.

(a) Designation of Cybersecurity Exchanges.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall establish—

(1) a process for designating one or more appropriate civilian Federal entities or non-Federal entities to serve as cybersecurity exchanges and to distribute cybersecurity threat indicators;

(2) procedures to facilitate and ensure the sharing of classified and unclassified cybersecurity threat indicators in as close to real time as possible with appropriate Federal entities and non-Federal entities in accordance with this title, including through automated and other means that allow for the immediate sharing of such indicators in accordance with this title; and

(3) a process for identifying certified entities to receive classified cybersecurity threat indicators in accordance with paragraph (2).

(b) Purpose.—The purpose of a cybersecurity exchange is to receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with the requirements of this title and the procedures established under subsection (a)(2), and to thereby avoid unnecessary and duplicative Federal bureaucracy for information sharing as provided in this title.

(c) Requirement for a Lead Federal Civilian Cybersecurity Exchange.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall designate a civilian Federal entity as the lead cybersecurity exchange to serve as a focal point within the Federal Government for cybersecurity information sharing among Federal entities and with non-Federal entities.

(2) Responsibilities.—The lead Federal civilian cybersecurity exchange designated under paragraph (1) shall—

(A) receive and distribute, in as close to real time as possible, cybersecurity threat indicators in accordance with this title and the procedures established under subsection (a)(2);

(B) facilitate information sharing, interaction, and collaboration among and between—

(i) Federal entities;

(ii) State, local, tribal, and territorial governments;

(iii) private entities;

(iv) academia;

(v) information partners, in consultation with the Secretary of State; and

(vi) other cybersecurity exchanges;

(C) disseminate timely and actionable cybersecurity threat, vulnerability, mitigation, and warning information lawfully obtained from any source, including alerts, advisories, indicators, signatures, and mitigation tools that support the processes of Federal and non-Federal entities in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible, to appropriately protect the security and protection of information systems;

(D) coordinate with other Federal and non-Federal entities, as appropriate, to integrate information received by the cybersecurity exchange and private sector cybersecurity threat indicators under section 704(a), in accordance with this title and the procedures established under subsection (a)(2) in as close to real time as possible, to provide situational awareness of the United States information security posture and facilitate the collaborative determination among information system owners and operators;

(E) conduct, in consultation with private entities and other non-Federal and non-Governmental entities, regular assessments of existing and proposed information sharing models to eliminate bureaucratic obstacles to information sharing, to identify best practices for such sharing; and

(F) coordinate with other Federal entities, as appropriate, to compile and analyze information from sources and incidents that threaten information systems, including information voluntarily submitted in accordance with section 704(a) or otherwise in accordance with applicable laws.

(d) Additional Civilian Federal Cybersecurity Exchanges.—In accordance with the process and procedures established in section (a), the Secretary, in consultation with the Director of National Intelligence, the Attorney General and the Secretary of Defense, may designate additional civilian Federal entities to receive and distribute cybersecurity threat indicators, if such entities are subject to the requirements for use, retention, and disclosure of information by a cybersecurity exchange under section 704(b) and the special requirements for Federal entities under this Subchapter.

(e) Requirements for Non-Federal Cybersecurity Exchanges.—

(1) IN GENERAL.—In considering whether to designate any non-Federal entity to serve as a cybersecurity exchange under this title, the Secretary shall consider the following factors:

(A) The net effect that such designation would have on the overall cybersecurity of the United States.

(B) Whether such designation could substantially improve such overall cybersecurity by serving as a hub for receiving and distributing cybersecurity threat indicators in as close to real time as possible, including the capacity of the non-Federal entity for performing those functions in accordance with this title and the procedures established under subsection (a)(2).

(C) The capacity of such non-Federal entity to safeguard cybersecurity threat indicators from unauthorized disclosure and use.

(D) The adequacy of the policies and procedures of such non-Federal entity to protect personally identifiable information from unauthorized disclosure and use.

(E) The ability of the non-Federal entity to sustain operations using entirely non-Federal sources of funding.

(2) REGULATIONS.—The Secretary may promulgate regulations as may be necessary to carry out this subsection.

(i) CONSTRUCTION WITH OTHER AUTHORITIES.—Nothing in this section may be construed to alter the authorities of a Federal cybersecurity center, unless such cybersecurity center is acting as a designator.

(g) Congressional Notification of Designation of Cybersecurity Exchanges.—

(1) IN GENERAL.—The Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall promptly notify Congress, in writing, of any designation of a cybersecurity exchange under this title.

(2) REQUIREMENT.—Written notification under paragraph (1) shall include a description of the criteria and processes used to make the designation.

SA 2767. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

On page 117, strike line 14 and all that follows through page 119, line 2 and insert the following:

IGNITION OF CYBERSECURITY EXCHANGES.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation, in coordination with the Secretary, shall establish cybersecurity research centers based at institutions of higher education and other entities that meet the criteria described in subsection (b) to develop solutions and strategies that support the efforts of the Federal Government under this Act in—

(1) improving the security and resiliency of information infrastructure;

(2) reducing cyber vulnerabilities;

(3) mitigating the consequences of cyber attacks on critical infrastructure;

(4) developing awareness training strategies for owners and operators of critical infrastructure; and

(5) diversifying cybersecurity research and education.

(b) CRITERIA FOR SELECTION.—In selecting an institution of higher education or other entity to serve as a Research Center for Cybersecurity, the Director of the National Science Foundation shall consider the following:

(1) demonstrated expertise in systems security, wireless security, networking and protocols, formal methods and high-performance computing, nanotechnology, and industrial control systems;

(2) demonstrated capability to conduct high performance computation integral to complex cybersecurity research, whether through on-site or off-site computing;

(3) demonstrated expertise in interdisciplinary cybersecurity research;

(4) affiliation with critical sector entities involved with industrial research described in paragraph (1) and ready access to testable commercial data;

(5) prior formal research collaboration arrangements with institutions of higher education and Federal research laboratories;

(6) capability to conduct research in a secure environment; and

(7) affiliation with existing research programs of the Federal Government, including designation as a National Center of Academic Excellence by the National Security Agency.

(c) REQUIREMENTS.—The research centers established under this paragraph (a) shall include centers led by institutions of higher education that are eligible institutions, as defined in section 571(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)) that—

(1) have an accredited engineering and law schools;

(2) are classified by the Carnegie Foundation as research universities with high research activity; and

(3) have been designated as a center of excellence or model institute of excellence by a Federal agency.

(d) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a cybersecurity exchange advisory board that shall meet regularly with the Director of the National Science Foundation, the Department of
Homeland Security Under Secretary for Science and Technology, and the Department of Homeland Security Under Secretary for the National Protection and Programs Directorate; and the administration in the activities of the research centers established under subsection (a).

(2) MEMBERSHIPS.—In establishing the advisory board under subsection (d), the Secretary of Homeland Security shall ensure that the members of the advisory board are—

(A) from institutions of higher education with a prosperous record in the protection of critical infrastructure against cyber attacks;

(B) from institutions described in subsection (c); and

(C) equally representative of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled “Standard Federal Regions” and dated April 1974 (circular A-105).

SA 2768. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 3(g)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a) of this Act.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall, on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments;

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program;

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program;

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) the actions taken by the agency—

“(aa) to reduce the number of improper payments; and

“(bb) to prevent or reduce improper payments;

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals;

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Nothing in subsection (B)(i) shall prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of that agency, that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”

(b) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224) is amended—

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g);”

and

(B) in paragraph (3)—

(i) by striking “section 2(b) each place it appears and inserting “section 2(c);” and

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d).”

SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 3 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter.”

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PRIORAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility to determine program or award eligibility of recipients of improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Excluded Parties List System.

(C) The Federal Credit Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.


(b) Do Not Pay Initiative.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall—

(A) use of the databases described under subsection (a)(2); and

(b) provide for computer matching by Federal agencies and offices of inspectors general for purposes of program integrity.

Databases.—In making designations of other databases under paragraph (1), the Director of the Office of Management and Budget shall—

(a) determine a database that substantially assists in preventing improper payments; and

(b) provide public notice and an opportunity for comment before designating a database under paragraph (1).

Access and Review by Agencies.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

Payment otherwise required.—When using the Do Not Pay Initiative, each agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(b) Cost-Benefit Analysis.—A justification for this section (522a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(f) Guidance by the Office of Management and Budget.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(iii) including the Do Not Pay Initiative as described under this subsection.

(c) Database Integration Plan.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—


(d) Initial Working System.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this subsection.

(e) Working System.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(i) investigations for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(f) Application to All Agencies.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(g) Application to All Agencies.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(b)’’ and all that follows and inserting ‘’section 2(d)’’.

(2) in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g);”

and

(3) in section 2(h)(1) (31 U.S.C. 3321 note) and inserting “section 2(d)’’.

(i) shall have a termination date of less than 3 years; and

(ii) that corrections are made in any Do Not Pay Initiative.

(d) Compliancy.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(e) Rule of Construction.—Nothing in this subsection shall be construed to affect the rights of an individual under section 522a(p) of title 5, United States Code.

(f) Development and Access to a Database of Incarcerated Individuals.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on increasing the use of, access to, and the technical feasibility of using data on the Federal,
The purpose of the hearing is to discuss the recent Colorado wildfires, focusing on lessons learned that can be applied to future suppression, recovery, and mitigation efforts. The Fourmile Canyon fire report that was released on July 25 will be discussed, as will projections for future wildfire conditions and best practices that can improve forest health.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Meagan Gins@energy.senate.gov.

For further information, please contact Kevin Rennert at (202) 224–7826, Meagan Gins at (202) 224–0883, or Jacqueline Emanuel at (202) 224–5512.

SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) Definition.—In this section, the term “recovery audit” means a recovery audit described under section 2(b) of the Improper Payments Elimination and Recovery Act of 2010.

(b) Review.—The Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on August 1, 2012, at 2:30 p.m., in room 226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Future of the Eurozone: Outlook and Lessons.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 1, 2012, at 10:30 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform: Examining the Taxation of Business Entities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on August 1, 2012, at 9:00 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Rising Prison Costs: Restricting Budgets and Crime Prevention Options.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENT, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on August 1, 2012, at 10 a.m., to conduct a
The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted to Jenny Carson, an intern in my office, for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Katharine Beamer, a Department of State detaillee from my office, be granted the privilege of the floor during today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jeanette Quick, a detailee on the Banking Committee staff, as well as Ingianni Acosta and Georgina Cannan, two interns on the floor for the rest of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jasper Craven of my staff be given the privileges of the floor during today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Katharine Udland, Douglas Watts, Mari Freitag, Sierra Tomera, Marissa Torgerson, Sierra Udland, Douglas Watts, Mari Freitag, and Parker Haymans be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for today’s session: Jenessa Albertson, Carly Colligan, Cale Clingenpeel, Courtney Lewis, Travis Logan, Joseph Mueller, Katherine Tomera, Marissa Torgerson, Sierra Udland, Douglas Watts, Mari Freitag, and Parker Haymans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DESIGNATING THE WARREN LINDLEY POST OFFICE

DESIGNATING THE REVEREND ABE BROWN POST OFFICE BUILDING

DESIGNATING THE SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

DESIGNATING THE SPC NICHOLAS SCOTT HARTGE POST OFFICE

DESIGNATING THE FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

PERMITTING MEMBERS OF THE YSLETA DEL SUR PUEBLO & ALABAMA & COUSHATTA INDIAN TRIBES TO VOTE IN TEXAS RESTORATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 480, H.R. 1560.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1560) to amend the Yaleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Yaleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be made and laid upon the table, there be no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560) was ordered to a third reading, was read the third time, and passed.

IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 449, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1409) to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal agencies, and for other purposes; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012.”

SEC. 2. DEFINITION.

In this Act, the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—
(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

(i) in which the highest dollar value or highest frequency of improper payment occurs; or

(ii) for which there is a higher risk of improper payments; and

(B) coordinate with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.

(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of such agency, and make available to the public (including availability through the Internet), a report on that program.

(B) CONTENTS.—Each report under this paragraph—

(i) shall describe—

(A) any action the agency—

(B) intends to take to prevent future improper payments; and

(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

(D) AVAILABILITY OF INFORMATION TO IN-SPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that submits a report under this paragraph shall—

(i) review—

(A) the assessment of the level of risk associated with the applicable program, and the quality of the improper payment estimates and methodology of the agency; and

(B) the oversight or financial controls to identify and prevent improper payments; and

(ii) provide recommendations, for modifying any plans of the agency, including improvements for improper payments determination and estimation methodology.

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)(4)”; and

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)(4).”

SEC. 4. IMPROPER PAYMENTS INFORMATION.


(A) in paragraphs (1) and (2) of such section, by striking “subsection (b)” and all that follows and inserting “subsection (g)” of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note);”;

and

(B) in paragraph (3), by striking “subsection (b)” each place it appears and inserting “subsection (c)(4).”

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available database bases to verify eligibility of the payment and, when appropriate, identify and prevent improper payments before the release of any Federal funds.

(2) DATABASES TO BE MINIMUM AND BEFORE ISSUING ANY PAYMENT AND AWARD, EACH AGENCY SHALL REVIEW AS APPROPRIATE THE FOLLOWING DATABASES TO VERIFY ELIGIBILITY OF THE PAYMENT AND AWARD:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Ex-cluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.


(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall consist of—

(A) the databases described under subsection (a)(2);

(B) any other database designated by the Director of the Office of Management and Budget in consultation with agencies;

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall consider any database that assists in preventing improper payments.

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, allowing access to, and use of, the Do Not Pay Initiative to determine payment or award eligibility when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(a) PAYMENT OTHERWISE REQUIRED.—When used by the Director of the Office of Management and Budget shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is on the Do Not Pay Initiative.

(b) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) a multilateral data use agreements described under subsection (e).

(c) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(d) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include no less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(e) MULTILATERAL DATA USE AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall develop a plan to establish a multilateral data use agreement authority to carry out this section, including access to databases such as the New Hire Wire Database under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) PRIVACY ACT MATCHING AGREEMENTS.—Section 522(a)(11) of title 5, United States Code, is amended in the matter preceding subparagraph (A), by inserting “or an agreement governing multiple agencies” before “specifying”. (3) GENERAL PROTOCOLS AND SECURITY.—

(A) IN GENERAL.—In developing the multilateral data use agreements, the Director of the Office of Management and Budget shall establish implementing regulations and guidelines that include streamlined interagency processes to ensure agency access to data, and provide for appropriate transfer and storage of transferred data, in a manner consistent with relevant privacy, security and disclosure laws.

(B) CONSULTATION.—The Director of the Office of Management and Budget shall consult with—

(i) the Council of Inspectors General on Integrity and Efficiency before implementing this paragraph; and

(ii) the Secretary of Health and Human Services, the Social Security Administrator, and the head of any other agency, as appropriate.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress requirements for increasing the use of access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.
(g) Plan to curb Federal improper payments to deceased individuals by improving the quality and use by Federal agencies of the Social Security Administration Death Master File.

1. Establishment.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(f) of the Social Security Act (42 U.S.C. 605(f)).

2. Additional actions under plan.—The plan established under this subsection shall include recommendations by the Director, as appropriate:

(a) increase the quality and frequency of access to the Death Master File and other death data;
(b) achieve a goal of at least daily access as appropriate;
(c) provide for all States and other data providers to use improved and electronic means for providing data;
(d) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and
(e) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

3. Report.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommendations.

SEC. 4. IMPROVING RECOURSE OF IMPROPER PAYMENTS.

(a) Definition.—In this section, the term ‘‘recourse audit’’ means a recourse audit described under recommendations (2) of the Improper Payments Elimination and Recovery Act of 2010.

(b) In General.—The Director of the Office of Management and Budget shall determine:

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts related on the basis of the applicable sample), including specific information of amounts and payments recovered by recovery audit contractors; and
(2) targeting of improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

(c) Recovery Audit Contractor Programs.—

(1) Establishment.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a plan for no less than 10 Recovery Audit Contracting programs for the purpose of identifying and recovering overpayments and underpayments in 10 agencies.

(2) Range of Recovery Audit Contracting Types.—The plan established under paragraph (1) shall be representative of different types of—

(A) programs, including programs that differ in size, payment types, and recipient types (such as beneficiaries and vendors or contractors) across the Federal Government; and
(B) recover audit contracting (including individual payments review and demographic analysis).

(3) Initial Operation of Programs.—Not later than 1 year after the plan under paragraph (1) is established, each applicable agency shall establish the programs included in that plan which shall be conducted for not more than a 3-year period.

(4) In General.—Not later than 2 years after establishing a program under the plan established under paragraph (1), the head of the agency conducting the program shall submit a report on the program to Congress.

(b) Contents.—Each report under this paragraph shall—

(i) describe the impact of the program on savings and recoveries; and
(ii) such recommendations as the head of the agency believes appropriate on expanding or extending the program.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be considered, the Carper amendment, which is the decision, be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2770) was agreed to, as follows:

(Purpose: In the nature of a substitute)

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

SEC. 1. SHORT TITLE

This Act may be cited as the ‘‘Improper Payments Elimination and Recovery Improvement Act of 2012’’.

SEC. 2. DEFINITIONS

In this Act—

(1) the term ‘‘agency’’ means an executive agency as that term is defined under section 102 of title 31, United States Code; and
(2) the term ‘‘improper payment’’ has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 3(a)(1) of this Act.

SEC. 3. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) In General.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and
(2) by inserting after subsection (a) the following:—

‘‘(b) Improving the Determination of Improper Payments.—

(1) In General.—The Director of the Office of Management and Budget shall on an annual basis—

(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

(i) in which the highest dollar value or highest rate of improper payments occurs; or
(ii) for which there is a higher risk of improper payments;

(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semiannual or quarterly actions for reducing improper payments associated with each high-priority program.

(2) Report on High-Priority Improper Payments.—

(A) In General.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1) shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on payments.

(B) Contents.—Each report under this paragraph—

(i) shall describe—

(aa) any action the agency—

(aa) has taken or plans to take to recover improper payments; and

(bb) intends to take to prevent future improper payments; and

(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

(C) Public Availability on Central Website.—The Office of Management and Budget shall make available under this paragraph (1)(A) on a central website.

‘‘(D) Availability of Information to Inspector General.—Subparagraph (B)(iii) shall not prohibit any referral or information being made available to an Inspector General or another body as authorized by law.

‘‘(E) Assessment and Recommendations.—

The Inspector General of each agency that submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

(i) review—

(aa) the assessment of the level of risk associated with the program and the quality of the improper payment estimates and methodology of the agency relating to the program; and

(bb) the oversight or financial controls to identify and prevent improper payments under the program; and

(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology;’’;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking ‘‘subsection (b)’’ each place that term appears and inserting ‘‘subsection (c)’’;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking ‘‘subsection (b)’’ and inserting ‘‘subsection (c)’’; and

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting ‘‘or a Federal employee’’ after ‘‘non-Federal person or entity’’.

(b) Improved Estimates.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall provide agencies with guidance for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) Guidance.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) exclude payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs.
identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–203) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (2), by striking “section 2(f)” each place it appears and inserting “section 2(g)” each place it appears and inserting “section 2(d).”

SEC. 4. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter.”

SEC. 5. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration’s Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.


(b) Do Not Pay Initiative.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(c) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriate for the agency.

(d) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall review that there may be circumstances that require a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which shall include—

(A) a description of the operation of the Do Not Pay Initiative, which shall—

(i) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(ii) provide the frequency of corrections or identification of incorrect information.

(B) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a plan for—

(i) including other databases on the Do Not Pay Initiative; and

(ii) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(C) Termination Date.—An agreement described under subsection (e).—

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency; and

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database services.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency under the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term “Inspector General” means—

(A) an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.);

(B) Comptroller General of the United States; or

(C) any other Federal agency for purposes of investigation and prevention of improper payments and fraud.

(2) IN GENERAL.—Except as provided in this paragraph, in accordance with section 522a(d) of title 5, United States Code, establishing procedures providing for the correction of data in order to ensure—

(i) compliance with section 522(a)(5) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the
rights of an individual under section 552A(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATA- 
base of Incarcerated Individuals.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical capacity for data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAY- 
MENTS TO DECEASED INDIVIDUALS BY IMPROV- 
ing the Quality and Use by Federal Agencies of the Social Security Administration Death Master File.—

(1) Establishment.—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) Additional actions under plan.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) Report.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 6. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) Definition.—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) Review.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

The committee-reported substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Providing for the Appointment of Barbara Barrett as a Citizen Regent of the Board of Regents of the Smithsonian Institution

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 49.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S. Res. 49) providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, as follows:

S. Res. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (42 U.S.C. 405(r)), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

National Day of Remembrance for Nuclear Weapons Workers

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 519, and that the Senate proceed to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. Res. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (42 U.S.C. 405(r)), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 519, and that the Senate proceed to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. Res. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (42 U.S.C. 405(r)), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.

Whereas there is a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009; Senate Resolution 653, 111th Congress, agreed to September 28, 2010; and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States is recognized for the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contributions, service, and sacrifice they have made for the defense of the United States; Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 536, S. Res. 537, S. Res. 538, S. Res. 539, and S. Res. 540.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc with October 30, 2012, as a national day of remembrance for nuclear weapons program workers, and any statements related to these matters be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions, with their preambles, were agreed to.
Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions than the term “fetal alcohol syndrome” and has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother consumed alcohol during her pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in Western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a number of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of every 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas, in February 1999, a small group of parents with children who suffer from fetal alcohol spectrum disorders united to promote the devastating consequences of alcohol consumption during pregnancy by establishing International Fetal Alcohol Syndrome Awareness Day;

Whereas September 9, 1999, became the first International Fetal Alcohol Syndrome Awareness Day;

Whereas Bonnie Buxton of Toronto, Canada, the founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that, during the 9 months of pregnancy, a woman should not consume alcohol . . . would the rest of the world listen?’’; and

Whereas, on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2012, as “National Fetal Alcohol Spectrum Disorders Awareness Day’’; and

(2) calls on the people of the United States to observe National Fetal Alcohol Spectrum Disorders Awareness Day with—

(A) appropriate ceremonies

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize the effects of prenatal exposure to alcohol;

(iv) to ensure healthier communities across the United States; and

(B) a moment of reflection during the ninth hour of the ninth month of September 2012, to remember that a woman should not consume alcohol during the 9 months of her pregnancy.

S. Res. 537

(Supporting the goals and ideals of National Fetal Alcohol Spectrum Disorders Awareness Month)

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas approximately 22,000 women will be diagnosed with ovarian cancer this year, and 15,500 will die from the disease;

Whereas ovarian cancer is a disease of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the “War on Cancer’’ was declared, more than 40 years ago;

Whereas 45 percent of women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas diagnoses occur, and those with a family history of breast or ovarian cancer, are at higher risk for developing the disease;

Whereas the Pap test is sensitive and specific to the detection of cervical cancer, but not to ovarian cancer;

Whereas, as of the date of agreement to this resolution, there is no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember the symptoms;

Whereas there are known methods to reduce the risk of ovarian cancer, including sperm banking, oral contraceptives, and breast-feeding;

Whereas, due to the lack of a reliable early detection test, 73 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk of ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members hold a number of events to increase public awareness of ovarian cancer; and

Whereas September 2012 should be designated as “National Ovarian Cancer Awareness Month’’ to increase the awareness of the public regarding the cancer:

Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

S. Res. 538

(Designating September 2012 as “National Ovarian Cancer Awareness Month’’)

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer during his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas, in 2012, the American Cancer Society estimates that 241,740 males will be diagnosed with prostate cancer, and 29,170 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas, approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer death rate that is more than twice the death rate of White males from prostate cancer;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas all males in the United States with 1 family member diagnosed with prostate cancer have a 33 percent chance of being diagnosed with the disease, males with 2 family members diagnosed have a 50 percent chance, and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and an unknown number-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 27.8 percent of males survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer while the cancer is in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and detection strategies is crucial to saving the lives of males and preserving and protecting families:

Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as “National Prostate Cancer Awareness Month’’;

(2) declares that steps should be taken to raise awareness about the importance of screening methods for, and treatment of, prostate cancer; and

(3) calls on the people of the United States, including health care providers, to promote awareness of prostate cancer; and

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy;

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

S. Res. 539

(Designating October 13, 2012, as “National Prostate Cancer Awareness Day’’)

Whereas there are more than 80,000 members of the United States Chess Federation (referred to in this preamble as the “Federation’’), and an unknown number of additional people in the United States who play chess without joining an official organization;

Whereas approximately 1⁄2 of the members of the Federation are members of scholastic chess programs, and many of those members join the Federation by the age of 10;

Whereas the Federation is very supportive of scholastic chess programs and sponsors a Certified Chess Coach program that provides the coaches involved in the scholastic chess programs with training and ensures schools and students can have confidence in the programs;

Whereas many studies have linked scholastic chess programs and improved students’ scores in reading and math, as well as improved self-esteem;
S5900

CONGRESSIONAL RECORD — SENATE

August 1, 2012

WHEREAS the Federation offers guidance to educators to help incorporate chess into the school curriculum; 
WHEREAS chess is a powerful cognitive learning tool that can be used to successfully enhance students’ reading skills and understanding of math concepts; and 
WHEREAS chess engages students of all learning styles and strengths and promotes problem-solving and higher-level thinking skills; Now, therefore, be it

RESOLVED, That the Senate—

(1) designates October 13, 2012, as “National Chess Day” to enhance awareness and encourage students and adults to play chess, a game known to enhance critical-thinking and problem-solving skills; and

(2) encourages the people of the United States to observe National Chess Day with appropriate programs and activities.

NATIONAL CHESS DAY RESOLUTION

Mr. ROCKEFELLER. Mr. President, I rise in support of a bipartisan resolution to designate National Chess Day as October 13, 2012. I greatly appreciate the support of my colleagues, Senator LAMAR ALEXANDER of Tennessee and Senator CARL LEVIN of Michigan.

National Chess Day is designed to enhance awareness and encourage students and adults to engage in a game known to enhance critical thinking and problem-solving skills.

There are over 80,000 members of the Chess Federation with many of these members being students. Studies indicate that chess programs aid in improving students’ scores in math and reading and interest students of all learning styles and strengths. Engaging students in such activities can make learning fun and help them develop a lifelong pastime to exercise their skills.

Engaging students in chess is a wonderful opportunity to promote education, and I hope as school begins in a few weeks, more students will join the Chess Federation and learn to love this historical game.

S. Res. 540

(Designating the week of August 6 through August 10, 2012, as “National Convenient Care Clinic Week”)

Whereas convenient care clinics are health care facilities located in high-traffic retail outlets that provide affordable and accessible care to those who have little time to schedule an appointment with a traditional primary care provider or are otherwise unable to schedule such an appointment;

Whereas millions of people in the United States do not have a primary care provider, and there is a worsening primary care provider shortage that will prevent many people from obtaining one in the future;

Whereas convenient care clinics have provided an accessible alternative for more than 15,000,000 people in the United States since the first clinic opened in 2000, the number of convenient care clinics continues to increase rapidly, and as of June 2012, there are approximately 1,350 convenient care clinics in 35 States;

WHEREAS convenient care clinics follow rigid industry-wide quality of care and safety standards;

WHEREAS convenient care clinics are staffed by highly qualified health care providers, including advanced practice nurses, physician assistants, and physicians;

WHEREAS convenient care clinics all have taken the pledge in providing quality health care for common episodic ailments including cold and flu, skin irritation, and muscle strains and sprains, and can also provide immunizations, physicals, and preventive health screenings;

WHEREAS convenient care clinics are proven to be a cost-effective alternative to similar treatment obtained in physicians’ offices, urgent care clinics, or emergency departments; and

WHEREAS convenient care clinics complement traditional medical service providers by providing extended weekday and weekend hours without the need for an appointment, short wait times, and visits that generally last only 15 to 20 minutes: Now, therefore, be it

RESOLVED, That the Senate—

(1) designates the week of August 6 through August 10, 2012, as “National Convenient Care Clinic Week”;

(2) supports the goals and ideals of National Convenient Care Clinic Week to raise awareness of the need for accessible and cost-effective health care options to complement the traditional health care model;

(3) recognizes that many people in the United States face difficulties accessing traditional models of health care delivery;

(4) supports the use of convenient care clinics as an adjunct to the traditional model of health care delivery; and

(5) calls on the States to support the establishment of convenient care clinics so that more people in the United States will have access to the cost-effective and necessary emergent and preventive services provided in the clinics.

Mr. INOUYE. Mr. President, today I rise to recognize all of the providers who work in retail-based Convenient Care Clinics in a Resolution to designate August 6 through August 10, 2012 as National Convenient Care Clinic Week. National Convenient Care Clinic Week will provide a platform from which to promote the pivotal services offered by the more than 1,350 retail-based convenient care clinics in the United States.

Today, thousands of nurse practitioners, physician assistants, and physicians provide care in convenient care clinics. At a time when Americans are more and more challenged by the inaccessibility and high costs of health care, convenient care clinics offer a primary care alternative.

A Senate Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to Convenient Care Clinics.

I request unanimous consent that the full text of my resolution be printed in the CONGRESSIONAL RECORD.

ORDERS FOR THURSDAY, AUGUST 2, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, August 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that following his remarks, the Senate begin consideration of S. 3326, the AGOA/Burma sanctions bill and the Coburn amendment under the previous order.

Mr. President, I think it is important to note because of the time frame in the morning which Senator McCONNELL and I just briefly announced, he and I will give no opening statements tomorrow.

Following the debate on the Coburn amendment, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees prior to the cloture vote on S. 3414, the cyber security bill; further, that notwithstanding the outcome of the cloture vote, the Senate then proceed to vote on the Coburn amendment to S. 3326, and the remaining provisions of the previous order be executed; and finally I ask consent that the filing deadline for second-degree amendments to S. 3414 be at 10 a.m. on Thursday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes tomorrow at 11 a.m. The first will be a cloture vote on the cyber security bill. The second will be on the Coburn amendment to the Burma sanctions legislation. Additional votes are possible tomorrow. Senators will be notified as soon as we know.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, August 2, 2012, at 9:30 a.m.
CONGRATULATING MINISTER LOUIS FARRAKHAN AND THE NATION OF THE ISLAM ON REOPENING OF THE SALAAM RESTAURANT IN THE CITY OF CHICAGO.

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Minister Louis Farrakhan and the Nation of Islam for implementation of a tremendous economic development project in the Auburn-Gresham community of Chicago, Illinois.

After being closed for twelve years, on Sunday July 1, 2012, at 706 W. 79th Street, 17 Ward, where the Honorable Latasha Thomas is Alderman. The Nation of Islam re-opened the beautiful five (5) million dollar renovated Salaam Restaurant. In the Webster Dictionary, Salaam is defined as meaning peace. And peaceful it is.

The Nation is reported to have spent in excess of $5 million dollars to renovate the facility and make it a top of the line, first class community venue.

The Salaam has already attracted family gatherings, dinner parties, ministers meetings, business group meetings and visitors from across the nation.

At one meeting with ministers, Minister Farrakhan is reported to have said to the group We built the Salaam restaurant with steel and concrete, that's why we could close it for twelve years and come and find it still here! Because brothers and sisters; for you, there is nothing too good."

For you, we call this, "The Palace of the People." "From our bakery, we intend to give out your daily bread, freshly baked bread made of the finest ingredients. The Salaam restaurant also has wonderful vegetarian cuisine. But for those who just must have a tenderloin steak, or lamb, come on here to the Salaam."

"Up stairs on the second floor is a private banquet hall, along with the Ministers' private dining room and adjacent is a piano room."

Currently the restaurant employs forty people and is eager to expand. Many people have called this magnificent creation the "jewel of 79th street" and is a wonderful place for tourist and visitors when they come to Chicago.

Once again, my hat is off to Minister Louis Farrakhan and the Nation of Islam for putting their money where their mouth is and adding another level of pride for Alderman Latasha Thomas and the people of the 17th Ward in the City of Chicago.

DISTRICT OF COLUMBIA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

SPREECH OF
HON. HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 31, 2012

Mr. FARR. Mr. Speaker, the majority claims that there is no war on women, but here is yet another example of their attempt to restrict women's access to reproductive health care. H.R. 3803 is quite simply another attempt by anti-choice Republicans to reverse the freedoms women have gained over the last several decades regarding reproductive choice in health care.

Once again, the majority has sought to restrict women's access to reproductive healthcare by threatening doctors with prison (two years) and other penalties if they perform abortions after 20 weeks. With doctors fearful of yet even more restrictions to their practice, many will simply refuse to treat women who want to obtain a safe and legal abortion, thus achieving the majority's intended goal.

Unbelievably, this bill also allows the woman who obtains the abortion, the father, or the maternal grandparents to press civil charges against the doctor! In addition, there are no exceptions to this ban for rape, incest, fetal anomaly, or a woman's health, and with only a narrow exception for a woman's life. This bill also uses the term unborn child which is a very slippery slope.

The fact that H.R. 3803 is blatantly unconstitutional has been over-looked by the majority. It clearly violates two Supreme Court decisions regarding pre-viability and exceptions for a woman's life and health.

There can be no doubt about the national implications of a bill with D.C.'s name on it as a cover for attacking the reproductive rights of the Nation's women. The citizen's of the District of Columbia are being unfairly attacked. It is absolutely shameful that the sponsors of this legislation are trying to impose their will on the women of D.C. because they know for a fact they could not pass this policy at the national level.

Mr. Speaker, H.R. 3803 is just another attempt by the majority to wage a war upon women—unfortunately, this time it is directed at residents of the District of Columbia.

IN RECOGNITION OF NATIONAL HEALTH CENTER WEEK

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. KUCINICH. Mr. Speaker, today, August 1, preventative health care provisions for women under the Affordable Care Act will begin going into effect for new insurance plans.

As an increasing number of health insurance policies come under the reach of the Affordable Care Act, a growing number of women will finally be able to access—with no co-payments or deductibles—important preventative services including breastfeeding support, counseling for domestic violence, screenings for HIV, and well-woman visits.

Also importantly, women with these new insurance policies will have access to all FDA-approved forms of contraception. This is an unprecedented victory for women in every district and for women of all backgrounds. The use of birth control is nearly universal, with 99 percent of women using contraception at some point in their lives. A June Hart Research poll also found that 80 percent of all American women agree that cost should not be a barrier to using effective birth control.

Ms. Richardson. Mr. Speaker, beginning today, August 1, preventative health care provisions for women under the Affordable Care Act will begin going into effect for new insurance plans.

As an increasing number of health insurance policies come under the reach of the Affordable Care Act, a growing number of women will finally be able to access—with no co-payments or deductibles—important preventative services including breastfeeding support, counseling for domestic violence, screenings for HIV, and well-woman visits.

Also importantly, women with these new insurance policies will have access to all FDA-approved forms of contraception. This is an unprecedented victory for women in every district and for women of all backgrounds. The use of birth control is nearly universal, with 99 percent of women using contraception at some point in their lives. A June Hart Research poll also found that 80 percent of all American women agree that cost should not be a barrier to using effective birth control.

Mr. KUCINICH. Mr. Speaker, today we honor Federally Qualified Health Centers (FQHC) for 47 years of service during National Health Center Week.
signed by 170 law professors at top religiously affiliated and non-religiously affiliated law schools clearly explains why the contraceptive-coverage benefit protects the rights of individual employees and in no way violates religious freedom. I ask unanimous consent to include the letter in the RECORD.

Mr. Speaker, I agree with the majority of Americans that all women have the right to affordable and effective birth control, and I am proud to have fought for this great achievement.

Even before the Affordable Care Act went into effect, the benefits of publicly-funded family planning services could be seen, as these programs have assisted 7 million women each year and have prevented 2 million unintended pregnancies.

Every dollar spent on family planning services is also estimated to save our dollars or future Medicaid costs for prenatal services, delivery, and one year of the baby's medical care.

Affordable birth control and preventative health care services help women plan the timing and spacing of their families and prevent their health. There is a direct link between increased access to birth control and declines in maternal and infant mortality.

The critical provisions within the Affordable Care Act will therefore allow us to expand on these previous successes and give women the freedom to make their own private health decisions.

Mr. Speaker, I am proud to stand with my colleagues and to acknowledge the hard work and long hours we devoted to ensuring that women have access to health care they deserve to continue championing women's access to these important preventative services.

AUGUST 1, 2012

TO PRESIDENT BARACK OBAMA AND THE CONGRESSIONAL LEADERSHIP: We are law professors concerned about the Constitution, religious freedom, individual liberty, and gender equality. Today, the egalitarian notion that every individual deserves to enjoy religious freedom is under attack from those who would cede employees' religious-liberty rights to corporate executives and nonprofit directors. In this one-sided view of religious freedom, supervisors are entitled to decide, based on their religious sentiments, whether their employees will be permitted to enjoy essential health benefits without the slightest concern for their religious beliefs. In particular, advocates claim that the Constitution gives all employers the right to their employees' health-insurance coverage of contraception.

This view, which is espoused by the U.S. Conference of Catholic Bishops and others, is both unwarranted and contrary to law and would fundamentally undermine. Nothing in our nation's history or laws permits a boss to impose his or her religious views on non-conscientious employees. Indeed, this notion is founded upon the basic principle that every individual—whether company president or assistant janitor—has an equal claim to religious freedom.

Nor does religious freedom provide a constitutional entitlement to limit women's liberty and equality, which are protected by the Fourteenth Amendment. Throughout the 1960s, religious leaders advocated laws banning contraception because they believed contraception was immoral. Nonetheless, in 1965 the Supreme Court held that contraceptive use enjoys constitutional protection in Griswold v. Connecticut. Moreover, the Equal Protection Clause of the Fourteenth Amendment requires that women enjoy the same health and reproductive freedom enjoyed by men.

Women's liberty and equality are well-settled constitutional law and must remain so. Just as the Court ruled in 1983 in Bob Jones University that the free exercise of religion may not override race-based discrimination, today free exercise must not undermine women's liberty and equality.

The disparagement of women's liberty and equality will be the result if organizations claiming a religious affiliation are granted an exemption from the Obama administration's proposed rule to provide contraceptive insurance to their employees.

The battle against legal contraception has been fought four times in the last in the 1960s, but also in the 1990s, when state legislatures and courts repeatedly rejected the argument that religious liberty provides a justification for undermining women's equality and denying them contraceptive insurance.

The same principle must apply today in the battle between the U.S. Conference of Catholic Bishops and their allies and the Obama administration over insurance coverage for contraception. For example, religious freedom requires religiously affiliated employers to obey the law rather than to become law unto themselves.

Even forty-seven years after the Supreme Court recognized a constitutional right to contraceptive use, many American women continue to lack access to effective and affordable contraception. One reason for this has been the disparate insurance coverage for men and women. For that reason, twenty-eight states have passed contraceptive equity acts that help women gain equal access to reproductive health care. Several of those acts, just like the Obama administration's policy, require employer insurance plans that offer prescription-drug coverage to include contraceptive drugs and devices in their coverage. Most of those acts, just like the Obama plan, do not apply to houses of worship but to religiously affiliated employers like Catholic Charities, a large social-services organization that receives more than two-thirds of its funding from taxpayers. Religious-only schools, universities and hospitals that employ both non-Catholics and Catholic women use contraception.

The bishops and their allies opposed those bills in the legislatures and the state courts, arguing that religious freedom requires a complete exemption for all employers that claim a religious affiliation. As the recent debate demonstrates, that argument has a certain intuitive appeal to religious organizations. The argument allows religiously affiliated organizations to avail themselves of special rules. Under the leading free exercise case (Employment Division v. Smith), individuals and religious objects are subject to neutral laws of general applicability. Two state courts, namely the highest courts of New York and California, forcefully rejected the bishops' argument for exemptions from laws requiring the provision of contraception insurance to employees.

The state courts first ruled that providing insurance could not be a matter of internal church governance protected from state interference by the First Amendment. The courts also held that insurance laws apply to employers and not simply religious laws of general applicability that could be constitutionally applied to religious employers under Smith. The two holdings reinforce each other.

The employment relationship is a partnership that workers are entitled to enjoy in all federal policies to protect those employees' legitimate interests in doing what their own beliefs permit."

The California Supreme Court took a further step in ruling that the law that survived strict scrutiny. Under strict scrutiny, a law that substantially burdens a religious practice is upheld only if the law represents the least restrictive means of achieving a compelling interest. The court concluded that the women's health care act was narrowly tailored to the government's compelling interest in providing contraception, obviating the need to undertake a substantial-burdens analysis.

The California Supreme Court's strict scrutiny analysis is consistent with the criticisms of President Obama's plan. Opponents of the regulations have argued that they violate the Religious Freedom Restoration Act (RFRA), which subjects federal policies to strict scrutiny if they substantially burden a person's exercise of religion. The opponents are wrong. First, under existing case law, the protection of insurance coverage is arguably not the exercise of religion. Moreover, allowing individuals the choice of contraceptives does not substantially burden any exercise of religion.

Even if the courts found a substantial burden on religion, however, the government's interests in promoting health and reproductive freedom, and combating gender discrimination, are compelling. The Institute of Medicine panel's report, and a mountain of evidence from other public health groups, amply demonstrate the government's compelling interest in ensuring widespread access to affordable contraception as a means of promoting health and remediating gender inequality.

The California Supreme Court ruled that a law nearly identical to President Obama's initial plan to provide insurance coverage—including a virtually identical exemption for houses of worship—was narrowly tailored to protect women's equality. Thus President Obama's original regulation could have withstood constitutional scrutiny. The constitutional case is even clearer for the accommodation, which requires insurance companies to provide contraception without charge to employees claiming a religious affiliation. The accommodation is even more narrowly tailored than the initial regulation was to reflect the government's interest in women's equality.

In past Supreme Court decisions, religious employers have been required to pay Social Security and unemployment taxes for their employees and to observe the minimum wage laws. Federal courts of appeals have required religious employers to pay child labor laws and to observe the equal pay laws even when the employers believed head-of-household pay was required by the Bible. As the Supreme Court in Smith held, "We are unaware of any decision in which this court, or the United States Supreme Court, has exempted a religious objector from the operation of a neutral, generally applicable law despite the recognition that the requested exemption would detrimentally affect the rights of third parties."

This federal government must continue to protect the rights of women who need insurance laws so that they may make reproductive choices consistent with their individual religious beliefs. Religious employers must provide a justification to deprive women of legal rights they should enjoy as employees and citizens. To the contrary, the First Amendment was specifically predicated on their right to exercise their religious liberty, and secures their right to act as individuals who exercise their own religious organization chooses to hire non-believers it must, at least to some degree, be prepared to accept neutral regulations imposed to protect those employees' legitimate interests in doing what their own beliefs permit."
conscience on matters pertaining to their faith, body, and health.

LESLIE GRIFFIN,
Professor of Law,
William & Mary School of Law,
University of Nevada Las Vegas.

Signed [Note: Affiliations provided for identification purposes only]:

Paul D. Booth, Jeffrey Bain Faculty Scholar and Professor of Law, Lewis & Clark Law School; Libby Adler, Professor of Law, Northwestern University School of Law; Janeth Ainsworth, John D. Eshelman Professor of Law, Seattle University School of Law; Sara Ainsworth, Lecturer, University of Washington School of Law; Lisa Alban, Professor of Law, Boston University; Herbert S. Alibis, Professor of Law and Professor of Sociology; Executive Committee Member, Thelton Henderson Center for Social Justice, University of California, Berkeley; Prof. A. Smith/Missouri Chair of Law, University of Missouri-Kansas City School of Law; Jose Alvarez, Herbert and Rose Rubin Professor of International Law, New York University School of Law; Mark Anderson, Associate Professor of Law, Temple University Beasley School of Law; Susan Appleton, Lemma Barkleoo and Phoebe Cousinz Professor of Law, Washington University; Ann Bartow, Professor of Law, Pace Law School; Carrie Basas, Visiting Associate Professor of Law, Case Western Reserve University; John Beckerman, Visiting Associate Professor of Law, University of Missouri School of Law—Camden; Valena Beety, Associate Professor of Law, Pace Law School; and Tracy Higgins, Professor of Law, Rutgers School of Law.

Barbara Babcock, Judge John Crown Professor of Law, Emerita, Stanford Law School; Anita Berliner, Professor Emerita, Yale Law School; Leslie Griffin, A.B. Chettle, Jr. Professor of Law Emerita, and Lecturer in Law, University of Pennsylvania; and Carrie Menkel-Meadow, A.B. Chettle, Jr. Professor of Law, UCLA School of Law; and Carrie McNally, Professor of Law, Case Western Reserve University School of Law; and Carrie Menkel-Meadow, A.B. Chettle, Jr. Professor of Law, UCLA School of Law; and Carrie McNally, Professor of Law, Case Western Reserve University School of Law; and Carrie Menkel-Meadow, A.B. Chettle, Jr. Professor of Law, UCLA School of Law; and Carrie McNally, Professor of Law, Case Western Reserve University School of Law.
of Law and Faculty Supervisor of the Immigration Justice Clinic, Pace Law School; Sally Merry, Professor of Anthropology, Institute for Law and Society, New York University; Carlin Meyer, Professor of Law, University of Michigan; Daniel Moreno, Professor of Law and Director of the Diane Abbey Law Center for Children and Families, New York Law School; Naomi Mezey, Professor of Law Emeritus, Temple Law School; Jennifer Moore, Professor of Law, University of New Mexico School of Law; Karen Moran, Associate Professor of Law, General Faculty, University of Miami; Daniel Morrissey, Former Dean and Professor of Law, Gonzaga University School of Law; Jill Morrison, Adjunct Professor, University of NC, David A. Clarke School of Law; and Ann Murphy, Professor of Law, Gonzaga School of Law.

Karen Musalo, Clinical Professor of Law and Director of the Center for Gender and Refugee Studies, University of California, Hastings College of Law; Michael Mushlin, Professor of Law, Pace Law School; Kimberly Mutcherson, Associate Professor of Law, Rutgers University School of Law—Camden; Cynthia Nance, Dean Emeritus & Nathan B. Endicott Professor of Law, University of Arkansas; Michelle Oberman, Professor of Law, Santa Clara University School of Law; Jennifer Parisi, Professor of Law, Albany Law School; Richard L. Ottenger, Dean Emeritus, Pace Law School; Justin Pidot, Assistant Professor of Law, University of Denver; Sturmy Deana Pollack, Professor of Law, Texas Southern University Thurgood Marshall School of Law; and Andrew S. Pollis, Assistant Professor of Law, Milton A. Kramer Law Clinic Center; Case Western Reserve University School of Law.

Terral Pollman, Director of the Lawyering Process Program and Professor of Law, Williams School of Law, University of Las Vegas; Lucille M. Ponte, Professor of Law, Florida Coastal School of Law; Sarah Ricks, Clinical Professor of Law, Rutgers University School of Law—Camden, Angela R. Riley, Professor of Law, UCLA School of Law, Director, UCLA American Indian Studies Center; Dorothy Roberts, George A. Weiss University Professor of Law & Sociology and Raymond Pace & Sabie Tanner Mossell Alexander Professor of Civil Rights, University of Pennsylvania; Randi Rosenblatt, Professor of Law, University of Houston Law School; Carolyn Rice, Associate Professor of Law, University of Cincinnati College of Law; Susan Deller Ross, Professor of Law and Director, International Women's Human Rights Clinic, Georgetown Law; Margaret Russell, Professor of Law, Santa Clara University School of Law; Carol Sanger, Barbara Aronstein Black Professor of Law, Columbia Law School and Nadia N. Sawicki, Assistant Professor of Law, Beasley Institute for Health Law and Policy, Loyola University Chicago School of Law.

Robert P. Schuwerk, Professor of Law, University of Houston Law Center; Elizabeth Seper, Associate Professor of Law, Washington University School of Law; Ann Shealy, Professor of Law, University of Arizona School of Law; Program, Carrington Shilders Scholar, American University Washington College of Law; Laurie Shanks, Clinical Professor of Law, Albany Law School; Julie Shapiro, Professor of Law, Seattle University School of Law; Jessica Silbey, Professor of Law, Suffolk University Law School; Angeline Simonson, Adjunct Professor of Law, Mercer University School of Law and Associate Professor of Philosophy, Mercer University; Jana Singer, Professor of Law, University of Maryland; Francis King Carey School of Law; Abbe Smith, Professor of Law and Director of the Criminal Defense and Prisoner Advocacy Clinic, Georgetown Law and Government; William Sturgeon, Director of the International Women's Human Rights Clinic, CUNY Law School.

Roy G. Speece, Professor of Law, University of Arizona James E. Rogers College of Law; Carrie Sperling, Associate Clinical Professor of Law, Sandra Day O'Connor College of Law; Ralph Stein, Professor of Law, Pace Law School; Lara Stemple, Director of Graduate Studies, Director of Health and Human Rights Law Project, UCLA School of Law; Geoffrey Stewart, Professor of Law, University School of Law; John Stratton, Associate Professor of Law, Seattle University School of Law; Jennifer Templeton Dunn, Executive Director, UC Berkeley-Hastings Consortium on Law and Society, and Adjunct Professor, University of California, Hastings College of the Law; Tracy Thomas, Professor of Law, University of Akron College of Law; Tonya Trox, Professor of Law, William S. Boyd School of Law, University of Nevada Las Vegas and Mary Fat Treuthart, Professor of Law, Gonzaga University School of Law.

Ann E. Tweedy, Assistant Professor, Hamline University School of Law; Carole Vance, Associate Clinical Professor of Sociomedical Sciences, Mailman School of Public Health, Columbia University; Valorie K. Vojdik, Professor and Deputy Director, Law Clinic, West Virginia University College of Law; Lois Loew, Professor of Law, University of California Hastings College of the Law; Robin West, Frederick J. Haas Professor of Law and Philosophy, Georgetown Law; Lesley Wexler; Thomas M. Menenga, Faculty Scholar and Professor of Law, University of Illinois College of Law; Deborah Widdis, Associate Professor of Law, Indiana University – Purdue University School of Law; Lindsay Wiley, Assistant Professor of Law, American University Washington College of Law; Verna Williams, Professor of Law, University of Cincinnati College of Law; Zipporah Wiseman, Thos. H. Law Centennial Professor, University of Texas at Austin School of Law and Marcia Zieg, Assistant Professor of Law, University of South Carolina School of Law.

IN HONOR OF KATHLEEN PEPERA

HON. DENNIS J. KUCINCICH OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. KUCINCICH of Ohio. Mr. Speaker, I rise today in honor of Kathleen Pepera who is retiring on August 1, 2012 after 34 years of dedicated service with the Social Security Administration.

Kathy began her career with the Social Security Administration (SSA) in the Cleveland West District Office as a summer intern while still a student at Baldwin-Wallace College. Following graduation, she took the Professional and Administrative Career Examination and was subsequently hired in 1979 as a Claims Representative in the Cleveland Southwest Social Security Office.

Throughout her career with SSA, Kathy has held a number of positions with increasing responsibilities. She has served as a supervisor at the Cleveland Teleservice Center and the Richardson Park Office. Kathy also served as the District Manager at the Cleveland Southeast Office and Cleveland Northeast Office. She also fulfilled a temporary role as Deputy Area Director for Northern Ohio. Kathy will be retiring as the District Manager of the Cleveland West District Office, the same office where she started her 34 year career.

Kathy’s dedication to the SSA and citizens she helped serve was unquestionable. She was steadfast in fulfilling SSA’s mission to “deliver Social Security services that meet the changing needs of the public.”

Mr. Speaker and colleagues, please join me in honoring Kathleen Pepera on the occasion of her retirement.

PERSONAL EXPLANATION

HON. PHIL GINGREY OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 537 on suspending the rules and passing S. 679—the Presidential Appointment Efficiency and Streamlining Act of 2011—I am not recorded because I was unavoidably detained. Had I been present, I would have voted “no.”

Mr. Speaker, on rollcall No. 538 on suspending the rules and passing H.R. 828—the Federal Employee Tax Accountability Act of 2011—I am not recorded because it was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. Speaker, on rollcall No. 539 on suspending the rules and passing H.R. 3803—the District of Columbia Pain-Capable Unborn Child Protection Act—I am not recorded because I was unavoidably detained. Had I been present, I would have voted “aye.”

CONCURRENT TECHNOLOGIES CORPORATION CELEBRATES ITS 25TH ANNIVERSARY.

TUESDAY, AUGUST 28, 2012

HON. MARK S. CRITZ OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. CRITZ. Mr. Speaker, on August 28, 2012, Concurrent Technologies Corporation will celebrate its twenty-fifth anniversary. I rise to acknowledge this notable milestone and to recognize the company’s history and dedicated employees.

Concurrent Technologies Corporation (CTC) was first known as Metalworking Technology Inc., a subsidiary of the University of Pittsburgh Trust. Metalworking Technology Inc. was formed in 1987 in Johnstown, Pennsylvania, to operate the National Center for Excellence in Metalworking Technology for the U.S. Navy.

In 1992, Metalworking Technology Inc. changed its name to Concurrent Technologies Corporation to more accurately convey the organization’s expanded mission: to provide cutting-edge scientific, applied research and development solutions to its clients. Two years later, CTC separated from the University of Pittsburgh Trust to become a fully independent not-for-profit corporation.

Daniel R. DeVos was the company’s first permanent Chief Executive Officer, and through his leadership the organization quickly expanded its capabilities and gained national recognition. Edward J. Sheehan, Jr., who succeeded Mr. DeVos, is the current President and Chief Executive Officer. Under his guidance, CTC continues to grow and prosper—earning respect and appreciation from its many customers across our nation and globe.
Over its 25 years, Concurrent Technologies Corporation, in partnership with its clients, has created numerous breakthrough technologies and innovative solutions. CTC takes a collaborative approach to its work, sharing credit and celebrating achievements with everyone who plays a role.

Today, Concurrent Technologies Corporation, with offices throughout the U.S. and in Europe, is an independent, nonprofit, applied research and development professional services organization providing management and technology-based solutions to each branch of the U.S. Government agencies, and industry. CTC is routinely listed as one of the Top 100 Government Contractors by Washington Technology.

At any given time, CTC is working on multiple projects in areas such as advanced engineering and manufacturing; environment and sustainability; intelligence and information security; logistics, management, and acquisition; power and energy; readiness, preparedness, and continuity; safety and occupational health; and special mission.

For example, CTC helped NATO establish quality management services in less than 60 days at Kabul International Airfield in Afghanistan. The company also won the Environmental Excellence in Transportation Award for designing and implementing laser coatings removal systems throughout the U.S. Air Force.

Concurrent Technologies Corporation played a major role in the development, certification, and implementation of HSLA-115, a new higher strength modification of the HSLA-100 structural steel used for critical applications on aircraft carriers and other U.S. Navy combatant vessels.

Working for the U.S. Marine Corps Logistics Command, CTC developed an information technology tool that benefits U.S. warfighters by resolving logistics challenges in the Marine Corps supply chain. The tool, known as START, which stands for Secondary Repairables (SECRET) Total Allowance Re- computation Tool, won the Defense Logistics’ Best Technology Implementation Award as a “significant contribution to military logistics and the warfighter.”

Concurrent Technologies Corporation developed a highly successful Exportable Combat Training program that immerses warfighters in real-life computer-generated scenarios, preparing our troops to survive and succeed in rapidly changing operational environments. The program was developed for the National Training Center with the support of the U.S. Army Forces Command.

The transportation Capacity Planning Tool developed for the U.S. Marine Corps has grown into an approved Global Combat Support System-Marine Corps bridge technology.

Concurrent Technologies Corporation is a responsible employer, business partner and community-oriented organization. The company was recently named one of the world’s most ethical companies by the Ethisphere Institute. For 11 consecutive years, CTC has been named “One of the Best Places to Work in Pennsylvania.”

Concurrent Technologies Corporation has received multiple honors as a military-friendly organization. Two awards came from the Employer Support of the Guard and Reserve, recognizing the company’s initiatives in promoting cooperation and understanding between the National Guard and Reserve members and their civilian employers. CTC is a member of the 100,000 Jobs Mission; a coalition of 41 companies committed to hiring at least 100,000 veterans by 2020, and has also been named a “Best for Vets Employer” for the past two years.

Today, CTC has also a good corporate citizen, whose employees volunteer thousands-of-hours to worthwhile local, regional, and national causes. They actively support schools, healthcare and human service providers, economic development programs, the arts, and recreation.

Mr. Speaker, I offer my congratulations to Concurrent Technologies Corporation on completing twenty-five years of vital collaboration with the U.S. Department of Defense and other U.S. agencies to improve the security of our nation. Because of their efforts, the United States military is better equipped to serve our great nation and the United States is a safer place to live for all of us. I know I speak for many when I wish CTC and its employees the best of luck in the future.

In honor of the 102nd anniversary of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3

HON. DENNIS J. KUCINICH OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3 of Cleveland, Ohio, which is celebrating its 102nd anniversary on September 8, 2012. Local No. 3 of Cleveland, Ohio has can trace their beginnings back to the earliest days of the modern industrial era with the sudden expansions of steam power in the 1880s which created the need for the insulation industry. An attempt to form a national bond between insulation workers occurred in 1896 when the Insulators’ Union of New York sent out an appeal to related crafts in other cities to form a “National Organization of Pipe and Boiler Covers.” The appeal struck a chord of solidarity and two years later, the officers and members of the Pipe Covers Union affiliated with the National Building Trades Council of America and invited other pipe coverer unions and related trades to join them. Seven local unions from around the country, including Cleveland, responded, resulting in the birth of the foundation for an international union. The interested locals met for their first convention on July 7, 1902, where they drafted and approved a constitution and elected Thomas Kennedy as their first president. They chose “The National Association of Heat, Frost and General Insulators and Asbestos Workers of America” as the name of the international union. On September 22, 1902, the American Federation of Labor issued an official charter designating the insulator workers as a national union.

The union met again in October, 1904 in Pittsburgh to adopt a constitution and issue local charters. St. Louis, No.1; Pittsburgh, No. 2; Cleveland, No. 3; Buffalo, No. 4; Chicago, No. 5; Boston, No. 6; and Seattle, No. 7. The charter issued to Local No. 3 in 1910 contained these Clevelanders: Thomas Richards, James Wiley, Phil Frigge, M.O. Taitle, Harry Jacoby, Archie Budd, Harry Morris, Harry Graff and George Davis, James Dalton, Al Dalton and Thomas O’Neill of Local No. 3 became officers of the International Association.

Over the years, Local No. 3 has fought for higher wages, safer working conditions on construction sites and better benefits. Local No. 3 has established funds to help with medical expenses, retirement, apprenticeships and training. As Local No. 3 continues into its second century, its goals remain to make a member’s life safer, more productive and prosperous, to continue to work to meet the needs of its current members and to teach new members that there is strength and prosperity in solidarity.

Mr. Speaker and colleagues, please join me in honoring the 102nd anniversary of the International Association of Heat and Frost Insulators and Allied Workers Local No. 3 of Cleveland, Ohio.

Celebrating the 50th anniversary of Boy Scout Troop 508

HON. KENNY MARCHANT OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I celebrate the 50th anniversary of Boy Scout Troop 508 of Irving, Texas. The troop has a remarkable history of serving the community and developing young men into leaders.

Troop 508 was originally chartered at Woodhaven Presbyterian Church in 1962. The troop has a reputation for frequent traveling and extended outdoor adventures. Much of the boys’ solidarity has revolved around their travels together, starting with “The Green Woody” bus in 1966. During its history, the troop has traveled to exciting natural locations such as the Grand Canyon, Colorado, Brazos River, and to the center of civic leadership—right here in Washington, D.C. Indeed, in a troop where the “three-foot” dog is out” it is only fitting that the group have adopted the roadrunner as its traditional logo.

Boy Scout Troop 508 also has a history of exceptional adult leadership, both in its scoutmasters and former members. The adult leaders have been trained in Woodbadge and eight of the last twelve Silver Beavers were members of the 508. Many of them serve on the staff of ALTs, Webelorees, Camporees, and the District Committee for Five Trails. The troop has won first-place several times at Camporees and at Winter Camp. Throughout its 50 years, the distinguished troop has been guided by the leadership of scoutmasters including Mitch Barker, Sterling Bradley, David White, Blackie Marks, Norman Rozell, Jack Graham, George Gray, Bob Hootman, “Indian George” Alford, Dwight Sensabaugh, Jim Bell, Herb Boyd, Hamilton, Jerry Wicker, Scott Pohl, Roger Knapp, Bob Harris, Randall Svaja, Carter Hallmark, Richard Gamble, Roland Jeter, Dean Calvert, Bob Perkins, and Wayne Fletcher. “Indian George” Alford was an especially noteworthy man, a selfless and kind Scoutmaster who lived and Post 134 in Dallas and moved on to make a lasting legacy with Troop 508 in Irving, particularly with his Indian dance teams.
Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Boy Scout Troop 508 on 50 years of inspiring young men to do their best in all that they do, while enjoying competition with good sportsmanship.

CONGRATULATING ELIZABETH BEISSEL

HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. LANGEVIN. Mr. Speaker, I rise to congratulate Olympic silver medalist and Rhode Island resident, Elizabeth Beisel. Elizabeth is a member of the USA Olympic Swimming Team, and on July 28, she competed in the Women's 400 meter individual medley, finishing in second place with a time of 4:31.27. I join her family, friends, Rhode Islanders, and the entire United States in congratulating her on this remarkable accomplishment.

Growing up in Saunderstown, Rhode Island, Elizabeth began swimming at 5 years old. Her passion, energy, and hard work paid off in 2008 when she qualified for her first Olympics. In Beijing, 15 year old Elizabeth was the first Olympic swimmer from Rhode Island in 44 years. She finished in fourth and fifth in the 400 meter individual medley and the 200 meter backstroke respectively. Last year she won her first world title at the Shanghai World Championships in the 400 meter individual medley.

After the Beijing Olympics, Elizabeth enrolled in the University of Florida, where she continues to train and compete. Outside of the pool, Elizabeth is a dedicated student and a talented violin player. She balances the demands of her collegiate and Olympic training programs, academic coursework, and international competition schedule with incredible grace and maturity.

Mr. Speaker, I know my colleagues join me in extending congratulations and best wishes to Elizabeth and all of the exceptional athletes who make up Team USA. America is so proud of you!

HONORING BARBARA ANTHONY, VALDINE ATWOOD, BARBARA DRISKO, AND SALLY JACOBS

HON. MICHAEL H. MICHAUD
OF MAINE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the nominations of Barbara Anthony, Valdine Atwood, Barbara Drisko, and Sally Jacobs for the Mighty Women of Washington County Elder Award.

The Mighty Women of Washington County is a group of strong, compassionate women who collaborate with businesses in Washington County to promote positive social and economic change in the community. This self sustaining organization continues to draw together talented and dedicated women who are committed to the region. Since 2006, the Mighty Women of Washington County have grown their membership to over 180 strong representing business owners, government workers and volunteers. Together, their remarkable efforts have made a positive impact in the areas of homelessness, health care and other social issues.

In June of this year, the organization held its first event “Celebrating the Mighty Women of Washington County” in the town of Machias. At the event, Barbara Anthony, Valdine Atwood, Barbara Drisko, and Sally Jacobs were nominated for the Mighty Women Elder Award. This recognition is offered to members of the organization who embody exceptional character and citizenship.

Each of these women is a pillar of the Washington County community and they are all tremendously deserving of this recognition. Their energy, commitment to helping others, and devotion to the region are an inspiration to future generations of Washington County women and to Mainers throughout the state.

Mr. Speaker, please join me in congratulating these exceptional women for being recognized through this honor and thanking them all that they do for their community.

IN RECOGNITION OF THE CONGRESSIONAL BLACK CAUCUS FOUNDATION’S 2012 SUMMER INTERNS

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today to recognize the Congressional Black Caucus Foundation (CBCF) and its Summer 2012 Interns for the completion of their intensive nine-week internship program on Capitol Hill. This summer, 40 college-aged students from across the nation participated in this program. These students were chosen through a competitive process based on an essay submission, a history of community involvement and a sense of civic engagement.

The CBCF’s Congressional Internship program was designed to diversify our Congressional offices and give students an opportunity to develop their talent as young professionals and future leaders. During their tenure, summer interns had the opportunity to learn more about public policy and gain a complete understanding of the federal legislative process. In addition, they have grown professionally by identifying the skills and qualities of strong leaders. Outside their congressional offices interns put their legislative experience to use by engaging in their own mock Congress simulation.

Furthermore, interns were offered the opportunity to attend numerous professional and leadership development workshops, networking events, and engage with Members of the Congressional Black Caucus. I had the privilege to speak with the CBCF interns myself, encouraging them to be leaders and continue to be persistent in their fight for equal justice and opportunities for all. I would like to specially recognize CBCF intern Amir Rowe who worked in my office this summer. Amir demonstrated a great deal of proficiency in completing assignments and engaging with my constituents.

Mr. Speaker, I am proud to congratulate the CBCF 2012 summer interns for taking advantage of this lifetime opportunity and I thank the CBCF, under the leadership of Elsie L. Scott, Ph.D., for providing such an invaluable experience.

Ashley Bobo, interning in the office of Rep. LAURA RICHARDSON, attending Harvard College;
Jeremy Broadus, interning in the office of Rep. EMANUEL CLEAVER, attending Rutgers University;
Tierra Burns, interning in the office of Rep. MELVIN WATT CAMERON, attending North Carolina Central University;
Melissa Chin, interning in the office of Sen. CHARLES SCHUMER, attending Brown University;
Salima Cifo, interning in the office of Rep. AL GREEN, attending Rutgers University;
Devon Cox, interning in the office of Rep. HANSEN CLARKE, attending University of Michigan;
Nairobi Cratic, interning in the office of Rep. GWEN MOORE, attending Temple University;
Devon Crawford, interning in the office of Rep. TERRY SEWELL, attending Morehouse College;
Elizabeth Davis, interning in the office of Rep. BOBBY SCOTT, attending George Mason University;
Courtney Drigo, interning in the office of Rep. EDDIE BERNICE JOHNSON, attending Rice University;
Camyile Fleming, interning in the office of Rep. ELEANOR HOLMES NORTON, attending Wellesley College;
Chazmon Flood, interning in the office of Rep. MAXINE WATERS, attending Howard University;
Ariana Gibbs, interning in the office of Rep. BENNIE THOMPSON, attending Spelman College;
Brittany Gibson, interning in the office of Rep. DONNA EDWARDS, attending Columbia University;
John Grigg, Jr., interning in the office of Rep. DONNA CHRISTENSEN, attending University of Tampa;
Brittany Harvey, interning in the office of Rep. ANDRE CARSON, attending Clark Atlanta University;
Brandon Hill, interning in the office of Rep. CORRINE BROWN, attending Stanford University;
Tyler Hill, interning in the office of Rep. BARBARA LEE, attending University of California, Berkeley;
Brooke Hutchins, interning in the office of Rep. CHAKA FATTAH, attending Georgetown University;
Ducaine Jackson, interning in the office of Rep. YVETTE CLARKE, attending Bates College;
Ocoscio Jackson, interning in the office of Rep. SANFORD BISHOP JR., attending Morehouse College;
Tatelahna Kelly, interning in the office of Rep. MARCIA FUDGE, attending American University;
Jordan Lindsay, interning in the office of Rep. WILLIAM LACY CLAY, attending Morehouse College;
Malaiya McGee, interning in the office of Rep. GREGORY MEeks, attending Howard University;
Kaylan Meaza, interning in the office of Rep. G.K. BUTTERFIELD, attending North Carolina State University;
Mr. Speaker and colleagues, please join me in honoring the HCFW of Cleveland, OH, for all of their dedication and service to the community.

IN RECOGNITION OF EUGENE MORGAN WELSH

HON. DENNIS A. CARDOZA
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today to honor the late Eugene Morgan Welsh. Gene passed away peacefully on July 25, 2012. Staff Sgt. Gene Welsh was a true American hero and served his country with pride and dedication.

Eugene “Gene” Morgan Welsh was born May 9, 1925 in McAllister, OK to William Morgan Welsh and Tina Pearl Welsh. Gene had two brothers, Kenneth and Billy Welsh, who preceded him in death, brother Don and a sister Wanda Griffin.

Proudly at age 18, Gene joined the U.S. Army’s 19th Infantry Regiment during World War II. Staff Sgt. Welsh’s assignment took him to the South Pacific. While serving in the Asiatic-Pacific, Staff Sgt. Welsh was wounded in combat and was eventually awarded the Purple Heart with the Oak Leaf Cluster.

While recovering from his injuries, Gene started writing to a Pen Pal, Miss Bettye Cavazos from Sharyland, TX. This was the bright spot during his recovery and he often told her in his letters that if he ever made it out of the war alive he was going to come back to the U.S. and marry her. Upon completion of his military career, he in fact went to Texas and asked for her hand in marriage.

Flag Day, June 14, 1946, Bettye Cavazos became Mrs. Eugene Welsh; that same year they moved to Ceres, CA. Gene eventually opened up a business in 1967 that is known today as Ceres ProTow and it is still located at the same place 45 years later. Gene and Bettye had two sons, Mike and Ron. Gene was very proud of his sons and was devastated when Ron passed away from a pulmonary embolism. Mike continues to run the family business.

Gene had a great love for his community and was very active with many social and charitable as well as civic organizations. In 1987, Gene was awarded Rotarian of the Year and in 1988 he was awarded Ceres Citizen of the Year and in 2003 he was awarded the Stanislaus County Senior Citizen of the Year. Gene also had a love of Square Dancing, and when he was an inflight engineer Square Dance lessons and eventually formed the Ceres Twisters where he was the club caller for over 40 years. Gene and Bettye were always happy to share their love of Square Dancing with others and provided demonstrations to Ceres and Modesto grantees.

They were married for over 65 years and they danced at local, state and national festivals as well as on cruise ships.

Gene is survived by his wife of 66 years Bettye, son Mike and his wife Maureen, daughter-in-law Sherry and 8 grandchildren, 8 great-grandchildren and one great-great-granddaughter.

Mr. Speaker, the recognition that I am offering today before the House of Representatives for Eugene Morgan Welsh is small compared...
to the contributions and impact he had on the lives of so many. He was a leader of our community, role model to our youth and a great American.

A TRIBUTE IN HONOR OF THE LIFE OF DOROTHY MAE JAROCH

HON. ANNA G. ESHTOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Ms. ESHTOO. Mr. Speaker, I rise today to honor the life of an exceptional woman, Dorothy Mae Jaroch, who passed away on June 12, 2012, at the age of 88. Her youngest son, Pete, cared for her in her final weeks and was by her side at the moment of her passing.

Dorothy Mae Jaroch was a devoted wife, an exceptional mother, a loving grandmother, a beloved sister, a teacher and a leader. She will be greatly missed by all who were fortunate enough to know her, and I count myself among those so blessed.

Dorothy Mae Jaroch, a longtime resident of the San Francisco Bay Area, was born and raised in Lenexa, Kansas. She attended Spring Hill High School, and after completing her academics there, Dorothy married Lieutenant Commander Eugene Jaroch in 1945. She moved to San Francisco to join her new husband, Eugene, with the tune “Sentimental Journey” by Doris Day with the Les Brown Orchestra in her heart and mind. Together, they travelled extensively throughout the country, danced in harmony and were very much in love. Dorothy, a longtime friend of the Religious of the Sacred Heart at Oakwood, was dedicated to helping others, always making them feel that her home was also theirs. Her greatest attribute was her unwavering faith in God and the goodness of people, and her legacy of compassion serves as a positive example for us all.

Dorothy is survived by her children Eugene Paul, Steven, Peter and Suzanne; grandchildren and great-grandchildren. Her husband, Eugene, the love and light of her life, passed away twelve years ago.

Mr. Speaker, I ask the entire House of Representatives to join me in extending our deepest condolences to Dorothy Mae Jaroch’s family and to all those who were blessed by her friendship.

Dorothy Mae Jaroch was an exceptional citizen whose pursuits strengthened our community and bettered our country.

PERSONAL EXPLANATION

HON. RUSS CARNANAH
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. CARNANAH. Mr. Speaker, I regretfully missed the suspension votes on July 31, 2012. Please let the record reflect my position on each of these pieces of legislation.

(1) S. 679 (Roll no. 537)—Presidential Appointment Efficiency and Streamlining Act of 2011. I would like the record to reflect that I would have voted in favor of this legislation, which I oppose, had I been present to record my vote. I believe that holding individuals with seriously delinquent tax debts accountable is important—to address our fiscal deficit and to ensure all Americans fulfill their responsibilities as citizens of this country. However, this legislation unnecessarily and unfairly singles out federal employees. For this reason, I oppose this legislation.

(2) H.R. 828 (Roll no. 538)—Federal Employee Tax Accountability Act of 2011, as amended. I would like the record to reflect that I would have voted against this legislation, which I oppose, had I been present to record my vote. I believe that holding individuals with seriously delinquent tax debts accountable is important—to address our fiscal deficit and to ensure all Americans fulfill their responsibilities as citizens of this country. However, this legislation unnecessarily and unfairly singles out federal employees. For this reason, I oppose this legislation.

HON. PETER J. VISCLOSKY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. VISCLOSKY. Mr. Speaker, I am pleased to stand before you and my colleagues today to applaud Mr. Dale Johnsen upon his retirement. Dale has devoted his life to the interests of his fellow tradesmen and women, and to the entire community of Northwest Indiana. Mr. Johnsen has been a member of Bricklayers Local #4 Indiana/Kentucky for 36 years, 22 of which he served as an officer and field representative. Additionally, he has served as President of the Indiana State Building and Construction Trades Council for the past two years. For his lifetime of service to the Bricklayers, Mr. Johnsen was honored at a retirement dinner taking place at Avalon Manor in Merrillville, Indiana, on August 17, 2012.

During his 36 year tenure, Dale Johnsen has been a force in the labor movement and has been a steward for change in the Building Trades. He has worked to ensure that tradesmen have access to the best training, fair wages and benefits, and a voice in the decision-making process. Dale Johnsen has been a strong advocate for the rights of workers, and I am pleased to recognize his contributions to the Building Trades.

RECOGNIZING THE RETIREMENT OF DALE JOHNSEN

HON. E. SCOTT RIGELL
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. RIGELL. Mr. Speaker, I arise today to recognize an important milestone in my community. On August 20, 2012, the Virginia Beach Police Department is hosting an event to honor Black Law Enforcement Pioneers from our area. Robert E.W. Sparrow, Mandarin Holloway, Clyde I. Siler, Alexander H. Woodhouse, Russell H. Lawrence, Charles Pace, Johnny E. Parks III, Warfield M. Wood and as many as 22 auxiliary police officers who patrolled Virginia Beach prior to 1968, will be honored for serving during a time when bigotry and racism ran rampant throughout our country. I want to thank these fine men for standing bravely in the face of hatred, and doing their jobs honorably. Because of men like these, America remains the greatest country in the world, where the bastions of liberty and freedom stand over those who wish to harm it. We can all learn from their outstanding character and commitment to doing what is right.
Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life and service of the late Second Lieutenant Yer Vang. Second Lieutenant Vang served the United States of America honorably during the Vietnam War.

Yer Vang was born on February 2, 1960, at Ban Long Xai, Muan Long Xai, in the Xieng Khouang province in the Kingdom of Laos. He attended Ban Na Elementary School. In March of 1972, when he reached the age of twelve, he was recruited to train at Muang Cha Military Training Center, located in the Xieng Khouang province.

Upon completion of his military training, Yer Vang was assigned to work as a water supply and a mail carrier at the 228th Battalion Headquarters. On January 1, 1976, he was transferred to the 2281st Company Infantry Division of the 228th Battalion Special Guerrilla Units (SGU), 1st Strike Division Infantry of the United States Secret Army. Yer Vang fought in the Vietnam War with this unit through May of 1975. During this tenure of his service, he took part in important missions advanced by the United States Secret Army and was promoted to the rank of Second Lieutenant.

After the communist takeover of Laos in May of 1975, Yer Vang’s unit was stationed south of the Plains des Jarres. Unable to be airlifted to a U.S. Airbase in Thailand, Yer Vang had to flee his position and go into hiding in fear of being persecuted by the ruling government. He remained in hiding until June of 1979, when he passed through the jungles of Laos by moonlight and crossed the Mekong River to safety in Thailand.

Yer Vang was a political refugee at Ban Vinai Camp in Thailand for twenty years. On January 31, 1990, he came to the United States and began his life in Fresno, California. Once resettled in Fresno, Yer Vang attended Fresno Adult School, where he graduated in 1993. He worked at a local Pizza Hut for two years. Following his graduation, Yer Vang was promoted to the rank of Second Lieutenant.

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For his military service, Yer Vang was awarded the Bronze Medal from the King of Thailand. The couple has thirteen children: three sons and ten daughters.

Yer Vang married while in the refugee camp in Thailand. The couple has thirteen children: three sons and ten daughters.

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TRIBUTE TO DR. CLEMMIE E. WEBBER
HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012
Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an extraordinary educator, entrepreneur, author, community activist and mother. Dr. Clemmie E. Webber passed away on July 25, 2012, at the age of 99. This remarkable trailblazer will be sorely missed by all who had the honor of knowing her, and I count myself in that number.

Dr. Webber was born in St. Matthews, South Carolina in 1913. She moved at the age of three with her parents, Henry W. and Colen Embly, to Treadwell Street in Orangeburg. She grew up there with her four younger siblings, and would later write a book about their childhood experiences.

Education was always important to Dr. Webber. Her early school years were spent at Claflin University’s elementary department, and in high school she attended what is now South Carolina State University. She earned both her bachelor’s and master’s degrees in chemistry at South Carolina State, and went on to earn a doctorate in science education from The American University.

In 1935, at the age of 19, Dr. Webber married Paul Webber, a fellow classmate at South Carolina State. They were entrepreneurs who owned Webber Motor Sales and the Orangeburg Tigers basketball team. However, they were well known for their ownership of two soda shops in Orangeburg that were popular hang outs for students and provided them much-needed jobs. The College Soda Shop also became the inspiration for her second book.

Dr. Webber began her teaching career at the former Wilkinson High School and several elementary schools in the area. She went on to teach chemistry and economics at her alma mater for 25 years. While a professor on South Carolina State’s campus, Dr. Webber was a catalyst for change. She led the effort to build the I.P. Stanback Museum and Planetarium, which now houses the Clemmie E. Webber Educator Resource Center. She and her husband, who also served as a history and economics professor at South Carolina State, were mentors for many young people—myself included—during the student Movement of the 1960s.

Her love for education extended to serving on the Orangeburg School District 5 Board for 11 years. She served as Chair of that body for six years, and is credited with developing the compromise that allowed the school district to build the current Orangeburg-Wilkinson High School on U.S Highway 601. She also served as President of the South Carolina School Boards Association and was appointed to a five-year term as a Commissioner on the State Education Commission.

Dr. Webber had an interest not only in educating young people, but helping them to develop character and be good leaders. She was actively involved in the Cub Scouts and Girl Scouts organizations, the Jack and Jill program, the Sunlight Club, and served as the PTA President at two schools.

She also demonstrated her exceptional touch with young people at home raising three children—Carolyn, Sheryl, and Paul, III. Her nurturing nature led to her recognition as the South Carolina and National Mother of the Year in 1983.

Dr. Webber has received numerous other awards and honors including the Order of the Palmetto, the highest honor a South Carolina citizen can receive. She was also inducted into the South Carolina Black Hall of Fame, received the South Carolina School Boards Distinguished Service Award, and the South Carolina Legislative Black Caucus Award in recognition of her outstanding civic and educational contributions. In 2008, an Orangeburg street was renamed Webber Boulevard in honor of Dr. Webber and her husband’s contributions to the community.

Mr. Speaker, I ask you and our colleagues to join me in celebrating the extraordinary life of Dr. Clemmie E. Webber. She led by example and gave generations of young people the tools they would need to excel in life. What a tremendous legacy she has left for the City of Orangeburg and the State of South Carolina.

HONORING ROBERT D. GRANT
HON. MIKE QUIGLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012
Mr. QUIGLEY. Mr. Speaker, I rise today to honor and express my gratitude to Robert D. Grant, Special Agent-in-Charge of the Chicago office of the Federal Bureau of Investigation. He is retiring from his position as head of the Chicago FBI after an outstanding 29 years of distinguished service to this country.

In 1983, Mr. Grant began his career with the FBI and has not served in Memphis, New York, and San Antonio, along with several different assignments at FBI headquarters here in Washington, D.C., including Chief Inspector. Mr. Grant spent his time with the FBI committed to improving all areas of operations and has brought tremendous changes to fruition. In 2005, Mr. Grant became the head of the Chicago office, where he is now the longest serving agent-in-charge in the history of that office.

During his time in Chicago, Mr. Grant has overseen numerous widely-recognized investigations, from corrupt public officials to our most violent criminals. He was at the forefront of the indictment and convictions of several high-ranking members of the Chicago Mafia and played a key role in the arrest of two Chicago men on charges related to the 2008 terror attacks in Mumbai, India.

Throughout his career, Mr. Grant has received numerous accolades for his impressive service, ranging from local community group recognition to the 2008 Presidential Rank Service Award.

While acknowledging Special Agent-in-Charge Grant today for his three decades of service, we also reaffirm our appreciation to all of the brave men and women of the United States law enforcement community, who work every day to protect our families and keep our country safe.

Once more, we thank Mr. Grant for his integrity, leadership, and dedication to the FBI and our country. And we wish him the best of luck in his future endeavors.

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012
Ms. MOORE. Mr. Speaker, I was absent from votes in the House Tuesday afternoon (July 31). My flight was unavoidably delayed on my return to Washington from Milwaukee, WI due to bad weather.

Had I been present—(1) I would have voted “yea” on rollcall No. 537—S. 679—Presidential Appointment Efficiency and Streamlining Act of 2011.

(2) I would have voted “nay” on rollcall No. 538—H.R. 828—Federal Employee Tax Accountability Act of 2011, as amended.

(3) I would have voted “nay” on rollcall No. 539—H.R. 3803—District of Columbia Pain-Capable Unborn Child Protection Act.

HON. JON RUNYAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012
Mr. RUNYAN. Mr. Speaker, I rise today to pay tribute to one of my constituents, Ronald F. Dash, a resident of the Township of Willingboro, Burlington County, New Jersey in recognition of his outstanding service on behalf of veterans throughout the State of New Jersey. Ronald F. Dash has served as Chairman of the Willingboro Veterans Advisory Committee and as the Advisor to Willingboro’s Mayor and Council on Veterans Issues. He also serves on my Military Academy Advisory Committee which makes recommendations for young men and women from New Jersey’s Third District who are applying to attend one of our nation’s service academies.

Ronald F. Dash served his country with honor and valor as a member of the United States Marine Corps during the Vietnam War, where he was wounded and received the Purple Heart. After his Marine Corps (USMC) service in Vietnam, he served in the Army Reserves and then transitioned to the Army National Guard attaining a final military rank of Staff Sergeant (E6).

He has given generously of his time, energies, and resources as a Commander and State Chaplain in the Military Order of the Purple Heart Chapter 26, and as a member of the...
Mr. RIGELL. Mr. Speaker, I arise today to recognize the 30th anniversary of the Virginia Beach Crime Solvers. This organization has been a stalwart in our community and has been instrumental in keeping the streets of Virginia Beach safe. In partnership with the community, the Virginia Beach Police Department, and local media, is key to helping the Crime Solvers become one of the top crime solver organizations in the country. Since its inception in 1982, tips to Crime Solvers have resulted in over seven thousand arrests and fourteen thousand solved crimes. Their fine work led the Federal Bureau of Investigation to name Virginia Beach as the “lowest violent crime rate city in the United States” in 2010. I would like to thank the original Board of Directors: Chairman Al Craft; Vice Chairman John J. Kruger; Tom Gmitter, Secretary; Bob DeFord, Treasurer; and, Members Thomas Neill, Mary Ellen Cox, Ed Crittenden, Glenn R. Croshaw, George Duvall, John Godfrey, Darlene J. Hager, Ernie Hyers, Clarence Keel, Bill Myers, Dennis O’Hearn, Ragan B. Pulley, Jr., Gerald Weimer, Roy Willman, Navy Captain Danny Michaels and Aaron Parsons. I also want to thank the current Board of Directors: Chairman Joe O’Brien; Vice Chairman Fred E. Moody; Bonnie B. Capito, Secretary; Daniel D. Edwards, Treasurer; and Members Don Albee, Marie Bauxman, Ginger Carl, James H. Capps, Alfred W. Craft, Ill, Ross Forster, Dr. Valerio M. Genta; Nancy Guy, Carleen Lombardo, Roseann Lugar, Stuart Myers, Karl Nichols, Ragan B. Pulley, Jr., Chris Roberts, Laura Roland, Lawrence E. Ronan, Troy Snead, Ruth Ann Steenburgh, Thomas H. Thatcher, Donald R. Thrush, Marion Wall and Francis L. Warren. Mr. Speaker, I am thankful to both groups for stepping forward when their community needed them. Because of these fine community leaders, our children and grandchildren continue to have the opportunity to grow up in a safe community. I congratulate them on 30 years of service and look forward to having the Virginia Beach Crime Solvers serve the community for many years to come.

Virginia Beach Crime Solvers 30th Anniversary

HON. E. SCOTT RIGELL
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

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In Recognition of the Victoria Arch

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Victoria Arch, which will make its debut after undergoing a two year restoration at the Cuyahoga County Fair in Berea, Ohio. The original Victory Arch was built in 1929 by Fred Hartman and was erected at the main entry to the Berea Fairgrounds on Eastland Road. The arch’s columns are 25 feet high and span 35 feet across. For years the Victory Arch served as a beautiful welcoming sign to Cuyahoga County residents coming to enjoy the annual County Fair. Unfortunately, over the years, with the exception of some minimal work in the late 1970s, the arch began to rust and fell into disrepair. A few years ago, Berea’s Save Our Arch Committee began advocating for a restoration of the Victoria Arch. Two years ago the project began. The Cuyahoga County Fair Board, American Legion Post 91 and the Berea Historical Society helped to raise money and awareness needed to restore the structure. However, the physical restoration would not have been possible if it had not been for donations, support and countless man hours of the Berea City Club, Iron Workers Local 17 Apprentice Program, Cosmos Industrial Service, Inc., AkzoNobel, eGlobal Construction, Kottler Metal Products, Inc., Ziegler Bolt, Local 17 President Tim McCarthy, Retirement Local 17 Doug McMjunks, Sealcoat, Horizon Metal, Inc., Luna and American International.—Michael Petrasek. The Victoria Arch was resurrected to its original place on Eastland Avenue on July 12, 2012, just weeks before thousands will visit the Berea Fairgrounds for the 116th Cuyahoga County Fair. Mr. Speaker and colleagues, please join me in honoring the reinstatement of the Victory Arch at the Cuyahoga County Fairgrounds.

Adam Walsh Reauthorization Act of 2012

HON. MIKE PENCE
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 31, 2012

Mr. PENCE. Mr. Speaker, I rise today in support of the Adam Walsh Reauthorization Act of 2012 (H.R. 3796). I would like to recognize Representative Sensenbrenner for a career spent protecting our nation’s children, including this bill before the House today. Six years ago, then 15-year old son and 13-year old daughter in the Rose Garden at the White House when President George W. Bush signed into law the Adam Walsh Child Protection and Safety Act of 2006.

Title V of the Adam Walsh legislation contains my bill, the Child Pornography Prevention Act. My bill set forth new findings to protect children against so-called “home pornography” to better enable federal prosecutors to proceed with cases against them. It also provided increased protection to victims of child pornography and strengthened the hand of law enforcement in investigating and bringing charges in obscenity and child pornography cases. Finally, it closed a loophole that allowed pornographers to exploit children by using them in productions with simulated sexual activity or lascivious sexually explicit content and then claim that they believed the children to be over age eighteen.

The Adam Walsh legislation had many other good initiatives that have protected our nation’s children by improving sex offender registration and providing local law enforcement officials with tools needed to track those who prey upon children. Some of these provisions require reauthorization, and I am pleased today that we are moving forward with this reauthorization, especially of the two key programs that fund the U.S. Marshall’s fugitive apprehension program and the grants that help states comply with the national sex offender registry requirements, in a fiscally responsible manner.

I consider myself fortunate to have been able to contribute to the Adam Walsh bill, as well as the 2003 Child Abduction Prevention Act (later renamed the PROTECT Act), which setup the Amber Alert system. That legislation also included the Truth in Domain Names Act that I authored. The Truth in Domain Names Act made it a criminal act to knowingly use a misleading domain name with the intent to deceive a child into viewing harmful material on the Internet, and it has made a difference in protecting children from Internet pornography.

Congress over the years has faced many very difficult issues, but we always have kept the best interest of children at the forefront of our work. As we move to reauthorize these important programs in the Adam Walsh bill today, I want to thank my colleagues for coming together to put our children first.

Honoring the Life of Aníbal De Jesús Rodríguez

HON. PEDRO R. PIERLUISI
OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. PIERLUISI. Mr. Speaker, I rise today to pay my respects to a great Puerto Rican and a great American, Aníbal De Jesús Rodríguez, who passed away on June 26, 2012. Army Staff Sergeant De Jesús Rodríguez was a veteran of both World War II and the Korean War. He served with distinction from September 1943 until December 1964, retiring after more than 20 years of active-duty service to our nation. In recognition of his achievements while in uniform, De Jesús Rodríguez was awarded the Army Commendation Medal, the American Theater Service Medal and the World War II Victory Medal.

In addition to his own extraordinary service, Sergeant De Jesús Rodríguez helped cultivate a tradition of service in his family. His brothers also served in the U.S. Army, as did his three sons: Aníbal, Efraín and Juan. Moreover, three of his grandsons have served in the U.S. Air Force, U.S. Army and U.S. Navy. It is families like his that keep our nation safe and strong. And it is families like his that make our country great.
I ask my colleagues to join me in honoring the life of this proud veteran, American patriot, family patriarch and role model, Aníbal De Jesús Rodríguez. I know he will be greatly missed by those who had the privilege to know him. But I also know that he will never be forgotten.

TRIBUTE TO T. RANDOLPH COX
HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the lifetime accomplishments of my friend, T. Randolph “Randy” Cox, who is being honored by the YMCA of the Kanawha Valley as its 2012 Spirit of the Valley recipient. Unfortunately Randy is being recognized post mortem as he passed away on his birthday, October 19, 2011, while participating in one of his favorite athletic sports, the game of squash.

Randy was also committed to serving the Kanawha Valley and his state, by giving back to the region where he resided and raised his family. He served in leadership roles with a number of local charitable, civic and philanthropic organizations, most notably, the Greater Kanawha Valley Foundation as its former chairman of the board, the West Virginia Chamber of Commerce as its former chairman of the government relations committee and board of directors, and lastly, the Charleston YMCA, who is honoring him as its 2012 Spirit of the Valley recipient, having served as its chairman of the board. At the time of his death, Randy was serving as President of Edgewood Country Club where he spent his leisure time on the golf course or squash court. Randy was truly a versatile and talented man whose life was cut too short.

The Spirit of the Valley award specifies that its recipient be “...a person who quietly gives of themselves, their time and their resources when the Valley’s citizens need them. Their commitment, persistence, good judgment and joyful heart only enrich the fabric of life in our Valley.” There is no question that Randy embodied these good character traits and is most deserving of this esteemed honor. I am just sorry that he cannot be with us as we honor him.

In addition to his wife, Ann, Randy leaves behind two children, Thomas and his wife, Britanny, and his daughter Erin, whom he truly loved.

Mr. Speaker, I am honored to speak to the accomplishments of T. Randolph “Randy” Cox, for the level of devotion to his family and his dedication to community service which makes Randy most deserving of the honor of the YMCA’s Spirit of the Valley. I am honored to call him my good friend and the Kanawha Valley is fortunate to remember him as one of their own.

MR. DAVID M. DONNINI
HON. LOU BARLETTA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. BARLETTA. Mr. Speaker, I rise today to honor David M. Donnini who will be sworn in as President of UNICO National in August 2012. Founded on October 10, 1922, UNICO National is the largest Italian-American service organization in the United States. During its outstanding history, the group has raised hundreds of thousands of dollars to help countless people and numerous charities.

Mr. Donnini, a former Wilkes-Barre, Pennsylvania resident, joined the Wilkes-Barre Chapter of UNICO National in 2001. He was exceptionally active in committee work within the chapter and held numerous positions including treasurer and first elected vice president. In 2005, he relocated to Redondo Beach, California, and continued to dedicate his time to UNICO National by joining the Los Angeles Chapter. Due to his hard work, a year later, he was elected chapter president and served in this role from 2007 to 2008. To further aid the community, he founded the annual Italian Festival and Bocce Ball tournament in Hawthorne, California, to benefit the Jimmy V Foundation for Cancer Research.

It is an honor to recognize Mr. Donnini and his involvement in an organization that has given so much to the community. I have had the esteemed privilege of attending many UNICO events in my congressional district, including pig roasts and charity events, and proudly witnessed the positive impact the group’s efforts have made in my community.

I congratulate Mr. Donnini on this major accomplishment and look forward to seeing how his leadership impacts Italian-Americans and the thousands of people who benefit from this fine organization.

Mr. Speaker, I commend David M. Donnini for his years of committed service to UNICO National and his readiness to serve the needs of Italian-Americans across our Nation and in northeastern Pennsylvania.

AFGHANISTAN WITHDRAWAL LOGISTICS AND CAPABILITY OF AZERBAIJAN TO SUPPORT U.S. MILITARY REQUIREMENTS
HON. MADELEINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to bring to the attention of my colleagues a very important matter that our military will soon face; the logistics of withdrawing our servicemembers and supplies from Afghanistan.

Some 90,000 servicemembers, 100,000 shipping containers and 50,000 vehicles will need to be transported out of Afghanistan by the end of 2014 when U.S. and NATO major combat operations come to an end. This accumulation has occurred over a decade and the logistics to drawdown will be monumental.

Adding to this challenge is the instability of what has been the primary transit route which relies on the cooperation of Pakistan. Only recently the reopened transit routes after having closed them in late 2011. We must have safe, reliable, and secure alternative ways to move our servicemembers and supplies.

Azerbaijan is one of several options that provides a reliable transit route for over 40% of non-munitions supplies to Afghanistan and with the announced closing of Transit Center at Manas (formerly Manas Air Base) in Kyrgyzstan, this route will be ever more important.

Azerbaijan has been a strategic partner and key ally in our efforts to combat global terrorism. Azerbaijan was among the first Muslim countries to send troops to Afghanistan and Iraq as well as provide flyover rights to our military.

Mr. Speaker, I ask my colleagues to join me in thanking Azerbaijan for their friendship and partnership. I hope we continue to work with Azerbaijan to make certain our servicemembers have a safe and secure route for the supplies they need for their well-being while we are still in Afghanistan. It is also essential that we continue to partner with Azerbaijian to ensure we have reliable ways to safely withdraw by the end of 2014.

IN HONOR OF THE LAWSIDE VOLUNTEER FIRE COMPANY NO. 1
HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Lawnside Volunteer Fire Company No. 1 for its tireless efforts protecting and serving the residents of Lawnside over the last 100 years. At this great milestone, I recognize the heroic work of these individuals who routinely place themselves in harm’s way for the greater good of the community. These volunteers serve as vanguards of safety and stability, performing necessary duties that few are willing to undertake.

Since its humble beginnings in 1912 with only a small fire hall and single Model T Ford, the Lawnside Volunteer Fire Company has found growth through determination and community initiative. Through fundraising and the awarding of federal grants, the Lawnside Fire Company steadily grew its fleet of emergency vehicles, providing greater lifesaving assistance to the Lawnside community. The Lawnside Fire Company has also gained statewide recognition as a premiere company, having won a series of awards at the annual New Jersey Firemen’s Convention.

Mr. Speaker, Lawnside Fire Company’s contributions and endless dedication to the Lawnside community should not go unrecognized. I join the citizens of Lawnside and all of Camden County in honoring the achievements of this exceptional fire company.
Mr. JORDAN. Mr. Speaker, my scheduled flight into Washington yesterday afternoon was cancelled for mechanical reasons. As a result, I was absent from the House floor during last night’s more rollicking votes.

Had I been present, I would have voted against S. 679 and in favor of H.R. 828 and H.R. 3803.

Mr. Speaker, on rollock No. 539, I was unavoidably absent due to my flight being canceled. Had I been present, I would have voted "yes."

Mr. Speaker, I rise today to honor the memory of John Bogert, who passed away on July 29, 2012 at the age of 63, following a lengthy battle with cancer.

John Bogert was a columnist for the Daily Breeze, a South Bay local staple, for 28 years. In that time, he wrote some 6,500 columns. He worked hard, writing five or six columns weekly, and his efforts did not go unrecognized. By the end of his life he was known as the "Voice of the South Bay."

He wrote about anything and everything, but some of my favorite columns were those he wrote about his family. These columns were honest—sometimes brutally so—and gave readers insight into a life that often seemed very familiar. He had an uncanny ability to draw readers into his experiences and after reading his columns, his followers felt that they knew him. His book signings were characterized by long lines and his appearance at local events drew crowds of people waiting to shake his hand. He even wrote one of his columns on me as he attempted to capture a "Day in the Life of Janice Hahn"—it was one of my favorite writings on my life.

John was born on October 7, 1948 in Ulica, New York and spent much of his childhood in Fort Lauderdale, Florida. He attended the University of Florida where he started his own newspaper and starred on the track team. After some time abroad, he moved to Southern California where he was hired by the Daily Breeze in 1979. He did not originally plan on staying long, but he became one of the Breeze"s longest tenured journalists until his departure in June of this year.

He once said in an interview that journalism gave him the opportunity to "meet some pretty great people." And indeed he met with so many interesting figures, from presidents to nuns to an encounter that let him drop the "Voice of the South Bay."
draw attention to the important contribution that radiology, in particular diagnostic imaging, serves in the health care delivery system. International Day of Radiology is observed annually on November 8th, an important date in the history of radiology. On that day in 1895, Professor Wilhelm Conrad Roentgen discovered x-rays. Radiology will be celebrated by many groups including the American College of Radiology, the Radiological Society of North America, and the European Society of Radiology.

Radiologists (physicians with special training in the use of imaging including x-rays), Radiation Oncologists (physicians trained to treat cancers with radiation alone or in combination with surgery and/or chemotherapy), and the medical imaging community have made significant contributions to modern medicine, providing powerful tools for clinical diagnosis, decision making, and treatment of disease. Over the last 30 years, medical imaging tools have been among the most sophisticated and cutting-edge technologies developed for patient care. During that span we have seen consistent decreases in cancer mortality rates with corresponding increases in American life expectancy.

The U.S. National Academy of Engineering recognized the tremendous contribution of medical imaging exams when it ranked imaging among the 20 greatest engineering achievements of the twentieth century. Practicing physicians surveyed in a 2001 Health Affairs study ranked Computed Tomography (CT) and Magnetic Resonance Imaging (MRI) number one among the top 10 recent medical innovations. Perhaps most telling, the New England Journal of Medicine named medical imaging one of the top 10 medical advances of the last 1,000 years.

A 2009 National Bureau of Economic Research study found that individuals with greater access to imaging scans live longer. Diagnostic imaging services have enabled patients to avoid several types of expensive and invasive procedures. Imaging scans cost less than surgery and reduce the number of unnecessary hospital admissions and length of hospital stays. As such, medical imaging serves an important role in containing the cost of health care in the United States.

With its impact on patients’ health, I’m pleased to recognize the importance of diagnostic imaging and radiation oncology, and call attention to November 8th as the International Day of Radiology.

**HONORING DIANE SHERMAN, MAINE HOUSING COUNSELOR**

**HON. CHELLIE PINGREE**

**OF MAINE**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, August 1, 2012**

Ms. PINGREE of Maine. Mr. Speaker, I would like to honor the work of housing counselors across the country who have assisted homeowners during the hardships of the recent housing crisis—and one counselor in particular from Maine.

A constituent wrote to me about Diane Sherman, a housing counselor at Coastal Enterprises in Wiscasset, Maine, who helped this constituent in a four-year process to modify their mortgage. For all that time, Diane has been this family’s constant advocate. She has helped them through multiple hearings, held their bank to their word, and guided them through the bank’s maze-like bureaucracy.

But what has mattered to this constituent more than anything else is that Diane treated her family with dignity, respect, and sympathy. This was in stark contrast to an institution that dealt with them more like a number than a person. At every step of the way, Diane reminded all involved that this was not an inhuman transaction—the situation was about real people threatened with losing a home that meant so much to them.

Truly outstanding, though, is that Diane performed her services for this family and many others while she herself dealt with life-threatening cancer. When too sick to go to the office, she worked from home. She is still dealing with the terrible disease but I hope and pray for her recovery.

Across the country, thousands of housing counselors like Diane are working to keep families in their homes. They’ve only become more important in recent years as the housing crisis impacted millions of families. Combined with falling home values, unresponsive mortgage servicers, and long-term unemployment, these families have few places to turn. Thank goodness for housing counselors, who work to make sure consumers get a fair shot. They are not always successful, but they still make an incredible difference for families in very difficult situations.

My sincere gratitude goes to these housing counselors for their heartfelt work, and my best wishes to Diane Sherman for her recovery.

**INTRODUCTION OF THE WATER PROTECTION AND REINVESTMENT ACT**

**HON. E. BLUMENAUER**

**OF OREGON**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, August 1, 2012**

Mr. BLUMENAUER. Mr. Speaker, there is nothing more essential to quality of life, to the health of our families and of our communities than water. Water is life. Safe drinking water and basic sanitation make the difference between health and sickness, between a family thriving or struggling just to exist.

Water quality and quantity are serious issues in communities across the country, especially now, when changing weather patterns, extreme drought, continued growth combine to put an even greater demand on our aging, inadequate infrastructure. To ease these pressures, I am introducing the Water Protection and Reinvestment Act, which would establish a trust fund to help local communities meet their water infrastructure needs.

Over a thousand communities across the country are struggling with combined sewer overflows as well as inadequate and aging sewer pipes. Small communities in particular, which already face huge questions of water quality and quantity have few resources with which to pay the bills and are seeing sky-high monthly costs for consumers.

The Water Protection and Reinvestment Act creates a deficit-neutral, consistent, and firewalled trust fund to help states replace, repair, and rehabilitate critical wastewater treatment facilities. It will be financed by assessing small fees on a broad base of those who use water and contribute to pollution: water-based beverages, items disposed of in wastewater, and pharmaceuticals, which often wind up in wastewater systems.

The materials that flow into sewer systems and then into rivers and streams present unprecedented challenges to our water infrastructure. More and more products designed to be flushed down toilets and drains, placing them in systems that are already stressed. Pharmaceutical residues are showing up in treated wastewater and because they are difficult to treat, I’m afraid we are slowly medicating vast numbers of Americans against their will. Aging water systems—some still made out of brick or wood, some dating from the century before last—mean that America also faces old-fashioned system reliability issues. Reports indicate that each year an average of six billion gallons of drinking water leaks from these inadequate and ancient pipes. Six billion gallons is enough to fill 6,000 Olympic sized swimming pools—if lined up, these pools would stretch from Washington, DC to Pittsburgh, PA.

These aging and outdated systems are not just a local problem, relevant only to a single neighborhood, city, county, or even state. Water does not obey county boundaries or even state lines, and it is a resource on which we all rely. The Federal Government should help fill the funding gaps that local communities and States cannot. The opportunity is now: There is significant State and local investment, interest rates are near an all-time low, and enacting this legislation, the Water Protection and Reinvestment Act, will leverage hundreds of billions of additional dollars.

The American public is already paying a disproportionate share of the costs of water infrastructure. Residential households have the least capacity to absorb additional costs during these difficult times, and they already face wildly escalating costs to deal with problems that they did not create. The voracious water demands of industry far outstrip household needs. In large measure, the Cokes of the world, the pharmaceutical companies, and industries that produce products that get flushed are the ones that accelerate water demand and complicate water treatment. Industries that profit by putting their products in the sewer systems—either by design or inadvertent— or who withdraw vast amounts of fresh water to make a profit should pay their fair share. Clean water is absolutely essential for these industries and the rest of the business community to function. A small fee to pay for water infrastructure upgrades would provide the business community far more in benefits than it would cost, and it could be used to leverage a broader range of investments.

This bill will help communities deal with their water infrastructure needs in a stable, proactive way, and will provide significant benefits for those who rely on our water system, the local government officials charged with making the system work, and the industries who rely on a clean, consistent source of water for their products.
Today marks a victory for women's health care. Some 47 million women will now be able to get preventative services that couldn't be foreseen in the Affordable Care Act without a co-pay as part of a larger package of mandatory co-pay reductions for women's preventative care benefits. Insurance plans that have already been purchased will have to start offering co-pay reductions when they renew.

Any new insurance policies sold to individuals or employers must cover contraception without a co-pay, and the Affordable Care Act strengthens the mandate on antiretroviral medications for HIV infections, as well as providing coverage for preventive care for women.

Not only will women get access to routine check-ups, mammograms, and breast exams without co-pays, they will have access to new preventative care services included in the Affordable Care Act.

Today’s announcement is just one more example of how the Affordable Care Act is improving our nation’s health care system. The Affordable Care Act will provide greater access to affordable health care for millions of women and families who do not have coverage now, while also lowering health care costs, creating jobs, strengthening the middle class, and reducing the deficit.

PERSONAL EXPLANATION

HON. JOHN FLEMING
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. FLEMING. Mr. Speaker, I was not present to vote for rollcall 537 and rollcall 538 due to flight delays from storm systems moving through the area. Had I been present I would have voted “no” on S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, and “yes” on H.R. 828, the Federal Employee Tax Accountability Act of 2011.

HONORING GARY WADDELL

HON. SHELLEY BERKLEY
OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Ms. BERKLEY. Mr. Speaker, I rise to recognize the outstanding achievements of a great Nevadan, Mr. Gary Waddell. I am proud to call Gary my friend, and that makes me just like hundreds of thousands of Southern Nevadans who also have a friend in Gary. All of us know that when we catch a Gary Waddell television newscast, we get the news as it should be presented. No other newscaster has ever delivered news with better judgment and community perspective than Gary has for more than 30 years. No one has ever broadcast with more intelligence, warmth, and integrity than has Gary.

Gary is the “dean” of newscasters, but that term hardly captures what he means to Southern Nevada. In times of crisis in our community over the years, we’ve always turned to Gary’s coverage because he is a consummate news professional, never allowing competitive pressure to compromise accuracy, thoroughness and fairness. Gary’s signature on-air style is incisive, sincere, assuring, and warm, and Southern Nevadans rightly call him their “Cronkite.”

When we see Gary’s work on TV, we are also seeing Gary the man—the man who has done so much good for Southern Nevada, above and beyond the ordinary call of his profession. Since the 1970s, Gary has given his time and talent to help people in need. His efforts, both public and private, have aided countless thousands of Southern Nevadans and built a stronger community for all.

Gary is coming to the end of his legendary broadcasting career. To say he will be missed is a major understatement. I understand he’ll soon be riding off on his motorcycle, but I look forward to his return, and hope he may pursue a new venture that will again bring him into our living rooms.

Congratulations and best wishes on your new life chapter, my friend.

NO CO-PAY DAY

HON. DEBBIE WASSERMAN SCHULTZ
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to commemorate No Co-Pay Day.

Today marks a victory for women’s health care. Some 47 million women will now be able to get preventative services that couldn’t be foreseen in the Affordable Care Act without a co-pay as part of a larger package of mandatory co-pay reductions for women’s preventative care benefits. Insurance plans that have already been purchased will have to start offering co-pay reductions when they renew.

Any new insurance policies sold to individuals or employers must cover contraception without a co-pay, and the Affordable Care Act strengthens the mandate on antiretroviral medications for HIV infections, as well as providing coverage for preventive care for women.

Not only will women get access to routine check-ups, mammograms, and breast exams without co-pays, they will have access to new preventative care services included in the Affordable Care Act. The Affordable Care Act will provide greater access to affordable health care for millions of women and families who do not have coverage now, while also lowering health care costs, creating jobs, strengthening the middle class, and reducing the deficit.

PERSONAL EXPLANATION

HON. BETTY SUTTON
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Ms. SUTTON. Mr. Speaker, due to problems with travel, I was unable to vote. Had I been present, I would have voted “yes” on rollcall No. 537, “yes” on rollcall No. 538, and “no” on rollcall No. 539.

NATIONAL INFANTRY MUSEUM

HON. SANFORD D. BISHOP, JR.
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I am pleased to join my colleagues, LYNN WESTMORELAND and Senator SAXBY CHAMBLISS, in support of this legislation, which will strengthen the future one of the crown jewels of southwest Georgia, the National Infantry Museum and Soldier Center at Fort Benning.

The National Infantry Museum sits on a 200 acre site that serves as a tribute to the Infantry's legacy of valor and sacrifice. The Museum honors infantry soldiers—from those who crossed the icy Delaware River with George Washington to those serving in Afghanistan today—for their selfless service to our country, while preserving their stories for future generations.

It also serves as a functional area for basic training graduations and other special and community events. Since its opening in 2009, for example, Infantry School classes regularly graduate on the facility’s parade field.

In addition, the National Infantry Museum hosted a Congressional Military Family Caucus Summit just over a month ago, which connected military families with Members of Congress, officials from the Department of Defense, personnel from the Department of Veterans Affairs, and various military and veteran support organizations to discuss pressing issues impacting America’s service members and their families.

In 2008, the National Infantry Museum and Soldier Center Commemorative Coin Act was enacted to raise funds to complete the facility and as well as create an endowment to support its maintenance. No taxpayer funds have been involved and the U.S. Mint even made a profit for the taxpayers coin sales.

With the current economic challenges, however, the National Infantry Museum and Soldier Center hopes to direct the coin proceeds to pay down a portion of the $16 million in bank loans that the Foundation incurred in order to complete the facility as well as reduce interests costs.

Accordingly, this legislation makes a technical change that will allow the coin proceeds to be used for the repayment of the debt associated with building the existing National Infantry Museum and Soldier center and for any future capital improvements.” It is within the letter and the spirit of the original measure, and it will go a long way toward keeping our proud Army Infantry past alive so we as great nation never forget the sacrifices of our brave infantry soldiers.

I urge my colleagues to support this legislation.

RECOGNITION OF THE RETIREMENT OF GARY BARRIGER

HON. DAVID P. ROE
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. ROE of Tennessee. Mr. Speaker, I rise today to recognize Mr. Gary Barriger, who is stepping down as president of the Boone Watershed Partnership, which he has served since 2005. Through both his work with the Partnership and as a schoolteacher, Gary has made incredible contributions to his East Tennessee community.

A science teacher who was in the classroom for 38 years at Elizabethton High School, Gary headed the award-winning Elizabethton High Ecology Club. He has also been an integral part of numerous organizations that protect the environment and outdoor areas that we East Tennesseans hold so close to our hearts.

Gary has made it his life’s mission to increase water quality awareness and help preserve local rivers and streams—something
that all of us in East Tennessee are the better for it. I commend Gary for his selfless contributions to East Tennessee and its water resources and wish him the best as he transitions into this new stage in life.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, July 31, 2012 I missed votes due to a meeting in my district with constituents in Urbana, IL on pressing local issues. Had I been present, I would have voted “aye” for S. 679, Presidential Appointment Efficiency and Streamlining Act of 2011; “aye” for H.R. 828, Federal Employee Tax Accountability Act of 2011; and “aye” for H.R. 3803, District of Columbia Pain-Capable Unborn Child Protection Act.

IN HONOR OF DR. JOHN PETER GROTHE
HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the late Dr. John Peter Grothe who passed away on June 16th, 2012 at the age of 81. Dr. Grothe was a dedicated public servant who counted among his proudest achievements drafting the original Peace Corps legislation and giving it the name “Peace Corps” when he worked for Senator Hubert Humphrey. Dr. Grothe was a dedicated educator, author, and public speaker whose passion and work touched countless lives.

Dr. Grothe was born on May 28, 1931 in San Francisco to Walter and Dorothy Grothe and grew up in Hillsborough, California. He earned his BA and MA degrees in Journalism from Stanford University and later went on to earn his PhD in Political Science from George Washington University. After his work with Senator Humphrey, Dr. Grothe was appointed Deputy Director of the United Nations Division of the U.S. Peace Corps.

Following this appointment, Dr. Grothe launched a long career in academia, serving as an Adjunct Professor at the Graduate School of International Policy Studies at the Monterey Institute of International Studies in my Congressional District where he was the Director of International Student Programs and taught American Politics and Cross-Cultural Communications. Dr. Grothe also held positions at San Jose State University, Odense University in Denmark, and State University of New York, Stony Brook. Dr. Grothe brought his knowledge and abilities to his work as a visiting research scholar, lecturing in Sweden, Urbana, IL on pressing local issues. Had I been present, I would have voted “aye” for S. 679, Presidential Appointment Efficiency and Streamlining Act of 2011; “aye” for H.R. 828, Federal Employee Tax Accountability Act of 2011; and “aye” for H.R. 3803, District of Columbia Pain-Capable Unborn Child Protection Act.

IN HONOR OF DR. JOHN PETER GROTHE
HON. TIMOTHY V. JOHNSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Dr. Grothe was an inspiring mentor, leader and volunteer who served as a father figure to many. He was committed to creating opportunity for tomorrow’s leaders who made a financial contribution that allowed 145 qualified international and minority students to pursue their educational goals. The Peter Grothe Scholarship Fund for Women in Developing Countries was created to continue Dr. Grothe’s tradition of providing educational opportunity.

Mr. Speaker, I offer my deepest condolences to Dr. Grothe’s sister, Ms. Carol Stevens, and half siblings, Mr. Tom Grothe, and Ms. Heidi Carman. Dr. Grothe leaves an inspiring legacy and he will be deeply missed.

CELEBRATING IAB’S FIRST 30 YEARS

HON. JOE BARTON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. BARTON of Texas. Mr. Speaker, today Dr. Burgess and I rise to recognize the Independent Association of Businesses (IAB), a leading national trade association, in celebrating 30 years of supporting small business owners and self-employed individuals. IAB was founded in 1982 and after years of growth, now serves more than one million members.

IAB was founded in Washington, DC and maintains its administrative headquarters in the Dallas/Fort Worth area. IAB is a non-profit, 501(c)(6) designated business organization, and has been recognized by numerous State and Federal officials for its success in aiding and advancing small businesses. The organization has had success in providing businesses and individuals with beneficial tools such as research, advocacy, and access to numerous services. Additionally, members have the opportunity to become associates with JAB in order to further promote the organization’s efforts.

After 30 years, IAB continues to put the interests of both business owners and consumers first. It is our pleasure to recognize the Independent Association of Businesses for 30 years of service and this significant milestone in its history. We are privileged to represent JAB, America’s Premier Membership Association in the U.S. House of Representatives.

IN RECOGNITION OF THE CAREER AND ACHIEVEMENTS OF SEYMOUR S. LEVANDER
HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. ACKERMAN. Mr. Speaker, I rise today to honor a true exceptional achievements and outstanding career of Seymour S. Levander. Sy, as his friends and family know him, will turn 89 years old later this year, is a beloved father and grandfather. Sy, the son of immigrant refugees from Europe, began his version of the American Dream growing up in the Bronx, graduating from James Madison High School in 1941. He continued his academic studies at Cooper Union University, graduating in 1944 and teaching electrical engineering there for a short time.

Sy then started designing and selling equipment for the building trade, which was booming at that time in post-war America. In the 1950s, Sy, seeing an opportunity, struck out on his own and started his own business which he owned and ran until he sold the firm at the age of 66 at his wife Ellenore’s request. However, retirement didn’t take with Sy, and he continued to work. At the tender young age of 71, Sy started a new engineering and sales firm with younger partners where he continues his storied career in the construction industry to this day, still going in to work at age 88.

Sy’s knowledge, work ethic, and old-fashioned integrity are the stuff of legend in the industry. Over the years, he has been honored several times by ASHRAE, the nationwide building technology society, as well as other industry organizations.

Sy has also been a terrific community leader and a fighter for the underdog throughout his life. Through his businesses and a lifetime of charitable endeavors, he has created opportunities for people from all walks of life and backgrounds. In addition, he and his beloved wife Ellenore, who unfortunately passed away this year after 67 years of marriage, were founders of the Pelham Jewish Center, which has been a primary focus of his energies and care for many years.

Mr. Speaker, while he has many achievements to his name, Sy is most proud of his two children, a doctor and a lawyer; his daughter-in-law, an architect; and his four grandchildren, who are, respectively, the first trumpet for the San Francisco Opera and a music professor at Berkley, a doctor internning at Stony Brook University Medical Center, a law student and Human Rights Fellow at Columbia University Law School, and a rising junior at Dartmouth College. I ask all of our colleagues to rise and join me in honoring Seymour S. Levander.

IN SUPPORT OF H. RES. 742, CONDEMNING THE RUSSIAN FEDERATION FOR SELLING WEAPONS TO SYRIA
HON. LAURA RICHARDSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise in support of H. Res. 742, a resolution I introduced condemning the Russian government for selling weapons to the Assad regime of Syria.

A bipartisan companion resolution sponsored by Senators CORNYN (R–TX) and DURBIN (D–IL) has been introduced in the Senate as S. Res. 494. I am proud that my colleagues SHEILA JACKSON LEE, DAVE CAMP, SUE MYRICK, BILL PASCRELL, JR. and BETTY MCCOLLOR and other original co-sponsors of this important resolution.

The resolution is endorsed by the American Syrian Coalition, ASC, and I ask unanimous consent to include in the record a letter of support from the Syrian Coalition of America in support of this resolution.
support from ASC Chairman Mahmoud Khattab. I welcome and invite all members of the House to co-sponsor this resolution.

I am proud that I was able to work with Republican colleagues in the House and the Senate on a resolution that puts the Congress on record in opposition to the government of Russia to immediately end all weapons sales to Syria, support international sanctions against the regime of Syrian President Assad, and to use its influence to help bring about a peaceful transition of leadership within the government of Syria.

Mr. Speaker, what began as a peaceful stand against tyranny has morphed into the bloodiest movement of the Arab Spring. According to the International Red Cross, more than 16,000 men, women and children have been killed in the conflict, and the violence has increased substantially in the past few weeks. An estimated 1 million Syrians have also been internally displaced and tens of thousands more have fled to neighboring countries.

Violent massacres in Houla and Tlesrhem where dozens if not hundreds of civilians were killed are just two of the more shocking examples of the terror that has gripped this nation for over a year.

Battlefields are currently raging for the country’s two largest cities, the capital Damascus and the northern city of Aleppo. In Aleppo rockets and shells have routinely landed in residential areas, and there have been sightings of fighter planes over the city. The international community is holding its breath as the Assad regime gears up for what many fear will be a massacre of the city. A rebel victory in Aleppo would be a decisive turning point in the war, and this is something the Syrian government will prevent from happening at all costs.

President Assad’s brutal crackdown in response to these protests has been directly fueled by the unrelenting support of the Russian Federation. Throughout the mass murders, torture and other atrocities perpetrated by the regime, Russia has continued to send weapons, knowing they are not being used for self defense purposes.

Although the vast majority of the world has condemned the actions of President Assad and his government, China and Russia have refused to support any efforts to end the violence. Russia in particular has been Mr. Assad’s staunchest defender. The Russian Federation has now vetoed three United Nations Security Council Resolutions that would have imposed long overdue international sanctions against the Syrian regime.

I agree with Secretary of State Hillary Clinton who said in a recent interview, “History will judge this council; its members must ask themselves whether continuing to allow the Assad regime to commit unspeakable violence against its own people is the legacy they want to leave.”

These comments were obviously directed towards Russia and China, and Russian Defense Minister Sergei Lavrov has simply repeated Russia’s support for non-intervention, and stated that any solution would have to be decided by Syrians themselves, and not a foreign power.

Mr. Lavrov says this as his country continues to send arms to Mr. Assad and his army whose firepower is already vastly superior to the rebels they are attacking.

Mr. Speaker, Russia can do what I cannot, and that is to sit idly by as thousands of innocent civilians are slaughtered because of their desire to live in a free and democratic country.

Syrian men and women fighting for democratic ideals should not be abandoned to face the wrath of a tyrant alone. They should know that they have a friend in the American government.

Today, I ask for my colleagues’ support for H. Res. 742. The Russian government has enabled the Assad regime to commit murder among other mass atrocities, and they need to be held accountable for their actions.

As a member of the Committee on Homeland Security I have seen how America is an example of democracy and peace, and I wish to see the same outcome for Syria.

I stand today not only to ask for the support of my colleagues, but to show my support and admiration for the rebel fighters and all those in Syria who are fighting against oppression and cruelty.

HONORING NAVY LIEUTENANT COMMANDER LAWRENCE E. WESTERLUND

HON. JEFF DENHAM
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. DENHAM. Mr. Speaker, I rise today to honor the career of United States Navy Lieutenant Commander Lawrence E. Westerlund and to congratulate him on his upcoming retirement from the U.S. Navy, following 20 years of active and reserve service.

Lieutenant Commander Westerlund, a native of Fresno, California, entered the United States Navy through Officer Candidate School, Class 8809, in Newport, Rhode Island shortly after graduating from California Polytechnic State University in San Luis Obispo, California. He was commissioned an Ensign on November 18, 1988, with his father, Richard Westerlund, and brother, Midshipman Lance Westerlund, in attendance.

After graduation from Surface Warfare Officer School in Coronado, California, he reported aboard the USS Mahon S. Tisdale (FFG-47), where he was assigned the position of First Lieutenant and also served as Helicopter Control Officer. He served two years aboard the USS Tisdale, earning his Surface Warfare Pin and deploying to Japan and Korea in support of PACEX89.

In 1990, Lieutenant Commander Westerlund was promoted to Lieutenant Junior Grade. He served on the U.S. Naval Reserve, and in 1994, Lieutenant Commander Westerlund reported for duty with Mobile Inshore Underwater Warfare Units 103 and 104, where he served as a Division Officer and Department Head. He served multiple training periods in Korea and Bahrain with these two units.

In June 1997, Lieutenant Commander Westerlund was awarded the Navy and Marine Corp Achievement Medal while serving as the Physical Security Officer during Overseas Operations in Manama, Bahrain, where he was tasked with establishing waterside security watch to counter terrorist threats.

Lieutenant Commander Westerlund was re-called to active duty in April of 1998 for one year in support of stabilization operations in Bosnia. During this assignment, he was instrumental in writing a major force structure study for the US-European Command (EUCOM). While serving for the EUCOM, he was awarded the first Defense Commendation Medal and NATO Operations Medal. Shortly after returning from Bosnia, Lieutenant Commander Westerlund transferred to the Inactive Ready Reserve.

As a result of the attacks on the United States on September 11, 2001, Lieutenant Commander Westerlund returned to active duty status. He was assigned to Commander Pacific Fleet (COMPACFLT) Det-520 in Sacramento, California—a capacity in which he served as the head of various divisions and departments.

In 2004, Lieutenant Commander Westerlund ran a successful election campaign for a seat on the Fresno City Council. During his time there, he served as the head of various divisions and departments.

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Lieutenant Commander Westerlund was recalled to active duty in support of Operation Enduring Freedom in 2007. He served from August 2008 to May 2009 as the Counterterrorism Training and Equip Manager for the Joint Special Operations Task Force for the Trans-Sahara for the U.S. European Special Operations Command (SOEUK) and Africa Special Operations Command (SOCAFRICA). For
his service, he was awarded his second De-
fense Commendation Medal.
In December of 2009, Lieutenant Com-
mander Westerlund became the Officer in
Charge (OIC) of the 38 sailors of the Military
Sealift Command Cargo Afloat Rigging Team
III, Detachment C based out of Lemoore, Cali-
fornia. While serving as OIC, he was deployed
twice onboard the USNS Guadalupe (T–AO–
200).

Lieutenant Commander Westerlund is mar-
mated to Dora Rivera of Mazatlan, Mexico. While
deployed overseas in Operation Enduring
Freedom, Lieutenant Commander Westerlund
was reelected to the Fresno City Council, and
his first child, Zoe, was born. Lieutenant Com-
mander Westerlund and his wife recently wel-
come their second child—a son named Wil-
liam. On August 11, 2012, Lieutenant Com-
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tary service. Mr. Speaker, please join me in
honoring Lieutenant Commander Lawrence E.
Westerlund for his outstanding career. He is a
true public servant. I congratulate him on his
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his future endeavors.

IN HONOR OF ADMIRAL JAMES D.
WATKINS

HON. SAM FARR
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2012

Mr. FARR. Mr. Speaker, I rise today to
honor the life and exemplary service of the late Admiral James D. Watkins. Chief of Naval
Operations, Chairman of the Commission on
AIDS, Secretary of Energy, and Chairman of
the U.S. Commission on Ocean Policy, he
was called out of retirement on multiple occa-
sions but left the service of our Nation and our
world last Thursday night. He passed on from
his home in Alexandria, VA at the age of 85.
His presence will certainly be missed not just in
Washington, DC but across the country and
particularly in the ocean science community.
A native of California and a graduate of the
U.S. Naval Postgraduate School in Monterey,
Admiral Watkins served in the Navy for 37
years where he rose to become the Chief of
Naval Operations. An esteemed feat by itself,
this position was just the starting point for
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from lower health care costs, less illness and premature death, and increased worker productivity of the Clean Air Act are expected to reach the $2 trillion mark in 2020. This exceeds the projected costs of implementing the regulations by more than 30 to 1.

We can also look at the recent financial crisis as a cautionary tale of the "unintended consequences" of not having appropriate safeguards put in place.

In 1994 Congress gave the Federal Reserve authority to regulate subprime and other high risk mortgages. It took them until 2008 to do anything with that authority. Unfortunately, 2008 was too late to prevent the housing bubble that popped and set off a financial crisis that cost American families $6.5 trillion in household wealth, millions of jobs, and required significant resources from the federal government to address.

Even former Federal Reserve Chairman Alan Greenspan admitted to the House Oversight and Government Affairs Committee in 2008 that he'd been wrong about the housing bubble and should have done more.

These stories illustrate the importance of responsible environmental and consumer protections to a strong economy, strong communities, and healthy families. Yet none of this information or experience seems to have had any impact on the majority.

In fact, the bill today would likely delay regulations like the mercury and air toxics rule. According to estimates, each year that we delay implementing this rule means 17,000 premature deaths, 120,000 cases of asthma, 12,200 hospital and emergency room visits for respiratory and cardiovascular disease, and 850,000 days of missed work and school due to illness.

In addition, every year approximately 1.2 million people get sick, 7,125 people are hospitalized, and 134 people die from foodborne illnesses attributed to contaminated produce. Enacting this bill would halt progress on implementing the Food Safety Modernization Act to reduce these contaminations and protect our families.

The Regulatory Freeze for Jobs Act would arbitrarily freeze all regulations until unemployment is below 6 percent, prevent regulations from being developed and implemented during presidential transitions, expose regulations to comment. The changes made under this bill would also allow regulations to be challenged and delayed, increasing uncertainty for businesses and the economy—which seems to run counter to the majority’s primary argument for the bill in the first place.

This bill also ignores the work that the Obama Administration has been engaged in to review current regulations in order to eliminate outdated, obsolete, and ineffective rules. The President placed a premium on getting feedback on this effort from the public—including the business community. As a result paperwork burdens, unnecessary or outdated rules, and barriers to exporting and other job creating activities have been or will be eliminated. These changes are projected to save taxpayers billions in the coming years.

Now is not the time to put the brakes on this effort, which has been open, transparent and appropriately balances the need for responsible safeguards for consumers, the environment, and public health with the need for a strong and growing economy.

TRIBUTE TO DON DILLENECK

HON. GREG WALDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 1, 2012

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute Hood River County Sheriff’s Deputy Don Dillenbeck. Deputy Dillenbeck is retiring from the Sheriff’s Office on July 29, capping more than 37 years of duty, honor and service to the citizens and visitors of Hood River County, Oregon.

Don Dillenbeck was born and raised in my home town of Hood River, Oregon where he graduated from Hood River Valley High School in 1972. Don began his career in public safety as a Dispatcher and Corrections Deputy with the Hood River County Sheriff’s Office on January 23, 1975.

Deputy Dillenbeck was promoted to Road Deputy in 1978, taking on more responsibility with his new position. Patrolling the county for the next 34 years and serving under three different Sheriffs, Deputy Dillenbeck logged over 1 million miles on six different patrol cars. His duties included not only the protection of the public, but also the training and mentoring of new Deputies. His extensive knowledge of procedure, law and tactics has been invaluable to the county over the course of his career.

Mr. Speaker, Deputy Dillenbeck is also somewhat of a celebrity due to a dangerous highspeed pursuit that was featured on the television program “World’s Wildest Police Chases.” In 1997, a fleeing suspect rammed his patrol car three times. Thankfully, the suspect was apprehended and did not seriously injure Deputy Dillenbeck. This incident is a prime example of the high level of commitment Deputy Dillenbeck holds for public service. When he is called upon to put his own life in danger—whether it’s apprehending a fleeing felon or volunteering as a firefighter with Westside Fire Department—Deputy Dillenbeck can be counted on to answer.

Although he will officially retire from his full-time position, Deputy Dillenbeck has requested to remain with the Sheriff’s Office in a volunteer capacity as a Reserve Deputy so he can continue to serve and protect the public in Hood River County. Even in retirement, Deputy Don Dillenbeck will continue to answer the call to service.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Don Dillenbeck. He has earned the thanks of a grateful nation not only for his dedication to service, but for his unwavering commitment to his community. Please join me in wishing Deputy Don Dillenbeck a very long and happy retirement.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 2, 2012 may be found in the Daily Digest of today's RECORD.
HIGHLIGHTS

See Resumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S5805–S5900

Measures Introduced: Sixteen bills and eight resolutions were introduced, as follows: S. 3465–3480, S.J. Res. 49, S. Res. 535–540, and S. Con. Res. 55.

Measures Reported:

H.R. 1272, to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al, by the United States Court of Federal Claims in Docket Numbers 19 and 188.

S. 3370, to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

Measures Passed:

Enrollment Correction: Senate agreed to S. Con. Res. 55, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

Warren Lindley Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1369, to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the “Warren Lindley Post Office”, and the bill was then passed.

Reverend Abe Brown Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3276, to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the “Reverend Abe Brown Post Office Building”, and the bill was then passed.

Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act: Senate passed H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

Improper Payments Elimination and Recovery Improvement Act: Senate passed S. 1409, to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Reid (for Carper) Amendment No. 2770, in the nature of a substitute.

Board of Regents of the Smithsonian Institution: Senate passed S.J. Res. 49, providing for the
appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

**National Day of Remembrance for Nuclear Weapons Program Workers:** Committee on the Judiciary was discharged from further consideration of S. Res. 519, designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers, and the resolution was then agreed to.

**National Fetal Alcohol Spectrum Disorders Awareness Day:** Senate agreed to S. Res. 536, designating September 9, 2012, as “National Fetal Alcohol Spectrum Disorders Awareness Day”.

**National Ovarian Cancer Awareness Month:** Senate agreed to S. Res. 537, supporting the goals and ideals of National Ovarian Cancer Awareness Month.

**National Prostate Cancer Awareness Month:** Senate agreed to S. Res. 538, designating September 2012 as “National Prostate Cancer Awareness Month”.

**National Chess Day:** Senate agreed to S. Res. 539, designating October 13, 2012, as “National Chess Day”.

**National Convenient Care Clinic Week:** Senate agreed to S. Res. 540, designating the week of August 6 through August 10, 2012, as “National Convenient Care Clinic Week”.

**Measures Considered:**

**Veterans Jobs Corps Act:** Senate began consideration of the motion to proceed to consideration of S. 3429, to require the Secretary of Veterans Affairs to establish a veterans jobs corps.

**House Messages:**

**Iran Sanctions, Accountability, and Human Rights Act:** Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 1905, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities.

**African Growth and Opportunity Act—Agreement:** A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate proceed to the consideration of S. 3326, to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; that the only amendment in order be a Coburn amendment, the text of which is at the desk, that there be 30 minutes for debate equally divided and controlled in the usual form; that upon the use or yielding back of time, Senate vote on or in relation to the amendment; that if the amendment is not agreed to, the bill be read a third time and passed, without further action or debate; that when the Senate receives H.R. 5986 and if its text is identical to S. 3326, Senate proceed to the immediate consideration of H.R. 5986, the bill be read a third time and passed, without further debate, with no amendments in order prior to passage; provided further that if the Coburn amendment is agreed to, the Committee on Finance be discharged from further consideration of H.R. 9 and Senate proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 3326, as amended, be inserted in lieu thereof, the bill be read a third time and passed, without further debate; that when the Senate receives H.R. 5986, the Senate proceed to its immediate consideration, and all after the enacting clause be stricken and the text of Sections 2 and 3 of S. 3326, as reported, be inserted in lieu thereof, the bill be read a third time and passed, without further debate, as amended; and S. 3326 be returned to the Calendar of Business; that no motions be in order other than motions to waive or motions to table.

A unanimous-consent-time agreement was reached providing that at approximately 9:30 a.m., on Thursday, August 2, 2012, Senate begin consideration of S. 3326; following the debate on the Coburn amendment, the time until 11 a.m., be equally divided and controlled between the two Leaders, or their designees, prior to the cloture vote on S. 3414, Cybersecurity Act; provided further, that notwithstanding the outcome of the cloture vote, Senate proceed to vote on or in relation to Coburn amendment to S. 3326, and the remaining provisions of the previous order be executed; and that the filing deadline for second-degree amendments to S. 3414, be at 10 a.m., on Thursday, August 2, 2012.

**Messages from the House:**

**Measures Referred:**

**Executive Communications:**

**Additional Cosponsors:**
Committee Meetings

(Foreign Relations Committee did not meet)

FUTURES MARKETS

RENTAL HOUSING ASSISTANCE PROGRAMS
Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine streamlining and strengthening Housing and Urban Development’s rental housing assistance programs, after receiving testimony from Keith Kinard, Newark Housing Authority, Newark, New Jersey, on behalf of the Council of Large Public Housing Authorities; Dianne Hovdestad, Sioux Falls Housing and Redevelopment Commission, Sioux Falls, South Dakota, on behalf of the National Association of Housing and Redevelopment Officials; Howard Husock, Manhattan Institute, New York, New York; Will Fischer, Center on Budget and Policy Priorities, Austin, Texas; and Linda Couch, National Low Income Housing Coalition, Washington, D.C.

MARKETPLACE FAIRNESS
Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine marketplace fairness, focusing on leveling the playing field for small businesses, after receiving testimony from Senators Durbin, Enzi, and Alexander; Paul Misener, Amazon.com, Seattle, Washington; Steven Bercu, BookPeople, Austin, Texas; Scott Peterson, Streamlined Sales Tax Governing Board, Nashville, Tennessee; and Steve DelBianco, NetChoice, Washington, D.C.

CLIMATE CHANGE SCIENCE
Committee on Environment and Public Works: Committee concluded a hearing to examine an update on the latest climate change science and local adaptation measures, after receiving testimony from John R. Griffin, Maryland Department of Natural Resources Secretary, Annapolis; Christopher B. Field, Carnegie Institution for Science Department of Global Ecology, Stanford, California; John R. Christy, University of Alabama Earth System Science Center, Huntsville; James J. McCarthy, Harvard University, Cambridge, Massachusetts; Margo Thorning, American Council for Capital Formation, Washington, D.C.; and Jonathan Fielding, Los Angeles County Health Department, Los Angeles, California, on behalf of the National Association of County and City Health Officials.

TAXATION OF BUSINESS ENTITIES
Committee on Finance: Committee concluded a hearing to examine the taxation of business entities, focusing on tax reform, after receiving testimony from Harrison LeFrak, The LeFrak Organization, and Dana L. Trier, Columbia University Law School, both of New York, New York; Alvin C. Warren, Harvard Law School, Cambridge, Massachusetts; and Fred C. de Hosson, Baker and McKenzie, Amsterdam, The Netherlands.

NEXT STEPS IN SYRIA
Committee on Foreign Relations: Committee concluded a hearing to examine the next steps in Syria, after receiving testimony from Martin Indyk, Brookings Institution, James Dobbins, The RAND Corporation, and Andrew J. Tabler, Washington Institute for Near East Policy, all of Washington, D.C.

EUROZONE
Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine the future of the eurozone, focusing on the outlook and lessons, after receiving testimony from Frances G.
Burwell, Atlantic Council, and Nicolas Veron, Peterson Institute for International Economics, both of Washington, D.C.; and Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, Cambridge.

**RISING PRISON COSTS**

Committee on the Judiciary: Committee concluded a hearing to examine rising prison costs, focusing on restricting budgets and crime prevention options, after receiving testimony from Edward F. Davis, Boston Police Commissioner, Boston, Massachusetts; Jeffrey Leigh Sedgwick, Keswick Advisors, LLC, Richmond, Virginia; and Brett Tolman, Ray Quinney & Nebeker, Salt Lake City, Utah.

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**House of Representatives**

**Chamber Action**

Public Bills and Resolutions Introduced: 28 public bills, H.R. 6244–6271; and 5 resolutions, H.Res. 750–754 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

- In the Matter of Allegations Relating to Representative Laura Richardson (H. Rept. 112–642);
- H.R. 3158, to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms (H. Rept. 112–643); and
- H. Res. 752, providing for consideration of the bill (H. R. 6233) to make supplemental agricultural disaster assistance available for fiscal year 2012 with the costs of such assistance offset by changes to certain conservation programs, and for other purposes (H. Rept. 112–644).

Speaker: Read a letter from the Speaker wherein he appointed Representative Webster to act as Speaker pro tempore for today.

Member Resignation: Read a letter from Representative Geoff Davis, wherein he resigned as Representative for the Fourth Congressional District of Kentucky, effective at close of business on July 31, 2012.

Whole Number of the House: The Speaker announced to the House that, in light of the resignation of the gentleman from Kentucky, Mr. Davis, the whole number of the House is 431.

Recess: The House recessed at 11:11 a.m. and reconvened at 12 noon.

Chaplain: The prayer was offered by the guest chaplain, Reverend Michael Catt, Sherwood Baptist Church, Albany, Georgia.

Committee Resolution: Read a letter from Representative Guinta, wherein he resigned from the Committee on Transportation and Infrastructure.

Committee Resolution: Read a letter from Representative Guinta, wherein he resigned from the Committee on the Budget.

Committee Resolution: Read a letter from Representative Guinta, wherein he resigned from the Committee on Oversight and Government Reform.

Committee Election: The House agreed to H. Res. 751, electing a Member to a certain standing committee of the House of Representatives.

Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627: The House agreed by unanimous consent to S. Con. Res. 55, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1627.

Authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi: The House agreed to discharge and agree to H. Con. Res. 135, to authorize the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her leadership and perseverance in the struggle for freedom and democracy in Burma.

Meeting Hour: Agreed that when the House adjourns today, it adjourns to meet at 9 a.m. tomorrow, August 2nd.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for the concurrence by the House in the Senate amendment to H.R. 1905, with an amendment: H. Res. 750, to provide for the concurrence by the House in the Senate amendment to
H.R. 1905, with an amendment, by a 2/3 yea-and-nay vote of 421 yeas to 6 nays, Roll No. 546;

Resolving Environmental and Grid Reliability Conflicts Act of 2012: H.R. 4273, amended, to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation;

Residential and Commuter Toll Fairness Act: H.R. 897, to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments;

Mille Lacs Lake Freedom To Fish Act of 2012: H.R. 5797, amended, to amend title 46, United States Code, with respect to Mille Lacs Lake, Minnesota;

Agreed to amend the title so as to read: “To exempt the owners and operators of vessels operating on Mille Lacs Lake, Minnesota, from certain Federal requirements.”

Farmers Undertake Environmental Land Stewardship Act: H.R. 3158, amended, to direct the Administrator of the Environmental Protection Agency to change the Spill Prevention, Control, and Countermeasure rule with respect to certain farms;

Marine Debris Act Amendments of 2012: H.R. 1171, amended, to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act;

RESPA Home Warranty Clarification Act: H.R. 2446, amended, to clarify the treatment of homeowner warranties under current law;

March of Dimes Commemorative Coin Act: H.R. 3187, amended, to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; and

Pro Football Hall of Fame Commemorative Coin Act: H.R. 4104, amended, to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.


Rejected:

Levin amendment in the nature of a substitute (printed in part B of H. Rept. 112–641) that sought to extend for one year certain expired or expiring tax provisions that apply to middle-income taxpayers with income below $250,000 for married couples filing jointly, and below $200,000 for single filers, including, but not limited to, marginal rate reductions, capital gains and dividend rate preferences, alternative minimum tax relief, marriage penalty relief, and expanded tax relief for working families with children and college students (by a yea-and-nay vote of 170 yeas to 257 nays, Roll No. 543).

H. Res. 747, the rule providing for consideration of the bills (H.R. 6169) and (H.R. 8), was agreed to by a recorded vote of 240 ayes to 184 noes, Roll No. 542.

Agreed to the Scott (SC) amendment to the rule by a recorded vote of 238 ayes to 186 nays, Roll No. 541, after agreeing to order the previous question by a yea-and-nay vote of 240 yeas to 183 nays, Roll No. 540.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, July 31st:

Amending title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies: H.R. 4365, amended, to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies, by a 2/3 yea-and-nay vote of 414 yeas to 6 nays with 1 answering “present”, Roll No. 547;

Government Charge Card Abuse Prevention Act: S. 300, amended, to prevent abuse of Government charge cards;

Authorizing the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado: H.R. 4073, amended, to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875;

Creating the Office of Chief Financial Officer of the Government of the Virgin Islands: H.R. 3706,
amended, to create the Office of Chief Financial Officer of the Government of the Virgin Islands;

La Pine Land Conveyance Act: S. 270, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon;

Wallowa Forest Service Compound Conveyance Act: S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon;

Adam Walsh Reauthorization Act of 2012: H.R. 3796, amended, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006;


Student Visa Reform Act: H.R. 3120, amended, to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa;

Foreign and Economic Espionage Penalty Enhancement Act of 2012: H.R. 6029, amended, to provide for increased penalties for foreign and economic espionage;

Child Protection Act of 2012: H.R. 6063, to amend title 18, United States Code, with respect to child pornography and child exploitation offenses;

STOP Identity Theft Act of 2012: H.R. 4362, to provide effective criminal prosecutions for certain identity thefts;

Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012: H.R. 6062, to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017; and

Federal Law Enforcement Recruitment and Retention Act: H.R. 1550, amended, to establish programs in the Department of Justice and in the Department of Homeland Security to help States that have high rates of homicide and other violent crime.

Agreed to amend the title so as to read: “To establish a program in the Department of Justice to improve recruitment, assignment, and retention of Federal law enforcement officers in States, territories, and jurisdictions that have a high rate of homicide or other violent crime.”.
Budget; and Ashton Carter, Deputy Secretary of Defense, Department of Defense.

UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY
Committee on Armed Services: Subcommittee on Readiness held a hearing on United States Pacific Command area of responsibility. Testimony was heard from Robert Scher, Deputy Assistant Secretary of Defense for Plans, Department of Defense; David F. Helvey, Acting Deputy Assistant Secretary of Defense for East Asia, Department of Defense; and public witnesses.

NONPROLIFERATION AND DISARMAMENT: WHAT'S THE CONNECTION AND WHAT DOES THAT MEAN FOR U.S. SECURITY AND OBAMA ADMINISTRATION POLICY
Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on Nonproliferation and Disarmament: What's the Connection and What Does that Mean for U.S. Security and Obama Administration Policy. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on Energy and Commerce: Full Committee completed markup of H.R. 6213, the “No More Solyndras Act”; H.R. 6190, the “Asthma Inhalers Relief Act of 2012”; H.R. 6194, the “U.S. Agricultural Sector Relief Act of 2012”; S. 710, the “Hazardous Waste Electronic Manifest Establishment Act”; and H.R. 6131, a bill to extend the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Border Act of 2006”. The following were ordered reported, without amendment: S. 710; H.R. 6131; H.R. 6194; and H.R. 6190. The following was ordered reported, as amended: H.R. 6213.

MISCELLANEOUS MEASURE
Committee on Financial Services: Full Committee held a markup of resolutions appointing Majority members to subcommittees. The resolutions were agreed to.

MISCELLANEOUS MEASURES
Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a markup of the following: H.R. 2827, to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; and H.R. 6161, the “Fostering Innovation Act”. H.R. 2827 was forwarded, as amended; and H.R. 6161 was forwarded without amendment.

SEEKING FREEDOM FOR AMERICAN TRAPPED IN BOLIVIAN PRISON
Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled “Seeking Freedom for American Trapped in Bolivian Prison”. Testimony was heard from public witnesses.

BREACH OF TRUST: ADDRESSING MISCONDUCT AMONG TSA SCREENERS
Committee on Homeland Security: Subcommittee on Transportation Security held a hearing entitled “Breach of Trust: Addressing Misconduct Among TSA Screeners”. Testimony was heard from John Halinski, Deputy Administrator, Transportation Security Administration, Department of Homeland Security.

MISCELLANEOUS MEASURE
Committee on Homeland Security: Subcommittee on Oversight, Investigations, and Management held a markup of H.R. 5913, the “DHS Accountability Act of 2012”. H.R. 5913 was forwarded, as amended.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Full Committee held a markup of the following: H.R. 6215, to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution; H.R. 6189, the “Reporting Efficiency Improvement Act”; H.R. 4305, the “Child and Elderly Missing Alert Program”; H.R. 6185, to improve security at State and local courthouses; H.R. 2800, the “Missing Alzheimer’s Disease Patient Alert Program Reauthorization of 2011”; H.R. 1775, the “Stolen Valor Act of 2011”; and S. 285, for the relief of Sopuruchi Chukwueke. The following were ordered reported, without amendment: H.R. 6215; H.R. 6189; H.R. 6185; and S. 285. The following were ordered reported, as amended: H.R. 4305; H.R. 1775; and H.R. 2800.

LEGISLATIVE MEASURE
Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet, hearing on H.R. 3889, the “Promoting Automotive Repair, Trade, and Sales Act” (“PARTS Act”). Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on Natural Resources: Full Committee held a meeting to consider motion to authorize issuance of subpoenas; and markup of the following measures: H.R. 2706, the “Billfish Conservation Act of 2011”; H.R. 3319, to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; H.R. 4194, to amend the Alaska Native
Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes; H.R. 5319, the “Nashua River Wild and Scenic River Study Act”; H.R. 5544, the “Minnesota Education Investment and Employment Act”; H.R. 6007, the “North Texas Zebra Mussel Barrier Act of 2012”; H.R. 6060, the “Endangered Fish Recovery Programs Extension Act of 2012”; and H.R. 6089, the “Healthy Forest Management Act of 2012”. The motion to authorize issuance of subpoenas was approved. The following were forwarded, as amended: H.R. 2706; H.R. 3319; H.R. 5319; and H.R. 6089. The following were forwarded, without amendment: H.R. 4194; H.R. 6007; H.R. 6060; and H.R. 6089.

OVERSIGHT OF INVESTIGATION MANAGEMENT IN THE OFFICE OF THE DHS IG


AGRICULTURAL DISASTER ASSISTANCE ACT OF 2012

Committee on Rules: Full Committee held a hearing on H.R. 6233, the “Agricultural Disaster Assistance Act of 2012”. The Committee, granted by voice vote, a closed rule providing one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. Finally, the rule provides one motion to reconsider. Testimony was heard from Representative Lucas.

RELATIONSHIP BETWEEN BUSINESS AND RESEARCH UNIVERSITIES: COLLABORATIONS FUELING AMERICAN INNOVATION AND JOB CREATION

Committee on Science, Space, and Technology: Subcommittee on Research and Science Education held a hearing entitled “The Relationship Between Business and Research Universities: Collaborations Fueling American Innovation and Job Creation”. Testimony was heard from public witnesses.

EMERGING COMMERCIAL SUBORBITAL REUSABLE LAUNCH VEHICLE MARKET

Committee on Science, Space, and Technology: Subcommittee on Space and Aeronautics held a hearing entitled “The Emerging Commercial Suborbital Reusable Launch Vehicle Market”. Testimony was heard from public witnesses.

KNOW BEFORE YOU REGULATE: THE IMPACT OF CFPB REGULATIONS ON SMALL BUSINESS

Committee on Small Business: Full Committee held a hearing entitled “Know Before You Regulate: The Impact of CFPB Regulations on Small Business”. Testimony was heard from Richard Cordray, Director, Consumer Financial Protection Bureau.

GSA: A REVIEW OF AGENCY MISMANAGEMENT AND WASTEFUL SPENDING—PART 2

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled “GSA: A Review of Agency Mismanagement and Wasteful Spending—Part 2”. Testimony was heard from Brian Miller, Inspector General, General Services Administration; and Cynthia Metzler, Chief Administrative Services Officer, General Services Administration.

MISCELLANEOUS MEASURE

Committee on Transportation and Infrastructure: Full Committee held a markup of the following: H.R. 2541, the “Silviculture Regulatory Consistency Act”; H.R. 4278, the “Preserving Rural Resources Act of 2012”; H.R. 5806, the “Outreach to People With Disabilities During Emergencies Act”; and H.R. 5961, the “Farmer’s Privacy Act of 2012”. The following were ordered reported, as amended: H.R. 2541; H.R. 5806; and H.R. 5961. The following was ordered reported, without amendment H.R. 4278.

REMOVING SOCIAL SECURITY NUMBERS FROM MEDICARE CARDS

Committee on Ways and Means: Subcommittee on Social Security and Subcommittee on Health, held a hearing on Removing Social Security Numbers from Medicare Cards. Testimony was heard from Tony Trenkle, Chief Information Officer and Director, Office of Information Services, Centers for Medicare and Medicaid Services, Department of Health and Human Services, State of Maryland; and Kathleen King, Director, Health Care, Government Accountability Office.

Joint Meetings

No joint committee meetings were held.
NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D791)

H.R. 205, to amend the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior. Signed on July 30, 2012. (Public Law 112–151)

COMMITTEE MEETINGS FOR THURSDAY, AUGUST 2, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to markup proposed budget estimates for fiscal year 2013 for the Department of Defense and the Legislative Branch, 10:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine the tri-party repo market, focusing on the remaining challenges, 9 a.m., SD–538.


Committee on the Judiciary: business meeting to consider S. 225, to permit the disclosure of certain information for the purpose of missing child investigations, S.J. Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding, S. 645, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick, III, of the District of Columbia, both to be a United States District Judge for the Northern District of California, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on Afghan National Security Forces: Afghan Corruption and the Development of an Effective Fighting Force, 3 p.m., 2118 Rayburn.


Committee on Financial Services, Subcommittee on Domestic Monetary Policy and Technology, hearing entitled “Sound Money: Parallel Currencies and the Roadmap to Monetary Freedom”, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled “The State Department’s Center for Strategic Counterterrorism Communications: Mission, Operations, and Impact”, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.R. 997, the “English Language Unity Act of 2011”, 10:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, hearing entitled “Oversight of the Actions, Independence and Accountability of the Acting Inspector General of the Department of the Interior”, 10 a.m., 1324 Longworth.

Subcommittee on National Park, Forests and Public Lands, hearing entitled “Concession Contract Issues for Outfitters, Guides and Smaller Concessions”, 2 p.m., 1334 Longworth.

Subcommittee on Indian and Alaska Native Affairs, hearing entitled “Indian lands: exploring resolutions to disputes concerning Indian tribes, state and local governments, and private landowners over land use and development”, 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, hearing entitled “IRS: Enforcing ObamaCare’s New Rules and Taxes”, 9 a.m., 2154 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, hearing entitled “A Review of Amtrak Operations, Part I: Mismanagement of Food and Beverage Services”, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Economic Opportunity; and Subcommittee on Oversight and Investigations, joint hearing entitled “Odyssey of the CVE”, 2 p.m., 334 Cannon.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through July 31, 2012

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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<tbody>
<tr>
<td>Days in session</td>
<td>98</td>
<td>99</td>
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<tr>
<td>Time in session</td>
<td>646 hrs., 5'</td>
<td>541 hrs., 14'</td>
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<td>Congressional Record:</td>
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<td>Pages of proceedings</td>
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<td>Extensions of Remarks</td>
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<td>Public bills enacted into law</td>
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<td>47</td>
<td>61</td>
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<tr>
<td>Private bills enacted into law</td>
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<tr>
<td>Bills in conference</td>
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<td>Measures passed, total</td>
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<td>Senate bills</td>
<td>33</td>
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<td>House bills</td>
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<td>Senate joint resolutions</td>
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<td>House joint resolutions</td>
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<td>Senate concurrent resolutions</td>
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<td>House concurrent resolutions</td>
<td>11</td>
<td>12</td>
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<tr>
<td>Simple resolutions</td>
<td>132</td>
<td>35</td>
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<td>Measures reported, total</td>
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<td>*253</td>
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<td>House bills</td>
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<td>House joint resolutions</td>
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<td>Simple resolutions</td>
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<td>Special reports</td>
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<td>Conference reports</td>
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<td>Measures pending on calendar</td>
<td>345</td>
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<td>Measures introduced, total</td>
<td>1,652</td>
<td>2,781</td>
<td>4,433</td>
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<td>Bills</td>
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<td>Joint resolutions</td>
<td>15</td>
<td>19</td>
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<td>Concurrent resolutions</td>
<td>21</td>
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<tr>
<td>Simple resolutions</td>
<td>183</td>
<td>241</td>
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<tr>
<td>Quorum calls</td>
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<tr>
<td>Yea-and-nay votes</td>
<td>186</td>
<td>169</td>
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<td>Recorded votes</td>
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<td>**368</td>
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<tr>
<td>Bills vetoed</td>
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<tr>
<td>Vetoes overridden</td>
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<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Vetoes overridden</td>
<td></td>
<td></td>
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</tbody>
</table>

- These figures include all measures reported, even if there was no accompanying report. A total of 92 written reports have been filed in the Senate, 281 reports have been filed in the House.
- **Proceedings on Roll Call No. 327 were vacated by unanimous consent.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through July 31, 2012

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian nominations, totaling 352 (including 188 nominations carried over from the First Session), disposed of as follows:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>176</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>160</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Withdrawn</td>
<td>16</td>
<td></td>
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<tr>
<td>Other Civilian Nominations, totaling 3764 (including 167 nominations carried over from the First Session), disposed of as follows:</td>
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<td></td>
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<tr>
<td>Confirmed</td>
<td>1,130</td>
<td></td>
<td></td>
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<tr>
<td>Unconfirmed</td>
<td>2,631</td>
<td></td>
<td></td>
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<tr>
<td>Withdrawn</td>
<td>3</td>
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<tr>
<td>Air Force nominations, totaling 5,574 (including 295 nominations carried over from the First Session), disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>2,129</td>
<td></td>
<td></td>
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<tr>
<td>Unconfirmed</td>
<td>3,624</td>
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<tr>
<td>Withdrawn</td>
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<tr>
<td>Army nominations, totaling 4,422 (including 16 nominations carried over from the First Session), disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
<td>4,411</td>
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<tr>
<td>Unconfirmed</td>
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<tr>
<td>Withdrawn</td>
<td>1</td>
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<tr>
<td>Navy nominations, totaling 1,818 (including 1 nominations carried over from the First Session), disposed of as follows:</td>
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<td></td>
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<tr>
<td>Confirmed</td>
<td>1,816</td>
<td></td>
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<tr>
<td>Unconfirmed</td>
<td>2</td>
<td></td>
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<tr>
<td>Marine Corps nominations, totaling 1310, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>1,310</td>
<td></td>
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Summary

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
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<tbody>
<tr>
<td>Total nominations carried over from the First Session</td>
<td></td>
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<td>667</td>
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<tr>
<td>Total nominations received this Session</td>
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<td>16,753</td>
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<tr>
<td>Total confirmed</td>
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<td>10,972</td>
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<tr>
<td>Total unconfirmed</td>
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<td>6,427</td>
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<tr>
<td>Total withdrawn</td>
<td></td>
<td></td>
<td>21</td>
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Next Meeting of the SENATE
9:30 a.m., Thursday, August 2

Senate Chamber
Program for Thursday: The Majority Leader will be recognized. At approximately 9:30 a.m., Senate will begin consideration of S. 3326, African Growth and Opportunity Act. At 11 a.m., Senate will vote on the motion to invoke cloture on S. 3414, Cybersecurity Act, and on or in relation to the Coburn amendment to S. 3326. The filing deadline for second-degree amendments to S. 3414, Cybersecurity Act, will be at 10 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Thursday, August 2

House Chamber
Program for Thursday: Consideration of H.R. 6169—Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012 (Subject to a Rule) and consideration of H.R. 6233—Agricultural Disaster Assistance Act of 2012 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

Denham, Jeff, Calif., E1377, E1385
Eskoo, Anna G., Calif., E1376
Parr, Sam, Calif., E1369, E1384, E1386
Fleming, John, La., E1383
Giaccio, Phil, Ga., E1372
Goodlatte, Bob, Va., E1377
Hahn, Janice, Calif., E1381, E1386
Hanna, Richard L., N.Y., E1378
Hirono, Mazie K., Hawaii, E1386
Johnson, Timothy V., Ill., E1384
Jordan, Jim, Ohio, E1381
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Moore, Gwen, Wisc., E1378
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Austin, David, Ga., E1381
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Sutton, Betty, Ohio, E1383
Vince, Peter, Ind., E1376
Walden, Greg, Ore., E1387
Wasserman Schultz, Debbie, Fla., E1383

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