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No. 124

Senate

The Senate was not in session today. Its next meeting will be held on Monday, September 17, 2012, at 2 p.m.

House of Representatives

FRIDAY, SEPTEMBER 14, 2012

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BISHOP of Utah).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 14, 2012.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

PRAYER

Monsignor Stephen Rossetti, associate professor, the Catholic University of America, Washington, DC, offered the following prayer:

Good and gracious God, today more than ever, we are aware that we are small, that we are made of the Earth, and that we are mortal. In our weakness, may You be our shield. In our humility, may You be our strength. In our mortality, may You be our source of eternal life. May people of every party and nation unite together in their human frailty. May they proclaim with one voice and one heart that we are one people united in serving You and in loving our brothers and sisters. Our prayer today is small. Our voice is weak. We trust that You incline Your ear and You will hear this simple prayer. We thank You.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Rhode Island (Mr. CICILLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. CICILLINE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PRESIDENT'S LACK OF LEADERSHIP IS ENDANGERING AMERICAN FAMILIES

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

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, the 11th anniversary of September 11, 2001, there was a cowardly, murderous terrorist attack

at the American consulate in Benghazi, Libya. Our Embassy was breached in Cairo, Egypt, with the American flag being desecrated.

Unfortunately, the President's failed leadership has led to weakness, reducing the Army to the smallest size since 1939, reducing the Navy to the smallest fleet since 1916, and reducing the Air Force to the smallest size since it was created. This endangers our national security and puts American families and our allies at risk. Additionally, the President supports sequestration and has done nothing to halt the defense budget cuts which will limit the capabilities of our Armed Forces while destroying hundreds of thousands of jobs.

American families deserve better. To continue to promote democracy and peace, we must implement President Ronald Reagan's approach of providing peace through strength. The bias of the coordinated disinformation of the liberal media is a disgrace to journalism.

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

UNFINISHED BUSINESS

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

Mr. CICILLINE. Mr. Speaker, I rise today to implore my colleagues on the other side of the aisle to put aside politics and get to work on behalf of the American people.

Just 61 bills have been signed into law this year, the fewest in more than 60 years. There have been two noted

□ 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.



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congressional historians, Norm Ornstein and Thomas Mann, who have said:

We have no choice but to acknowledge that the core of the problem lies with the Republican Party.

They go on to say:

Today, thanks to the GOP, compromise has gone out the window in Washington.

Despite this reality, we have to get some important work done for those who sent us here. Republicans continue to choose politics over policy, ignoring critical legislation which requires our attention.

After returning from a 5-week recess, the House Republican leadership has scheduled only 5 days in session in September, despite this growing list of important challenges facing our country.

While we voted 33 times to repeal the Affordable Care Act and passed a budget that ends the guarantee of Medicare, much work remains, including extending tax cuts for the middle class, comprehensive jobs legislation like the Make It In America agenda, reauthorizing the Violence Against Women Act, postal reform, and a big, balanced plan to reduce the deficit.

I ask my colleagues on the other side of the aisle, let's get to work.

PEYTON BELL

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

Mr. BARROW. Mr. Speaker, I rise today to pay tribute to Peyton Bell, who's moved on from my staff after 2 years of service to the citizens of Georgia's 12th District.

A native Augustan, Peyton came highly recommended after graduating from Rhodes College and interning with the U.S. Senate. He began as a legislative correspondent but was quickly promoted, becoming my point man on veterans' affairs issues. His hard work was rewarded with more work, and he assumed the dual roles of legislative assistant and press secretary, no small feat.

Peyton has recently taken on two new roles, having married the former Kate Parker this July, and enrolling in the University of Georgia School of Law this fall. I know he will handle these responsibilities the way he handles life—with humor, enthusiasm, and dedication.

Peyton, you have the appreciation of many grateful constituents and of this proud Congressman. Thank you for a job well done.

REMEMBERING SAN DIEGO VICTIMS OF LIBYA ATTACK

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

Mrs. DAVIS of California. Mr. Speaker, San Diegans are very sad today because they learned yesterday that two

of the Libya victims were from the San Diego area. As we know, they were killed in the consulate in Benghazi, protecting fellow Americans there with Ambassador Chris Stevens and Sean Smith.

The two victims from San Diego were Tyrone Woods and Glen Doherty. In talking about Mr. Doherty, a friend said:

You never take off your uniform. You hang it in the closet, but everything that went along with it is still there. All the training and the dedication that you have to your Nation is what drives these guys.

And also for Tyrone Woods, a friend said:

If there were more people like him, the country would be in much better shape. We need people to keep doing what he was doing because he really believed in freedom, and he really believed in the United States.

As we know, these were two highly decorated military SEALs who had left the community of SEALs and were serving with the consulate there and with the State Department in Libya. We certainly celebrate their life and we mourn their death. I want to recognize their families and let them know that our thoughts and our prayers are with them.

CONSTITUTION AND CITIZENSHIP DAY

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

Mr. CUMMINGS. Mr. Speaker, this fall we will walk to voting booths in every community across this Nation to elect our leaders. Our right to vote is one of many rights guaranteed by our Constitution. Yet every election cycle, millions of young Americans fail to exercise this right, often because they do not realize the importance of doing so.

On September 17, we will celebrate the 225th anniversary of the signing of our Nation's Constitution. To mark that momentous anniversary, this week I introduced the Constitution and Citizenship Day Act of 2012, H.R. 6390.

This bill would support expanded education about our Constitution by enabling high school students to organize special events to mark Constitution and Citizenship Day.

Our young people should be given every opportunity to learn what our democracy means and to partake in it. The Congress is the living embodiment of our Constitution's provisions. I invite all Members on both sides of the aisle to join me in cosponsoring this legislation to ensure that future generations understand their rights, duties, and responsibilities.

□ 0910

JOB TRAINING

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

Mr. CLARKE of Michigan. Mr. Speaker, yesterday I met a young entrepreneur who owns a remanufacturing business headquartered in Metro Detroit. In spite of his success, he faces one major challenge—he can't hire enough people with the skills necessary to rebuild the products that could be sold around the world. So that's why I ask this House, this Congress, to stay in session to do our work so that we can train our people, especially our young people, for the jobs that exist in this country that are going unfilled; train them with the skills that they need to sell and rebuild the best products that can be sold worldwide. This is how we can create more jobs in our economy and make the United States an even stronger contributor to our world.

NO MORE SOLYNDRAS ACT

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6213.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 779 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6213.

The Chair appoints the gentleman from Utah (Mr. BISHOP) to preside over the Committee of the Whole.

□ 0912

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6213) to limit further taxpayer exposure from the loan guarantee program established under title XVII of the Energy Policy Act of 2005, with Mr. BISHOP of Utah in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Chairman, I care about America's energy future, and I certainly care about America's fiscal future as well. For those two reasons, I would urge every one of us here to vote "yes" on the No More Solyndras Act.

On the energy front, I continue to advocate concrete measures towards achieving North American energy independence. That includes approving the Keystone XL pipeline, it includes increasing conventional and renewable

energy production from Federal lands, and eliminating unnecessary EPA red tape on coal and other fossil fuels. These and other pro-energy measures are part of the all-of-the-above energy agenda that has been championed by the Energy and Commerce Committee here in the House.

But support for this agenda also requires us to pull the plug on existing programs that simply aren't working. And the Department of Energy's title XVII loan guarantee program is simply not advancing the ball on an all-of-the-above energy goal. The No More Solyndras Act, this bill, phases out this costly, ineffective and, frankly, very mismanaged program.

Our extensive investigation of Solyndra uncovered a story worse than anyone could have imagined. It is amazing to me that the administration gave a half-billion dollar loan guarantee to a company that its own experts predicted would fail, a company so dysfunctional that it burned through this giant handout and went bankrupt in 2 years. Even worse, when it became clear to the administration that Solyndra was in trouble, it chose to double down on the risky bet, gambling even more taxpayer dollars with a desperate loan restructuring instead of trying to cut its losses and move on.

Solyndra is the most visible but far from the only example of title XVII failures. In fact, it is hard to point to a single loan guarantee success under this program. Developing new energy sources and technologies is an important part of our all-of-the-above approach, but it is clear that this loan guarantee program is ineffective at best, and counterproductive at worst.

Further, I'm stunned by the cavalier manner in which the administration squandered all of these taxpayer dollars, yet says it has no regrets, no apologies about its handling of the program and continues to declare it an "enormous success." If the administration can't learn anything about irresponsible spending from Solyndra, is it any wonder that we are running still a trillion-dollar annual deficit and just saw the national debt eclipse the \$16 trillion figure. Burning money is one source of energy that the country doesn't need. That's why this bill prevents any costly repeats of Solyndra by prohibiting any new loan guarantees and subjecting pending ones to very stringent safeguards.

What's most disturbing about this unprecedented spending is that it is not necessary to secure a brighter future. The private sector is more than willing to step in and provide the necessary cash and energy if only we would let them. What we need is a Keystone economy, not a Solyndra economy. What we need is a privately funded investment, not taxpayer-funded boondoggles.

The goal of the North American energy independence plan certainly is in reach, as well as millions of new jobs that would certainly go with it, but we

aren't going to get there through title XVII Department of Energy loan guarantees—no, we're not.

This investigation uncovered a problem, and now we have a thoughtful bill to fix it so that it cannot happen again. The next step is for the House to pass this bill and hopefully get the Senate to take it up as well. We need to pass the No More Solyndras Act.

I reserve the balance of my time.

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

During my time in Congress, one important lesson that I've learned is that good oversight results in good legislation, and biased and partisan oversight results in biased and partisan legislation. The No More Solyndras Act is a good example of that rule. It's bad legislation born of part biased and partisan oversight.

The Oversight and Investigation Subcommittee, on which I sit as ranking member, investigated the Solyndra loan in excruciating detail, but after 18 months, 300,000 pages of documents, 14 interviews with key officials, five hearings, and three subpoenas, my colleagues on the other side of the aisle have failed to prove any of their inflammatory accusations that they've leveled at the administration. Instead, they simply repeat one unproven allegation after another, trying to score political points, ignoring key exculpatory evidence, and making misleading accusations about the Solyndra loan based on cherry-picked evidence.

Now, the loan guarantee program was actually developed in 2005 as part of the Energy Policy Act by the Bush administration. It was developed with the thought that as we look at development of domestic energy sources like oil and gas, we should also look at development of alternative energy sources like wind and solar. So this program was passed by a Republican Congress, with a Republican President in the White House, in order to do such a thing.

It's important to note that the Solyndra loan, the first application was made under the Bush administration. It was then funded under the Obama administration. What happened was, once this loan was thoroughly vetted by the career employees at the Department of Energy and funded, the market conditions changed. China decided to flood the market with cheap solar panels, causing Solyndra's business model to change.

Now, the career employees—many of whom had been there under a Republican and Democratic administration at the Department of Energy—had a decision to make: they could walk away from \$500 million of U.S. taxpayer money or they could try to restructure the loan in the hope of recovering that money, and that was the decision that they made. The facts simply do not support the over-the-top allegations that there was anything wrong with this decision.

Now, let me be clear, Mr. Chairman, my job is not to defend the administra-

tion. If something improper occurred on this loan, I would want to know about it, and I would want to expose it. But what the evidence showed is that the career officials and the Bush and Obama administration appointees who worked on the loan told our investigators that political considerations played no role in the decisions on Solyndra.

□ 0920

They told us that there was no improper pressure to rush key decisions on the loan, to approve the loan, or to change the terms of the loan. Each and every one of these officials confirm that there were no corners cut in the process and that decisions were made purely on the merits.

As David Frantz, a career civil servant who has served as Director of the loan guarantee program since 2007 under the Bush administration, said:

... through the whole history of the program, from its inception to today, it has not been driven by any political considerations whatsoever.

But the Republicans ignored the evidence before the committee and they repeatedly made insinuations that were simply not correct. For example, my Subcommittee Chairman STEARNS claimed that the committee's investigation:

... reveals a startlingly cozy relationship between wealthy donors and the President's confidants, especially in matters related to Solyndra.

But this statement is exactly the opposite of what the committee found. Chairman STEARNS was referring to unproven allegations of White House political favoritism on behalf of the Solyndra investor George Kaiser, a supporter of President Obama.

But the committee interviewed two key White House decisionmakers, Adi Kumar and Heather Zichal, about their interaction with Mr. Kaiser. The committee learned that at the time the Solyndra loan was being reviewed, neither of these officials had any knowledge of Mr. Kaiser's support for the President, nor did they have any role in the substantive decisions about the loan. These are the key officials Republicans claimed were at the center of the White House's improper activities, and yet they had no knowledge of Mr. Kaiser's political support and no involvement in the decisions on the loan.

These facts directly contradict the allegations that we've been seeing repeatedly in the press for these many months, and they contradict the findings in the bill that we're debating today. That's why I have an amendment which will come up in a few minutes to strip some of the inaccurate findings out of the bill. These facts don't seem to matter to my friends on the other side of the aisle, though.

Throughout the investigation, Democrats urged the chairman to take a different path. We asked for responsible oversight that could actually shed light on why this company failed and

what legislation might be needed to advance our energy security and our domestic clean energy sector.

Despite our requests, Republicans refused to hold hearings on the competitive challenges U.S. manufacturers face in the global clean energy market. They refused to seek testimony from the largest private equity investors in Solyndra to understand why the company attracted so much private capital, and they refused to invite DOE witnesses to take a serious look at the legal and financial rationale behind the subordination of the government position in the Solyndra loan.

This was not a fair, complete, or effective investigation. It sure was long, though. But the result, the legislation before us, is also not fair, complete, or effective.

The bill does nothing to advance our Nation's energy security or to save taxpayer money. It ignores the benefits of the DOE loan programs: 300 million gallons of gasoline saved, the world's largest solar plants, the Nation's first electric vehicle manufacturing facilities, and tens of billions of dollars in private investment dollars off the sidelines and into the American economy.

The legislation does allow DOE to award \$34 billion in future loan guarantees, but it prohibits the DOE from considering any new applications. Refusing to allow DOE to even consider cutting-edge applications is not the way to advance innovative energy technologies in this country. And the legislation also ties DOE's hands in the event a loan recipient needs additional capital, removing an important and legal refinancing tool that the DOE and independent observers agree can help save and protect taxpayer funds.

It's clear this legislation is a political exercise. It does nothing but attempt to keep the word "Solyndra" in the news and to give a platform to repeat these accusations. And it's a shame, because what we should be doing today is working together, in a bipartisan way, to find a complete energy policy that will help us, for national defense and for economic reasons, become independent from foreign oil and create new, clean energy that's domestically based.

It's disappointing legislation, and for that reason, Mr. Chairman, I urge Members to vote "no".

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, before I yield to the Chairman of the Oversight Subcommittee, let me yield myself 1½ minutes just to respond.

While it's true that the program was signed into law by President Bush in '05, I would note that the Bush administration did not issue a single loan guarantee, in large part because it struggled to identify any company whose energy products were both meritorious and yet unable to secure private financing. So, further, Bush's OMB actually reviewed this project, the Solyndra loan guarantee application, but it rejected it in January of

2009 in the waning days because of the concerns over the long-term viability of the project.

Now, this administration would go ahead with over \$15 billion in loan guarantees through 2011. Solyndra, Abound Solar, Beacon Power, they've all gone bankrupt. And I'm afraid this is just the tip of the iceberg, which was why we moved ahead with this legislation.

Without our action, without the action of our committee, there was strong belief, in fact, that this administration was going to go ahead yet with hundreds of millions of dollars more for Solyndra. That's not the answer to this thing. That's not how to save it.

Our role at Energy and Commerce, we had a very aggressive chairman, CLIFF STEARNS, the chairman of the Oversight Investigation Subcommittee. He led the investigation. He identified the many faults, and now we've come back with corrective legislation to make sure that it doesn't happen again. That's our role.

With that, I yield 5 minutes to gentleman from Florida (Mr. STEARNS), the very able chairman of the Oversight Investigation Subcommittee.

Mr. STEARNS. I thank the distinguished chairman. And let me say that we are here this morning because the Oversight Committee, under the leadership of Mr. UPTON, and myself as chair, were able to define the problems.

Now, on that side of the aisle, they obviously are going to defend the administration. But you can't defend an administration that lost \$535 million, and they did so in a way that violated the Energy Policy Act of 2005.

Now, the ranking member, Ms. DEGETTE, indicated that nothing was done wrong. I think if she looks carefully at the evidence, obviously, a lot was done wrong because the Energy Policy Act said you cannot subordinate taxpayers' money to the two hedge funds which they did in the case of the Solyndra loan.

And also, I think when you look at the evidence, you'll see that there's wholly mismanagement by the administration and the Department of Energy. And actually, there were so many warning signs that, in the end, this loan should have never gone forward. And these warnings came from the administration.

So, my colleagues, I rise in strong support of H.R. 6213, the No More Solyndras Act, which I am proud to join with Chairman UPTON in sponsoring. And as mentioned, this is a culmination of 18 months of thorough investigation by our Subcommittee on Oversight and on Investigations.

Solyndra, as many of you know, was a California-based solar panel manufacturer that not only went bankrupt, but was also raided by the FBI a week later, and ultimately lost almost a half a billion dollars.

Now, my colleagues, this bill was systematically put together carefully. It

will phase out the Department of Energy's grossly mismanaged loan guarantee program by simply stopping DOE from issuing any loan guarantees for applications submitted after December 31, 2011. But, for those applications submitted prior to the December 2011 cut-off date, the legislation allows them to remain eligible to receive a guarantee but subjects them to tougher, tougher scrutiny, and provides taxpayers strong new protections, including—let me outline these four basic protections.

□ 0930

(1) forbidding the subordination of U.S. taxpayers' dollars at any time to private investors;

(2) requiring the Department of Energy to submit to Congress a transparency report that details the specifics of any new loan program that is going to be guaranteed by our taxpayers;

(3) requiring the Department of Energy to first consult with Treasury prior to any restructuring of a guarantee; and

(4) holding DOE officials accountable for their actions by imposing penalties on them for failing to follow the law.

Certainly, the folks on this side of the aisle would agree, that if we have continued subordination and if these people do it in violation of this act, there should be some accountability.

As many of you know, Solyndra was the first recipient, as Mr. UPTON mentioned, of a DOE loan guarantee under title XVII of the Energy Policy Act of 2005. It also holds the dubious title as the first stimulus-backed recipient of a DOE loan guarantee to actually go bankrupt just 2 years after the loan closed and 6 months after DOE restructured the loan. So it didn't take long for these folks to end up in bankruptcy. And when they were out of cash, the Obama administration doubled down on their bad debt.

Now, why would the administration double down on their bad debt? I think we'll go into that further as we get into this debate.

They attempted to restructure Solyndra's loan and subordinate the interest of the taxpayer to two very, very wealthy and well-connected investors, all but ensuring taxpayers will never, ever see a dime.

Other DOE loan recipients have also struggled. Three of the first five companies which received loan guarantees issued by DOE's Loan Guarantee Program—Solyndra, Beacon, Abound Solar—have all filed for bankruptcy, losing hundreds of millions of taxpayer dollars that will never, ever be recovered. Two other companies are struggling, my colleagues. Nevada Geothermal has substantial debt and no positive cash flow, and First Wind had to withdraw their planned IPO and also has substantial debt.

So, on behalf of the American taxpayers, we had a duty to figure out what went wrong with the Solyndra

loan guarantee and whether the Loan Guarantee Program was properly managed. I think, as we go into this debate, we will show that it was not well managed.

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman 2 additional minutes.

Mr. STEARNS. As pointed out by Chairman UPTON, the investigation was methodical; it was systematic; it was thorough; and it was over an 18-month period. It took us almost 8 months after we issued a subpoena in November to try to even get the administration to respond.

The Energy and Commerce Committee requested, received and reviewed documents from every executive branch agency that was connected to Solyndra, and it interviewed more than a dozen administration officials who played key roles in the loan guarantee. The committee has also reviewed documents produced by Solyndra's investors, as well as by DOE's independent consultant and legal adviser.

As the committee's investigation revealed, the Obama administration put Solyndra's loan on a fast track for political reasons despite repeated red flags and warnings in 2009 from the Office of Management and Budget and DOE officials about the company's financial condition and, actually, about the market for the product they were trying to sell, which was that they couldn't do it. It's clear that DOE failed to adequately monitor the loan guarantee, blindly writing check after check to Solyndra as the company hemorrhaged cash throughout 2010.

When the warnings came to fruition and Solyndra was out of cash in the autumn of 2010, the Obama administration doubled down on its bad bet, restructuring Solyndra's loan in early 2011 and putting wealthy investors at the front of the line, ahead of taxpayers, which was a clear violation of the Energy Policy Act. Right up to the bankruptcy filing, my colleagues, the administration was willing to take extraordinary measures to keep Solyndra afloat for political reasons and ensure that the first loan, which was their poster child, would not be a failure.

The investigation also showed that DOE failed to consult with the Treasury Department, which was part of the law and which they should have done as required by the Energy Policy Act, prior to issuing a conditional commitment to Solyndra, and that Treasury didn't even play a role in reviewing the restructuring, which was also a violation of the Energy Policy Act of 2005.

The No More Solyndras Act will stop that, and it will correct this by ensuring that Treasury is actively involved in the loan process to protect taxpayers. This investigation and this No More Solyndras Act are great examples of how congressional oversight should work. Our investigation uncovered a problem, and this legislation will fix it.

In closing, I would like to thank the staff of the Subcommittee on Oversight and Investigations, in particular, Todd Harrison, Karen Christian, Alan Slobodin, John Stone and Carl Anderson and my Legislative Director, James Thomas, for their dedication and hard work during this investigation.

Ms. DEGETTE. Mr. Chairman, I yield 5½ minutes to the gentleman from Illinois (Mr. RUSH).

I also ask unanimous consent that the ranking member of the full committee, the gentleman from California (Mr. WAXMAN), control the rest of the time on this side of the aisle.

The CHAIR. The gentleman from California (Mr. WAXMAN) will control the time.

Mr. RUSH. First of all, I want to commend Mr. WAXMAN and thank him for leading us on the subcommittee in such a profound and effective way, leading the minority on the subcommittee and also on the full committee.

Mr. Chairman, this is much to do about nothing. As a matter of fact, I would strongly urge the members of this committee and the members of the majority side of the committee to get on their feet and apologize to the American people for this waste of time, energy, and resources because this piece of legislation that we have before us is legislation that doesn't solve any of the American people's problems, that doesn't acknowledge any of their concerns, and that certainly doesn't speak to the pain that they are suffering day to day, moment by moment, week by week as we stand here posturing solely for a few political points in the November election.

I would ask the Members of this body to refer to comments made just about 30 days ago in USA Today. It was an article dated August 15, 2012, entitled, "This Congress could be least productive since 1947."

The authors analyzed records of the U.S. House's Clerk's Office and determined that, in 2012, a measly 2 percent of the close to 4,000 bills introduced by Members of the 112th Congress became law—that 2 percent of 4,000 bills actually became law. We are not proud of these figures. I want to quote from this article:

These statistics make the 112th Congress, covering 2011–2012, the least productive 2-year gathering on Capitol Hill since the end of World War II. Not even the 80th Congress, which President Truman called the "do-nothing Congress" in 1948, passed as few laws as the current one, records show.

Mr. Chairman, here we go again. It's another charade, another empty gesture, another misguided approach, another insensitive response to the pain and the plight of the problems of the American people. Here we go again. On this floor today is another prime example for the American people of why this has been the least effective Congress in over 60 years.

After taking the last 6 weeks off, we come back into session here in Washington, D.C., for a pathetic 8 days total

in the month of September. And what are we doing? Instead of working on bipartisan legislation to create jobs and put Americans back to work, my Republican colleagues—you men and women on the other side—come back here to Washington and bring to this floor yet one more ill-conceived, unwanted, and unnecessary messaging bill, its only purpose being to gather some political advantages over the Obama administration.

□ 0940

Shame on you. We need to apologize to the American people. This no-more-innovation bill is not a serious piece of legislation.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield an additional 2 minutes to the gentleman from Illinois.

Mr. RUSH. My Republican colleagues, you know full well that this bill would never become law. It would die before it even gets to the front door of the Senate. Yet here we are in front of the cameras hoping to score more political points before we head into this fall election.

As the ranking member of the Energy and Power Subcommittee, which is where this horrendous excuse for legislation originated, I must confess, unfortunately, that the subcommittee and the Energy and Commerce Committee as a whole have certainly contributed to the do-nothing, accomplished-nothing label for this 112th Congress. With over 30 hearings and over a dozen subcommittee and full committee hearings on bills that have originated from the Energy and Power Subcommittee, Congress has enacted one piece of legislation. We've had 30 hearings and one piece of legislation, and that is part of our record.

While this would be a sad and pitiful record at any time, it is even more egregious when you look at all of the extreme weather events that have occurred in this past year and is a reminder of why the work of the Energy and Power Subcommittee, the Energy and Commerce Committee, and this Congress overall is so necessary and so important.

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

Mr. WAXMAN. I yield an additional 1 minute to the gentleman from Illinois.

Mr. RUSH. This past summer, two-thirds of the country experienced severe drought, causing crops to wither and spurring the earliest corn harvest in 25 years. At the same time, the water levels in four of the five Great Lakes has plummeted due to high evaporation rates and insufficient rainfall.

While America burns, House Republicans twiddle their thumbs and have brought messaging bills to the floor of the Congress instead of working in a bipartisan fashion to address the real issues facing the American people.

It is past time for this Congress, it is past time for my Republican colleagues

to get serious with the business of governing and not just voting on political posturing legislation to express their displeasure over President Obama.

I urge my colleagues to vote “no” on this piece of legislation

Mr. UPTON. Mr. Chairman, I would like to include in the RECORD an exchange of letters between the Energy and Commerce Committee, and the Committee on Science, Space, and Technology.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, September 10, 2012.

Hon. FRED UPTON,

Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing to you regarding H.R. 6213, the No More Solyndras Act. This legislation was referred initially to both the Committee on Energy and Commerce and the Committee on Science, Space, and Technology. H.R. 6213 was marked up by the Committee on Energy and Commerce on July 31, 2012.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee. This, of course, being conditional on our mutual understanding that language negotiated with the Science, Space, and Technology Committee will be included in this or any similar legislation considered on the House floor. However, agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek the appointment of conferees during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 6213 as well as any similar or related legislation.

I ask that a copy of this letter and your response be included in the report on H.R. 6213 and also be placed in the Congressional Record during consideration of the bill on the House floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

RALPH M. HALL,
Chairman, Committee
on Science, Space,
and Technology.

Enclosure.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 10, 2012.

Hon. RALPH M. HALL,

Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HALL: Thank you for your letter regarding H.R. 6213, the “No More Solyndras Act.” As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Science, Space, and Technology.

I appreciate your willingness to forgo action on H.R. 6213, and I agree that your decision should not prejudice the Committee on Science, Space, and Technology with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the report on H.R. 6213 and the Congressional Record during consideration of H.R. 6213 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

With that, I yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Chairman, I thank the chairman of the committee for yielding to me.

I want to respond to my Democratic colleague from Illinois who just spoke, my Democratic colleague who is the ranking member of a subcommittee of Energy and Commerce, the Subcommittee on Energy and Power.

Mr. Chairman, as you know, he used all of his allotted time plus additional time to talk and rail about a do-nothing Congress. I want to remind the gentleman and I want to remind all of my colleagues that this bill, this No More Solyndras Act that we are bringing to the House floor today, comes from another subcommittee of Energy and Commerce, a subcommittee of which the gentleman from Illinois is not a member. That subcommittee, as you all know, is the Subcommittee on Oversight and Investigation.

The gentleman made some points in regard to the public looking at us as a do-nothing Congress, and in many ways that's true. Not a lot has been done, and not a lot has been accomplished. But it sounds like he is suggesting that we members of the Oversight and Investigation Committee of Energy and Commerce, or, for that matter, any subcommittee on oversight and investigation of any standing committee of the House of Representatives, should sit back and do nothing because it's an election year.

Colleagues, it's an election year every 2 years. It's a Presidential election year every 4 years. We have our work to do.

I feel very compelled to stand here before you today and compliment, in the highest way, the chairman of this Subcommittee on Oversight and Investigation of Energy and Commerce in the House of Representatives, a distinguished Member with well over 20 years of service. You all know that he'll be retiring from this body after this year. I am so proud to be on that committee, to work with him, to have an opportunity to see how he handled this 18-month investigation of this Solyndra loan program through the Department of Energy, and how flawed that it was, and how diligent he was in trying to get the information necessary to connect the dots. Yes, even, indeed, issuing subpoenas to get the information. I am proud of the overall chairman of the committee, FRED UPTON, the gentleman from Michigan, in regard to being very careful and deliberate and working with the other side of the aisle, not making a rush to judgment, but a very careful and planned investigation to finally get to where we are today. And I'm extremely proud of the work of the staff of the Sub-

committee on Oversight and Investigation.

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. I yield an additional 1 minute to the gentleman from Georgia.

Mr. GINGREY of Georgia. The bottom line, my colleagues, is we have work to do. If we're members of Oversight and Investigation, we have got to ferret out waste, fraud, abuse, corruption. Any program of the Federal Government that takes money from we, the taxpayer, whether it's a loan or a grant or whatever, we have to investigate, to look, to make sure that these programs are being done in the right way and not for political purposes. To promote an industry? Yes. But to make sure that this applicant is reasonable, that due diligence has occurred, that they have a good business plan, that they're not burning cash, and that we're not putting good money after bad. In this case, Mr. Chairman, it was \$550 million. This is just one of three failed programs. Abound is another one. Beacon Power is another one. That is three out of the first four. There was something wrong in River City.

We're altogether correct and right in ending this program. That is why I stand here today, and I encourage each and every Member on both sides of the aisle to vote “yes” on the No More Solyndras Act.

Mr. WAXMAN. Mr. Chairman, at this time, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from California, and I compliment the gentleman from California on his fight on this issue because we're right down to something, which is one of the greatest political frauds of all time being perpetrated here on the House floor. It is a monument to the political cynicism of the Republican Party that we have such a bill out here on the floor today. It is a tribute to the control that the fossil fuel and nuclear industry now has over the Republican Party. We have a bill out here on the House floor which purports to make sure that the program which gave loans to Solyndra is ended.

□ 0950

The name of the bill is No More Solyndras, meaning no more Federal loans to these speculative energy projects, which could ultimately wind up taking money out of the pockets of American taxpayers. That's what they say they are doing. No more Solyndras, meaning end that program. But what does their bill do?

Well, their bill says no more Solyndras, but it should be amended to say the only \$88.4 billion more for nuclear and coal no more Solyndras act of 2012, because what the Republicans do is that they grandfather in all of these applications, \$75.6 billion for nuclear, \$11.9 billion for coal, 88.4 billion for nuclear and coal.

Now, it will be one thing if they were saying, ah, but we have made a determination that the solar industry, the wind industry—that's risky. But the nuclear industry, oh, that's just the safest industry ever—except for one thing. When this program was put on the books in 2005, it was Pete Domenici from New Mexico who put the program on the books in order to provide a crutch for the nuclear industry. Then when the Bush administration was even apprehensive about giving out any loans, the Republicans then began to pressure the Bush administration to give out loans to the nuclear industry, which it did not want to do.

Senator Domenici actually put a hold on former Congressman Nussle even being named to the head of the OMB until he promised he was going to give out loans to the nuclear industry. That's the history of this program: nuclear, nuclear, nuclear.

The last year the Republicans were in control of the House and the Senate, what did they do? Well, in the loan guarantee program, they left in \$32 billion for nuclear and coal and cut out the \$17 billion in loan guarantees for wind and solar. Get the picture? Nuclear, coal—they like it. Wind and solar—they hate it.

To be more clear about it, the nuclear and the coal industry hate it because wind and solar are taking off across this country: 12,000 new megawatts of wind this year; 3,200 new megawatts of solar this year. It is taking off as these other two industries are going down. This level playing field was just too much, too much for the Republicans.

Adam Smith is spinning in his grave so quickly that he would qualify for a new energy tax break under the Republican program. That's how crazy all of this is.

Get to the bottom line. I made an amendment in the committee. I said, okay, Solyndra lost \$535 million. You can see the crocodile tears how concerned they are about this loan guarantee program. So I said okay, no energy loan guarantee recipient who lost more than \$540 million last year is eligible for a loan guarantee.

Now, what I was talking about, the United States Enrichment Corporation, a nuclear company that last year and this year has been put on the warning list to be delisted from the New York Stock Exchange, which S&P and Moody's have dropped down to junk bond status, and the Republicans are saying they are so concerned about the standards.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I yield the gentleman an additional 1 minute.

Mr. MARKEY. Here is a company basically teetering on the brink of bankruptcy, with the Federal Government already having given it, that company, an additional \$1 billion from Federal taxpayers to keep it afloat. The Republicans all voted "no." We're not going

to set up any standards. We're not going to have any rules. When the Southern Company wanted \$8 billion for two nuclear power plants, even though it's \$1 billion over cost already, the Republicans say no problem, it's nuclear.

So this is a pretty clear line here. It's an all-out assault on solar and wind, all-out. It's been going on for a year and a half. This is the next installment; it's all about the future.

They're locked into the past, the Republican Party, that old way that has failed. As this new marketplace has opened up, they are doing everything they can to undermine that new future of solar and wind while tilting the playing field so that nuclear and coal continue to qualify for Federal taxpayer subsidies.

Vote "no" on this only \$88.4 billion dollars more for nuclear and fossil no more Solyndras act.

Mr. UPTON. Mr. Chairman, I yield myself 30 seconds.

I would just say that although it's true that DOE has \$34 billion in loan guarantee authority remaining, DOE is actually capped at \$22 billion for nuclear projects, so the argument that this act creates a loophole that would allow up to \$100 billion in new nuclear projects is simply not right, and the projects that are in the application pipeline—remember those remain in the pipeline through December of last year—they are not limited to nuclear. In fact, there are only six active nuclear-related applications in that queue. The other 40-plus include solar, biomass, wind, a whole number of things.

I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding. You know, today's vote culminates a nearly 2-year investigation into how the administration has mismanaged the Department of Energy's loan guarantee program, allowing the loss of \$535 million in the interest of gaining a political win on solar energy.

Emails and documents show that the White House and political appointees at the Department of Energy had a heavy hand in pushing the Solyndra application forward despite multiple misgivings, misgivings from the credit committee at the Department of Energy, both in President Bush's administration before and career staff at the Office of Management and Budget and the Department of Treasury.

Moreover, when it was clear that by rushing the Solyndra application it actually could result in a very embarrassing bankruptcy for the President, the Department of Energy pushed for a questionable legal move that actually subordinated the taxpayer interests below that of private equity interests, a move that we have now seen will result in the complete annihilation of the \$535 million from the perspective of the taxpayer.

But one of the glaring issues that the investigative committee uncovered was

that because no penalties existed in the 2005 loan guarantee authorization, officials at the Department of Energy had nothing to fear in actually breaking the law as it was written by our committee and passed by this Congress.

Indeed, the Department of Energy intentionally hid its head in the sand refusing to consult with either Department of Energy or Department of Justice for an outside reading on whether subordination could be a legitimate option. Instead, Department of Energy stopped an outside law firm's analysis, created a tortured memo justifying what they had already decided they would do, that is, place taxpayer dollars below the interests of private equity.

For this reason, I welcomed the opportunity to work with Chairman UPTON and Chairman STEARNS to add explicit language to provide for penalties for those officials who violate the terms of the authorization which created the loan guarantee program. It is time that those in the agency that dole out millions of dollars and choose to ignore the law be held accountable.

Indeed, the public understands this concept very well. Any employee in the private sector who ignores their boss's instructions and loses millions of dollars in company money is going to face immediate sanctions, including losing their job. No one has lost their job over Solyndra.

Public employees should be no different from private employees. This is an important bill. Today's vote will be a win for every citizen concerned about good government and our fiscal future. It's time to end failed government programs that are driving us over a fiscal cliff. This is a major step in the right direction.

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Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the dean of the House, the chairman emeritus of our committee, the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. I thank the gentleman.

I rise, first, to salute the gentleman from Florida and to express to him my affection and respect and good wishes as he leaves the Congress, and also to my good friend, the chairman of the committee, Mr. UPTON.

I would observe, however, if anybody were to put a monument like this to me, I would bend this cane of mine over his head. This is perhaps one of the sorriest things I have seen done. It is like the mule: it has neither pride of parentage nor hope of posterity. It isn't going anywhere. It accomplishes precisely nothing. It has a series of findings which are totally unrelated to facts and don't mean anything and don't help us with the problems before us. It is a piece of legislation which was adopted by this Congress with the

full support of all of my Republican friends over there who are now shying away from their parentage of the basic legislation.

I say to my Luddite friends: This is not going to accomplish anything. I would point out to you it isn't going to pass the Senate. It isn't going to be signed by the President. It doesn't address any of the problems that are before us. It grandfathers everybody in and says there will be nothing new.

But what does it really do? It hurts our efforts to see to it that we are able to remain competitive in high-tech, new energy undertakings, which are the hope and the future of this country. That's what it does. That's why, if I were on that side of the aisle, I would have a red face.

And I would point out that this proposal was backed by my Republican friends, led by Mr. BARTON, supported by my dear friend, Mr. UPTON, and all of my good Republican friends. All of a sudden they find that Solyndra has lost money and has gone bankrupt. Why? Because the Chinese knocked the bottom out of the market for solar panels. Why? A governmental economy has killed another American industry.

The future of this country is to compete in high-tech jobs in the new kind of undertakings where we can whip the world. But there is a major capital problem for those companies, and they will not prosper and this country will not prosper unless we provide mechanisms to see to it that they can do the things they did.

The Oversight and Investigations Committee has had no end of hearings on it and has thrown subpoenas around like popcorn at a circus, but they haven't found anything. And the committee has brought forward this miserable, hopeless piece of legislation in the expectation that it's going to do something, and that something is, of course, to try to help my Republicans with their election campaign.

Now, this is a laudable thing if you're a Republican. But if you're an American, this is not helping our country and this is not benefiting anybody. What the result of this legislation is is more wasted time on the floor of the House.

What my Republican colleagues won't admit to you is this is the sorriest session of the Congress in history. I think it outranks the do-nothing 80th Congress, and that was a session where we accomplished precisely nothing in this great body.

I would observe to my dear friends that if you want to do something, let's get down to dealing with jobs. Let's get down to dealing with the economy. Let's work to see to it that we address our foreign policy questions and the problems that the United States faces. Let's complete a budget. Not a thing of that is done. I heard that this particular session of this Congress has done 60 bills. When I walk over, I always ask my staff, "Which post offices are we naming today?" That's what we have done.

If you're looking for a record of accomplishment, look in the Senate, which is the cave in the winds which usually does very little. But they are putting us to shame because they are, in fact, legislating while we are over here dithering around with a nonsensical piece of legislation that accomplishes nothing except to try to vindicate a failed investigation where subpoenas were thrown around like rice at a wedding.

I say it is time for us to buckle down if we're going to go on here with some pride in our faces and with our heads held up. Let's go out on a piece of legislation that accomplishes something. This accomplishes nothing except to make a few people who couldn't do their job feel good.

So my counsel to the House is: Let's vote this nonsense down. Let's decide that we're going to do something right around here for a change, even though it's late in the session.

Mr. Chairman, why are we spending time on this deplorable piece of legislation when we should be doing the work of the people? We should be passing bipartisan legislation to continue our economic recovery and create jobs for the unemployed. This is no more than a sorry attempt to stick it in the eye of our president when really what we are doing is sticking it to the American worker.

For this entire Congress, the Oversight and Investigations Subcommittee has piddled unsuccessfully, call it an investigation of the Solyndra loan. As members of this body know, I am a strong proponent of fighting government waste and corruption through vigorous oversight regardless of what Administration is in charge. However, time and time again, this investigation refused to focus on the issues at hand and instead engaged in a political witch hunt in an attempt to embarrass this Administration. A witch hunt is not what this country needs; what we need are investments in innovative technologies and sources of energy so America does not fall further behind countries such as China, Korea, Germany, and others who are subsidizing innovative energy technology. We must take charge in innovation and this investigation and the bill before us fails to do either.

The end result of this investigation is a bill that does nothing more than to stifle innovation, prevent job creation, and subverts a program that was created through bipartisan legislation and signed into law by a Republican president. We have underinvested in energy for decades and commercial deployment, with U.S. investments, will actually make our companies more competitive in the global market. By freezing this loan program, Republicans will only stifle another opportunity to put our economy back on the right path and create new jobs.

I, along with all of the chairmen of the Energy and Commerce Committee, the Speaker, and the Majority Leader worked in a bipartisan way in 2005 to create this loan program that would invest in our economy and our workforce. The legislation and the loan program were then signed into law by a Republican president. The investigation uncovered no undue political influence from the White House. What has changed the mind of the Speaker, the Majority Leader, and Republican

leadership to undo that bipartisan cooperation?

We cannot simply be the House of "no." We can and we must do better for the sake of our country. I must ask my Republican colleagues, is your priority this Congress to build partisan talking points or build a stronger American economy that can compete in the global economy of the 21st century? I hope it is the latter because I know I was elected to do the work of the people and I hope my colleagues on the other side of the aisle will start doing the same.

Mr. UPTON. Mr. Chair, may I inquire how much time is remaining on both sides?

The CHAIR. The gentleman from Michigan has 24½ minutes remaining, and the gentleman from California has 17 minutes remaining.

Mr. UPTON. Mr. Chair, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I would say to the dean of the House of Representatives, I appreciate sincerely his compliments and his kind words about me. The words he used by calling us Luddites, of course, refers to the 19th century textile workers who objected to the machinery being used.

I would really say to Mr. DINGELL that he is Luddite because you folks are objecting to letting the free market work. Just because other countries subsidize their energy sector to diversify their portfolios doesn't mean that we should, too. In fact, you saw the editorial recently in *The Wall Street Journal* how the Chinese subsidize, and now all their solar panel companies are going bankrupt, too.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky, (Mr. WHITFIELD), the chairman of the Energy and Commerce Subcommittee.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would take the opportunity to remind all Members to direct their remarks to the Chair.

Mr. WHITFIELD. First, I want to thank the chairman of the full committee and the chairman of the Oversight Committee, Mr. STEARNS, for the great effort they did over the last year-and-a-half of bringing the facts of these loan programs to the Congress and to the American people. I'm also personally glad that we have the opportunity to talk about this issue today because transparency is vitally important, I believe, for the American people.

This legislation applies to two loan guarantee programs at the Department of Energy, section 1703 loans and section 1705 loans. The 1703 program was adopted in 2005. Most of us in here voted for it. President Bush was in the White House at that time, but no loan guarantees were issued under President Bush under that program. The second program was 1705, which was part of President Obama's stimulus package.

Now, I believe that the President made a mistake, and maybe it was deliberate, maybe it wasn't, but I don't think that he ever had a sound policy

to help stimulate the economy in America. I believe that his stimulus program, particularly this loan guarantee program, he was using that as an opportunity to push an agenda to move America into green energy before America was able to go to green energy.

And he loaned \$538 million to Solyndra, a company of which Mr. George Kaiser, one of the President's major political donors, was a part owner. That company went bankrupt. And not only did it go bankrupt, but the bankruptcy's terms were such that the venture capitalist, the private capitalist, Mr. Kaiser, and others would get their money back before the taxpayers did. And so this 1705 program and the 1703 program, in my view, put the government in as a venture capitalist in risky projects.

□ 1010

We know they're risky because Solyndra's already bankrupt, Abound Solar is bankrupt, Beacon Power is bankrupt, Nevada Geothermal has no positive cash flow, First Wind has withdrawn its IPO and is having significant financial problems.

So the President was not really developing a sound policy to stimulate the economy. He was providing money to risky ventures to push America into green energy before the technology was really available.

So this legislation simply puts an end to the program.

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. I yield the gentleman an additional 1 minute.

Mr. WHITFIELD. Now, I would be the first to say that there's still \$34 billion left. We have 50 companies that have presented applications to the Department of Energy. They've spent a lot of money. So to just cut it off right now would be basically unfair. I would like to end it right now. But it would be unfair.

But let me just finish with this note.

The Department of Energy's own Web site said that because of these loan guarantee programs, 1,175 new jobs were created in America in green energy. Guess what? Each job cost \$12.8 million. Now, if you're a hardworking taxpayer out there, I don't think you want your taxpayer dollars going to risky ventures in which private capitalists get their money back before anyone else does and for every job created it costs \$12.8 million.

Let's pass this legislation.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentlelady from the State of California (Ms. MATSUI).

Ms. MATSUI. Mr. Chairman, the No More Solyndras Act is just the latest scheme by the majority party to distract from the real issues that affect our economy and to attack America's clean energy investments and future.

While Solyndra did not achieve its goals, other projects did, and they have made great investments in clean energy infrastructure and job creation.

Not every investment works out, as the private sector well knows. One failure is not a valid reason to condemn the entire DOE loan guarantee program, a program created in a bipartisan manner to further our energy independence and spur economic growth. In fact, an independent report by Herb Allison earlier this year confirms that the program actually holds less risk than originally envisioned when Congress first created and funded the program.

American companies are fighting an uphill battle against foreign countries that aggressively subsidize their clean energy industries. Last year, China and Germany both heavily invested in their clean energy future. We cannot and should not depend on foreign-made clean energy technologies.

In order to remain competitive in the global marketplace, the Federal Government must continue to play an active role in encouraging and promoting investment in clean energy technologies. Not only does this support help spur innovation, but the loan guarantee program has already generated \$40 billion of direct private investment in the U.S. economy and is supporting 60,000 direct jobs in American clean energy industries.

My home district of Sacramento, California, is home to nearly 14,000 clean technology jobs and houses more than 230 clean technology companies. These are small business owners who understand the need for Federal investment to help level the playing field at home and in the global marketplace. These companies hold the promise of making us the world leader in clean energy technology while simultaneously creating good-paying jobs, lowering energy prices, and preserving and protecting our environment.

This partisan bill would take us backwards in this pursuit, and I urge my colleagues to vote against it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank Chairman UPTON for his leadership on the Solyndra investigation, and I also thank Chairman STEARNS for the great work that you did to really, no pun intended, bring this issue to light, the work that has happened over the past year with Solyndra.

Last week was the 1-year anniversary of Solyndra's chapter 11 bankruptcy filing, an anniversary that was by no means met with ticker tape parades around the country.

I've held 74 town meetings in my district. At each one, people talk about responsibility, the responsibility of the Federal Government to watch how our dollars are being spent to make sure that Federal taxpayer dollars are being spent wisely.

Then they talk about Solyndra. They don't talk about Solyndra and say, you know, you should have kept giving them money. Why didn't those people

keep giving Solyndra money? They talk about how did it happen in the first place. How did a committee that said "no" then come back and say "yes"? How did a committee succumb to political pressure to put on a press conference for the Vice President so they could have great celebrations about spending a trillion dollars more in our stimulus bill?

If people on the floor are so excited about Solyndra, why aren't they investing their money into it? But instead, they're putting their hope into a government program so that government program can take the risk, and in fact it did. It took the bankruptcy.

Well, the sun has set on the Solyndra scandal, and it's a good thing, too, because the American people are tired of waste and abuse and fraud, and that's exactly what happened here.

The fact is half a billion dollars in taxpayer money is gone, and I can't believe hearing the debate today that defends Solyndra, that defends the abuse of taxpayer dollars that says we should have done more. We shouldn't have done more. We shouldn't have done it at all. The fact that this company had a credit rating that they knew they were in trouble. The Department of Energy's oversight failed.

I support this bill. Let's protect the taxpayer dollars.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is not serious legislation. It's a political bill. In fact, much of the bill is composed of inaccurate and misleading congressional findings. The bill repeats baseless and unproven allegations of wrongdoing that are not supported by the whole 18-month investigation of the Solyndra loan guarantee.

There is no fraud. There is no wrongdoing. There is a loss of money because this was a loan guarantee for a new way to deal with solar energy, and it was not successful when the Chinese dropped the price of their solar energy panel, which meant that Solyndra could not compete successfully.

In an attempt to invent a scandal, House Republicans have spent the last year and a half lambasting the whole loan guarantee program. They ignore the successes of that loan guarantee program.

The successes, and you'd never know it from the Republican rhetoric, are DOE programs that are expected to support nearly 60,000 jobs and save nearly 300 million gallons of gasoline per year by supporting six power generation projects that are now complete, nine projects that are sending power to the electric grid, one of the world's largest wind farms in Oregon, one of the largest concentrated solar generation projects in California, one of the largest photovoltaic solar power plants in Arizona. So they concentrate, the Republicans do, on a failure.

Now, when you have risky projects, because they are new ways to have alternative energy sources, you're not always going to have a success. That's

why these projects need government loan guarantees.

Now, the Republicans say, this is so terrible. We should never have had this program to start with. They're not going to allow another Solyndra. But they don't end the program. If you wanted to terminate the loan guarantee program, this bill's not for you.

□ 1020

Despite their rhetoric, this bill does not end, phase out, or defund the loan guarantee program. Under this legislation, the Department of Energy can use its existing authority, up to \$34 billion in additional loan guarantees, in the years to come without any limit. The only limit they have is that no new applicants can come in and ask for funds, only those applicants that have had their applications submitted by the end of last year.

The gentleman from Kentucky said, well, that's only fair. But why is that fair? This is supposed to be a program that's going to invest in clean energy to enhance our international competitiveness and address the challenges of energy security and climate change. Instead, this bill prevents new, innovative projects from competing for loan guarantees. And, as Mr. MARKEY from Massachusetts pointed out, most of those that are pending now are nuclear projects, so they create a winners list of about 50 projects that would be eligible for loan guarantees.

If you wanted to end the loan project, the whole loan legislation, just do it. But they don't do it. That's why Taxpayers for Common Sense opposes the bill. The Heritage Foundation, National Taxpayers Union, the Competitive Enterprise Institute—all conservative groups—have raised serious concerns about this legislation.

The whole point of a loan guarantee program is supposed to be to support innovative technologies, and we need to support innovative technologies or other countries will be way ahead of us in the development of these technologies. The market will not fund these technologies because they are not proven yet, and that's why we need government backing for them.

This bill doesn't move us forward on clean energy in this country. We shouldn't create a list of winners and then ignore all of the other potential clean energy projects. We do not have time, Mr. Chairman, for phony political messaging bills. We have real problems to solve.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself an additional 30 seconds.

We should be spending this time extending the tax credits for wind power. That would save tens of thousands of clean energy jobs. We should be spending this time developing responsible policies to reduce carbon emissions that are contributing to the record droughts, wildfires, storms, and floods that have been linked to climate

change. But this bill is just more of the same: more political rhetoric, more bad policy, but no real solutions to the problems we face. We should reject this flawed legislation.

I reserve the balance of my time.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. GARDNER) assumed the chair.

MESSAGE FROM THE SENATE

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

S. 3552. An act to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act.

The message also announced that the Senate agreed to S.J. Res. 44, joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

The SPEAKER pro tempore. The Committee will resume its sitting.

NO MORE SOLYNDRAS ACT

The Committee resumed its sitting.

Mr. UPTON. Mr. Chairman, I'd just remind my friend from California that the Department of Justice tells us that there is still an active criminal investigation as to the Solyndra matter.

I yield 1 minute to the gentleman from Kansas (Mr. POMPEO), a member of the committee.

Mr. POMPEO. Mr. Chairman, I wanted to come down to support this piece of legislation. It's important to America and to the taxpayers to protect them. I want to thank Chairman STEARNS and Chairman UPTON for letting me participate in this important investigation.

Just yesterday, two facts that I think support us completely in passing this legislation. Yesterday, that conservative jewel, The New York Times, reported that Mr. Spinner, who was critical to pushing this loan guarantee through when the Obama administration was inclined to reject it but kept pushing and whose wife was counsel to the company, was reported by The New York Times to be the number 10 bundler for this administration.

Also yesterday, we had a hearing in which we saw that America has the opportunity to become energy independent within the next decade if the Federal Government will just get out of the way and stop picking winners and losers as we have done with these Department of Energy loan guarantees for far too long. I'm confident that we can move away from this program. I'd urge all of my colleagues to support it.

The conservative groups of the American Conservative Union, AFP, Americans for Tax Reform, Heritage Action, Let Freedom Ring, and the National Taxpayers Union have all submitted letters in support of this legislation.

It's time to end this loan guarantee program, and we should do it today.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time each side has on the debate?

The CHAIR. The gentleman from California has 9 minutes remaining. The gentleman from Michigan has 16¾ minutes remaining.

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

Mr. UPTON. Mr. Chairman, at this point, I will yield 3 minutes to the chairman of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I, of course, rise in support of H.R. 6213.

This bill makes more important changes to better protect taxpayer funds spent under the Department of Energy's title XVII loan guarantee authority. I thank Chairman UPTON for his good work and his committee.

The Science, Space, and Technology Committee has jurisdiction over the commercial application of energy technology. One purpose of the title XVII loan guarantee program is to move energy technologies from research and development to commercial application. As part of our oversight responsibility for this program, we examined it on numerous occasions, including earlier this year as part of a hearing in which we received testimony from Energy Secretary Steven Chu. The poster child for this poor judgment is Solyndra, which President Obama famously touted as a "true engine of economic growth" for the United States.

Most Americans are familiar with Solyndra's story, in which the Department of Energy gambled half a billion taxpayer dollars to support a failing solar company whose leading investors, I'm sorry to say, were major fundraisers and supporters of our President. Less well known is that the DOE made 25 other gambles under the program's section 1705 authority, staking a total of approximately \$16 billion of American taxpayer money on what they call green energy companies with risky business models similar to that of Solyndra. I am also sorry to say that many of these companies also have ties to the current administration through investors that are major donors, bundlers, and advocates.

If more of these companies fail, the Department of Energy made clear that it could restructure loan agreements in the same manner that it handled Solyndra, placing political supporters and private investors at the front of the line while leaving taxpayers holding the bag. This legislation would absolutely prevent that from happening again by requiring that taxpayer dollars are not subordinate to private finance should more bankruptcies result from this program.

Further, the bill seeks to limit taxpayer risk by prohibiting DOE from making new loan guarantee awards for projects from applications submitted after December 31, 2011.

These are necessary fixes to a troubled program, and I urge Members to support the underlying legislation.

I appreciate the Committee on Energy and Commerce. Again, Mr. Chairman, thank you for working with the Committee on Science, Space, and Technology to further improve the bill in advance of it being brought to the floor.

Mr. WAXMAN. Mr. Chairman, may I inquire through the Chair how many speakers there are on the other side of the aisle?

Mr. UPTON. We have two speakers that are here, and we've got a couple that are in the queue that may or may not make it.

Mr. WAXMAN. I continue to reserve my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentlelady, my good friend from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Chairman UPTON, for yielding me time and bringing this important bill to the floor.

Mr. Chairman, the Obama administration has failed the American people by squandering half a billion of our hard-earned tax dollars on costly, unproven projects. This legislation puts the brakes on the Obama administration's habit of trying to play the role of venture capitalist with the taxpayers' money.

We need to stop the inept largesse of Big Government bureaucrats that prompted Solyndra's ex-CEO, Chris Gronet, to write that "The Bank of Washington continues to help us." That outrageous statement serves as a shining example of the disregard Solyndra had for American taxpayers and the fact that they believed our government would let them get away with it.

This legislation is needed to protect against the politically charged, reckless spending binges that stream from this administration. The record-breaking spending and historical deficits that will burden future generations courtesy of this administration need to end in order to strengthen our economy and build for a brighter future.

We need an all-of-the-above energy policy to achieve energy security, but it needs to be a responsible plan, a plan that keeps our fiscal priorities in order and provides free market solutions without unnecessary, job-killing government burdens.

I urge my colleagues to support this legislation.

□ 1030

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in strong support of this legislation. I first want to commend Chairman UPTON and especially my longtime friend, Chairman STEARNS, for bringing this important legislation to the floor this morning.

Mr. Chairman, I have read and heard for many years that almost 80 percent of small businesses fail within the first

5 years. Thousands of small businesses, many thousands, have failed over the last 10 or 20 years. Many of those would have made it if government had given them \$100,000. Most of them would have succeeded or survived if the government had given them \$1 million.

The government gave Solyndra \$535 million, over half a billion dollars, and yet, they squandered it and failed, as we've heard today, in about 2 years. What a ridiculous scandal this is. And I'm grateful to Chairman STEARNS for shedding so much light on this. And yet, unfortunately, it's only the tip of a very big iceberg.

Our friends on the other side frequently attack the oil industry on their subsidies; yet no industry in this Nation has received nearly as many subsidies, loans, or tax breaks as has the solar energy over the years. And yet the solar energy provides, even after all of these massive subsidies and loans and tax breaks, a little less than one percent of our total energy.

The government should not be picking winners and losers. I have nothing against solar energy if it can stand on its own feet, but it certainly cannot do so at this time. And so I rise in strong support for this legislation.

But I rise mainly to commend Chairman STEARNS, with whom I've served for so many years. Unfortunately, he will not be returning in the next Congress, and I think this is a tremendous loss for this Nation. I've worked with him on many things. I have not seen any Member or known any Member of this Congress who has been more conscientious, who has worked harder, and who has tried to study legislation any more than he has. And I want to especially commend him.

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

I want to point out, as I speak under our time, that the way I heard the last speaker, he can't be accurate in his statement that we have spent more money on wind and solar than any other source of energy. When you look at the tax breaks that the oil companies have been getting for year after year after year, we spend far more money through the tax system for the oil industry than we are for wind and solar.

In 2005, the Congress adopted the loan guarantee program—2005. That was when President Bush was president. And this loan guarantee program was supposed to be there to help energy projects. Most of the loan guarantees people were thinking about at that time were the nuclear energy loans to help those projects.

When President Obama took office, he wanted to accomplish two goals. He wanted us to move in a different direction to level the playing field, not just put more money in the hands of the oil and coal companies, but to give an incentive for the state-of-the-art projects in the area of wind and solar and other renewable sources of energy so that we could have a more diverse portfolio of

sources of energy so that we wouldn't have all of our eggs in the basket of the oil and coal industries, and especially in the area of oil where we're so dependent on other countries to give us that oil. We're so dependent on oil that we're adding to the greenhouse gas emissions that cause climate change.

So, in the stimulus bill, in 2009, President Obama wanted to use this loan guarantee program and enhance it to move in a different direction in the energy area. But he also wanted to create new jobs. That was what the stimulus bill was all about, creating jobs for people right away.

Let me point out that the projects being built as a result of this legislation, are state-of-the-art, groundbreaking projects that would not be built without this program. And I want to give a good example.

The Ivanpah concentrated solar power facility is being completed in the California desert. It will be the largest facility of its kind in the world. When complete, it will have three, 450-foot towers that collect solar energy from tens of thousands of mirrors called heliostats. In a matter of months, this facility will begin sending clean, renewable power to the electric grid. It is an amazing achievement.

The Republicans keep saying that this whole program has created just 1,100 jobs. And then they take that 1,100, and they talk about how much money has been spent, and then they say it's X number of dollars per job. But this one project puts the lie to that statement because it's employing not 1,100, but 2,100 construction workers.

Don't construction worker jobs count? We need more of them.

As a CEO who invested \$300 million in the project put it:

This project never would have happened without the Federal Government's support. There's just no private sector financing for a cutting-edge technology project. There are other solar thermal projects out there, but none of this magnitude, and this would be considered first of a kind in the financing world.

Now, let's look at this jobs claim that the Republicans have been throwing around. They talk about how this is not creating jobs, but they're ignoring 13,000 construction jobs, pretending that providing a loan to a company is the same thing as just spending the money. And then we lose it forever.

But, you know, these are loans. They don't take into consideration the fact that loans get paid back, and most of the money has been used for successful programs. They are working on absurd assumptions.

Independent experts reviewing the loan portfolio have made it clear that DOE is likely to be repaid the vast majority of the funds it has loaned out. So I support the loan guarantee program.

I don't support this bill because I don't think we ought to end it. But this bill does not end the loan guarantee program. It continues it for 30-some-billing billion dollars—\$34 billion. \$34

billion. They want to continue the program because they will then have a choice, through this program, to fund those solar energy projects and other projects that already have applications. But they won't be able to consider anything else that might produce new breakthroughs, might produce more jobs, might produce the future for this country in the energy area, which is the future for our economy.

So I just want people to understand: this is all a sham. The Republicans are just trying to put out propaganda using Solyndra. They've been dancing on the grave of Solyndra for so long. Enough is enough. Our country needs to move forward in this area.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the chairman for the opportunity to speak today.

Mr. Chairman, I rise today in strong support for H.R. 6213, the No More Solyndras Act. I'm proud to be an original cosponsor of this bill, which will protect American taxpayers from losses under failed, unaccountable Federal loan guarantee programs.

The bill will end the controversial loan program created in the failed stimulus bill, under which the Obama administration provided an ill-advised \$535 million loan guarantee to the solar company Solyndra, which subsequently went bankrupt.

The legislation would also enforce new accountability standards for applications that have already been accepted under the program.

□ 1040

I understand the desire to do something to help American businesses succeed, but allowing freewheeling, government-knows-best bureaucrats to put billions of taxpayer dollars at risk with no accountability is not the way to do it.

Let's be clear, Mr. Chairman. The government should not be in the business of picking winners and losers. It's time to end wasteful government spending, to protect taxpayer dollars, and to empower the private sector over government. With that, I urge my colleagues to support this bill.

Mr. UPTON. Mr. Chairman, I might just say we are prepared to close. If the gentleman from California is going to be the final speaker and is prepared to close, we can get to the amendments.

Mr. WAXMAN. I have another speaker.

The CHAIR. The gentleman from California should be made aware that he has 3 minutes total remaining in his time.

Mr. WAXMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. GENE GREEN), a very important member of our committee.

Mr. GENE GREEN of Texas. I thank our ranking member for allowing me to speak.

Mr. Chairman, as a member of the Energy and Commerce Committee's Oversight and Investigations Subcommittee, I have been involved in the investigation of the Solyndra loan for several months.

During the investigation, I learned that the Department of Energy made a mistake, and I join my colleagues on both sides of the aisle in expressing my frustration that such a mistake could have happened. I was angered even more to find out that the taxpayers' investment would be paid back after the investments of outside investors. I believed we explicitly outlawed this in the Energy Policy Act of 2005. The Department of Energy did what other administrations have done—they went lawyer shopping to find a legal opinion that allowed them to do what they wanted.

This shouldn't have happened. Early on, it appeared the best way to make sure there would be no more Solyndras was to close this loophole, something I believed there would have been bipartisan support to do. Instead, my Republican friends—smelling blood in the water—decided to take a different approach. They are pursuing more political theater, virtually ensuring that the loan guarantee program will continue to be broken. Worse yet, the bill doesn't even accomplish what they want to do, so their allies, like the Heritage Foundation, oppose it.

When we go home this weekend, we will once again be confronted with frustrated constituents who will be asking us, Why can't you work together in Washington? After seeing this bill pass on a mostly party-line vote, what are we supposed to tell them—that we were faced with the opportunity to cut government waste, to close a loophole and to protect the interest of the taxpayers but that we didn't do it?

We are passing a bill that will never become law. The problems we identified in the Solyndra investigation will continue to exist, and we will be leaving our constituents on the hook for future Solyndras. I urge my colleagues to vote against the bill. It is bad policy and undoes a bipartisan compromise from 2005. Instead, let's work together to find common ground and pass a bill that will fix the problems without the politics.

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. How much time do I have remaining on this side?

The CHAIR. The gentleman from Michigan has 9 minutes remaining.

Mr. UPTON. Mr. Chairman, I yield the balance of the time that I control to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman and my colleagues, in a recent editorial by The Wall Street Journal, dated September 11, 2012, entitled, "China's Solyndra Economy," the owner of a solar panel company in China was unable to repay \$3 billion in a bank loan that was guar-

anteed for his solar panel company. Do you know what happened? He leaped from a sixth floor building because he couldn't repay it.

This editorial outlines an unflinching description of all of these different solar panel companies in China that could not repay their loan guarantees. In fact, this summer, the New York Stock Exchange-listed company LDK Solar, which is the world's second largest polysilicon solar wafer producer, defaulted on \$95 million owed to over 20 suppliers. The company lost \$600 million in just the fourth quarter of 2011 and another \$200 million in the first quarter of 2012, and it has already shed 10,000 jobs.

It goes on in this article to point out that the Chinese are doing the wrong thing—they're picking winners and losers—and these people who are losing are the people who can't pay back their loan guarantees. Some people in Washington seem to feel that we should compete with China. We have this China envy. In fact, this is what the President said:

I will not cede the wind or solar or battery industry to China because we refuse to make the same commitment here.

Now, given what this editorial says and what happened in China, I would think the President of the United States would have to rethink his position. So many in Washington have developed this serious case of China envy, seeing it as an exemplar case of how to run an economy. In fact, the Chinese, the Beijing mandarins, are no better at picking winners and losers, and are just as prone to blowing money as we are here in the United States with these beltway boondoggles. So, if people are concerned about this program and don't think this legislation is necessary, just take a few moments to read this editorial, which outlines the problems with solar panels in China.

I would say to my distinguished ranking member from Colorado (Ms. DEGETTE) that she and I both know the mission of our Oversight and Investigations Subcommittee is to extirpate—to root out—waste, fraud, and abuse. If it happens anywhere, we should step forward, and that's what we did in the Solyndra investigation. We attempted to understand what the problem was in order to come to grips with what happened. It took us 18 months. It took us almost 8 months to get back the emails from our subpoenas back in November. We were systematic, and we tried to do it without a huge amount of political rhetoric, and I think we accomplished that. The ultimate result of this investigation is the No More Solyndras Act, H.R. 6213. What this bill does is to basically answer some fundamental questions, and it takes the lessons that we learned from this investigation and puts them into this bill.

I reach out to my Democrat colleagues on this. The gentleman from Texas (Mr. GENE GREEN) was on the floor just recently, and he indicated he also agreed with us about the subordination. If I understood what he said, he

said it was wrong for the administration to subordinate in violation of the law. In fact, I thought I'd take a few moments and, perhaps, actually read what the law says in dealing with subordination. It's section 1702, Terms and Conditions, in the Energy Policy Act of 2005. These are the exact words that, I believe, Mr. GREEN, Democrat from Texas, agrees with, that the administration should not have subordinated taxpayer money.

In the paragraph dealing with subordination—these are the exact words, and I'll read this carefully—"the obligation shall be subject to the condition that the obligation is not subordinate to other financing." That seems crystal clear. Yet, the Department of Energy, after talking to lawyers outside of the DOE who indicated they couldn't subordinate, still parsed the legal language so that they could.

It's very disturbing—and I say this honestly—that David Frantz, the executive director of the loan guarantee program, under oath, said he wanted to continue to subordinate loan guarantees. Now, that's an absolute fact—under oath. The DOE still has a senior loan officer who wants to subordinate. So how in the world could we not pass this legislation and allow the DOE to continue to subordinate and push taxpayers behind—what?—hedge funds? What financial instruments are they going to allow them to subordinate to? He wouldn't elucidate.

So the bottom line here is that the administration still wants to subordinate. That's why I tell everybody on the Democrats' side that you have to—and should—vote for this bill because, in the end, you're going to support David Frantz, the executive director of the loan guarantee program, who wants to continue to subordinate.

Now, here are the key lessons learned—and I'm going to do a colloquy with myself, Mr. Chairman. I think they'll answer the questions the way I want, but I'll answer them the right way.

□ 1050

Did the administration ignore several red flags raised by the Department of Energy and OMB about Solyndra's financial condition in the market for products? Yes.

Did the Department of Energy fail to consult with Treasury prior to issuing a conditional commitment to Solyndra as required by the Energy Policy Act of 2005? Yes.

Did the administration's desire to highlight the stimulus result in DOE pushing the Solyndra loan guarantee out the door? Yes.

Did the Department of Energy fail to adequately monitor the loan guarantee as Solyndra's financial condition simply deteriorated in 2010? Absolutely, yes.

Did the DOE subordinate its interest in the loan guarantee to two Solyndra investors, which was contrary to the Energy Policy Act prohibition on subordination? Absolutely, yes.

Did Treasury play any role in reviewing the restructuring when DOE was moving forward on Solyndra? The answer to that is "no." Definitely no. They did not. In fact, numerous times through email, Treasury showed that they wanted to consult with DOE.

Did DOE consult with the Department of Justice about the subordination? You would think if they were going to parse the legal language on something that was in violation of the Energy Policy Act, section 1702, Terms and Conditions, you'd think they would go to the Department of Justice and say, "What do you think of our parsed language?" No, they didn't. They decided not to consult with Justice.

In the end, the items that I mention, the key lessons I learned from this investigation show demonstratively that this bill is absolutely required. Each of the seven areas I outlined and gave you definitive answers, each of these answers is included in this bill. And based upon what we see in China and what we see happening in the solar industry, we should not risk taxpayers' loans for any more of these loan guarantees if it's going to endanger taxpayers' money.

I'll just conclude by again reminding my colleagues of the mismanagement and the poor executive oversight by Secretary Chu back in 2011. He said, "We are confident we can repay the loans." He was wrong, and that's why this bill is needed.

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

[From the Wall Street Journal, Sept. 11, 2012]

CHINA'S SOLYNDRA ECONOMY (By Patrick Chovanec)

On Aug. 3, the owner of Chengxing Solar Company leapt from the sixth floor of his office building in Jinhua, China. Li Fei killed himself after his company was unable to repay a \$3 million bank loan it had guaranteed for another Chinese solar company that defaulted. One local financial newspaper called Li's suicide "a sign of the imminent collapse facing the Chinese photovoltaic industry" due to overcapacity and mounting debts.

President Barack Obama has held up China's investments in green energy and high-speed rail as examples of the kind of state-led industrial policy that America should be emulating. The real lesson is precisely the opposite. State subsidies have spawned dozens of Chinese Solyndras that are now on the verge of collapse.

Unveiled in 2010, Beijing's 12th Five-Year Plan identified solar and wind power and electric automobiles as "strategic emerging industries" that would receive substantial state support. Investors piled into the favored sectors, confident the government's backing would guarantee success. Barely two years later, all three industries are in dire straits.

This summer, the NYSE-listed LDK Solar, the world's second largest polysilicon solar wafer producer, defaulted on \$95 billion owed to over 20 suppliers. The company lost \$589 million in the fourth quarter of 2011 and another \$185 million in the first quarter of 2012, and has shed nearly 10,000 jobs. The government in LDK's home province of Jiangxi scrambled to pledge \$315 million in public bailout funds, terrified that any further de-

faults could pull down hundreds of local companies.

Chinese solar companies blame many of their woes on the antidumping tariffs recently imposed by the U.S. and Europe. The real problem, however, is rampant overinvestment driven largely by subsidies. Since 2010, the price of polysilicon wafers used to make solar cells has dropped 73%, according to Maxim Group, while the price of solar cells has fallen 68% and the price of solar modules 57%. At these prices, even low-cost Chinese producers are finding it impossible to break even.

Wind power is seeing similar overcapacity. China's top wind turbine manufacturers, Goldwind and Sinovel, saw their earnings plummet by 83% and 96% respectively in the first half of 2012, year-on-year. Domestic wind farm operators Huaneng and Datang saw profits plunge 63% and 76%, respectively, due to low capacity utilization. China's national electricity regulator, SERC, reported that 53% of the wind power generated in Inner Mongolia province in the first half of this year was wasted. One analyst told China Securities Journal that "40-50% of wind power projects are left idle," with many not even connected to the grid.

A few years ago, Shenzhen-based BYD (short for "Build Your Dreams") was a media darling that brought in Warren Buffett as an investor. It was going to make China the dominant player in electric automobiles. Despite gorging on green energy subsidies, BYD sold barely 8,000 hybrids and 400 fully electric cars last year, while hemorrhaging cash on an ill-fated solar venture. Company profits for the first half of 2012 plunged 94% year-on-year.

China's high-speed rail ambitions put the Ministry of Railways so deeply in debt that by the end of last year it was forced to halt all construction and ask Beijing for a \$126 billion bailout. Central authorities agreed to give it \$31.5 billion to pay its state-owned suppliers and avoid an outright default, and had to issue a blanket guarantee on its bonds to help it raise more. While a handful of high-traffic lines, such as the Shanghai-Beijing route, have some prospect of breaking even, Prof. Zhao Jian of Beijing Jiaotong University compared the rest of the network to "a 160-story luxury hotel where only 11 stories are used and the occupancy rate of those floors is below 50%."

China's Railway Ministry racked up \$1.4 billion in losses for the first six months of this year, and an internal audit has uncovered dangerous defects due to lax construction on 12 new lines, which will have to be repaired at the cost of billions more. Minister Liu Zhijun, the architect of China's high-speed rail system, was fired in February 2011 and will soon be prosecuted on corruption charges that reportedly include embezzling some \$120 million. One of his lieutenants, the deputy chief engineer, is alleged to have funneled \$2.8 billion into an offshore bank account.

Many in Washington have developed a serious case of China-envy, seeing it as an exemplar of how to run an economy. In fact, Beijing's mandarins are no better at picking winners, and just as prone to blow money on boondoggles, as their Beltway counterparts.

In his State of the Union address earlier this year, President Obama declared, "I will not cede the wind or solar or battery industry to China. . . because we refuse to make the same commitment here." Given what's really happening in China, he may want to think again.

Ms. CHRISTENSEN. Mr. Chair, here we go again! Republicans have spent 18 months and millions of taxpayer dollars looking into the Obama Administration's energy loan guarantee to Solyndra. The Oversight Subcommittee has held 7 hearings on Solyndra in

2011. And now they propose another Anti-Obama bill, based not on facts but on politics.

These are the facts:

The energy loan program was created under the Bush administration, and President Bush's Department of Energy invited Solyndra to fully apply for a loan guarantee.

Solyndra was praised as a successful, innovative company both before and after it received the loan guarantee.

Solyndra was just one of 30 companies in a portfolio that was expected to support more than 60,000 jobs.

After more than a year of costly investigations, House Republicans have "turned up no evidence of wrong doing."

President Obama's investment in clean energy is paying off, creating jobs around the country.

Despite these facts, the Republicans are determined to waste taxpayers' money on bad bills that will set bad precedents. No one has refuted that there are needed improvements to the program. Independent findings have stated that DOE is already implementing recommendations to improve the program. Introducing legislation like the "No More Solyndra Act" is unnecessary and it not only penalizes potentially good programs because of one bad incident, it can kill the kind of innovation in energy that we need. This is especially true for districts like mine with one of the highest if not the highest energy costs at 45 cents per kilowatt. We need the innovation that the DOE program provides and this bill would kill.

It is important that the federal government play a prominent role in promoting energy efficiency. This bill which restricts the ability of the Department of Energy to provide competitive loan guarantees to alternative energy businesses to support innovation is not a solution to challenges DOE has had with the energy loan guarantee but another attack on the administration. These loan guarantees are important to the development of a strong clean energy industry and jobs it would create.

I urge a "no" vote on this bill.

Mr. DEFAZIO. Mr. Chair, today, I am voting in favor of H.R. 6213. First and foremost, the American taxpayer should not take a backseat to venture capitalists. This bill ensures that any loan default falls first on the company's investors and remaining assets instead of on the taxpayer.

The Department of Energy's loan guarantee program needs better oversight to protect taxpayers from the financial risks of emerging technologies in a competitive and volatile energy market.

I am also concerned that the loan guarantee program, which was created under the Bush administration in 2005, heavily favors thermal industries—including coal. This money would be better spent on innovative, cutting-edge technologies that will reduce our reliance on fossil fuels, cut greenhouse gases responsible for global warming, and make the United States more energy independent.

Limited federal dollars should go to creating high-wage, high-tech jobs that can't be exported—they should not be used to subsidize the largest energy companies that have benefited from billions of dollars in taxpayer subsidies and decades of federal support.

That's why I am also voting for Representative WAXMAN's amendment. H.R. 6213 allows DOE to use its existing authority to award \$34 billion in loan guarantees to projects on the

Republican-deemed "winners' list." This is a list of 50 or so applications that were submitted to DOE prior to the end of 2011. More than three-quarters of the applications are from the nuclear and coal industries.

By voting in favor of Representative WAXMAN's amendment, I support allowing DOE to consider new applications until the remaining loan guarantee dollars are exhausted. This will create a level playing field for all technologies including renewables like wind, solar, and biomass.

Ms. SCHAKOWSKY. Mr. Chair, I rise in opposition to H.R. 6213, the "No More Solyndras Act." This hyper-partisan legislation would prevent Department of Energy loan guarantees for the most promising energy technologies and commit our country to the technologies of the past.

American renewable energy is thriving, with many success stories demonstrating the value of continuing the Loan Guarantee Program.

One example is Prologis, a company that received a partial loan guarantee of \$1.4 billion through the 1705 program to complete Project Amp, an effort to install solar panels at 750 buildings across the country which will add reliable energy to our electric grid. The project will employ more than 1,000 workers nationwide, including in my home state of Illinois, and have the capacity to power 90,000 homes once completed.

Another promising example is First Solar, an Arizona-based company that has partnered with leading private investors—including Berkshire Hathaway—to finance and build a 290-MW solar power plant. That project is supported by a DOE loan guarantee and will soon be providing clean, renewable electricity for the taxpayers who helped fund it.

All told, the DOE's existing loan guarantees will put 60,000 Americans to work and will prevent millions of tons of CO₂ from being emitted into our air. H.R. 6213 could prevent the next Prologis or First Solar from taking off, and it would put our country at an incredible disadvantage compared to China, Germany, and a number of other countries that are making substantial investments in clean energy.

Solyndra has been used as a red herring to attack DOE loan guarantees and thus undermine America's commitment to clean energy. But H.R. 6213 would not end the DOE Loan Guarantee Program. It would restrict DOE loan guarantees to proposals submitted before 2012. That would not save taxpayers a dime, but it would prevent the most promising technological advances from receiving consideration for DOE loan guarantees.

There is of course a trade-off in investing in nascent technologies. Sometimes it won't work out. But as the demand for energy rises, emerging technologies in the United States will need our support to compete with China, whose solar industry received \$30 billion in government subsidies in 2010. Because of the Loan Guarantee Programs, U.S. investment in clean energy edged China last year, but if we abandon our commitment to investment in the most promising renewable energy technologies, we will again fall behind. That would be a reckless and irreversible decision.

We owe it to the next generation to foster the investment that will make American energy production the envy of the world over the next century. We will not accomplish that goal by clinging to the technologies of the past. We must dedicate ourselves to the goal of energy

independence, which is impossible without our support of emerging energy technologies.

Mr. LEVIN. Mr. Chair, the bill before the House is not a serious effort at legislating. Instead, once again, the Republican Majority is using Floor time to try and score political points.

Let's be honest about what's going on here. The legislation should include a disclaimer: "This bill supports the partisan, political interests of House Republicans, who approve this message."

Seldom has the nation faced such a backlog of serious problems, yet the Republican Leadership squanders time on political messaging bills like this one.

Double standard. Every year the taxpayers shell out \$4 billion in unjustified subsidies to the Big 5 oil companies. Two years ago, BP's Deep Water Horizon well spilled millions of barrels of oil into the Gulf of Mexico. Do Republicans come to the Floor with a "No More BP Spills" bill? Do they take away the unjustified subsidies to Big Oil? No.

Two years ago in my home state of Michigan, the Embridge oil pipeline spilled 800,000 gallons of heavy crude and fouled the Kalamazoo River. Do House Republicans come to the Floor with a "No More Embridge Pipeline Spills" bill? No. Instead they work to rush through the permitting on the Keystone pipeline.

Hypocrisy. Republicans like to decry clean energy grants and loan guarantee programs when many House Republicans, including several Committee Chairmen and their party's nominee for vice president, have themselves written to the Obama Administration to express support for taxpayer support for projects that benefit companies in their states.

Let's be clear. The bill before the House is not about improving U.S. energy policy or creating jobs.

Instead of wasting time on a bill that will never become law, we need to invest in renewable energy, and take the steps necessary to allow United States companies to compete with those in China and other nations to supply the world's growing demand for wind turbines, solar panels, and advanced batteries.

We should renew and expand the 48C Advanced Energy Manufacturing Tax Credit that supports American-made clean energy manufacturing. By any measure, 48C was wildly successful. Republicans should join us in extending it.

We should also renew without delay the Renewable Energy Production Tax Credit, which has spurred clean, renewable, domestically-produced wind energy across the country—and the jobs that go with it. American jobs are on the line here. 37,000 jobs will be lost next year if the credit is allowed to expire.

It is time for congressional Republicans to stop their political games and get to work on legislation to spur investment, expand clean energy manufacturing, and put Americans back to work.

Mr. SENSENBRENNER. Mr. Chair, I rise today in support of H.R. 6213, the No More Solyndras Act, as I believe it serves as a critical step in correcting the glaring missteps of the Department of Energy's failed loan guarantee program. Through a lack of due diligence, and apparent political pressure, the Obama Administration risked tax dollars in companies whose failures should have been foreseeable. Congress must learn from these

mistakes and ensure that future tax dollars are not wasted.

I am greatly troubled that several of the initial recipients of the section 1705 loan guarantee program have declared bankruptcy. The most high profile of these was Solyndra, the California solar company that received \$535 million in loan guarantees, but DOE also bet wrong by supporting Beacon Power, Ener 1, and Abound Solar. After Solyndra's failure, Congress investigated how DOE was awarding its money. We found that DOE ignored obvious deficiencies in these companies' business structures and rushed much of the decision making process in the name of political expedience. To put it bluntly, DOE attempted to pick winners and losers and it failed miserably.

When news of this reckless use of tax dollars became public, my constituents were rightfully outraged. In a time of record debt, DOE's gambling with tax dollars on shaky companies is indefensible. The American people expect more from their government. However, in an apparent disregard for its history of failures, DOE is insisting that it will continue to consider loan guarantees, putting millions more tax dollars at risk.

The No More Solyndras Act takes the necessary steps to protect the American taxpayer. By sunseting DOE's loan guarantee authority, we are shielding taxpayers from future losses associated with these risky loans. Further, greater transparency and ensuring no subordination of tax dollars are important to providing taxpayer protection. While I would like for more aggressive legislation that would end the loan guarantee program altogether, I believe the No More Solyndras Act is needed to begin correcting the flaws of the DOE program.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-31. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 6213

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 "No More Solyndras Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) President Obama took office amidst a weak economy and high unemployment, yet he remained committed to advancing an expansive "green jobs" agenda that received substantial funding with the passage of the American Recovery and Reinvestment Act of 2009, commonly known as the stimulus package.

(2) The stimulus package allocated \$90 billion to various green energy programs, and related appropriations provided \$47 billion for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) Such title XVII authorized the Secretary of Energy to issue loan guarantees for projects that avoid, reduce, or sequester air pollutants or greenhouse gases and employ new or significantly improved technologies compared with commercial technologies in service at the time the guarantee is issued.

(4) Loan guarantees issued under such title XVII were required to provide a reasonable prospect of repayment and were expressly required to be subject to the condition that the obligation is not subordinate to other financing.

(5) The stimulus package expanded such title XVII by adding section 1705 to include projects that use commercial technology for renewable energy systems, electric power transmission systems, and leading-edge biofuels projects and by appropriating \$6,000,000,000 in funding to pay the credit subsidy costs for section 1705 loan guarantees for projects that commence construction no later than September 30, 2011.

(6) The Department of Energy, since the enactment of the stimulus package, has issued loan guarantees under such title XVII for 28 projects totaling \$15,100,000,000 under the section 1705 program, and, according to the Government Accountability Office, issued conditional loan guarantees for four projects totaling \$4,400,000,000 under the section 1705 program and four projects totaling \$10,600,000,000 under the section 1703 program.

(7) Three of the first five companies that received section 1705 loan guarantees for their projects, Solyndra, Inc., Beacon Power Corporation, and Abound Solar, Inc., have declared bankruptcy.

(8) The bankruptcy of the first section 1705 loan guarantee recipient, Solyndra, Inc., could result in a loss to taxpayers of over \$530,000,000.

(9) The investigation of the Solyndra loan guarantee by the Committee on Energy and Commerce has demonstrated that the review in 2009 of the Solyndra application by the Department of Energy and the Office of Management and Budget was driven by politics and ideology and divorced from economic reality where the Department of Energy ignored concerns about the company's financial condition and market for its products.

(10) Despite an express provision in such title XVII prohibiting subordination of the United States taxpayers' financial interest, the Department of Energy restructured the Solyndra loan guarantee in February 2011, resulting in the taxpayers losing priority to Solyndra's investors in the event of a default.

(11) The Inspector General of the Department of the Treasury concluded that it was unclear whether the Department of Energy's consultation requirement with the Secretary of the Treasury on the Solyndra loan guarantee was met; that the consultation that did occur was rushed with the Department of the Treasury expressing that "the train really has left the station on this deal"; and that no documentation was retained as to how the Department of the Treasury's serious concerns with the loan guarantee were addressed.

(12) The Government Accountability Office concluded that the Department of Energy Loan Guarantee Program under title XVII has treated applicants inconsistently; that the Department of Energy did not follow its own process for reviewing applications and documenting its analysis and decisions, increasing the likelihood of taxpayer exposure to financial risk from a default; and that the Department of Energy's absence of adequate documentation made it difficult for the Department to defend its decisions on loan guarantees as sound and fair.

(13) A memorandum prepared for the President dated October 25, 2010, from Carol Browner, Ron Klain, and Larry Summers, principal advisors to the President, noted the risk presented by loan guarantee projects because most of the projects had little "skin in the game" from private investors.

(14) A January 2012 report conducted at the request of the Chief of Staff to the President

concluded that the portfolio of projects the Department of Energy included in the loan program were higher risk investments that private capital markets do not generally invest in.

(15) The Department of Energy's section 1705 program has expired but the Department of Energy has announced that it will continue to consider applications for loan guarantees under the section 1703 program.

(16) The Department of Energy has approximately \$34,000,000,000 in remaining lending authority to issue new loan guarantees under the section 1703 program.

SEC. 3. SUNSET.

(a) **NO NEW APPLICATIONS.**—The Secretary of Energy shall not issue any new loan guarantee pursuant to title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) for any application submitted to the Department of Energy after December 31, 2011.

(b) **PENDING APPLICATIONS.**—With respect to any application submitted pursuant to section 1703 or 1705 of the Energy Policy Act of 2005 before December 31, 2011:

(1) No guarantee shall be made until the Secretary of the Treasury has provided to the Secretary of Energy a written analysis of the financial terms and conditions of the proposed loan guarantee, pursuant to section 1702(a) of the Energy Policy Act of 2005 (42 U.S.C. 16512(a)).

(2) The Secretary of the Treasury shall transmit the written analysis required under paragraph (1) to the Secretary of Energy not later than 30 days after receiving the proposal from the Secretary of Energy.

(3) Before making a guarantee under such title XVII, the Secretary of Energy shall take into consideration the written analysis made by the Secretary of the Treasury under paragraph (1).

(4) If the Secretary of Energy makes a guarantee that is not consistent with the written analysis provided by the Secretary of the Treasury under paragraph (1), not later than 30 days after making such guarantee the Secretary of Energy shall transmit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a written explanation of any material inconsistencies.

(c) TRANSPARENCY.—

(1) **REPORTS TO CONGRESS.**—Not later than 60 days after making a guarantee as provided in subsection (b), the Secretary of Energy shall transmit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes information regarding—

(A) the review and decisionmaking process utilized by the Secretary in making the guarantee;

(B) the terms of the guarantee;

(C) the recipient; and

(D) the technology and project for which the loan guarantee will be used.

(2) **PROTECTING CONFIDENTIAL BUSINESS INFORMATION.**—A report under paragraph (1) shall provide all relevant information, but the Secretary shall take all necessary steps to protect confidential business information with respect to the recipient of the loan guarantee and the technology used.

SEC. 4. RESTRUCTURING OF LOAN GUARANTEES.

With respect to any restructuring of the terms of a loan guarantee issued pursuant to title XVII of the Energy Policy Act of 2005, the Secretary of Energy shall consult with the Secretary of the Treasury regarding any restructuring of the terms and conditions of the loan guarantee, including any deviations from the financial terms of the loan guarantee.

SEC. 5. RESTATING THE PROHIBITION ON SUBORDINATION.

Section 1702(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)(3)) is amended by striking “is not subordinate” and inserting “, including any reorganization, restructuring, or termination thereof, shall not at any time be subordinate”.

SEC. 6. ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES.

(a) *IN GENERAL.*—Any Federal official who is responsible for the issuance of a loan guarantee under title XVII of the Energy Policy Act of 2005 in a manner that violates the requirements of such title or of this Act shall be—

(1) subject to appropriate administrative discipline provided for under title 5 of the United States Code, or any other applicable Federal law, including, when circumstances warrant, suspension from duty without pay or removal from office; and

(2) personally liable for a civil penalty in an amount of at least \$10,000 but not more than \$50,000 for each violation.

(b) *DEFINITION.*—For purposes of this section, the term “Federal official” means—

(1) an individual serving in a position in level I, II, III, IV, or V of the Executive Schedule, as provided in subchapter II of chapter 53 of title 5, United States Code; and

(2) an individual serving in a Senior Executive Service position, as provided in subchapter II of chapter 31 of title 5, United States Code.

SEC. 7. GAO STUDY OF FEDERAL SUBSIDIES IN ENERGY MARKETS.

(a) *IN GENERAL.*—The Comptroller General shall conduct a study of the Federal subsidies in energy markets provided from fiscal year 2003 through fiscal year 2012.

(b) *FOCUS.*—The study required under subsection (a) shall have particular focus on Federal subsidies in energy markets provided in support of—

(1) electricity production, transmission, and consumption;

(2) transportation fuels and infrastructure;

(3) energy-related research and development; and

(4) facilities that manufacture energy-related components.

(c) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study conducted under subsection (a), including an identification and quantification of—

(1) costs to the United States Treasury;

(2) impacts on United States energy security;

(3) impacts on electricity prices, including any potential negative pricing impact on wholesale electricity markets;

(4) impacts on transportation fuel prices;

(5) impacts on private energy-related industries not benefitting from Federal subsidies in energy markets;

(6) any Federal subsidies in energy markets that are provided to foreign persons or corporations; and

(7) subsidies and direct financial interest any of the 15 foreign countries with the largest gross domestic product are providing to support energy markets in their respective countries.

(d) *DEFINITION.*—For purposes of this section, the term “Federal subsidies” means Federal grants, direct loans, loan guarantees, and tax credits, and other programmatic activities targeted at energy markets and related sectors, relating to specific energy technologies.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-668. Each such amendment may be offered only

in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. DEGETTE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-668.

Ms. DEGETTE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, after line 21, insert the following new paragraph:

(6) The Department of Energy estimates that projects funded under the title XVII program are expected to create 60,000 jobs.

Page 3, lines 13 through 21, amend paragraph (9) to read as follows:

(9) An investigation by the Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce of the House of Representatives determined that the Solyndra loan determination was based on the best professional judgment of career Department of Energy and Office of Management and Budget officials, without political or ideological interference from Obama Administration political appointees or career officials.

Page 3, lines 22 through 24, strike “Despite an express” and all that follows through “financial interest,” and insert “Title XVII provides that taxpayer interests cannot be subordinated in the origination of a loan, but does not state whether subordination is allowed during restructuring of a loan. The Department of Energy General Counsel determined that in such cases subordination was allowed under the law, and”.

Page 4, after line 14, insert the following new paragraph:

(12) Department of the Treasury officials testified before the Subcommittee on Energy and Power of the Committee on Energy and Commerce of the House of Representatives on October 14, 2011, and stated that their consultation on the Solyndra loan guarantee was not rushed. In interviews conducted by the Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce of the House of Representatives, Office of Management and Budget officials indicated that their review of the Solyndra loan, and the review of Department of Energy officials, was thorough, complete, and fair, and based on reasonable economic assumptions about the company’s future.

Page 5, line 12, insert “This report found that the portfolio of projects under title XVII was strong, performing within the risk confines established by the Congress, and would cost the Government \$2,000,000,000 less than initially expected.” after “generally invest in.”.

The CHAIR. Pursuant to House Resolution 779, the gentlewoman from Colorado (Ms. DEGETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, sadly, this deeply flawed legislation we are considering today is the result of a political investigation, not a fact-based investigation. The majority has ig-

nored the benefits of the DOE loan program and has consistently ignored evidence uncovered in the investigation that contradicts their predetermined view of events. All you have to do is look at the six pages of partisan findings at the beginning of the bill as proof that this is really just a witch hunt.

What my amendment does is it at least attempts to fix the most egregious parts of the false and misleading legislative findings so that at least the record will attempt to be clear and honest.

The first findings I deal with in my amendment are these findings in paragraph 9 that say:

The review in 2009 of the Solyndra application by the Department of Energy and OMB was “driven by politics and ideology, and divorced from economic reality where the Department of Energy ignored concerns about the company’s financial condition and market for its products.”

That is so blatantly partisan. Our committee’s oversight work found that the Solyndra loan determination was based on thorough, unbiased, and fair analysis of DOE and OMB officials without political or ideological influence from Obama administration political appointees or from career officials.

These findings also ignore the fact that each and every one of the 20 witnesses we questioned in interviews and in hearings told us unequivocally there was no political influence on this loan guarantee, that no corners were cut in the review, and that all decisions were made purely on the merits. Shame on the majority for just putting this blatantly false allegation in these findings.

Mr. Chairman, there are also other findings in the legislation that are inaccurate and should be removed. The findings state that the DOE acted illegally in subordinating the Solyndra loan, and Chairman STEARNS talked quite a bit about this in his closing remarks on the substance of the bill. But when looking at the facts, this is simply not the case. What the law says is in the initial granting of the loan guarantee, the government position shall not be subordinated, but DOE’s general counsel carefully analyzed the law and determined that subordination in the restructuring would be allowed legally. This opinion was supported by others in the administration, and by outside experts consulted as part of the committee investigation.

Chairman STEARNS talks about talking to independent lawyers who said that the subordination was not legal. Sadly, he refused to call any of those lawyers to testify before our committee. Furthermore, he refused to call the lawyers at the Department of Energy or DOJ who had said subordination was legal, despite repeated requests by myself and Chairman WAXMAN that they should come in.

Here’s my question: If subordination was already illegal as the majority claims, why are we considering legislation that makes it illegal? Why doesn’t

the Department of Justice just go and prosecute these people? It just doesn't make sense. That's why my amendment also replaces the misleading findings about subordination with an honest set of facts.

Mr. Chairman, the findings also ignore the important successes of title XVII and the ATVM loan programs. In total, the DOE loan programs are creating 60,000 jobs and saving nearly 300 million gallons of gasoline a year. The title XVII and ATVM programs have supported six power generation projects that are already complete and nine projects that are sending power to the electricity grid. The program is funding one of the world's largest wind farms; the world's largest concentrated solar generation project; the world's largest photovoltaic solar power plant, as we heard from Mr. WAXMAN; and the Nation's first two all-electric vehicle manufacturing facilities. The programs have allowed private investors to come off the sidelines to invest tens of billions of dollars and create thousands of jobs.

Now, several of my friends on the other side of the aisle, including Chairman STEARNS, and my dear friend from Kentucky (Mr. WHITFIELD), said we should just cede leadership in this to other countries. If other countries like China are investing money, well, too bad for us; we should cede the leadership in solar to them.

I do not think this is the right place for the U.S. to go. For that reason, I believe my amendment should be adopted. Let's have the findings of fact be accurate. Vote "yes" on the DeGette amendment.

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

Mr. STEARNS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. STEARNS. Mr. Chairman, there are three components to her amendment. The first one is so surprising that she would make this claim that the title XVII program created 60,000 new jobs. Of course, if you go to the Department of Energy's own Web site and you add up the actual number of the permanent jobs in that program, the number is 1,174, according to DOE's own Web site.

□ 1100

How could she possibly come down here and say 60,000 jobs because she includes the ATVM program, which is not part of title XVII, the Advanced Technology Vehicle Program.

First of all, anybody that votes for her amendment supports voting for something that is patently false, patently wrong.

The second portion of her amendment is based upon the fact that she thinks that the decision to loan Solyndra taxpayer money was based upon personal judgment. But throughout all of the emails we received, we show, whether it was OMB or Depart-

ment of Treasury or even the Department of Energy, they all showed that this program was not going to make it.

Then the last portion of her amendment, which is really the heart, I think, of what her amendment is trying to do, she is saying that the counsel for the Department of Energy determined it was satisfactory to subordinate taxpayers. This is contrary to what I read earlier, Mr. Chairman, which clearly shows it's in violation of the Energy Policy Act of 2005. You cannot subordinate taxpayers.

In fact, even while they were doing this—I want to read you an email between OMB staff regarding Solyndra and this shows the optics of the whole thing. This email is between OMB staff regarding Solyndra:

While the company may avoid default with restructuring—vis-&-vis subordination—there's also a good chance it will not. At that point additional funds will have been put at risk. Recoveries may be lower and questions will be asked.

So, the bottom line is even after they parsed the language illegally, it was clear from the OMB that they weren't going to make it. So the Department of Energy's legal analysis was a post facto to try to subordinate to make this survive for political reasons.

Why did they want to make Solyndra succeed? Because it was a poster child. It was the one that the President has touted, Vice President BIDEN touted. They went out there and said we have to make this continue to work, all the while the subordination was illegal.

Now, OMB's Treasury staff believed the DOE had stretched the language of the Energy Policy Act beyond the limits when it agreed to subordinate it. The email I read to you and also further emails I could elicit, which we don't have time for, will show that OMB and Treasury believed that the Department of Energy was wrong in parsing the language to do this. DOE made a questionable, tortured determination of the law in order to justify a decision they had already made.

We want to stop that. That's why this No More Solyndras bill is required. They say that the Treasury consultation was not rushed.

The Treasury Department's own inspector general found that the consultation was rushed, and the cause was a press release that DOE wanted to issue to tout the Solyndra loan guarantee. We don't want that to happen again. Treasury wasn't brought in; a collapse of the credit committee and credit review board that had approved the conditional amendment. Treasury was given 1 day to review the deal, subordination of \$535 million. Treasury own's emails that were produced to the committee said that the staff felt jammed.

Mr. Chairman, I think the long and short of it is when you look at the DeGette amendment, it's clear that this has been repudiated by the 18-month investigation. It shows the in-

formation that she has in here is incorrect, is patently wrong.

I would say in conclusion to all my colleagues who are listening, subordination of taxpayers' money should stop. If we don't pass this bill, David Frantz, senior loan officer at the Department of Energy, will continue to subordinate.

If you believe in subordination, then you vote against this bill. But if you believe the taxpayers should be protected and taxpayers should not be put at risk, and if they are at risk, they should have the first opportunity to get their money back in a bankruptcy, then you should vote for our bill, No More Solyndras, and you should vote against the DeGette amendment.

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 10 seconds remaining.

Mr. STEARNS. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Ms. DEGETTE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-668.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 23, through page 6, line 2, strike subsection (a) (and redesignate the subsequent subsections accordingly).

The CHAIR. Pursuant to House Resolution 779, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, House Republicans have repeatedly claimed that this bill will terminate the Loan Guarantee Program. No more Solyndras, no more loan guarantees, but that's not true.

Let's be clear. This bill does not terminate the Loan Guarantee Program. It doesn't phase it out, it doesn't end it, it doesn't sunset it, it leaves it in place. It allows the Department of Energy to use its existing authority to issue \$34 billion in new loan guarantees.

DOE could issue those loans tomorrow, they can do it next year, they can do it 20 years from now. This bill creates no end date for this program.

After lambasting this Bush-era program for more than a year, House Republicans are leaving it in place to

issue tens of billions of dollars more in loan guarantees, and that's a fact. Here's what the Republican bill actually does. It arbitrarily picks winners and losers by prohibiting DOE from considering any application for a loan guarantee submitted after December 31, 2011. When you say those are the only guarantees that can be considered, it creates winners, and anything else is a loser, because it can't even be considered.

There are 50 projects that are eligible for loan guarantees. Everyone else, no matter how groundbreaking or promising the technology, loses.

Under the Republican bill, we're still going to have a loan guarantee program issuing tens of billions of dollars of guarantees. The only question is whether the latest technologies can be considered.

Under the Republican bill, no breakthrough technologies can be looked at to compete with the older technologies that submitted applications by the end of September 2011.

That makes no sense. Does anyone believe that there are no new ideas out there that would be worth considering in the years to come? Of course not. Let's allow the best projects to compete for the funding.

Now, one of our colleagues on the Republican side of the aisle said, well, it's only fair to let those applications that are pending be considered. Why is it only fair? We don't owe them any money. We don't owe them a loan guarantee.

If you wanted to end the loan guarantee program, you should end the loan guarantee program. What is unfair is to say that those are the only ones that can be considered.

Renewable energy is a critical part what we need to reduce our carbon pollution and prevent unchecked climate change and the disasters that come with it. Breakthroughs in renewable energy are occurring on a steady basis. These breakthroughs promise greater efficiency at lower prices, and yet this legislation walks away from technological breakthroughs in renewable energy by prohibiting DOE from even considering them.

Suppose the technological breakthrough is not in renewables. Suppose the application is for a coal plant with carbon capture and storage. What a breakthrough that would be? Coal could be continued to be used without further concern about harm to the environment. Coal is ubiquitous. It's already available, and we could use it without harm.

Yet, a loan guarantee for such a possible technology would not be able to be considered. Suppose it was for a next-generation nuclear plant, and they wanted to submit an application. They can't under the Republican bill.

□ 1110

So my amendment eliminates the arbitrary provision that prevents DOE from considering any application sub-

mitted after 2011. It keeps all the other provisions of the bill, even ones I disagree with; but it would ensure the DOE can use its remaining funds to provide loan guarantees to the best, most innovative energy projects.

I want to be clear. My amendment does not increase or decrease the amount of loan guarantees that can be awarded under this program. If my amendment fails, DOE will still have \$34 billion to award in loan guarantees, should it choose to. If my amendment passes, it will still be the same amount of money.

I urge support for the amendment.

Mr. STEARNS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. STEARNS. My colleagues, this amendment would allow the title XVII loan guarantee program to go on, continue indefinitely. The committee's 18-month investigation made one thing, I think, absolutely clear: the title XVII loan guarantee program must be eliminated. The No More Solyndras Act accomplishes this goal. It's wholly supported by the Oversight and Investigation Subcommittee and by the full committee. We support an all-of-the-above national energy policy that embraces a diverse range of traditional and alternative energy resources, but we don't support the Federal Government playing venture capitalist with taxpayer money.

The gentleman from California mentions innovation. I would submit to him that the iPhone, the iPad, and the iPod all came without the government picking winners and losers. The government has a role in fostering the development of new energy technologies, but primarily through research and development. The committee's investigation made clear that the government should not be in the business of picking winners and losers. And like the editorial that I put into the RECORD earlier from The Wall Street Journal, China is in the same fix as we are, and a lot of their solar panel companies are going bankrupt. The government needs to get out of the loan guarantee business altogether, and that's why we need to pass this bill.

With that, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. White House adviser Larry Summers said it best. When one of Solyndra's own investors was astonished to learn his startup firm qualified for this massive DOE earmark, Summers replied the government is a "crappy venture capitalist." Nearly 3 years later and \$1 billion in losses to taxpayers later, isn't it clear the Department of Energy loan program has failed?

Many of us want our country to implement a comprehensive, successful energy-independence strategy that uses clean coal, nuclear, clean natural gas, and other sources. That's why Chairman UPTON's bill included an amend-

ment I authored to have the GAO examine the kind of subsidies and assistance foreign governments give to their energy companies. But after an 18-month investigation by the committee, the truth is the current loan program, as it stands, cannot be salvaged. We found that the loopholes created in this program by thwarting the letter and spirit of the law have shaken its foundation.

Solyndra was rushed, reckless, and political. It was rushed because the entire stimulus loan program was built to get money out the door quickly. The law originally said they had to pay it back, complete the projects, and the taxpayers had to be paid back first. These taxpayer safety nets were removed. Second, it was reckless. Officials at OMB, DOE, Treasury, and outside investment professionals all warned that Solyndra was doomed to fail. Even Solyndra employees questioned its longevity. Finally, it was political. Campaign bundler George Kaiser made 16 visits to the White House about Solyndra. This committee uncovered emails between Kaiser and White House officials on Solyndra. There were internal deliberations about how the White House could mask the bad news of Solyndra's bankruptcy.

Those are the facts. It's time to turn out the lights on Solyndra and this DOE loan guarantee program. I urge a "no" vote on the amendment and support for the bill.

Mr. STEARNS. How much time do I have remaining?

The CHAIR. The gentleman from Florida has 2 minutes remaining.

Mr. STEARNS. In an ideal world, the government would never really have gone down this road to create these loan guarantee programs in the first place. I think all of us realize that. While eliminating the program outright is admittedly appealing, and I think a lot of us on this side of the aisle want to do that, we must be mindful of the fact that applicants in the queue have already invested significant time and financial resources towards simply securing their loan guarantee, and they have really narrowed their financing options also in reliance of the existence of this program.

So the question would be, when we thought about this: Is it fair to change the rules in the middle of the game? We're the United States Government. We hear all the time that the government changes the rules. We should be striving to reduce risk caused by the Federal Government, not create it. That's why I said in my statement here that we have to be mindful of the fact so many applicants have already committed themselves and put their time in.

But I think we can learn from this Solyndra debacle. And based upon this amendment by Mr. WAXMAN, I think we realize that in the end that the No More Solyndras Act tackles all the points that he's concerned about.

Mr. Chairman, I urge a “no” vote on the Waxman amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-668 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. DEGETTE of Colorado.

Amendment No. 2 by Mr. WAXMAN of California.

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

AMENDMENT NO. 1 OFFERED BY MS. DEGETTE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 238, not voting 22, as follows:

[Roll No. 581]

AYES—169

Andrews	Costa	Hastings (FL)
Baca	Costello	Higgins
Baldwin	Courtney	Himes
Barber	Critz	Hinchee
Bass (CA)	Crowley	Hinojosa
Becerra	Cuellar	Hirono
Berkley	Cummings	Holden
Berman	Davis (CA)	Holt
Bishop (GA)	Davis (IL)	Honda
Bishop (NY)	DeFazio	Hoyer
Bonamici	DeGette	Israel
Boswell	DeLauro	Jackson Lee
Brady (PA)	Deutch	(TX)
Braley (IA)	Dicks	Johnson (GA)
Brown (FL)	Dingell	Kaptur
Butterfield	Doggett	Keating
Capps	Doyle	Kildee
Capuano	Edwards	Kind
Carnahan	Ellison	Kissell
Carney	Engel	Kucinich
Carson (IN)	Eshoo	Langevin
Castor (FL)	Farr	Larsen (WA)
Chu	Fattah	Lee (CA)
Ciilline	Filner	Levin
Clarke (MI)	Frank (MA)	Lewis (GA)
Clarke (NY)	Fudge	Loebsack
Clay	Garamendi	Lofgren, Zoe
Cleaver	Gonzalez	Lowe
Clyburn	Green, Al	Lujan
Cohen	Green, Gene	Maloney
Connolly (VA)	Grijalva	Markey
Conyers	Hahn	McCarthy (NY)
Cooper	Hanabusa	McCollum

McCarthy (NY)	Polis
McCollum	Price (NC)
McDermott	Quigley
McGovern	Rahall
McIntyre	Rangel
McNerney	Ryan
Meeks	Richardson
Michaud	Richmond
Miller (NC)	Rothman (NJ)
Miller, George	Roybal-Allard
Moore	Ruppersberger
Moran	Rush
Murphy (CT)	Ryan (OH)
Nadler	Sánchez, Linda T.
Napolitano	Sarbanes
Neal	Schakowsky
Oliver	Schiff
Owens	Schrader
Pallone	Schwartz
Pascarell	Scott (VA)
Pastor (AZ)	Scott, David
Pelosi	Serrano
Perlmutter	Sewell
Peters	Sherman
Pingree (ME)	Shuler

NOES—238

Adams	Franks (AZ)
Aderholt	Frelinghuysen
Alexander	Gallegly
Altmire	Gardner
Amash	Garrett
Amodei	Gerlach
Austria	Gibbs
Bachmann	Gibson
Bachus	Gingrey (GA)
Barletta	Gohmert
Barrow	Goodlatte
Bartlett	Gosar
Barton (TX)	Gowdy
Bass (NH)	Granger
Benishek	Graves (GA)
Berg	Graves (MO)
Biggett	Griffin (AR)
Bilbray	Griffith (VA)
Bilirakis	Grimm
Bishop (UT)	Guinta
Black	Guthrie
Bonner	Hall
Bono Mack	Hanna
Boren	Harper
Boustany	Harris
Brady (TX)	Hartzler
Brooks	Hastings (WA)
Buchanan	Hayworth
Bucshon	Heck
Buerkle	Hensarling
Burgess	Herrera Beutler
Burton (IN)	Hochul
Calvert	Huelskamp
Camp	Huizenga (MI)
Campbell	Hultgren
Canseco	Hunter
Cantor	Hurt
Capito	Issa
Carter	Jenkins
Cassidy	Johnson (IL)
Chabot	Johnson (OH)
Chaffetz	Johnson, Sam
Chandler	Jones
Choffman (CO)	Jordan
Cole	Kelly
Conaway	King (IA)
Cravaack	King (NY)
Crawford	Kingston
Crenshaw	Kinzinger (IL)
Culberson	Kline
Denham	Labrador
Dent	Lamborn
DesJarlais	Lance
Diaz-Balart	Landry
Dold	Lankford
Donnelly (IN)	Latham
Dreier	Latta
Duffy	Lewis (CA)
Duncan (SC)	Lipinski
Duncan (TN)	LoBiondo
Ellmers	Long
Emerson	Lucas
Farenthold	Luetkemeyer
Fincher	Lummis
Fitzpatrick	Lungren, Daniel E.
Flake	Lynch
Fleischmann	Manullo
Fleming	Marchant
Flores	Marino
Forbes	Matheson
Fortenberry	McCarthy (CA)
Fox	

Sires	Terry
Slaughter	Thompson (PA)
Smith (WA)	Thornberry
Stark	Tiberi
Sutton	Tipton
Thompson (CA)	Turner (NY)
Thompson (MS)	Turner (OH)
Tierney	Upton
Tonko	
Tsongas	
Van Hollen	Ackerman
Velázquez	Akin
Visclosky	Blackburn
Walz (MN)	Blumenauer
Wasserman	Broun (GA)
Schultz	Coble
Waters	Gutierrez
Watt	Heinrich
Waxman	
Welch	
Wilson (FL)	
Woolsey	
Yarmuth	

Walberg	Wittman
Walden	Wolf
Walsh (IL)	Womack
Webster	Woodall
West	Yoder
Westmoreland	Young (AK)
Whitfield	Young (FL)
Wilson (SC)	Young (IN)

NOT VOTING—22

Ross (AR)	Wittman
Ryan (WI)	Wolf
Sanchez, Loretta	Womack
Speier	Woodall
Sullivan	Yoder
Towns	Young (AK)
	Young (FL)
	Young (IN)

□ 1139

Messrs. CAMPBELL and WEBSTER changed their vote from “aye” to “no.” Messrs. SHULER and OWENS changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. WAXMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 170, noes 231, not voting 28, as follows:

[Roll No. 582]

AYES—170

Altmire	Cuellar	Israel
Andrews	Cummings	Jackson Lee
Baca	Davis (CA)	(TX)
Baldwin	Davis (IL)	Johnson (GA)
Barber	DeFazio	Kaptur
Bass (CA)	DeGette	Keating
Bass (NH)	DeLauro	Kildee
Becerra	Deutch	Kind
Berkley	Dicks	Kissell
Berman	Dingell	Kucinich
Bilbray	Doggett	Lamborn
Bishop (GA)	Dold	Langevin
Bishop (NY)	Doyle	Larsen (WA)
Bonamici	Edwards	Larson (CT)
Brady (PA)	Ellison	Lee (CA)
Braley (IA)	Engel	Levin
Brown (FL)	Eshoo	Lewis (GA)
Butterfield	Farr	Lipinski
Capps	Fattah	Loebsack
Capuano	Filner	Lofgren, Zoe
Carnahan	Frank (MA)	Lowe
Carney	Fudge	Lujan
Carson (IN)	Garamendi	Lynch
Castor (FL)	Gibson	Maloney
Chu	Gonzalez	Markey
Ciilline	Green, Al	Matsui
Clarke (MI)	Green, Gene	McCarthy (NY)
Clarke (NY)	Grijalva	McCollum
Clay	Hahn	McDermott
Cleaver	Hanabusa	McGovern
Clyburn	Hastings (FL)	McNerney
Cohen	Higgins	Meeks
Connolly (VA)	Himes	Michaud
Conyers	Hinchee	Miller (NC)
Cooper	Hinojosa	Miller, George
	Costa	Moore
	Hirono	Moran
	Costello	Holden
	Courtney	Holt
	Critz	Honda
	Crowley	Hoyer

Olver
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Sutton

Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—28

Ackerman	Heger	Reyes
Akin	Jackson (IL)	Ros-Lehtinen
Blackburn	Johnson, E. B.	Ross (AR)
Blumenauer	Jones	Ryan (WI)
Broun (GA)	Latham	Sanchez, Loretta
Coble	LaTourette	Speier
Gerlach	Mack	Sullivan
Gohmert	Napolitano	Towns
Gutierrez	Peterson	
Heinrich	Poe (TX)	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1143

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. BISHOP of Utah, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6213) to limit further taxpayer exposure from the loan guarantee program established under title XVII of the Energy Policy Act of 2005, and, pursuant to House Resolution 779, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. MARKEY. Mr. Speaker, I have a motion to recommit to the desk.

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

Mr. MARKEY. I am opposed to the bill in its current form.

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

The Clerk read as follows:

Mr. Markey moves to recommit the bill H.R. 6213 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 7, after line 6, insert the following new paragraph:

(5) BUY AMERICA REQUIREMENT TO CREATE JOBS.—No guarantee shall be made pursuant to an application unless the applicant certifies to the Secretary of Energy that—

(A) at least 75 percent of the materials and components required for construction, manufacturing, or operations to be carried out under the part of the project for which the guarantee is applicable will be produced in the United States, unless the Secretary has waived the applicability of this subparagraph

based on a determination that it is not feasible to source specific components domestically; and

(B) any project for which the guarantee is applicable will be located in the United States.

At the end of the bill, add the following new subsection:

SEC. 8. CREATING AMERICAN JOBS WITH THE WIND ENERGY PRODUCTION TAX CREDIT.

Section 3(a) shall only have the force and effect of law for such period of time as the credit allowed under section 45 of the Internal Revenue Code of 1986 is in effect for facilities described in subsection (d)(1) of such section 45.

□ 1150

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the bill.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. MARKEY. Mr. Speaker, I rise in support of this motion to level the playing field for wind energy and for the guarantee of American jobs coming out of this No More Solyndras Act. This is the final amendment to this bill. It will not kill the bill. It will not send the bill back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion will ensure that we will only give tens of billions of dollars worth of loan guarantees that are authorized under this No More Solyndras Act as long as we will also avoid raising taxes on the wind industry by \$4 billion a year, which is what is going to happen if we allow the production tax credit to expire at the end of this year.

What is already happening in the wind industry? Well, ladies and gentlemen, the wind industry says that we are going to lose 40,000 jobs next year in the wind industry. What has already happened in the last 2 months? Jobs are already being lost in this country because the Republicans are allowing the production tax credit for wind to expire even as they authorize these tens of billions of dollars of new projects for nuclear, for coal. We're not saying that wind should be treated separately, specially. All we want is equal treatment for wind—equal treatment.

What's happening in Iowa? Last month, Clipper Wind Company lost 174 jobs in Iowa—gone. Last week, Gamesa, with 165 jobs in Pennsylvania—gone. This past Tuesday, Molded Fiber Glass in South Dakota, with 92 jobs in the wind industry—gone. By this time next year, 40,000 jobs in the wind industry—gone. There are 1,700 jobs already gone, and we are on our way to 40,000 jobs lost in the wind industry. That's part one of this amendment.

What is the second part of the amendment? The second part says, if the Republicans are going to authorize

NOES—231

Adams
Aderholt
Alexander
Amash
Amodi
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggart
Bilirakis
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Buchanan
Buechler
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gosar

Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens

Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

these tens of billions of loan guarantees in this No More Solyndras Act, then 75 percent of all of the equipment made under these loan guarantees is to be made here in America and with American workers making that equipment under their bill. If we are going to be doing this, make it in America, and 75 percent of all the equipment should come from our country.

Why is this amendment even necessary? Well, when the Ryan budget came out here on the House floor in February of 2011, one month after they took over, the Ryan budget cut clean energy by 90 percent. What happened in April out here on the House floor? They cut wind and solar by \$17 billion and kept in all of the money for nuclear and coal. That's not a level playing field. That's going after wind. That's going after solar. In this bill, what do they do? Basically, what they say is they can keep in \$88.5 billion for nuclear and for coal loan guarantees, but for wind and solar, we're sorry.

What we are saying in this amendment is let's have a level playing field. Let's make sure that wind is given the opportunity to flourish in the marketplace. Let's not tilt the playing field so that wind is a guaranteed loser in Iowa, in Pennsylvania, in Colorado, in States all across this country which are right now facing a 40,000 job loss. That's what this is all about. Don't give \$4 billion a year to the oil industry and say that it can't be touched and at the same time cut \$4 billion from the wind industry, which is an industry that created 12,000 new megawatts of electricity in our country this year.

So this amendment is very simple. It says keep the \$4 billion for the wind industry so that we don't lose 40,000 wind jobs in the next 6 months in State after State after State in our country—States that are already beginning to see those losses—and let's make sure that 75 percent of all of the equipment that's made under this loan guarantee program is made by American workers here in the United States. Vote "yes" for this recommendational motion. Make it here in America.

I yield back the balance of my time. Mr. UPTON. Mr. Speaker, I claim the time in opposition to the motion to recommit.

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

Mr. UPTON. I will be brief.

I would just note that the projects contemplated under title XVII aren't your usual run-of-the-mill, brick and mortar construction projects. Usually, they are advanced energy projects that require highly specialized equipment, complex components, and they aren't always available domestically. Extending the wind tax credit will be, in fact, part of the larger debate that the House will have as we look at all of the expiring tax provisions, and I certainly look for Mr. MARKEY's support as we look to extend all of those later on,

particularly for his good folks in the State of Massachusetts.

This has been a very long and extensive investigation, and I will tell you that CLIFF STEARNS, the chairman of our Oversight Subcommittee, has done a very good job as we have tried to get to the very bottom of this mess. It is our job—that of every one of us here—to look wherever we can to find fraud and abuse and mismanagement in any Federal program, to identify it, and then come back and fix it so that it cannot happen again. No more Solyndras. That's what this bill does. It is a credit to the investigatory team and to Mr. STEARNS' leadership. We need to defeat this motion to recommit and pass the bill.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered. The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 175, noes 234, not voting 20, as follows:

[Roll No. 583]

AYES—175

Altmire	Davis (CA)	Keating
Andrews	Davis (IL)	Kildee
Baca	DeFazio	Kind
Baldwin	DeGette	Kissell
Barber	DeLauro	Kucinich
Bass (CA)	Deutch	Langevin
Becerra	Dicks	Larsen (WA)
Berkley	Dingell	Larson (CT)
Berman	Doggett	Lee (CA)
Bishop (GA)	Donnelly (IN)	Levin
Bishop (NY)	Doyle	Lewis (GA)
Bonamici	Edwards	Lipinski
Boren	Ellison	Loeb sack
Boswell	Engel	Loftgren, Zoe
Brady (PA)	Eshoo	Lowey
Bralley (IA)	Farr	Lujan
Brown (FL)	Fattah	Lynch
Butterfield	Filner	Maloney
Capps	Frank (MA)	Markey
Capuano	Fudge	Matsui
Carnahan	Garamendi	McCarthy (NY)
Carney	Gonzalez	McCollum
Carson (IN)	Green, Al	McDermott
Castor (FL)	Green, Gene	McGovern
Chandler	Grijalva	McIntyre
Chu	Gutierrez	McNerney
Cicilline	Hahn	Meeks
Clarke (MI)	Hanabusa	Michaud
Clarke (NY)	Hastings (FL)	Miller (NC)
Clay	Higgins	Miller, George
Cleaver	Himes	Moore
Clyburn	Hinchey	Moran
Cohen	Hinojosa	Murphy (CT)
Connolly (VA)	Hirono	Nadler
Conyers	Holden	Napolitano
Cooper	Holden	Neal
Costa	Honda	Olver
Costello	Hoyer	Pallone
Courtney	Israel	Pascarell
Critz	Jackson Lee	Pastor (AZ)
Crowley	(TX)	Pelosi
Cuellar	Johnson (GA)	Perlmutter
Cummings	Kaptur	Peters

Peterson	Schakowsky
Pingree (ME)	Schiff
Price (NC)	Schrader
Quigley	Schwartz
Rahall	Scott (VA)
Rangel	Scott, David
Reyes	Serrano
Richardson	Sewell
Richmond	Sherman
Rothman (NJ)	Sires
Roybal-Allard	Slaughter
Ruppersberger	Smith (WA)
Rush	Stark
Ryan (OH)	Sutton
Sánchez, Linda T.	Thompson (CA)
Sarbanes	Thompson (MS)
	Tierney

NOES—234

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

NOT VOTING—20

Ackerman
Akin
Blackburn
Blumenauer
Broun (GA)
Coble
Goodlatte

Heinrich
Herger
Jackson (IL)
Johnson, E. B.
Jones
LaTourette
Mack

Poe (TX)
Ross (AR)
Ryan (WI)
Sanchez, Loretta
Speier
Townes

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1212

Messrs. CONYERS and MEEKS changed their vote from “no” to “aye.” So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 245, noes 161, not voting 23, as follows:

[Roll No. 584]

AYES—245

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
DeFazio
Denham
Dent

DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Hochul
Huelskamp
Huiuzenga (MI)
Hultgren
Hunter

Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns

NOES—161

Altmiere
Andrews
Baca
Baldwin
Barber
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr

Fattah
Filner
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loftgren, Zoe
Lowe
Lujan
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

NOT VOTING—23

Ackerman
Akin
Blackburn
Blumenauer
Broun (GA)
Coble
Goodlatte
Graves (MO)

Heinrich
Herger
Higgin
Jackson (IL)
Johnson, E. B.
Jones
LaTourette
Mack

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1219

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES of Missouri. Mr. Speaker, on rollcall No. 584, I was inadvertently detained. Had I been present, I would have voted “aye.”

Stated against:

Mr. HIGGINS. Mr. Chair, earlier today I missed rollcall vote 584, on final passage of H.R. 6213. Had I been present, I would have voted “no.”

PERSONAL EXPLANATION

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 583 and 584, I was unavoidably detained. Had I been present, I would have voted “no” on the Motion to Recommit and “aye” on final passage of H.R. 6213.

PERSONAL EXPLANATION

Mr. ROSS of Arkansas. Mr. Speaker, on Thursday, September 13th, 2012 and Friday, September 14th, I was not present for rollcall votes 572–584.

Had I been present for rollcall 572, I would have voted “no.”

Had I been present for rollcall 573, I would have voted “no.”

Had I been present for rollcall 574, I would have voted “aye.”

Had I been present for rollcall 575, I would have voted “aye.”

Had I been present for rollcall 576, I would have voted “no.”

Had I been present for rollcall 577, I would have voted “no.”

Had I been present for rollcall 578, I would have voted “aye.”

Had I been present for rollcall 579, I would have voted “aye.”

Had I been present for rollcall 580, I would have voted “aye.”

Had I been present for rollcall 581, I would have voted “no.”

Had I been present for rollcall 582, I would have voted “no.”

Had I been present for rollcall 583, I would have voted “aye.”

Had I been present for rollcall 584, I would have voted “aye.”

PESTICIDE REGISTRATION IMPROVEMENT EXTENSION ACT OF 2012

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3552) to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act, and ask for its immediate consideration in the House. The Clerk read the title of the bill.

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

Meeks
Poe (TX)
Ross (AR)
Ryan (WI)
Sanchez, Loretta
Speier
Townes

There was no objection.
The text of the bill is as follows:

S. 3552

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 “Pesticide Registration Improvement Extension Act of 2012”.

SEC. 2. PESTICIDE REGISTRATION IMPROVEMENT.

(a) MAINTENANCE FEES.—
(1) FEES.—Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)) is amended—

(A) in paragraph (5)—
(i) in subparagraph (C), by striking “aggregate amount of” and all that follows through the end of the subparagraph and inserting “aggregate amount of \$27,800,000 for each of fiscal years 2013 through 2017.”;

(ii) in subparagraph (D)—
(I) in clause (i), by striking “shall be” and all that follows through the semicolon and inserting “shall be \$115,500 for each of fiscal years 2013 through 2017.”; and

(II) in clause (ii), by striking “shall be” and all that follows through the period and inserting “shall be \$184,800 for each of fiscal years 2013 through 2017.”;

(iii) in subparagraph (E)(i)—
(I) in subclause (I), by striking “shall be” and all that follows through the semicolon and inserting “shall be \$70,600 for each of fiscal years 2013 through 2017.”; and

(II) in subclause (II), by striking “shall be” and all that follows through the period and inserting “shall be \$122,100 for each of fiscal years 2013 through 2017.”;

(iv) in subparagraph (F)—
(I) by striking “paragraph (3)” and inserting “this paragraph”;

(II) by striking “Humans” and inserting “Human”;

(v) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively;

(vi) by inserting after subparagraph (E) the following:
“(F) FEE REDUCTION FOR CERTAIN SMALL BUSINESSES.—

“(i) DEFINITION.—In this subparagraph, the term ‘qualified small business entity’ means a corporation, partnership, or unincorporated business that—

“(I) has 500 or fewer employees;

“(II) during the 3-year period prior to the most recent maintenance fee billing cycle, had an average annual global gross revenue from all sources that did not exceed \$10,000,000; and

“(III) holds not more than 5 pesticide registrations under this paragraph.

“(ii) WAIVER.—Except as provided in clause (iii), the Administrator shall waive 25 percent of the fee under this paragraph applicable to the first registration of any qualified small business entity under this paragraph.

“(iii) LIMITATION.—The Administrator shall not grant a waiver under clause (ii) to

a qualified small business entity if the Administrator determines that the entity has been formed or manipulated primarily for the purpose of qualifying for the waiver.”; and

(vii) in subparagraph (I) (as redesignated by clause (v)), by striking “2012” and inserting “2017”;

(B) in paragraph (6)—
(i) by striking “2014” and inserting “2019”;

and
(ii) by striking “paragraphs (1) through (5)” and inserting “paragraph (1)”;

(C) by striking paragraphs (1), (2), (3), (4), and (7); and
(D) by redesignating paragraphs (5) and (6) as paragraphs (1) and (2), respectively.

(2) CONFORMING AMENDMENTS.—
(A) Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1) is amended—

(i) in subsection (d)(5)(B)(ii)(III), by striking “subsection (i)(1)” and inserting “this section”;

(ii) in subsection (j), by striking “subsection (i)(5)” and inserting “subsection (i)(1)”;

(iii) in subsection (k)(5)—
(I) in the first sentence, by striking “subsection (i)(5)(C)(ii)” and inserting “subsection (i)(1)(C)(ii)”;

(II) in the third and sixth sentences, by striking “subsection (i)(5)(C)” each place it appears and inserting “subsection (i)(1)(C)”.

(B) Section 33(b)(7)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(7)(F)) is amended—

(i) by striking “section 4(i)(5)(E)(ii)” each place it appears in clauses (i), (ii)(I), and (iv)(I) and inserting “section 4(i)(1)(E)(ii)”;

(ii) by striking “section 4(i)(5)(E)(ii)(I)(bb)” each place it appears in clauses (ii)(II) and (iv)(II) and inserting “section 4(i)(1)(E)(ii)(I)(bb)”;

(iii) in clause (iv)(II)—
(I) by striking “applicable.” and inserting “applicable”;

(II) by striking “revenues” and inserting “revenue”.

(3) EXTENSION OF PROHIBITION ON TOLERANCE FEES.—Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) is amended by striking “September 30, 2012” and inserting “September 30, 2017”.

(4) REREGISTRATION AND EXPEDITED PROCESSING FUND.—

(A) SOURCE AND USE.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)(2)(A)) is amended—

(i) by inserting “, to enhance the information systems capabilities to improve the tracking of pesticide registration decisions,” after “paragraph (3)” each place it appears;

and
(ii) in clause (i)—
(I) by inserting “offset” before “the costs of reregistration”;

(II) by striking “in the same portion as appropriated funds”.

(B) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3)(A) of the Fed-

eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)(3)(A)) is amended—

(i) in the matter preceding clause (i), by striking “2008 through 2012, between 1/8 and 1/4” and inserting “2013 through 2017, between 1/8 and 1/8”;

(ii) in clause (i), by striking “new”; and
(iii) in clause (ii), by striking “any application” and all that follows through “that—” and inserting “any application that—”.

(C) ENHANCEMENTS OF INFORMATION TECHNOLOGY SYSTEMS FOR IMPROVEMENT IN REVIEW OF PESTICIDE APPLICATIONS.—Section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)) is amended—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(ii) by inserting after paragraph (3) the following:

“(4) ENHANCEMENTS OF INFORMATION TECHNOLOGY SYSTEMS FOR IMPROVEMENT IN REVIEW OF PESTICIDE APPLICATIONS.—

“(A) IN GENERAL.—For each of fiscal years 2013 through 2017, the Administrator shall use not more than \$800,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B).

“(B) ACTIVITIES.—The Administrator shall use amounts made available from the Reregistration and Expedited Processing Fund to improve the information systems capabilities for the Office of Pesticide Programs to enhance tracking of pesticide registration decisions, which shall include—

“(i) the electronic tracking of—
“(I) registration submissions; and
“(II) the status of conditional registrations;

“(ii) enhancing the database for information regarding endangered species assessments for registration review;

“(iii) implementing the capability to electronically review labels submitted with registration actions; and

“(iv) acquiring and implementing the capability to electronically assess and evaluate confidential statements of formula submitted with registration actions.”;

(iii) in the first sentence of paragraph (6) (as redesignated by clause (i)), by striking “to carry out the goals established under subsection (1)” and inserting “for the purposes described in paragraphs (2), (3), and (4) and to carry out the goals established under subsection (1)”.

(b) PESTICIDE REGISTRATION SERVICE FEES.—

(1) AMOUNT OF FEES.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)) is amended—

(A) by striking paragraph (3) and inserting the following:

“(3) SCHEDULE OF COVERED APPLICATIONS AND REGISTRATION SERVICE FEES.—Subject to paragraph (6), the schedule of covered pesticide registration applications and corresponding registration service fees shall be as follows:

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R010	1	New Active Ingredient, Food use (2) (3)	24	569,221
R020	2	New Active Ingredient, Food use; reduced risk (2) (3)	18	569,221

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R040	3	New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows (3)	18	419,502
R060	4	New Active Ingredient, Non-food use; outdoor (2) (3)	21	395,467
R070	5	New Active Ingredient, Non-food use; outdoor; reduced risk (2) (3)	16	395,467
R090	6	New Active Ingredient, Non-food use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient (3)	16	293,596
R110	7	New Active Ingredient, Non-food use; indoor (2) (3)	20	219,949
R120	8	New Active Ingredient, Non-food use; indoor; reduced risk (2) (3)	14	219,949
R121	9	New Active Ingredient, Non-food use; indoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows (3)	18	165,375
R122	10	Enriched isomer(s) of registered mixed-isomer active ingredient (2) (3)	18	287,643
R123	11	New Active Ingredient, Seed treatment only; includes agricultural and non-agricultural seeds; residues not expected in raw agricultural commodities (2) (3)	18	427,991
R125 New	12	New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows (3)	16	293,596

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 2. — REGISTRATION DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R130	13	First food use; indoor; food/food handling (2) (3)	21	173,644
R140	14	Additional food use; Indoor; food/food handling (3) (4)	15	40,518
R150	15	First food use (2) (3)	21	239,684
R160	16	First food use; reduced risk (2) (3)	16	239,684
R170	17	Additional food use (3) (4)	15	59,976
R175 New	18	Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3) (4)	10	59,976
R180	19	Additional food use; reduced risk (3) (4)	10	59,976

“TABLE 2. — REGISTRATION DIVISION — NEW USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R190	20	Additional food uses; 6 or more submitted in one application (3) (4)	15	359,856
R200	21	Additional food uses; 6 or more submitted in one application; reduced risk (3) (4)	10	359,856
R210	22	Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration (3) (4)	12	44,431
R220	23	Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration (3) (4)	6	17,993
R230	24	Additional use; non-food; outdoor (3) (4)	15	23,969
R240	25	Additional use; non-food; outdoor; reduced risk (3) (4)	10	23,969
R250	26	Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration (3) (4)	6	17,993
R251 New	27	Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis (3)	8	17,993
R260	28	New use; non-food; indoor (3) (4)	12	11,577
R270	29	New use; non-food; indoor; reduced risk (3) (4)	9	11,577
R271	30	New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration (3) (4)	6	8,820
R273	31	Additional use; seed treatment; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food or non-food uses (3) (4)	12	45,754
R274	32	Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses (3) (4)	12	274,523

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R280	33	Establish import tolerance; new active ingredient or first food use (2)	21	289,407
R290	34	Establish import tolerance; additional food use	15	57,882
R291	35	Establish import tolerances; additional food uses; 6 or more crops submitted in one petition	15	347,288
R292	36	Amend an established tolerance (e.g., decrease or increase); domestic or import; applicant-initiated	11	41,124
R293	37	Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated	12	48,510
R294	38	Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated	12	291,060
R295	39	Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; applicant-initiated	15	59,976
R296	40	Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; applicant-initiated	15	359,856
R297 New	41	Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated	11	246,744
R298 New	42	Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of amended labels (requiring science review) in addition to those associated with the amended tolerance; applicant-initiated (3)	13	53,120
R299 New	43	Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of amended labels (requiring science review) in addition to those associated with the amended tolerance; applicant-initiated (3)	13	258,740

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R300	44	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP – only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)	4	1,434

“TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R301	45	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2) (3)	4	1,720
R310	46	New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; requires review of data package within RD only; includes data and/or waivers of data for only: <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● public health pest efficacy and/or ● child resistant packaging. (2) (3) 	7	4,807
R314 New	47	New end use product containing two or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; requires review of data package within RD only; includes data and/or waivers of data for only: <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● public health pest efficacy and/or ● child resistant packaging. (2) (3) 	8	6,009
R315 New	48	New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● public health pest efficacy and/or ● animal safety studies and/or ● child resistant packaging (2) (3) 	9	8,000
R320	49	New product; new physical form; requires data review in science divisions (2) (3)	12	11,996
R331	50	New product; repack of identical registered end-use product as a manufacturing-use product; same registered uses only (2) (3)	3	2,294
R332	51	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions (2) (3)	24	256,883
R333 New	52	New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2) (3)	10	17,993
R334 New	53	New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2) (3)	11	17,993

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 5. — REGISTRATION DIVISION — AMENDMENTS TO REGISTRATION

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R340	54	Amendment requiring data review within RD (e.g., changes to precautionary label statements) (2) (3)	4	3,617
R345 New	55	Amending non-food animal product that includes submission of target animal safety data; previously registered (2) (3)	7	8,000
R350	56	Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement) (2) (3)	9	11,996
R351 New	57	Amendment adding a new unregistered source of active ingredient. (2) (3)	8	11,996
R352 New	58	Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data (2) (3)	8	11,996
R371	59	Amendment to Experimental Use Permit; (does not include extending a permit's time period) (3)	6	9,151

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
R124	60	Conditional Ruling on Preapplication Study Waivers; applicant-initiated	6	2,294
R272	61	Review of Study Protocol applicant-initiated; excludes DART, pre-registration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review	3	2,294
R275 New	62	Rebuttal of agency reviewed protocol, applicant initiated	3	2,294
R370	63	Cancer reassessment; applicant-initiated	18	179,818

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

“TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
A380	64	Food use; establish tolerance exemption (2) (3)	24	104,187
A390	65	Food use; establish tolerance (2) (3)	24	173,644
A400	66	Non-food use; outdoor; FIFRA §2(mm) uses (2) (3)	18	86,823
A410	67	Non-food use; outdoor; uses other than FIFRA §2(mm) (2) (3)	21	173,644
A420	68	Non-food use; indoor; FIFRA §2(mm) uses (2) (3)	18	57,882
A430	69	Non-food use; indoor; uses other than FIFRA §2(mm) (2) (3)	20	86,823

“TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
A431	70	Non-food use; indoor; low-risk, low-toxicity food-grade active ingredient(s); efficacy testing for public health claims required under GLP and following DIS/TSS or AD-approved study protocol (2) (3)	12	60,638

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
A440	71	First food use; establish tolerance exemption (2) (3) (4)	21	28,942
A450	72	First food use; establish tolerance (2) (3) (4)	21	86,823
A460	73	Additional food use; establish tolerance exemption (3) (4) (5)	15	11,577
A470	74	Additional food use; establish tolerance (3) (4) (5)	15	28,942
A471 New	75	Additional food uses; establish tolerances; 6 or more submitted in one application (3) (4) (5)	15	173,652
A480	76	Additional use; non-food; outdoor; FIFRA §2(mm) uses (4) (5)	9	17,365
A481 New	77	Additional non-food outdoor uses; FIFRA §2(mm) uses; 6 or more submitted in one application (4) (5)	9	104,190
A490	78	Additional use; non-food; outdoor; uses other than FIFRA §2(mm) (4) (5)	15	28,942
A491 New	79	Additional non-food; outdoor; uses other than FIFRA §2(mm); 6 or more submitted in one application (4) (5)	15	173,652
A500	80	Additional use; non-food, indoor, FIFRA §2(mm) uses (4) (5)	9	11,577
A501 New	81	Additional non-food; indoor; FIFRA §2(mm) uses; 6 or more submitted in one application (4) (5)	9	69,462
A510	82	Additional use; non-food; indoor; uses other than FIFRA §2(mm) (4) (5)	12	11,577
A511 New	83	Additional non-food; indoor; uses other than FIFRA §2(mm); 6 or more submitted in one application (4) (5)	12	69,462

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCFA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
A530	84	New product; identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite-all data citation, or selective data citation when applicant owns all required data, or applicant submits specific authorization letter for data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2) (3)	4	1,159
A531	85	New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2) (3)	4	1,654
A532	86	New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted (2) (3)	5	4,631
A540	87	New end use product; FIFRA §2(mm) uses only (2) (3)	5	4,631
A550	88	New end-use product; uses other than FIFRA §2(mm); non-FQPA product (2) (3)	7	4,631
A560	89	New manufacturing-use product; registered active ingredient; selective data citation (2) (3)	12	17,365
A570	90	Label amendment requiring data review (3) (4)	4	3,474
A572 New	91	New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate) (2) (3) (4)	9	11,996

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER TYPE OF ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
A520	92	Experimental Use Permit application, Non-Food Use (2)	9	5,789
A521	93	Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 1	3	2,250
A522	94	Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 2	12	11,025
A524 New	95	New Active Ingredient, Experimental Use Permit application; Food Use Requires Tolerance. Credit 45% of fee toward new active ingredient application that follows. (2)	18	138,916
A525 New	96	New Active Ingredient, Experimental Use Permit application; Food Use Requires Tolerance Exemption. Credit 45% of fee toward new active ingredient application that follows. (2)	18	83,594
A526 New	97	New Active Ingredient, Experimental Use Permit application; Non-Food, Outdoor Use. Credit 45% of fee toward new active ingredient application that follows. (2)	15	86,823
A527 New	98	New Active Ingredient, Experimental Use Permit application; Non-Food, Indoor Use. Credit 45% of fee toward new active ingredient application that follows. (2)	15	58,000
A528 New	99	Experimental Use Permit application, Food Use; Requires Tolerance or Tolerance Exemption (2)	15	20,260
A529 New	100	Amendment to Experimental Use Permit; requires data review or risk assessment (2)	9	10,365
A523 New	101	Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols)	9	11,025
A571 New	102	Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant-initiated	18	86,823

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B580	103	New active ingredient; food use; petition to establish a tolerance (2)	19	46,305

“TABLE 11. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B590	104	New active ingredient; food use; petition to establish a tolerance exemption (2)	17	28,942
B600	105	New active ingredient; non-food use (2)	13	17,365
B610	106	New active ingredient; Experimental Use Permit application; petition to establish a temporary tolerance or temporary tolerance exemption	10	11,577
B611 New	107	New active ingredient; Experimental Use Permit application; petition to establish permanent tolerance exemption	12	11,577
B612 New	108	New active ingredient; no change to a permanent tolerance exemption (2)	10	15,918
B613 New	109	New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption (2)	11	15,918
B620	110	New active ingredient; Experimental Use Permit application; non-food use including crop destruct	7	5,789

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time, except where the new inert approval decision review time is greater than that for the new active ingredient, in which case the associated new active ingredient will be subject to the new inert approval decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

“TABLE 12. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B630	111	First food use; petition to establish a tolerance exemption (2)	13	11,577
B631	112	New food use; petition to amend an established tolerance (3)	12	11,577
B640	113	First food use; petition to establish a tolerance (2)	19	17,365
B643 New	114	New Food use; petition to amend tolerance exemption (3)	10	11,577
B642 New	115	First food use; indoor; food/food handling (2)	12	28,942
B644 New	116	New use, no change to an established tolerance or tolerance exemption (3)	8	11,577
B650	117	New use; non-food (3)	7	5,789

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B652 New	118	New product; registered source of active ingredient; requires petition to amend established tolerance or tolerance exemption; requires 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply (2)	13	11,577
B660	119	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. For microbial pesticides, the active ingredient(s) must not be re-isolated. (2)	4	1,159
B670	120	New product; registered source of active ingredient(s); no change in an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	7	4,631
B671	121	New product; unregistered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	17	11,577
B672	122	New product; unregistered source of active ingredient(s); non-food use or food use with a tolerance or tolerance exemption previously established for the active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	13	8,269
B673 New	123	New product MUP/EP; unregistered source of active ingredient(s); citation of Technical Grade Active Ingredient (TGAI) data previously reviewed and accepted by the Agency. Requires an Agency determination that the cited data supports the new product. (2)	10	4,631
B674 New	124	New product MUP; Repack of identical registered end-use product as a manufacturing-use product; same registered uses only (2)	4	1,159
B675 New	125	New Product MUP; registered source of active ingredient; submission of completely new generic data package; registered uses only. (2)	10	8,269

“TABLE 13. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B676 New	126	New product; more than one active ingredient where one active ingredient is an unregistered source; product chemistry data must be submitted; requires: 1) submission of product specific data, and 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)	13	8,269
B677 New	127	New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: <ul style="list-style-type: none"> ● product chemistry and/or ● acute toxicity and/or ● public health pest efficacy and/or ● animal safety studies and/or ● child resistant packaging (2) 	10	8,000

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

“TABLE 14. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — MICROBIAL AND BIOCHEMICAL PESTICIDES; AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B621	128	Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption.	7	4,631
B622 New	129	Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption.	11	11,577
B641	130	Amendment of an established tolerance or tolerance exemption.	13	11,577
B680	131	Amendment; registered source of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption. Requires data submission. (2)	5	4,631
B681	132	Amendment; unregistered source of active ingredient(s). Requires data submission. (2)	7	5,513
B683 New	133	Label amendment; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to REI, PPE, PHI). (2)	6	4,631
B684 New	134	Amending non-food animal product that includes submission of target animal safety data; previously registered (2)	8	8,000

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

“TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES(SCLPS)

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B690	135	New active ingredient; food or non-food use. (2)	7	2,316
B700	136	Experimental Use Permit application; new active ingredient or new use.	7	1,159
B701	137	Extend or amend Experimental Use Permit.	4	1,159

“TABLE 15. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES(SCLPS)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B710	138	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. (3)	4	1,159
B720	139	New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (3)	5	1,159
B721	140	New product; unregistered source of active ingredient. (3)	7	2,426
B722	141	New use and/or amendment; petition to establish a tolerance or tolerance exemption. (4) (5)	7	2,246
B730	142	Label amendment requiring data submission. (4)	5	1,159

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time, except where the new inert approval decision review time is greater than that for the new active ingredient, in which case the associated new active ingredient will be subject to the new inert approval decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 16. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — OTHER ACT

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B614 New	143	Conditional Ruling on Preapplication Study Waivers; applicant-initiated	3	2,294
B615 New	144	Rebuttal of agency reviewed protocol, applicant initiated	3	2,294
B682	145	Protocol review; applicant initiated; excludes time for HSRB review	3	2,205

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — PLANT INCORPORATED PROTECTANTS (PIPS)

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B740	146	Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes: 1) non-food/feed use(s) for a new (2) or registered (3) PIP; 2) food/feed use(s) for a new or registered PIP with crop destruct; 3) food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4)	6	86,823
B750	147	Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4)	9	115,763
B770	148	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. (5)	15	173,644
B771	149	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows.	10	115,763
B772	150	Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected.	3	11,577
B773	151	Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient.	5	28,942
B780	152	Registration application; new (2) PIP; non-food/feed.	12	144,704
B790	153	Registration application; new (2) PIP; non-food/feed; SAP review. (5)	18	202,585
B800	154	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption.	12	231,585
B810	155	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. (5)	18	289,407
B820	156	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient.	15	289,407
B840	157	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. (5)	21	347,288
B851	158	Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s).	9	115,763
B870	159	Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4)	9	34,729
B880	160	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (6) (7)	9	28,942
B881	161	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. (5) (6) (7)	15	86,823
B883 New	162	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (8)	9	115,763
B884 New	163	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (8)	12	144,704

“TABLE 17. — BIOPESTICIDES AND POLLUTION PREVENTION DIVISION — PLANT INCORPORATED PROTECTANTS (PIPS)—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration Service Fee (\$)
B885 New	164	Registration application; registered (3) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9)	9	86,823
B890	165	Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s).	9	57,882
B891	166	Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. (5)	15	115,763
B900	167	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. (10) (11)	6	11,577
B901	168	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. (10) (11)	12	69,458
B902	169	PIP protocol review	3	5,789
B903	170	Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.	6	57,882
B904	171	Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).	9	115,763

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) New PIP = a PIP with an active ingredient that has not been registered.

(3) Registered PIP = a PIP with an active ingredient that is currently registered.

(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.

(5) The scientific data involved in this category are complex. EPA often seeks technical advice from the Scientific Advisory Panel on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, as well as insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.

(6) Registered PIPs stacked through conventional breeding.

(7) Deployment of a registered PIP with a different IRM plan (e.g., seed blend).

(8) The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.

(9) Application can be submitted prior to or concurrently with an application for commercial registration.

(10) For example, IRM plan modifications that are applicant-initiated.

(11) EPA-initiated amendments shall not be charged fees.

“TABLE 18. — INERT INGREDIENTS, EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration (\$)
I001	172	Approval of new food use inert ingredient (2) (3)	12	18,000
I002 New	173	Amend currently approved inert ingredient tolerance or exemption from tolerance; new data (2)	10	5,000
I003 New	174	Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data (2)	8	3,000
I004 New	175	Approval of new non-food use inert ingredient (2)	8	10,000
I005 New	176	Amend currently approved non-food use inert ingredient with new use pattern; new data (2)	8	5,000
I006 New	177	Amend currently approved non-food use inert ingredient with new use pattern; no new data (2)	6	3,000
I007 New	178	Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern (2)	4	1,500
I008 New	179	Approval of new polymer inert ingredient, food use (2)	5	3,400

“TABLE 18. — INERT INGREDIENTS, EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) (1)	Registration (\$)
I009 New	180	Approval of new polymer inert ingredient, non food use (2)	4	2,800
I010 New	181	Petition to amend a tolerance exemption descriptor to add one or more CASRNs; no new data (2)	6	1,500
M001 New	182	Study protocol requiring Human Studies Review Board review as defined in 40 CFR 26 in support of an active ingredient (4)	9	7,200
M002 New	183	Completed study requiring Human Studies Review Board review as defined in 40 CFR 26 in support of an active ingredient (4)	9	7,200
M003 New	184	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	12	58,000
M004 New	185	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	18	58,000
M005 New	186	New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. (6) (7)	9	20,000
M006 New	187	Request for up to 5 letters of certification (Gold Seal) for one actively registered product.	1	250
M007 New	188	Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii)	12	5,000
M008 New	189	Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(l)(2) determination is required	10	1,500

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is associated with and dependent upon a pending application for an inert ingredient action, each application will be subject to its respective registration service fee. The decision review time for the other associated covered application will be extended to match the PRIA due date of the pending inert ingredient action, unless the PRIA due date for the other associated covered action is further out, in which case it will be subject to its own decision review time. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.”;

(B) in paragraph (6)—
(i) in subparagraph (A)—
(I) by striking “October 1, 2008” and inserting “October 1, 2013”; and
(II) by striking “September 30, 2010” and inserting “September 30, 2015”; and
(ii) in subparagraph (B)—
(I) by striking “October 1, 2010” and inserting “October 1, 2015”; and
(II) by striking “September 30, 2010” and inserting “September 30, 2015”; and
(C) in paragraph (8)(C)(ii)—

(i) in subclause (I), by striking “or” at the end;
(ii) in subclause (II), by striking the period at the end and inserting “; or”; and
(iii) by adding at the end the following:
“(III) on the basis that the Administrator rejected the application under subsection (f)(4)(B).”
(2) PESTICIDE REGISTRATION FUND.—Section 33(c)(3)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)(3)(B)) is amended—

(A) in clause (i), by striking “2008 through 2012” and inserting “2013 through 2017”;
(B) in clause (ii), by striking “grants” and all that follows through the end of the clause and inserting “grants, for each of fiscal years 2013 through 2017, \$500,000.”; and
(C) in clause (iii), by striking “2008 through 2012” and inserting “2013 through 2017”.
(3) ASSESSMENT OF FEES.—Section 33(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(d)) is amended—

(A) in paragraph (2), by striking “2002” each place it appears and inserting “2012”;

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

(4) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS.—Section 33(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(e)) is amended by striking “Pesticide Registration Improvement Act of 2003” and inserting “Pesticide Registration Improvement Extension Act of 2012”.

(5) DECISION TIME REVIEW PERIODS.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(f)) is amended—

(A) in paragraph (1), by striking “Pesticide Registration Improvement Renewal Act, the Administrator shall publish in the Federal Register” and inserting “Pesticide Registration Improvement Extension Act of 2012, the Administrator shall make publicly available”;

(B) in paragraph (2), by striking “appearing in the Congressional Record on pages S10409” and all that follows through the period and inserting “provided under subsection (b)(3).”; and

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting “and fee” before the period; and

(ii) in subparagraph (B)—

(I) by striking “(B) COMPLETENESS OF APPLICATION” and all that follows through “Not later” in clause (i) and inserting the following:

“(B) INITIAL CONTENT AND PRELIMINARY TECHNICAL SCREENINGS.—

“(i) SCREENINGS.—

“(I) INITIAL CONTENT.—Not later”;

(II) in clause (i) (as so designated) by adding at the end the following:

“(II) PRELIMINARY TECHNICAL SCREENING.—After conducting the initial content screening described in subclause (I) and in accordance with clause (iv), the Administrator shall conduct a preliminary technical screening—

“(aa) not later than 45 days after the date on which the decision time review period begins (for applications with decision time review periods of not more than 180 days); and

“(bb) not later than 90 days after the date on which the decision time review period begins (for applications with decision time review periods greater than 180 days).”;

(III) by striking clause (ii) and inserting the following:

“(ii) REJECTION.—

“(I) IN GENERAL.—If the Administrator determines at any time before the Administrator completes the preliminary technical screening under clause (i)(II) that the application failed the initial content or preliminary technical screening and the applicant does not correct the failure before the date that is 10 business days after the applicant receives a notification of the failure, the Administrator shall reject the application.

“(II) WRITTEN NOTIFICATION.—The Administrator shall make every effort to provide a written notification of a rejection under subclause (I) during the 10-day period that begins on the date the Administrator completes the preliminary technical screening.”;

(IV) in clause (iii)—

(aa) in the heading, by inserting “INITIAL CONTENT” before “SCREENING”;

(bb) in the matter preceding subclause (I), by inserting “content” after “initial”;

(cc) in subclause (II), by striking “contains” and inserting “appears to contain”;

and

(V) by adding at the end the following:

“(iv) REQUIREMENTS OF PRELIMINARY TECHNICAL SCREENING.—In conducting a preliminary technical screening of an application, the Administrator shall determine if—

“(I) the application and the data and information submitted with the application are accurate and complete; and

“(II) the application, data, and information are consistent with the proposed labeling and any proposal for a tolerance or exemption from the requirement for a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), and are such that, subject to full review under the standards of this Act, could result in the granting of the application.”.

(6) REPORTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(k)) is amended—

(A) in paragraph (1), by striking “March 1, 2014” and inserting “March 1, 2017”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (vi)(V), by striking “and” at the end;

(II) in clause (vii)(II), by inserting “and” at the end; and

(III) by adding at the end the following:

“(viii) the number of extensions of decision time review periods agreed to under subsection (f)(5) along with a description of the reason that the Administrator was unable to make a decision within the initial decision time review period;”;

(ii) in subparagraph (E), by striking “and” at the end;

(iii) in subparagraph (F), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(G) a review of the progress made toward—

“(i) carrying out section 4(k)(4) and the amounts from the Reregistration and Expedited Processing Fund used for the purposes described in that section;

“(ii) implementing systems for the electronic tracking of registration submissions by December 31, 2013;

“(iii) implementing a system for tracking the status of conditional registrations, including making nonconfidential information related to the conditional registrations publicly available by December 31, 2013;

“(iv) implementing enhancements to the endangered species knowledge database, including making nonconfidential information related to the database publicly available;

“(v) implementing the capability to electronically submit and review labels submitted with registration actions;

“(vi) acquiring and implementing the capability to electronically assess and evaluate confidential statements of formula submitted with registration actions by December 31, 2014; and

“(vii) facilitating public participation in certain registration actions and the registration review process by providing electronic notification to interested parties of additions to the public docket;

“(H) the number of applications rejected by the Administrator under the initial content and preliminary technical screening conducted under subsection (f)(4);

“(I) a review of the progress made in updating the Pesticide Incident Data System, including progress toward making the information contained in the System available to the public (as the Administrator determines is appropriate); and

“(J) an assessment of the public availability of summary pesticide usage data.”;

and

(C) by adding at the end the following:

“(4) OTHER REPORT.—

“(A) SCOPE.—In addition to the annual report described in paragraph (1), not later than October 1, 2016, the Administrator shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes an

analysis of the impact of maintenance fees on small businesses that have—

“(i) 10 or fewer employees; and

“(ii) annual global gross revenue that does not exceed \$2,000,000.

“(B) INFORMATION REQUIRED.—In conducting the analysis described in subparagraph (A), the Administrator shall collect, and include in the report under that subparagraph, information on—

“(i) the number of small businesses described in subparagraph (A) that are paying maintenance fees; and

“(ii) the number of registrations each company holds.”.

(7) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(A) in paragraph (1), by striking “2012” and inserting “2017”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the heading, by striking “2013” and inserting “2018”;

(II) by striking “2013,” and inserting “2018,”; and

(III) by striking “September 30, 2012” and inserting “September 30, 2017”;

(ii) in subparagraph (B)—

(I) in the heading, by striking “2014” and inserting “2019”;

(II) by striking “2014,” and inserting “2019,”; and

(III) by striking “September 30, 2012” and inserting “September 30, 2017”;

(iii) in subparagraph (C)—

(I) in the heading, by striking “2014” and inserting “2019”; and

(II) by striking “September 30, 2014” and inserting “September 30, 2019”; and

(iv) in subparagraph (D), by striking “2012” each place it appears and inserting “2017”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2012.

(d) RELATIONSHIP TO OTHER LAW.—In the case of any conflict between this section (including the amendments made by this section) and a joint resolution making continuing appropriations for fiscal year 2013 (including any amendments made by such a joint resolution), this section and the amendments made by this section shall control.

Mr. LUCAS. Mr. Speaker, I rise to voice my support of S. 3552, the Pesticide Registration Improvement Extension Act of 2012, and recognize myself for such time as I may consume.

I want to first thank my colleague, the Ranking Member for his assistance with this legislation. This bill has been included in the Agriculture Committee reported farm bill which we hope to consider in due course.

While there are many USDA-related programs reauthorized in the committee legislation, this one is among a small list of anomalies in that it is a program administered by the EPA. Additionally, the absence of this reauthorization would necessitate significant increases in appropriations to cover the shortfall, as well as risk the imposition of exorbitant costs on our constituents further jeopardizing an already abysmal economic recovery.

The original Pesticide Registration Improvement Act, PRIA, was a landmark law enacted on January 23, 2004. Congress reauthorized PRIA, now known as “PRIA 2”, for another five years on October 9, 2007. PRIA re-invented EPA’s procedures for processing applications for pesticide registrations and other related actions, including establishing specific timelines with corresponding fee schedules.

Under PRIA 1, the Agency's Office of Pesticide Programs was required to process applications within timeframes specified for each of the 50 categories of registration actions. That number has since increased, and would be set at 189 under the proposed reauthorization.

PRIA retained and increased the product maintenance fees that support re-registration and tolerance reassessment authorized under the Food Quality Protection Act. Pesticide registrants paid \$110 million in maintenance fees during the authorization of PRIA and registrants are scheduled to pay \$139 million in maintenance fees for the five year period to be covered by the proposed "PRIA 3."

PRIA established a prohibition against the collection of other registration fees, as distinct from registration service fees, authorized under the Federal Insecticide, Fungicide and Rodenticide Act, FIFRA. PRIA also suspended the Agency's authority to collect tolerance fees which had been authorized by the Federal Food, Drug and Cosmetic Act, FFDA.

In the absence of this reauthorization, substantially higher fees whose authority is suspended by this legislation would be collected with the revenue going directly to the U.S. Treasury where it would be unavailable to EPA's Pesticide Program. This would necessitate the discretionary appropriation of new funds to carry out pesticide review activities and eliminate the transparency and accountability measures enacted in PRIA which have placed effective checks on the EPA.

The legislation before us today: extends the authority of EPA to collect maintenance fees until 2017; extends the prohibition on collection of other registration and tolerance fees to 2019 and 2017, respectively; establishes a small business cap; allocates funds for EPA to use for the enhancement and improvement of "IT" systems for the registration of pesticides and tracking of key information; amends the percentage of maintenance fees devoted to review of inert ingredients; increases registration service fees during the life of PRIA 3 by 2.5 percent; provides that the Administrator shall identify reforms in processing that would allow it to improve decision times beyond those provided for in the Act; and cites new schedule of decision review times.

I urge my colleagues to support this legislation.

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.

GENERAL LEAVE

Mr. LUCAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

□ 1230

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend from Virginia, the majority leader, for the purpose of inquiring

about the schedule for the week to come.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday and Tuesday, no votes are expected in the House. On Wednesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of bills under suspension of the rules next week, including a prioritization of visas for foreign graduates of American universities in the STEM fields, an issue being championed by Chairman LAMAR SMITH, the gentleman from Texas, as well as BOB GOODLATTE from Virginia and RAÚL LABRADOR from Idaho. A complete list of suspensions will be announced by the close of business today.

In addition, Mr. Speaker, the House will consider H.J. Res. 118, sponsored by Chairman DAVE CAMP, which provides for congressional disapproval of the rules submitted by the Department of Health and Human Services relating to waivers of work requirements with respect to the Temporary Assistance for Needy Families program.

The House will also consider H.R. 3409, the Stop the War on Coal Act, sponsored by BILL JOHNSON of Ohio, which is a package of bills to expand domestic energy production and help create American jobs.

Lastly, Mr. Speaker, Members are advised that with the Senate's expected passage of the continuing resolution, we no longer anticipate votes in the House during the week of October 1. This is a change from the original House calendar.

Mr. HOYER. I thank the gentleman for his information with respect to what we're going to consider next week, and also I was going to ask him, but he has already indicated, that he does not expect the scheduled week of meeting in October to occur. I thank him for that information. That would indicate essentially then, therefore, that we have approximately a little over a day and a half or a day and three-quarters remaining before the election.

I want to ask the gentleman, first of all, there's been a lot of talk about the work that has not been done:

We have not done the jobs bill that I've been urging us to consider.

We have not addressed the middle class tax cut in a way that we'll deal with that and on which I think both sides agree. We have disagreement on tax cuts for those who are not in the middle class.

The farm bill, I want to discuss that in a second. The farm bill.

The Violence Against Women Act and the middle class tax cut have both passed the United States Senate.

Postal reform, there is also an agreement on that in the United States Senate.

Obviously sequestration.

And I want to talk a little bit about the fiscal cliff, Mr. Leader.

But in the farm bill, as you know we have a discharge petition that is pending, which is somewhat unusual in that our party has initiated a discharge petition to ask you to bring to the floor a bill that your committee reported out of committee. That's somewhat unusual in these discharge petitions. A number of Republicans have signed on to that as you know.

As a matter of fact, we understand your suggestion to some that they do sign—not you, personally, excuse me. But that there's been some suggestion they sign on to that as an indication of their support for the farm bill.

The Senate passed a farm bill, 64-35, Mr. Leader. We are hoping that that bill can be brought to the floor next week. It's not on the calendar. But in light of the fact that 16 Republicans voted in favor of it in the Senate, it's clear that it does have broad bipartisan support.

The Ag Committee here in this House reported out a bill 35-11. That bill has, of course, not been brought to the floor.

We don't have much time left, as you've just announced. Even if we count Thursday as a full day and even if we count Friday as a full day of next week, we have essentially 2 days and then suspension votes on Wednesday night.

Many farmers are facing the worst droughts they've seen in many years. We passed a drought bill here that is not agreed to by the Senate. In fact, the farm community, as I think the gentleman probably knows, perhaps not unanimously, but in large number, opposes the drought bill that we passed, and the reason they oppose it is because—and I think you were absolutely right, Mr. Majority Leader, when you talked over the past years about certainty. The farmers are opposed to the drought bill that we passed in the House because it doesn't give them any certainty. They think a 5-year bill is preferable. They've seen two-thirds of the Senate, almost, pass a bill, and they hope we would pass that.

I would ask the gentleman, therefore, if there is any, I was going to ask for assurance, but if there is any possibility that we're going to consider a farm bill, either the House bill as reported out overwhelmingly from the Republican-chaired committee or the Senate bill that was passed in a bipartisan fashion, is there any possibility that before we leave here, in consideration of the crisis that confronts many in the farm community, that we will consider that bill?

I yield to my friend.

Mr. CANTOR. I thank the gentleman. Before I get to the farm bill, I would just like to respond to the initial statements about the House's work in terms of jobs and taxes.

□ 1240

The gentleman well knows that we have sent to the Senate well over 30 measures that are job-creating bills that will help improve the environment for small business men and women to actually begin to invest and create jobs again.

We've also, as the gentleman knows, passed H.R. 8, the Job Protection and Recession Prevention Act. We did that on August 1. It was a bipartisan vote, including 19 House Democrats. This followed up on over 20 hearings on tax reform in this Congress. What we did in that bill, Mr. Speaker, as the gentleman recalls, is we made sure that taxes are not going to go up on anybody right now because of the economic situation that exists throughout this country. We don't believe that it is a desirable outcome to see taxes go up on anyone and to take more of their money right now while they're having a difficult time getting through the month.

That is why, Mr. Speaker, we continue to stand on the side of the hard-working taxpayers, and we ask the gentleman to please, when he cites the fact that we didn't pass his job bill, we passed a jobs bill. We passed numerous jobs bills—in fact, over 30 jobs bills—sitting in the Senate. The inaction has been on the Senate.

So, Mr. Speaker, with the gentleman's question about the farm bill, I, in fact, just came out of a meeting with one of his members to talk about the farm bill. We're trying to look for ways forward. Yes, there can be a possibility that we act again on the issue of the disaster of the drought. As the gentleman rightly said, we passed a drought relief bill on the livestock issue. It's sitting over in the Senate. Again, inaction.

The gentleman indicates the reason for opposition to that bill. There is nothing in the bill that is controversial. It's a fact that some who insist on having something else in the bill didn't have it. Well, one thing we know in common is we're all for allowing the relief on the livestock issue for the farmers.

Why can't we get that done? Why can't we just finally decide to say, You know what? There are some areas of disagreement, and we realize that, reasonable people do, and certainly in election season it sort of emphasizes that, unfortunately. But we also know there are things in common. Addressing the livestock drought issue is something we do have in common. We passed that out of the House.

Mr. Speaker, I would say to the gentleman any indication that he could give that perhaps there would be some movement on that would be, I think, a positive thing for the farmers. We continue to work on how to go forward, and, yes, there could be a possibility there is some action next week on the issue of the farm bill, looking to find ways that we can work together on issues that we all support, not issues that divide us.

Mr. HOYER. I think the comments of the gentleman are interesting and I appreciate his comments.

We do have agreement in the Senate on a farm bill; they voted for it with 64 votes—almost two-thirds of the Senate. We may not have agreement, but we had a bill that came out of the Republican-led committee, your committee, with over a two-thirds vote, and neither one of those have been brought to the floor? So we're arguing on something that we had pretty significant disagreement on—yes, there were some Democrats that voted for the drought relief, particularly from farm country. I can understand their view. But the farm community is opposed to the drought relief bill—not unanimously, but in significant part.

So the gentleman points out that we ought to pass that on which we have agreement. Let me suggest to him that 98 percent of Americans and 97 percent of small business people agree on not having a tax increase. The gentleman is worried about those people who are making about \$20,000 a month. Some of them don't feel well off, I understand that; but I'm worried about the people who are making \$2,000 a month, very frankly. I'm worried about the people who are getting by and who are having trouble. We need to give them assurance.

The gentleman just said that we ought to be able to act on that on which we agree. Maybe I'm incorrect, but I would tell the gentleman on this side of the aisle, we will produce the overwhelming majority of votes on our side of the aisle for a bill that ensures that there will be no tax increase on those who are making, either individually under \$200,000 a year, or as a husband and wife \$250,000 a year. I assure the gentleman that I will produce and we will produce on this side well over 180 votes for that proposition. So I tell my friend all he has to do is produce 40 votes, but I think he will produce many more than that. Because unless he says I'm wrong, I think when you say nobody ought to get a tax increase, we have agreement—and that's just what the gentleman is talking about, where we have an agreement—we have an agreement that nobody under \$250,000, couple, \$200,000, individual, should get a tax increase on January 1 of this year.

We could pass that bill, in my opinion, next week. We could pass it under the suspension calendar, in my opinion. We could send it to the Senate. They've already passed a bill. They've already passed a bill through the Senate which adopted that proposition. So we have the majority votes in the Senate, and I would hope we would have almost unanimity in the Senate on that proposition. But I think what I hear the gentleman saying is, unless we have agreement on 100 percent, the fact that we agree on 98 percent and 97 percent, we're not going to move the bill.

Now, I agree with the gentleman, if we have agreement, that's something

central that we have agreement on, I would hope we could move it.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding.

I would say that there is not agreement right now that we ought to raise taxes in this economy. The reason is, Mr. Speaker, that we are concerned about those individuals that the gentleman speaks about that perhaps may be out of work, or underemployed, or trying to make it and having a real difficult time. We're concerned about those people, and the best thing we can do is create a job and see them go back to work.

We saw that this summer Ernst & Young put out a study demonstrating that his tax policy—the gentleman's tax policy, the President's plan to raise taxes—is going to destroy 710,000 jobs, slash \$200 billion from the economy, and lower wages for all working Americans by 1.8 percent. That's what that study said.

So, no, there's not agreement that we should raise taxes like that because if you raise taxes, there are going to be less jobs, there is going to be less growth. We're trying to focus on those people who need to get back to work, who want to get back to work. That's where the agreement is—that we all want to help people. We just don't believe that you help people right now by laying down a tax increase, putting more money into the government that can't seem to figure out a way to fix the problem once and for all. That's what we want to do, fix that problem, help those people.

Mr. HOYER. I thank the gentleman for his response—I don't think it answered my question.

We understand that you want to see no tax increases, no additional contributions from people making \$1 million net taxable income or more, or \$10 million taxable income. We understand you don't want to do it. We don't agree on that. You're correct. But we do agree on the fact that 98 percent of Americans who make less than \$200,000 individually, less than \$250,000 as a couple, those 98 percent of Americans and 97 percent of small businesses ought not to get a tax increase on January 1. Very frankly, you didn't respond to me; I presume you agree with that.

What you don't agree with is that, if we don't do it all on something we disagree with—that's what's causing gridlock in Congress. That's what's causing this Congress to be the least productive Congress in which I have served in 32 years. That's what's causing us to not listen to one another, talk by one another, and not agree. That's why the farm bill hasn't been passed; that's why the Violence Against Women bill has not been passed; that's why the postal reform has not been passed; that's why middle class tax cuts have not been passed; because if you don't get it all, you don't want to do any of it.

I say respectfully to the majority leader, we agree that 98 percent of

Americans ought not to get a tax increase. We do disagree on whether or not those who are better off can make a contribution to bringing this deficit down and dealing with our debt. What the gentleman responded was, unless we're for 100 percent, we're not going to be for any. That's what I hear you saying.

I yield to my friend.

Mr. CANTOR. I thank the gentleman for yielding.

Again, no, that's not why these bills haven't passed. First of all, the Violence Against Women Act passed out of this House. It's sitting over in the Senate because the Senate's got its own bill that has a blue slip problem. Let the legislative process work over there, send us a bill, and we'll get something done. The gentleman did not, on his side, overwhelmingly join us in the VAWA bill. Okay. So the fact that the minority didn't get their way, they wouldn't join us on the bill. We went and did our work.

And I'll say more to the gentleman, Mr. Speaker. The postal reform bill, the fact of the matter is his side, Mr. Speaker, the minority will not agree to reforms. Everyone knows the post office needs reforms. Everyone knows the debt that that organization continues to incur and lays on the U.S. taxpayers. We're trying to fix that problem. But because the gentleman and his colleagues refuse to go along with reforms like a 5-day delivery—this is something that the President supports. But because his side refuses to go along with trying to reform that organization, we can't move. Again, it's this insistence: We can't do that. We all know that's common sense. Common sense is reforming the postal service—something everyone knows needs reform. That's why that bill didn't pass, Mr. Speaker.

We've got another issue on the farm bill. There are issues of policy differences. And the gentleman knows throughout last year we went through a lot of these policy differences in the SNAP program and the rest. We have GAO recommendations year in and year out about that program, but unwillingness on the part of the minority to ever engage in a discussion of real reform in those programs.

Again, let's remember what we're talking about in a farm bill. Most of it by far are not farm programs, they're food programs. Again, raising the question of how it is we're going to go forward, we need to understand the specifics and know there are real policy differences. Yes, we're all willing to work together—or at least we are on this side. So I really take exception with the gentleman's assertions that somehow we're sitting here demanding everything. No. We want to work together and set aside differences and agree on things we can find in common. That's how anybody in everyday life tries to run their business or run their family. It's not all or nothing. It's not black or white.

Mr. HOYER. I said we agreed on 98 percent. The gentleman has not said we don't agree on 98 percent.

He brought up a lot of stuff on the farm bill and other pieces of legislation. The farm bill, you're not bringing your own bill to the floor. Forget about what we think on this side. You reported out a farm bill. You reported out a farm bill some 4 or 5 months ago—I'm not sure exactly when, but it's been months ago—and you haven't brought it to the floor. It's not a question of whether we agree or not; your own bill you haven't brought to the floor.

Now, in terms of the Violence Against Women Act, you know that the Senate wouldn't do that and the President said he was going to veto it. You didn't sit down with the President to do it because you wanted to exclude some people. You wanted to exclude some people who were subject to domestic violence in this country when all the experts say if you exclude people, we don't get reports, we can't get domestic abusers out of circulation, if you will. So I think the gentleman's characterization is not accurate, I would say with all due respect.

Mr. CANTOR. Would the gentleman yield for that fact? Because that's not true, Mr. Speaker.

Mr. HOYER. Which is not true? I said a number of things.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will please address their remarks to the Chair.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, it's not true. We don't want to exclude anybody from the benefits under VAWA, and he knows that. It was simply a matter of new language inserted by the Senate that, really, we don't want to deny those benefits to anyone. We want everyone to have the benefits and not exclude some by specifically identifying others, and the gentleman knows that. It's unfair to characterize anything we're trying to do to exclude people from benefits when they are subject to domestic abuse. All of us care about those victims.

□ 1250

Mr. HOYER. Mr. Speaker, I thank the gentleman for his observations. We have a difference of opinion on whether or not they want to exclude people, because the Senate bill was inclusive, and every woman Member, Republican, of the United States Senate voted for it. Every one. That was the difference between the two bills, those who were included, and a more specific group that are now included, which we think they ought to be. But we also think there aren't people who were included who need to be, and that was the difference between the two bills.

So, Mr. Speaker, with all due respect, I think my characterization was absolutely accurate. But it's interesting, Mr. Speaker, that we still haven't answered the question. We tend to want to talk about other things.

Ninety-eight percent of Americans should not get a tax increase on January 1 who are making less than \$200,000 individually, or \$250,000 as a family. I think we agree on that, Mr. Speaker. Now, I haven't heard that we don't agree on that. But we agree on that, which means that there are 2 percent on which we do not agree, and that bill has not been brought to the floor, that passed the United States Senate, dealing with that 98 percent or 97 percent of small businesses.

Now, Mr. Speaker, it seems to me if we have agreement on 98 percent, and the President of the United States will sign that bill, the majority leader knows that, I know it and the American people know it. He will sign that bill.

That bill has not moved, not because of the 98 percent, but because of the 2 percent. That's my contention, Mr. Speaker. I believe that is accurate because the Senate has passed a bill that deals with the 98 percent.

We ought to pass that bill. We ought to pass it before we leave here next week, which will be the last few days of this session before the election. And the American people at least ought to have that on the floor.

And, yes, if you want to assert that we want to raise additional revenues to meet our debt so that our children are not put deeply into debt; and, yes, those of us who are doing better can pay a little more to make sure that our children aren't in debt when they get to be adults; yes, we can have that debate.

Bring the bill to the floor, and let us pass the Senate bill. And I would hope our Republican colleagues would join us and say, at least we're going to take care of the 98 percent, and then we'll argue about the 2 percent. We'll argue about whether or not that's good policy or bad policy, whether it hurts the economy or grows the economy.

Very frankly, I tell my friend, the majority leader, I was here in 1993, and the gentleman was not, I believe. But I was here in 1993 when we raised revenues on the upper 1½ percent, 1¾ percent of the American taxpayers. Your side said, as that study which we think is a flawed study said, that it would hurt the economy, it would increase the deficit, and it would increase unemployment. And as the gentleman well knows, it did exactly the opposite, in conjunction with an extraordinary growth in the private sector, which your party said would be hurt by the action in 1993, which your party unanimously opposed.

You're taking the same contention now, and that study took the same proposition. It was wrong then; it is wrong now.

I would hope, very sincerely, that we could agree on that on which we agree, because we agree on 98 percent, and let that move and not hold it hostage to the 2 percent on which we do not agree.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding again.

First of all I'd ask, was there over 8 percent unemployment then? That's the first thing, Mr. Speaker.

We are about trying to do something to get people back to work. And if you're worried about the 98 percent, which we all are, the best thing we can do is to make sure there are more jobs. And so our objection to the gentleman's proposal to raise taxes is the fact that that tax hike that he's advocating is going to affect 53 percent of all small business income. The Joint Committee on Tax says that.

Mr. HOYER. Reclaiming my time, just so we're accurate, but not 53 percent of small businesses, and the gentleman knows that. It's a misleading figure, because 53 percent of the income comes from a very small percentage of so-called small businesses that are not, in our opinion, small businesses at all.

The gentleman can correct me if he believes that 53 percent of small businesses, because it is our contention that 97 percent of small businesses, really small businesses, people who are working hard making it from day to day and trying to grow businesses and create jobs, 97 percent of small businesses will not be affected by our proposal.

If the gentleman thinks I'm incorrect, I'll be glad to hear that.

I yield to the gentleman.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, the point is about jobs. Okay?

And the jobs come from the small businesses who are generating income. If you want to help people who are creating jobs, don't raise their taxes, especially when unemployment is over 8 percent.

It's about jobs. I mean, that's the thing, Mr. Speaker. We always hear somehow that we're favoring some big bad business. No, we're about the businesses who create jobs. Small businesses, according to the Small Business Administration definition, create jobs.

So, Mr. Speaker, just because, in the gentleman's mind, somehow somebody he doesn't like because they're so successful gets a benefit, the overwhelming majority of the people who will not get a tax hike under our plan will go out and create a job.

Mr. HOYER. Reclaiming my time, Mr. Speaker, it is an absurd assertion that people I don't like. I would hope the gentleman would retract that. It has nothing to do with people we like or don't like.

Mr. CANTOR. I absolutely retract that, Mr. Speaker. I absolutely retract that. But the gentleman continues to malign people who he feels don't deserve the same treatment on taxes. And what we're saying, if they're successful, that means they're creating jobs. That's the prescription we need right now is more jobs.

Our policy is about helping those small businessmen and women who are creating jobs so we can finally do something to bring this unemployment

down and get people back to work. That's all.

Mr. HOYER. I thank the gentleman.

Mr. Speaker, one of the greatest challenges to growing our economy is our debt and deficit and the uncertainty of the tax policy. That is one. Every economist will tell you that; and certainly every businessperson will tell you that, large, medium or small.

And none of us on this side of the aisle have used pejorative—I have not used pejorative terms with respect to large, medium or small businesses. That's not an issue at all.

It is an issue as to whether or not we're going to continue to explode this deficit and debt, Mr. Speaker, or whether we're going to ask some of us to contribute, some of us, i.e., perhaps Members of this floor, to pay a little more so our children don't confront large deficits and debt.

We heard a lot about personal responsibility in the Republican convention; we ought to take personal responsibility.

And the gentleman continues to talk about job creation. We want job creation. We have a Make It in America agenda that, unfortunately, hasn't moved. We have a jobs bill that was offered by this President that economists say would have created a million more jobs. It lays, still, on a desk somewhere, unintended to, unconsidered and unpassed by this House—notwithstanding the fact that the leader and I have discussed that, moving that bill to the floor on numerous occasions.

I lament the fact when we talk about this again, he has not said once that we don't agree on the 98 percent, that we don't agree on the 97 percent. I think the reason he hasn't said we don't agree on it is because we do agree on it. He said he doesn't want anybody to get a tax increase.

And by the way, that tax increase, as the gentleman well knows, will result as a result of the 2001 and 2003 tax bills passed by the Republicans in this House and in the Senate and signed by George Bush. That's why those taxes are going up on January 1, because you sunsetted that tax increase. You didn't make it permanent.

Why did you do that?

For scoring purposes, because you knew that it would score great deficits.

I want to tell the gentleman, additionally, Mr. Speaker, that unemployment was 7 percent. The reason Bill Clinton won the election was because the economy was going downhill. That's the same reason Barack Obama won the election.

And he talks about jobs. A policy that was unanimously opposed, Mr. Speaker, by the Republican side of the aisle in the House and in the Senate created 22 million private sector jobs. We know something about creating private sector jobs.

Notwithstanding the fact your contention on your side of the aisle, not yours personally, Mr. Leader, was that if we adopted that program, you took

the same argument you're taking right now, right now, that raising additional revenues to bring our deficit and debt down would undermine the creation of jobs.

□ 1300

In 1993, you were demonstrably wrong. I don't mean you personally. Mr. Speaker, I'm simply referring to the Republican Party's position on that. They were demonstrably wrong—22 million new jobs. In '01 and '03, you argued that if we bring taxes down on the people you're talking about and everybody else that we would explode the creation of jobs.

You lost jobs in the private sector over those 8 years, Mr. Leader—I'm sure you know that—about 600,000 net. You lost 4 million jobs in 2008, in the last year of the Bush administration. You lost 818,000 jobs in the last month; 818,000 jobs were lost in the last month of the Bush administration and under these policies, which we apparently have to pass again, or we won't take care of the 98 percent of Americans who are hoping that they will be assured that they will not get a tax increase as of January 1 and the 97 percent of small businesses that will be assured that they will not get a tax increase, which will stabilize our consumers, stabilize our small businesses, and help our economy.

Mr. Speaker, I believe that we, perhaps, have exhausted this conversation—I understand that—but it is lamentable that this is another instance when we continue to talk about bills for message purposes that we know the President won't sign—that he said he won't sign—and that we know the Senate won't pass; and we allow those 98 percent of Americans to twist in the wind because we will not deal with the other 2 percent. We are prepared to debate that, of course, and discuss it and vote on it; but I am very sorry that we, apparently, will not see in the next 2½ days remaining before the election that we address the middle class tax cuts.

I yield to the gentleman if he wants to say anything further. I have one more subject I want to cover.

Mr. CANTOR. Mr. Speaker, I think the differences are very plain. The gentleman has a way of simplifying things. According to what I took from what the gentleman just said, if we'd just raised taxes, all those jobs wouldn't have been lost, and everything would have been fine. Again, our proposition is completely the opposite.

We believe that we've got a real spending problem here, Mr. Speaker. We've got a problem with an unwillingness to reform some programs. The gentleman talks about Members having to pay more when, in fact, it was our side that put forward the proposal that we should actually allow and require Members as well as Federal employees to pay more towards their retirements. The gentleman wasn't supportive of that. We've got some serious unfunded obligations at the Federal level. The

American people know that. We are trying to solve problems. The problems are not solved by raising taxes.

Now, if the gentleman is so intent on raising taxes—again, because there is a 2 percent that he just wants to pay more—I ask the gentleman to join us in actually fixing the problem that all experts say you can't tax your way out of and you can't grow your way out of.

You've got to reform the programs. Mr. Speaker, we've been the only ones to put forward a plan that even begins to solve the problem—the President has not; the Senate has not; and the gentleman has not.

It's about solving problems, producing results for the hardworking taxpayers of this country who so desperately want to see us go forward, reclaim America in its true aspirational sense and be that place of opportunity.

Mr. HOYER. Mr. Speaker, I hear the gentleman. I presume he refers to the Ryan budget as the plan to do that. Of course, the Ryan budget does not balance the budget in a quarter of a century. The gentleman knows that. The Ryan budget, of course, undermines the security of Medicare for people.

The majority leader mentions Federal employees. The fact of the matter is—and this is my position, Mr. Speaker, and is the subject I wanted to talk about—we need to get America on a fiscally sustainable, credible path. That is the single most important objective that this Congress ought to be addressing. Very frankly, it was addressed in a plan called the Simpson-Bowles plan. Perfectly? No. Would we all agree on every aspect? No, but it was a plan that said we have to have a balanced approach to doing this. We had to deal with entitlements; we had to deal with revenues, and we are now collecting 14.8 percent of revenues. That's lower than at any point in time in the last 70 years.

We have underpriced our product; and if we were a business, we would have been bankrupt a long time ago. We have deep pockets, and we can keep borrowing so that we can keep spending without putting in a PAYGO discipline that we had in the nineties that helped balance the budget 4 years in a row—the only administration in the lifetime of anybody hearing, seeing, or knowing that we are here, but that has been done. It was done because we paid for what we bought.

Mr. Speaker, we are going to have an opportunity—not in the next 2 days of this session before the election—but we are going to have a lame duck. We are going to have to come back here, and we are going to have to do some serious things. We need to as Americans—not as Democrats, not as Republicans—have a conviction that we need to come back here and not walk away from our responsibilities.

Very frankly, with the Bowles-Simpson, every Republican member of that group from the House walked away from it—voted “no” and said, No, we will not agree. So it didn't get the 14

votes that it needed to be brought to this floor. I think that's a sad fact. That should have had a robust debate and perhaps a modification, but it was a plan that said to all Americans that we're all going to have to be in this together—a balanced plan, Mr. Speaker, to get a handle on the debt and deficit that confronts this country that is hurting our economy, hurting our people, hurting our credibility.

The S&P downgraded us not because we didn't have the resources to solve our problems. Standard & Poor's downgraded the United States of America for the first time in the lifetime of anybody I know—and perhaps in history—because they didn't know whether we had the political will and courage to address this debt and deficit that confronts and puts our country in danger.

Mike Mullen, the Chairman of the Joint Chiefs of Staff, when asked what was the biggest security problem confronting America, didn't respond, Iraq, Iran. He didn't respond, terrorists. He didn't respond, other enemies around the world. He said the biggest security concern that he had—the Chairman of the Joint Chiefs of Staff—was the fiscal challenge that was not being addressed in America. Mr. Speaker, we need to address it.

My friend the majority leader, he and I have worked together on a number of things. We've worked on a number of things this session that we've passed in a bipartisan fashion. I would hope that he and I would both commit ourselves to, during the lame duck session, doing our responsibility to America and to our constituents in reaching a Bowles-Simpson, Domenici-Rivlin, Gang of Six. Almost every economist who has spoken to this issue has said you need a balanced plan. If we simply have sold our souls to Grover Norquist on asking people to help bring this debt and deficit down, we will not succeed; but if we summon the courage and the will to solve this problem, we can do it.

I am hopeful that my friend the majority leader and I will work together over the next number of weeks, between now and November 6, to establish the preface for acting in the lame duck session in a responsible, cooperative, consensus-seeking fashion to get this country on a fiscally sustainable, credible path. If we do that, we could redeem this Congress' performance, and I hope we will do that.

I don't know whether the majority leader wants to make a comment on that.

□ 1310

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I'm going to try and make sure that I don't bring on even more because I know our colleagues are waiting to speak.

I would say to the gentleman there is not unanimity on his side, as he knows, on Bowles-Simpson. In fact, the minority leader rejected Bowles-Simpson and

the President has not endorsed Bowles-Simpson, which is part of the issue that the gentleman seeks some clarification on, which is: Where is the plan to get us out of this? The President was unwilling to even adopt that.

The gentleman I think knows the reason why our side rejects Bowles-Simpson. We believe there are some good things in Bowles-Simpson, and I do look forward to working with the gentleman to see if we can work together in a cooperative fashion to get some results and resolve this cloud hanging over the economy. I'm looking forward to that.

But Bowles-Simpson, number one, is not this so-called balanced approach, unless you say \$1.22 in new taxes with \$1 in cuts is balanced. We don't believe so, because we believe it has a detrimental impact on the growth of the economy.

We also believe that the Bowles-Simpson revenue target of 21 percent of GDP is the highest target and something that exceeds that which we've been at pretty much over the last 70-something years, save for 3 years. We believe that that is too much of a revenue flow into Washington for Washington to make the decisions.

We've got an issue there about the amount of taxes and the size of government. Yes, it's a totally legitimate discussion point, but it's an issue. It's not just rejection out of hand like the minority leader and the President have said. They reject that. We say this is why, and then we also say the disproportionate driver of the deficit is health care entitlements. The gentleman and I both agree upon that. How are we going to deal with it?

Bowles-Simpson leaves in place the structural nature of those programs now and doesn't address this fundamental problem of growing unfunded liabilities. We want to solve that so that the safety net programs are there for the future and save them. That's our position.

So I do look forward to working with the gentleman. There are some great things about tax reform in Bowles-Simpson. I want to work with the gentleman on that, and, if we can, have a conversation about resolving the deficit and the spending.

Again, I'm trying not to invoke any more time, Mr. Speaker.

Mr. HOYER. I look forward to working with him as well, Mr. Speaker, because there is a no more important issue that confronts us as a Congress or us as a people, and no act that we could do would give more confidence, not only to our own people, but to people around the world, that America has got its financial house in order. We need to do that. We can argue the specifics one way or the other, but, Mr. Speaker, we do have a difference.

We had that difference in 1993, and we argued about it. We won that argument on the vote, and we won it, in my opinion, on performance. We argued again on it in 2001 and 2003, and we believe we

lost on that argument, which is why we were in the deepest recession at the end of the last administration that this country has been in my lifetime, and I'm not one of the younger Members of this body.

I am, with the majority leader, hopeful that we can work together and come to agreement on that on which we agree and move forward. The American people, I think, hope that as well, Mr. Speaker.

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

ADJOURNMENT TO TUESDAY, SEPTEMBER 18, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday, September 18, 2012; and when the House adjourns on that day, it adjourn to meet at noon on Wednesday, September 19, 2012, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

IT IS TIME TO PUT GOVERNING OVER POLITICS

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

Mr. WITTMAN. Mr. Speaker, I rise today with disappointment. I'm disappointed that this Nation's leaders have once again kicked the can down the road instead of making tough and important decisions on our Nation's spending.

Yesterday, the House passed a continuing resolution without my vote to simply continue to fund government into the 2013 fiscal year at current levels as catastrophic cuts loom on the horizon set to hit in January of 2013. Sequestration, as these cuts are known, threaten our national security. An estimated 200,000 jobs in Virginia will be lost, jobs that support our warfighters and their mission around the world.

Mr. Speaker, we have 16 days to the beginning of a new fiscal year, yet Congress has delayed tough decisions again. These delays are unconscionable. These delays are unacceptable. Congress should stay in Washington and stop ignoring the reality of these looming cuts.

It is time to put governing over politics.

HONORING NEIL ARMSTRONG

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

Ms. JACKSON LEE of Texas. Mr. Speaker, it is a great privilege for me

to rise on the floor of the House today to pay tribute to astronaut Neil Armstrong, an American hero.

Yesterday, at the National Cathedral, we paid tribute to him as a national hero and recognize that his name will forever be a testament to our Nation's will to prevail in the challenge for successful space exploration and push the boundaries, going where no man has gone before.

As a 12-year member of the House Science Committee and a member of the Space and Aeronautics Subcommittee, I can tell you that I am deeply indebted, but also embedded with the idea of human space exploration. How can I not be, representing and coming from the community where NASA Johnson Space Center is.

Today I rise in tribute to all of them and recognize the greater leadership that Neil Armstrong gave as a humble American. He, along with fellow astronauts Buzz Aldrin and Michael Collin, shared a most significant time in our history—one small step for man, but a great and gigantic step for humanity.

Right now in Houston, we are celebrating 50 years of human space exploration at the Hyatt Regency, commemorating NASA Johnson. I want to thank Dr. Mae Jemison and all those who came after this great hero for continuing the dream. They can count on me as a Member of the United States Congress to fight again for human space exploration.

Thank you, Neil Armstrong, an American hero. May you rest in peace.

WE NEED TO WORK TOGETHER TO CREATE JOBS

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

Mr. DOLD. Mr. Speaker, this is not what economic recovery looks like. Last Friday's painful jobs report showed for every one American job that was created, four people simply exited the labor force. In fact, the percentage of Americans participating in the labor force today is lower than it has been at any time since September 1981.

Mr. Speaker, this is a national crisis. Over 23 million Americans remain unemployed, underemployed, or have simply given up looking for work. Our Nation's GDP growth was lower in this year's second quarter than the first. The average monthly jobs created is less this year than last.

Washington has tried a trillion dollar stimulus, 4 straight years of trillion dollar deficits, yet unemployment has remained above 8 percent for over 43 consecutive months. The American people are honestly asking themselves: Am I better off today than I was \$6 trillion ago?

Mr. Speaker, we need to work together to empower businesses to create jobs and grow our economy, which is why I've introduced a bipartisan, bi-

cameral jobs bill, the Global Investment in America Jobs Act. This isn't about politics. It's about the millions of Americans who are unemployed and seeking opportunities for a better future.

□ 1320

GRANT TRADE WITH RUSSIA

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

Mr. REICHERT. Mr. Speaker, I am speaking in favor today of granting Russia permanent normal trade relations. I would like to emphasize this will hold only benefits for the United States. There is no downside for us unless we fail to act.

While we wait to consider this legislation, our global competitors are racing ahead, taking advantage of their new access to Russian markets. U.S. exports to Russia could double in the next 5 years. Currently exports to Russia support over 1,400 jobs in my State. Passing this bill will increase America's export goods and services substantially, and this growth and trade will serve as a no-cost job creator.

If we fail to act, U.S. companies, farmers, and workers will not receive the benefits of Russia's membership, nor will the U.S. Government have authority to hold Russia accountable under WTO rules.

Mr. Speaker, it is my sincere hope that we can come together and pass this legislation. Grant Russia permanent normal trade relations.

112TH CONGRESS IN REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Virginia (Mr. MORAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. MORAN. Mr. Speaker, next week, following Senate action on a 6-month continuing resolution to keep the Federal government funded until March 27 of 2013, Congress is likely to adjourn until after the fall elections.

Really? Seriously. In other words, over the next 53 days before the election, this House will be in session about 1¾ days. It's a sad state of affairs, and the best that this House can do is to punt all spending decisions on this year's budget to the next Congress.

But that's what we just did this week. Before we adjourn, there will be no resolution on the budget, there will be no resolution on the sequester, \$1.2 trillion, that is causing disruption throughout the country and particularly among the entire Federal Government, especially the defense industry, which will have to absorb half of that sequester. It could affect directly about a million jobs, about 2 million jobs indirectly, but we're not going to do anything about it.

There will be no resolution on tens of billions of dollars of expiring measures before the election. We'll do nothing on the farm bill. We'll do nothing on postal reform. We'll do nothing on dozens of other important issues on which the public is counting on us to do something. The most basic and fundamental responsibilities our constituents sent us to Washington to address are being left unresolved.

I proudly served in this institution for more than 20 years. Never have I seen this House so unproductive and so dysfunctional. I served during the so-called Gingrich revolution. I served during Mr. Clinton's administration and during Mr. Bush's administration, but this House has never been less functional.

Our Nation is suffering from high unemployment and the residual effects of the worst economic downturn since the Great Depression. Of course, our current situation is the result of two deep tax cuts in 2001 and 2003, which primarily benefited those who needed tax cuts the least; two wars, neither of which were ever paid for; and an expansion of Medicare which was not paid for. That's what's put us in this deep hole, plus the fact that we deregulated the financial industry.

The American people, the working class Americans, their median income didn't go up. In fact, it edged downward so they had less disposable money. They borrowed from the one asset they had, which had been appreciating real estate, their home, and they borrowed on their credit cards.

Now, after the economy imploded, their home values declined. In fact, almost 70 percent of African American families lost almost 70 percent of their household wealth, Hispanic Americans over 60 percent, white Americans lost more than 16 percent of their household wealth. They obviously don't have the money to be spending again.

They have learned their lesson: they are not going to keep borrowing. Their home values are down, so they can't borrow as much off their real estate. Then you don't get those cold calls from people suggesting that you can borrow more money off your home and consolidate your credit cards. They're not coming. People aren't borrowing, and it's understandable. That's why our economy is in such a deep recession, why it's so difficult to pull out of it.

Now, Mr. HOYER pointed out that we tried something different in the 1990s from what we tried in the first decade of the 21st century. When President Clinton balanced the Federal budget, those who were in the House majority now all voted against it. In fact, every Republican voted against it. It was a pure party-line vote. The deciding vote was cast by a freshman Member from Pennsylvania who lost her seat as a result, but it passed.

We have some empirical evidence as to what happened. I remember during the debate it was suggested that if this

passed that, in fact, we would see deep unemployment, we would go into a recession, millions of people would be out of their jobs, and it was the wrong thing to do. I remember the words of Mr. Gingrich, Mr. Armev and others.

Well, we have empirical evidence, as I say. We know exactly what did happen. We did raise taxes on the people at the top, raised up to 39.6 percent. Those folks in the top tax bracket actually brought home more after-tax income than at any time in American history.

Everyone was better off. About 22 million new jobs were created. That number seems as though it's in a different world today, when we struggled so hard to create jobs but, just think of all the job creation we experienced, one of the lowest levels of poverty. The rising tide lifted all boats. It worked.

But beyond a strong economy and to some extent because of that strong economy, we were able to get control over the Federal deficit and in fact, for the last 3 years of the Clinton administration we had a surplus.

Mr. Gore was derisively scorned for talking about the lockbox, but the lockbox was all about putting some of that surplus aside to pay for the retirement and health costs of the baby boom generation.

□ 1330

I'm a member of that baby boom generation. We haven't all retired. But there's more than 70 million of us. Many of us feel we should pay for our own expenses. That would have enabled us to do so, but that wasn't what happened.

Mr. Gore lost the election. Or at least I should say rather than Mr. Bush being elected, the Supreme Court selected him. But it's done. We took a very different course of action. The \$5.6 trillion surplus that was projected at the end of the Clinton administration was almost immediately lost with two very deep tax cuts that, as I say, did not benefit the middle class. They benefited people who needed them the least. Then we declared two wars. You certainly can't pay for two wars with two deep tax cuts.

We expanded Medicare. It cost a lot more than it should have, I think, because we put a provision in that forbid the Federal Government from negotiating with the drug providers in order to get the lowest rate for Medicare beneficiaries, using the leverage of the Federal Government. We couldn't do that. We had to pay retail prices. And so the Veterans Administration, which can negotiate, can use the leverage of such a large pool of buyers. They pay a fraction of the price that we pay under the part D program of Medicare.

But all that was done. It made people happy, temporarily. The term "sugar high" was used. Well, this was kind of a "fiscal sugar high." And now we're paying the price. Now we're paying the price for the fiscal policy that didn't work. As I say, we have empirical evidence that it did not work. The question is: Where do we go from here?

Now we hear from the other side what sounds a lot like the campaign of about 12 years ago: more tax cuts is the answer. We're hearing a lot of bellicose rhetoric about getting reengaged militarily in the Middle East. After finally concluding the Iraq war, we're talking about military involvement with Iran. We're talking about deregulation, of repealing Dodd-Frank regulations on the financial industry; repealing the Affordable Care Act, even though this country spends twice as much per person on health care. And yet we don't live as long and we're not as healthy as other countries that spend half what we spend. The reason is that we pay for the quantity of services provided, almost regardless of the quality of the care that we're paying for.

The Affordable Care Act is all about reversing that. It's about using best practices; about reimbursing hospitals and doctors and other health care providers based upon how effective their treatments, their analyses, their procedures are in making the patient well. We reward best practices, and in fact we're going to reduce reimbursement for hospitals that keep seeing the same patient over and over again for the same illness. People get infections actually in the hospital. And for any number of other reasons that drive up the cost of health care in this country, other countries have resolved more efficiently, effectively, and in the better interest of the patient.

So we're going to try to turn that around while we include everyone and while we make everyone pay in the same way that we do with Social Security and Medicare. You pay in advance when you're young and healthy so that you'll have insurance when you're older and sicker. That's the whole idea. That's what the individual mandate is all about. It simply makes sense. It made sense in Massachusetts when Mr. Romney was Governor there. It's working there. People are happy with it. We ought to apply it here and certainly not repeal it. But that's what we're hearing: repeal regulations, repeal the Affordable Care Act, more tax cuts, and more bellicose rhetoric. I think that's what got us in much of this situation in the first place.

On the other side, the President understands that while we're certainly not losing 800,000 jobs a month, as we were at the end of the Bush administration, the glass is at least half full. We ought not drain it so that it's empty again, but we ought to build on our successes. Now if we're going to build on those successes, regardless of who's elected President, the legislative branch needs to do its job. That's why it's so troubling that with all the things that need to be done, now, today, over the next 53 days, Members of Congress are going to be nowhere in sight, at least certainly not up on Capitol Hill doing the public's business. We'll be out in our districts politicking, seeking votes. It's going to be a tough record to run on.

Now, we can go back in history and compare what we're doing now with the past. I do think it's informative to suggest that this is not just unfounded political rhetoric suggesting this is a dysfunctional, do-nothing Congress. We have empirical evidence. We have facts. We have statistics. In fact, in Roll Call—I want to give them credit for this—page B-9 yesterday, September 13, the headline is: "Congress on Pace to Be Least Productive." They have a chart. We have the very good people who support our work, who I hope will get a break over the next 53 days. At least that's something positive.

But they have blown up this chart. I'll read it, because the title is: "A Dubious Historical Distinction." From high-water marks in the 1950s. Remember the 1950s? That was when we passed the GI Bill that put our returning veterans to work, got them higher education, enabled them to buy a home. It really created the middle class, thanks to Franklin Roosevelt, Harry Truman, and Dwight Eisenhower. And then Dwight Eisenhower followed up by building the interstate highway system, laying down physical infrastructure in this country, employing hundreds of thousands of people in the process.

Imagine what we would be without an interstate highway system, the numbers of towns and communities that would have been marginalized in our economy without an opportunity to be on a road that led from one place to another and that you could stop and you could buy something and you could stay overnight and you could decide, well, this is a nice town; maybe I want to put roots down here.

But you only do that if it's accessible. The interstate highway system made the whole country accessible. But from the 1950s, Congress has passed fewer bills, enacted fewer laws over time. But even compared with recent years, this Congress, the 112th Congress, has shown a remarkable lack of lawmaking activity.

Now, this is not some kind of partisan rag. This is Roll Call, which is clearly bipartisan, nonpartisan. The 112th Congress, this Congress, during its first year passed the fewest bills, really, in our lifetimes, the middle of the last century. This is public laws enacted. We had a high point up here way back in the 84th Congress. And now look at it; it looks like a ski slope.

□ 1340

We've gone from 1,028 laws to 151.

In terms of bills passed, in the House, here you go, in the 84th Congress, 4,628 bills. Now, maybe not all of those were of consequence, but at least it shows they were doing something.

Here you go. All the way down to this. Now look at this. You get down here to the 100th and then, boom, you drop off a cliff. Less than 600 bills; 4,628 bills back in the 84th Congress to 598, less than 600 bills here today in this Congress. Yet for the next 53 days, we'll be in session for about 1¾ days.

I don't think that I'm talking about something that ought not be of concern to everyone. And I'm not exaggerating. This is unbelievable.

You know, through the course of the history of this Congress, of this institution, really, that's what I mean to say because this Congress is not typical. The approaches have oftentimes been different between the two political parties. But Republicans and Democrats in past Congresses have worked across the aisle. We have found common ground. We have enacted legislation when it was needed to stimulate the economy. We have helped the unemployed. We have helped families struggling. We have reached out to the poor, not with handouts but with a helping hand to create greater opportunity. The outcome is never going to be the same. But people ought to have some sense of equal opportunity, of getting a fair break in this economy.

We've maintained this Nation's infrastructure. Today, there's more than \$2 trillion of unmaintained infrastructure needs in this country. Roads and bridges and transit and rail and ports and airports. Seaports and airports are going neglected—\$2 trillion. Millions of jobs.

There are jobs in this country. There are skilled jobs. There are jobs that should get paid a good wage. And there are jobs that will pay an investment, a dividend, for years to come. They're investments, not expenditures. They're investments. We'll see the benefit of them for generations to come, and yet we can't even get the American Jobs Act enacted, which is primarily to invest in the physical infrastructure of this country, as well as the human infrastructure, putting money into education and research and innovation and to the things that are going to give us a stronger economy, a more stable society, a more inclusive society, a fairer society. That's what the American Jobs Act does.

But we can't get it through this body.

You know, when Ronald Reagan faced down a recession in the early 1980s, he proudly signed a transportation authorization bill that raised the tax on gasoline in order to maintain our Nation's highways and transit systems, and he called it a jobs bill, and Democrats supported it, and it was enacted. It helped get us out of that recession. It strengthened our economy, and it's still paying dividends for generations to come.

Same thing with President Eisenhower with the interstate highway system.

When President Obama urged Congress more than a year ago to consider the American Jobs Act, because it was a plan to get Americans back to work by investing in our Nation's infrastructure, nonpartisan, apolitical economists estimated that it would create 2.6 million jobs and protect an additional 1.6 million existing jobs.

So 4 million jobs were at stake. Yet he was given a cold shoulder, primarily

driven by a fairly substantial bloc of what some people refer to as Tea Party Republicans, whatever the proper designation is, an anti-government attitude.

I think that the government has a role, particularly in a recession, to get us back on our feet so that the private economy can take over.

It's not relying on the Federal Government, but is looking to the Federal Government to be there when we need it to give some, yes, and I'll say the world "stimulus" to the private sector. That's what the American Jobs Act was all about.

Today, the House leadership and too many of its rank-and-file members think economic stimulus is a dirty word. In fact, you'd think that the Federal Government is some kind of alien enterprise. The Federal Government is us. We should be proud of the Federal Government. People who work for the Federal Government are the least corruptible large civil service in the entire world. The fact is that they consistently have been the most effective in dealing with our problems and making us, enabling us, to have a more inclusive society and a more prosperous economy.

We just had a debate today over the issue that has become the rallying cry for anti-government politicians, Solyndra. Solyndra failed. It's half a billion dollars. The private sector put a billion dollars in. That loan represented some of the less than 2 percent of failures of that guaranteed loan program. The estimate when it was established was it would be about a 10 percent failure rate. It's been about 2 percent.

The private sector saw fit to put a billion dollars of its own money in. The Obama administration deferred to the private sector and said, yeah, if you put your money in, we will not take back what money is left. If in fact they do fail, you get it first. We'll subordinate the government loan. That turned out to be a mistake. It's a preference towards the private sector. I don't think you should argue with the good intent, the reliance upon the private sector; but the public sector, the taxpayers suffered a loss.

Yet substantial advances have been made in solar power and wind energy. The reason why Solyndra went under is that the Chinese Government figured this out, figured out that we can't be so reliant upon fossil fuels, that the future is not with fossil fuels, it's with sustainable forms of clean energy from the sun and from the wind.

So they've already gotten to the point where they can manufacture solar devices that capture the sun and heat and energy from the sun.

In fact, if you go over there, you see that their robots are even more sophisticated than ours. They're likely to put us out of business in that area, too. Their robots go smoothly like that. Ours go like some kind of jerk dance, you know. I can't do it. I can't even

dance the whatever they call it. But the fact is it's herky-jerky motion, many of our robots. Theirs are smooth, very precise because they knew to invest in that kind of technology, and they're investing in solar panels. So they dumped those solar panels on our economy, and that's why Solyndra went under.

We can't lose out to communist countries, to state-owned enterprises. We have to be at the cutting edge.

□ 1350

We've got the best schools. We've got the most creative people. Yet China, they've decided that over the next decade 70 percent of their preschool children from 1 to 5 are going to have at least 3 years of preschool education because they understand that in the earliest years of a child's life, that's when the brain is most absorbent. They're going to invest in early childhood. And yet what does our budget, the budget that was passed through the House—obviously the Democratic side voted against it—what does it do? It eliminates 200,000 Head Start slots, cuts money for early childhood education, eliminates the child care tax credit.

Think about this. Not only is the child care tax credit—and I don't want to digress too much, but 10 million single mothers with small children would go deeper into poverty, but 2 million—that's what I want to focus on—2 million mothers with small children would have to leave the workforce where they're getting paid roughly minimum wage, just enough to support their rent and food on the table, they would be faced with the choice of either giving up their job, going on welfare again, or locking their small children in an apartment because they can't afford child care.

Is that really who we are as a country? Is that where our priorities are? Is that how we're going to compete in the future with countries like China and countries in Asia and Brazil and India? No, it's not. I trust the American people understand that. But that's all related to this Solyndra mess, the way that it's mischaracterized, the reason people don't understand what it's really about.

So, again, the House voted No More Solyndras. They rejected the amendment that was made by Mr. MARKEY that says if we're going to continue to give \$4 billion of tax subsidies to fossil fuel companies that extract oil and gas from publicly owned land—land owned by the taxpayers—if we're going to continue to give these tax subsidies to the industries who are the wealthiest corporations in the world, many of whom pay no taxes because of these subsidies, if we're going to continue to do that while at the same time as this bill that was passed today would take away subsidies for wind and solar power, we should at least reconsider the tax subsidies we give to the industries that need it the least. At least let's be fair about it. Let's save those

billions of dollars every year of subsidies going to the wealthiest corporations for extracting natural resources owned by the American people and then boosting the price of oil at the gas pump.

We continue to pay more than we should at the pump. But they're a corporation. They're going to maximize their wealth. They're going to pay the minimum taxes they can get away with. Yet this body wants to eliminate efforts to come up with clean, sustainable sources of energy comparable to what our competitors in the global economy are doing.

I know all that's a digression, but, you know, it's all related.

The fact is that the one thing that this Congress has proven it can do is nothing. For those most dependent upon the Federal Government's willingness to reach out a helping hand to help them climb ladders of economic opportunity, the attitude of the majority in this Congress has been: You're on your own, survival of the fittest, winner take all. That's been the tax policy. That's been the spending policy. As far as I'm concerned, that's not what made this country great; it's what has gotten this country into the economic circumstances that we face today.

Now, there's a drought brought on by a changing climate—climate change. People in the House majority want to deny even the existence of climate change even when it's standing right in front of us, facing us with all these extreme violent storms, with the fact that this has been the warmest year on record. Yet they want to deny climate change because it's brought about by human action, human decisions, decisions made by groups such as the American Congress to protect the fossil fuel industry, which is the primary contributor to global warming. As a result, all of this warmer weather, these droughts, these violent storms are bringing devastating economic injury to thousands of America's farmers.

And what has been the reaction of the House leadership? The Republican majority has chosen to block a farm bill from even being considered on the House floor even though it passed the Senate with an overwhelming vote, bipartisan vote, and yet we can't bring it up on the House floor. Instead, the House leadership has wasted time on the House floor with legislation designed to dismantle the Affordable Care Act, eliminate the prospect of more secure and affordable health care for millions of Americans.

Three dozen times we've had votes to repeal the Affordable Care Act, knowing that the Senate understands how important it is to the American people and how important it is in the long run to get a grip on this economy, understanding that our corporations can't continue to pay the kind of money they're having to pay for health care that is less effective than the health care provided by every other industri-

alized country. The Senate understands it. The House doesn't get it, and so we keep having these votes that are pure political posturing.

Of course the House Republican leadership as well has wasted floor time voting to dismantle just about every landmark environmental law, blaming laws passed in the 1970s and the 1990s as the cause for today's high unemployment rate, laws that were passed, many of them, in the Nixon administration and the George H.W. Bush administration. The Nixon administration created the Environmental Policy Act, and it saved hundreds of thousands—if not millions—of lives, children that have not been afflicted with asthma, people who have not gotten the kind of illnesses that they were vulnerable to because we have had cleaner air and water. But now we can't even update it with the latest technology and the latest information. EPA has been the prime target of these budget cuts.

So we now have—I think it's been about 38 individual votes that have been taken to destroy environmental laws and regulations. Those votes, most of them, have died in the Senate, fortunately, but is that really what this institution should be all about?

When our children look back on the opportunities that this House of Representatives had to secure a better future for them, be it a pathway toward a balanced budget so they don't have to pay off the debt of their parents and grandparents or better, more affordable opportunities for their educational advancement, elementary and secondary education assistance so we don't have to lay off hundreds of thousands of teachers—we've laid off almost a quarter of a million teachers now throughout the country as a result of the recession and as a result of local and State legislators not being willing to invest in education—or the Pell Grants, which enable lower income families who have students who have worked hard to be able to afford college, those opportunities are being lost, as well as the opportunity to have a cleaner alternative energy future which would have generated more than 40,000 jobs. Instead, in the effort to eliminate financial help for wind and solar power, we've already cut about 2,000 jobs, and I guess it's closer to 3,000 jobs now.

□ 1400

With the elimination of guaranteed loans, we're looking at nearly 40,000 jobs in an industry that represents the future for our children and grandchildren that other global competitors are investing in.

They will look at this Congress and rightly blame us for not seizing on those opportunities. Disappointment would be an inadequate word to describe the public's proper assessment of this Congress.

But, Madam Speaker, it's not over yet. We'll have a lame duck session.

We'll have an election in November. This country will choose which path it wants to go forward. Does it want to revisit the policy, the first 8 years of the 21st century?

Does it want to look at what happened in the last decade of the 20th century, compare the results, and then assess in which direction we need to be going?

The empirical evidence is there. The opportunity will be present on November 6 to choose which path this country will take.

It's clear, Madam speaker, that the path this Congress has been on, this 112th Congress, is not the path that leads to a better, more prosperous future for our children and grandchildren.

Madam Speaker, I yield back the balance of my time.

A CHOICE OF TWO FUTURES

The SPEAKER pro tempore (Mrs. ELLMERS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Madam Speaker, I appreciate the time. You know, you and I, Madam Speaker, are freshmen in this House. And I've learned a few things about coming down to the floor from watching my colleagues, about how to make a good impression. You know, everybody's back in their offices watching the proceedings on TV, or folks back in the district watching it on TV. And I see our colleagues come, and they'll take the podium down to the very lowest level so that when they walk up to the podium they'll be able to drag it all the way up to the top and look big and strong and powerful.

You know, in the 18 months that you and I have served here, Madam Speaker, we've gotten a lot of advice about how to look good. We've gotten a lot of advice about how to tell the good story, how to spin the good tale.

And as I listened to my friend from Virginia make his presentation earlier, I thought, you know what? He and I are looking at exactly the same set of facts and we are drawing exactly the opposite set of conclusions. And that makes it so hard to legislate here, Madam Speaker, because you and I, as part of this freshman class, we don't care two hoots about what looks good. What we care about is what is good.

We don't care about trying to make people believe it's the truth, we care about actually finding the truth, and that's been the challenge up here in the 18 months that you and I have had a voting card.

I have beside me, Madam Speaker, a chart that has been down on this floor a number of times. It's called A Choice of Two Futures, and you've seen it, Madam Speaker. It's the one that shows the red line of current spending promises. It's the one that goes all the way back to 1940, Madam Speaker. It shows debt as a percent of GDP.

It shows back at the end of World War II when we were fighting the Nazis, we were fighting the Japanese, we were fighting to defend freedom and democracy around the globe. In the name of ending that world war, we borrowed 100 percent of our economy. Our national debt grew to 100 percent the size of our economy. And that was an investment well made, Madam Speaker, having defended the liberty of citizens around the world.

But we're right back in that same place today, Madam Speaker. This chart goes from 1940 all the way out to 2080. It's 140 years of past policy and projected policy. And what it shows is that today, America is on the verge of carrying that same debt burden.

We're not in the middle of a world war to defend freedom and liberty. We're not in the middle of fighting the Nazis and trying to prevent a hostile takeover of the world. But we've borrowed 100 percent the size of our economy.

But that's not even the most damning part of this chart, Madam Speaker. What we see is, represented by this red line, if we do nothing, Madam Speaker, if our freshman class had never come to this town, if we closed the Congress, if we closed the White House, if we never passed a new law and never made a new promise, this red line represents the promises already made. And what we see is debt rising to 200 percent, 300 percent, 400 percent, 500 percent the size of our economy, levels that economists tell us will never be sustainable. And that's if we don't make one new promise on the floor of this House.

My colleague from Virginia spoke passionately about the need for child care in this country; spoke eloquently about families at home struggling to balance the demands of work and the demands of child care. You see it in your district, Madam Speaker, I see it in my district. He's absolutely right about the struggles that every single American family faces and, from his words, believes in his heart that the right way to address those challenges in my small town of Peachtree Corners, Georgia, is with a Federal program, a program that comes right down the street here, maybe from the Department of Health and Human Services, maybe from the Department of Education, but that somehow we can create a program here in Washington, D.C., that will be the absolute best and most efficient way to deal with my family's challenges and my neighbors' challenges back in Peachtree Corners, Georgia.

Madam Speaker, what I've learned, I serve on the Budget Committee and the Rules Committee and, listening to my colleagues talk, I somehow thought that perhaps there were some dollars here in Washington, D.C., that came from somewhere other than my constituents' pockets. But I've learned that's not the case, that every single dollar that this institution spends, every single commitment that the ad-

ministration makes, every single project that the Senate wants to fund, every single dollar comes out of the pockets of my constituents back home, and your constituents back home, Madam Speaker.

So when we talk about—I think the phrase my friend from Virginia used was the anti-government forces on Capitol Hill. I don't know who those forces are. I feel like he was talking about me and this freshman class. I don't know of any anti-government forces.

What I know about are folks who talk about what's the right level of government to get the American taxpayer the absolute best value for their tax dollar. And who are those folks who honestly believe that the best value for their tax dollar, back in Peachtree Corners, Georgia, is to take that dollar out of the back pocket of a hardworking taxpayer in Peachtree Corners, move it through the Gwinnett County government, move it through the State of Georgia government, bring it up here to the Federal Government, then send it back down to Federal agency that's going to send it back down to a State agency that's going to send it back over to a county government in order to provide child care.

Who believes that's the absolute best and most efficient way to spend an American tax dollar?

And that's the battle that we have here in this House. It's not about government and anti-government. It's about good government and bad government.

You know, we're here in the Federal Government, Madam Speaker, the Federal Government, and there are responsibilities that we have, making war, one of our responsibilities, defending our border, one of our responsibilities, maintaining the postal roads, one of our responsibilities.

□ 1410

But there are so many other levels of government—State government, county government, local government—that can fulfill some of these needs that my colleagues seem to believe only the Federal Government is right to fulfill.

I want to go back to this chart, Madam Speaker. This is the chart of promises already made.

So often I pick up the newspaper, and it sounds like everybody is just complaining up here in Washington, D.C.—that it's all about pointing fingers and that it's not about solving problems. What I am so proud of in the 18 months you and I have been here under the leadership of some senior members, like the gentleman from Indiana, is that we have not only identified the problem, which is a crushing debt burden that threatens the economic security, not just of our children and of our grandchildren, but of our very Republic, but that we've promulgated a solution. It's represented here on the chart by this green line that's labeled "the path to prosperity."

I'm just so proud I serve on the Budget Committee. My chairman is PAUL

RYAN. This House came together—and you don't hear that a lot on the front pages of newspapers. This House came together in a bipartisan way to pass a budget not just once—we passed it for the first time in 2011—but again in this year, 2012, and we've been waiting on the Senate to act. It's our constitutional obligation to pass that budget each and every year. The President has offered one each and every year, the House has passed one each and every year, but the Senate has failed to act.

We laid out line item by line item as to how we would prevent this most certain destruction of economic liberty and security in our land. It's represented by this green line. It stretches out from 2012 all the way out to 2051. You don't run up trillion-dollar debts like we're running up and solve it overnight. You just can't. You can't run up 100 percent of your GDP in debt and solve it overnight. We don't have that kind of money. We can't levy that kind of tax burden on the American people, but we can solve it over time. We can keep it from getting worse today, and we can make it better tomorrow. That's what our plan is. I think that's so important, Madam Speaker.

Again, when I listen to it and when I read about it in the newspaper, it's finger-pointing. It's who's to blame and whose fault is it and why didn't they do better. I don't care whose fault it was. I don't care who got us here. My knowledge of history tells me there is a lot of blame to go around. I care about who is going to get us out of here, about who is going to solve these problems, about who is going to move us from the precipice of economic disaster back to the robust American economy for which we are known around the globe. This House has passed that plan, Madam Speaker, not once but twice.

What I show here is the budget that the President has introduced. I want to give this President his due. I come down here—and we saw it with the rule that I managed yesterday, and we see it in some of the presentations on the other side of the aisle. You come down here, and it's as if the other side is just evil and that's why nothing works. That's just not true at all. There are honest, hardworking men and women on both sides of this aisle who represent constituents back home who just have very different understandings of who we are as a people, some of whom have different hopes and dreams about where we will go as a people, some of whom have different needs that they're asking the government to meet.

This President got more done in the first 2 years of his term than most Presidents get done in eight. He was incredibly effective. Now, I would argue that he was incredibly effective in doing things that are destroying the very fabric of freedom in this country, but he was incredibly effective. Of course, he won with a majority of the vote here in this Nation, Madam

Speaker, and he is campaigning to win again this fall—a smart guy, an effective guy, with a completely different understanding of who we are as a people and where we should go as a Nation than the one that I have, but he is a talented politician nonetheless.

He has honored his legal requirement to submit a budget to this Congress each and every year that he has been in office, and that's important because that distinguishes him from the United States Senate, which also has a legal obligation to submit a budget and has refused to do so for the last 3 years. You wonder why it is we can't come together on funding priorities, Madam Speaker. For 3 years, the Senate has said, We're not going to tell you what we're interested in doing. We're not going to provide you with any ideas, and because we won't move it, the House product can't move, and the President doesn't have anything to work with. So you see the kind of economic turmoil that we're in today, but the President, to his credit, has submitted a budget each and every year with his priorities.

This is the budget that he submitted for 2012. This was just last February. The law required it and he complied with it, but he's running for reelection. He has got his fingers on the pulse of the American people for what they need and what they desire and what they want from the United States Government—again, all attuned towards the election in November—but the budget that he submitted raises taxes, as the gentleman from Virginia advocated, by \$2 trillion on the American people.

Now, if you want to know how much a trillion is, Madam Speaker, I speak to a lot of school groups back home, and we try to break those zeros into things that matter. If you began on the day that Jesus Christ was born and if you wasted \$1 million a day, 7 days a week from the day Jesus Christ was born through today, you would have to throw away \$1 million a day every day, 7 days a week for another 734 years to throw away your first \$1 trillion—your first. The President proposes to raise taxes on the American people by \$2 trillion.

Folks say, ROB, we have debts. We have bills to pay. We may have to raise taxes to do it, they say. He raises taxes by \$2 trillion, but raises spending by even more. That's what we're talking about here, Madam Speaker.

Here is the chart of the promises we've already made, the unsustainable path of spending that we have already committed to as a Nation. It is spending that has to be reduced. It is spending that has to be cut. They are priorities that have to be reset and reorganized. The President in his budget this year said, not only are we going to spend all of that, but we're going to spend \$2 trillion more such that we're going to tax the American people an additional \$2 trillion, but we're going to raise the debt faster than if we hadn't passed a budget at all.

There are 2 trillion new dollars coming into the Treasury but so much more new spending going out the door that the debt actually rises faster under the President's plan for 2013 and '14 and '15 and '16. It rises faster under the President's plan in 2017 and '18 and '19 and '20. You have to go all the way out to 2021. I blew it up here on the chart because I know folks won't be able to see it back in their offices. Here is 2021, which is represented by this sliver of green way out there at the end of this chart. It says, if we agree to the President's budget and if we raise taxes by \$2 trillion on the American people—with all of this new spending that he would like to do as well way out in 2021—we'll borrow just a little bit less money than if we'd done nothing at all.

I say that, Madam Speaker, because folks aren't here bickering over nothing. Folks are up here advocating at the top of their lungs for their vision of America. It's the greatest experiment in the history of the world, where people would govern themselves, a Republic as never before seen in world history. We started that Republic here. We are maintaining that Republic here. I would tell you we are dutybound to pass that Republic on, not just to our children and to our grandchildren, but for generations to come; but we have come to a nexus in our history where we disagree on who we are as a people.

The President—incredibly effective, incredibly talented in running for reelection, in trying to enunciate those hopes and dreams that the American people will respond to and endorse and reelect him based on—believes and advocates, even with this crushing burden of debt which every single economist agrees is unsustainable going into the future, that over the next 10 years we do not one thing about it. In fact, we raise taxes by \$2 trillion. We exacerbate it and we make it worse.

That's not who this House is, Madam Speaker. That's not why you and I ran for Congress. That's not why folks left their families. That's not why folks got off the sidelines and said, I've got to stay at home and complain about it or I can run for Congress and do something about it. We elected 99 new Members in this House last fall—99 new Members, Republicans and Democrats, coming from all walks of life—to say that we can do better, that we can be a part of the solution. We don't have to point the finger of blame. We can actually put forward solutions—and we have. Again, you don't read that in the newspaper, Madam Speaker. It's no wonder folks are so disgusted with what happens in this town because, when you read about what's happening in this town, it's pretty disgusting.

□ 1420

I want to talk about some of the good news. I have four bars here, Madam Speaker. Fiscal year 2010, Federal Government discretionary spending, fiscal year 2011, fiscal year 2012, and fiscal year 2013. This fiscal year 2010, Madam

Speaker, that was money that was spent before you and I came to Congress. That was money that was spent while my Republican colleagues were in the minority, while we had Democrats running the White House and the U.S. House and the U.S. Senate. There was one-party control. We had one-party Republican control from 2000 to 2006. We had one-party Democratic control from 2008 to 2010. Spending levels, discretionary spending—folks say, “Rob, doesn’t all spending begin in the House?” No, it does not. For the most part, two-thirds of the budget is comprised of mandatory spending, spending that does not come through the House each and every year, but discretionary spending comes through the House. This \$1.27 trillion comes through the House for us to make a decision on each and every year.

Mr. Speaker, you know the story, the decisions we’ve been making. When you and I arrived, we joined our senior Republican colleagues here, we created a new Republican majority here in this House. For FY 2011, the first year in which you and I served, we reduced spending. I’m not talking about Washington, D.C., funny math. I’m not talking about where you raise spending by \$10 and call it a cut. I’m talking about actual U.S. dollars going out the door in discretionary spending.

When we came into this Congress and we took on FY 2011 appropriations, we reduced it from \$1.27 trillion to \$1.21 trillion, \$64 billion less—not inflation adjusted, actual dollars—\$64 billion less in 2011 than in 2012. You say, “Rob, that’s not enough.” You’re absolutely right, it’s not enough. We only have a small amount of control over the budget here. We’re going to do what we can, when we can. We went on to 2012, reduced it again down to \$1.18 trillion. That’s another \$31 billion reduction, and \$31 billion is not enough. No, of course it’s not enough. Is the history in the country that we raise it and raise it and raise it? Yes, it is. Have we changed that history for the first time since World War II, Madam Speaker? You better believe it.

It has not happened in this land since the end of World War II that a Congress year after year after year, and now after year, reduces the discretionary spending going out the door because it wasn’t just that we spent less in 2011 than we spent in 2010, we spent less in 2012 than we spent in 2011, and with the bill that we passed on the floor of this House yesterday, we are now on track to spend less in 2013 than we spent in 2012.

Just to be clear, Madam Speaker, we talked so much about what goes on here on the House floor. When I show you the path of fiscal despair that is ahead of us with this redline, the current path if we do nothing, and I show you the green line, the solution that we proposed in this House, it’s important to note that the green line is just what we’ve proposed. We’ve passed it in a bipartisan way. We’ve passed it twice

in a bipartisan way, but the Senate has never taken it up. The President has promised he would never implement it. It is something that we see as a vision of prosperity for this country, but we cannot get agreement from the Senate or the White House to implement.

That idea is distinguished from what we’ve done with discretionary spending, where these bills have passed the House, have passed sometimes a kicking and screaming Senate, and have been signed into law by the President of the United States. This is not an aspirational goal that I have here, Madam Speaker. This is the law of the land.

Madam Speaker, all the easy choices are gone. They were gone before you and I got here. They may well have been gone before my colleague from Indiana got here. The easy choices have all been made already. The only thing that is left are the hard choices.

Madam Speaker, you know as well as I do when we talk about cutting spending, when we talk about reducing the size and scope of the Federal Government, every dollar we spend comes from back home. Every dollar we spend comes out of the wallets of our constituents back home. We get to choose where we want to spend that money. As a voter back home, I can choose to send it to my city government, I can send it to my county government, I can send it to my State government, I can send it to my Federal Government. But who back home around the water cooler or the coffee pot says, Golly, what we need in this country is efficiency and thrift? We want it done really well and really fast, and we want it done for the lowest possible price. Let’s see. Let’s send it to Washington, D.C., let them do it, and I bet they’ll get it right. Who says that? Nobody says that. Here we are trying to nationalize the entire health care system in this country in the name of efficiency and lower costs. No, we’re not going to get it right. I say let’s keep it in the hands of the private sector. Some folks may say give it to our city government, some folks may say give it to our county government. Nobody says let’s send it to Washington, D.C.

So when we’re making these reductions, when we’re trying to be thrifty with the dollars that we have seized from American taxpayers out of their paychecks each and every month, there’s not one anti-government advocate in this town, but there are good government advocates in this town. Whether you sit on the Republican side of the aisle or the Democratic side of the aisle, one thing on which we can all agree is that the Federal Government has let us down.

The gentleman from Virginia made a passionate case for why it is we need to fund green energy. I happen to have the largest manufacturer of high-efficiency solar panels in America in my district, and I believe in green energy. What I don’t believe in is crony capitalism. That’s what we saw in Solyndra, crony

capitalism where the political contributors get the taxpayer dollars, where hundreds of millions of dollars can be wasted with no accountability whatsoever. That’s not good for anyone. That’s not good for the left, that’s not good for the right, and that is not good for a single American taxpayer. We’re talking about good government here.

Madam Speaker, I daresay as I look at this chart to my left of decreasing Federal spending, actual dollars going down, not just for 1 year, not just for 2 years, but now for 3 years in a row, that that would not have happened but for the American people speaking out in the 2010 election and sending 99 new Members to this Congress. We had lots of Members here who believe in thrift, who believe in efficiency, who believe in making sure the taxpayer gets their maximum value out of every tax dollar, but there were not enough. There were not enough. I can’t tell you how many times from back home I watched the gentleman from Indiana alone as he advocated for good government, alone on the floor of the House trying to make a difference. The American people sent 99 new faces here, new minds, new ideas, and it’s made this difference.

Madam Speaker, I don’t have any idea how the next election is going to turn out, but I’m absolutely certain with every fiber of my being that we’re going to have the largest voter turnout in American history come November 6. I know this: If there’s one thing I trust in this country beyond the United States Constitution and the King James Bible, it’s the American people. When more Americans turn out in November than ever before to make a decision about who we are as a Nation, where we’re going as a Nation, and who shall lead this Nation, we’re going to get it right. I don’t have any idea which direction that’s going to go, but I trust the American people.

Madam Speaker, Newt Gingrich said it best when he was down in Georgia speaking during the presidential campaign. He said:

This year, we do not need a presidential candidate we can believe in. We need candidates who believe in us.

It’s one of the distinguishing features on the floor of this House, Madam Speaker. Do you believe in the American people? Do you trust the American people? Do you know in your heart that the American people left to their own devices will get it right every time? Or do you believe they just can’t handle it, and it’s up to Washington, D.C., to solve those issues for them?

We’re going to find out on November 6 where the hearts and minds of the American people are, Madam Speaker. But you see on these charts behind us the kind of success that we can have as a Nation, as a people in turning the good ship America when the American

people turn out to the polls and send back to Washington those folks who care more about the future of this country than they care about themselves.

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

□ 1430

FOREIGN AFFAIRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Indiana (Mr. BURTON) for the remainder of the hour as the designee of the majority leader.

Mr. BURTON of Indiana. Madam Speaker, I have been in this Congress for a long, long time, and I have been frustrated a lot. I think maybe I have learned a little bit. For any of my colleagues who are in their offices watching on television, I thought I would make a few comments about some of the things that I hope that they will take as a little bit of a lesson for them down the road.

I have been on the Foreign Affairs Committee for 30 years, and the first thing I have learned is you can't make the world over in our image no matter how hard we try. There are different cultures, different people, different religions, tribal, all kinds of things.

When we go into another part of the world and try to make them like us, we cause a lot of problems, we cost a lot of lives, and we lose a lot of money. We should always realize, in the back of our minds, that we should do what's in the interest of the United States of America first, last, and always and not try to make the world look like us.

The second thing that I think my colleagues, I hope they realize is that we're going to have to work with some pretty unsavory persons sometimes.

Muammar Qadhafi was a terrible, terrible tyrant in Libya. When Ronald Reagan had to deal with him after he bombed a nightclub that killed a lot of Americans in Germany, Ronald Reagan flew the planes over and bombed Qadhafi, and Qadhafi wasn't a problem any more. A lot of people were killed, he was almost killed, and he realized that terrorism from his country was not going to stand.

Qadhafi was not a problem for the United States from then on. Now, he was a problem in his country. He killed a lot of people, and there might have been some more carnage, but it was in his country.

Because of that, we went into Libya, spent billions of dollars of our money. We drove him out of office and had him killed. Now there's chaos over there, and they killed our Ambassador. They tortured him, I understand—I won't go into details, but it was pretty bad. They killed three other people, they burned our flag, and the place is in chaos.

What did we get when we got rid of Qadhafi? He was a bad guy. He was ter-

rible to his own people. But what we have now is a complete chaotic situation in that part of Africa. The same thing is true in Tunisia. Then, of course, our President went over to Egypt, and he gave a speech talking about how we had to all get along, and how there ought to be democracy in Egypt.

Now, Mubarak, who was the dictator over there, was a bad guy; but he had lived up to what we call the Camp David accords. The United States and Egypt worked together to make sure there was peace in the Middle East, and there wasn't any war going on involving Israel or anything else.

But we led the fight to get rid of Mubarak. We did it, along with some help, and now Mubarak is gone and we have the Muslim Brotherhood. A lot of people don't know much about the Muslim Brotherhood, but they have been judged a terrorist organization in the past. I was told, and everybody else was told, when the Muslim Brotherhood left that there was going to be democracy, freedom, and human rights in Egypt. We had 78 Coptic Christians just murdered recently.

As you know, they came over, and a mob—and it was planned, everybody knows about it—it wasn't because of that movie. They came over, and they scaled the walls of the U.S. Embassy, they burned the American flag, and they ran around waving the radical Muslim flag. They touted their radical leaders as the future leaders of that area. Osama bin Laden, they were carrying his picture around saying, we support Osama bin Laden.

Now, this is a country that we just gave \$1.5 billion to, our money. The reason we gave them that money is because we've been paying them for years and years to make sure that they lived with the Camp David Peace Accords, which meant that there would be peace between Egypt and Israel and throughout the Middle East. Mubarak is gone, the Muslim Brotherhood's in charge, and there's chaos in Egypt, and the entire Middle East is threatened further.

When you look across the northern tier of Africa, I hope my colleagues will realize, we've tried to create governments that agree with us and look like us and that will be tokens of the United States of America. Instead of leaving them alone, we have helped create chaos.

Now, I just got back from the Persian Gulf recently. I was in Bahrain, and Bahrain is a friend of ours. We have the Fifth Fleet there, which patrols the entire Persian Gulf, protecting those waterways, and we get about 35 percent of our energy from that part of the world.

Iran is sending people into that country to undermine that government and stir up the people. It's the same thing that happened in Libya, the same thing happened in Egypt, and now it's happening in the Persian Gulf states. We get a third of our energy from there. If we don't get that energy, if we don't become energy independent, we are

going to have the lights off one of these days, and we're going to be paying about \$5 or \$6, \$7, \$8 a gallon for gasoline. It will hurt the entire economy.

Now, this isn't baloney; this is fact. The radicals are working that entire region to take over, and we're trying to help these radicals or have helped these radicals or have helped these radicals in a number of countries, and now we've got a real chaotic mess on our hands.

Yesterday, my colleagues overwhelmingly passed a continuing resolution. Most people don't know what that is, but it's a spending bill that takes us from now until March of next year. I came down to the floor when the discussion was going on the recommittal motion, and I said, tell me, is any of that money going to Libya or Egypt? Nobody would answer me. I can tell you right now additional monies are going to go to Libya, additional money is going to go to Egypt, and both of those countries are not friends of the United States.

A gentlewoman from Congress told me yesterday she was in Egypt not long ago, and she talked to one of the members of the Muslim Brotherhood. She said, What are the goals that you have? He said, Our goal is the Muslim Brotherhood is to have the al Qaeda flag, the Muslim Brotherhood flag, fly over the White House in the United States.

He may have been exaggerating a little, but if you look at what the Muslim Brotherhood has said just recently, and their new president, they said they weren't going to involve themselves so deeply in government over there. They took over the legislative branch, they have taken over the presidency. Their president recently said he wanted to model their government after Iran.

Egypt is the biggest country in the Middle East, but we went in there. Our President went in there and gave a speech. We said we wanted to change that and get rid of the dictator, Mubarak, who was not a good guy. At least he supported the Camp David Peace Accords, which Jimmy Carter worked on, all the way up to now, and now we've got a chaotic situation over there. We can't make the world over in our image.

We should not try to nation-build. You know, I supported it. I supported our efforts when we went into Iraq because I thought we had to get rid of Saddam Hussein, and I thought we had to stop the movement of radical Islam in its tracks. I thought democracy would be a good thing there.

If you look at what's happened, the democracy there is, although it's a fledgling democracy, is very rocky, and they are very close to Iran. They have met with the Iranian leaders, Ahmadinejad, and so this nation-building we did in Iraq right now I think is still tenuous.

□ 1440

I'm not sure it's going to work out. And we spent billions and billions and

maybe trillions of dollars over there and lost a lot of lives. And then in Afghanistan. And I support going after the Taliban. I think we ought to get rid of those guys. We ought to stop the terrorists. It's extremely important. But the one thing that I think that's very important when we go after these guys is we make absolutely sure that we're going to get them and we're going to win. And the problem we had with Afghanistan after losing all these lives and costing all this money is that we're going to pull out in about a year and a half, and, in my opinion, that whole area is going to be again in a state of turmoil and we will have spent billions of dollars, our treasure, and a lot of lives, and it will still not be stabilized. And I think that's really unfortunate because of the problems that we thought we were going to solve by going in there.

One of the things that bothers me is every time we have a war, we think we can have a war that's antiseptic. That we're not going to kill any civilians. You can go in and attack an area and kill the Taliban or al Qaeda, and you have to be real careful that you don't damage or kill civilians. And as a result, al Qaeda and the Taliban, they hide behind civilians. They go into schools and churches and they go into hospitals because they know that they can't be attacked unless we go in and there are innocent lives lost.

We've faced the same thing in World War II. And people don't remember this, but we had to do things to win that war to stop Adolf Hitler, Mussolini, and Tojo that we would never want to do. We firebombed Dresden, Germany. We firebombed Berlin. We dropped nuclear weapons on Hiroshima and Nagasaki. We killed millions of innocent human beings. But that was the horrible cost of war.

Now, today, with the television and the Internet and everything else, we go to war and the next day you see somebody that's injured, a woman, a child, and they say, This is horrible. We can't conduct this war. So our military is handcuffed. They say that they can't go in and go after these guys in certain areas because of the potential civilian casualties. And you can't run a war like that. You either go in to win or you don't go in at all. And we should not risk American lives and treasure unless we're going in to win.

That's why when I think back on Iraq, I think that maybe we should have gone in and beat the hell out of Saddam Hussein, let them know that we weren't going to put up with that, and then pulled out and say, Hey, you've got a country, you run it properly. But if you conduct yourself in the way you did before, we'll be back. It would have scared Iran to death. It would have scared the Taliban to death. But instead, we went in there to nation build. And 10, 12 years later we face much of the same thing that we faced back then.

The other thing I think that's important for Congress to do—and we don't

do it—is when the administration, I don't care whether it's a Democrat or Republican administration, when they make a mistake, we in the Congress must speak out. We must not just go along with the administration, whoever it is, because we want to keep a good relationship with them. Our responsibility as Congress is to make sure that the Government of the United States doesn't go awry. And I've seen time and time again in the years I've been here where Presidents have made a mistake and we stay here and we're strangely silent.

We have to speak up. We have to let the American people know when mistakes are made and that we have to correct them. And we must not let unelected bureaucrats decide all of our foreign policy. We have people at the State Department, people in our government, people who are unelected who make decisions that really lead us in the wrong direction. And I speak, again, for the administration and the State Department when I talk about Libya. We went in there and what did we get? We got rid of Qadhafi. Now there's chaos. Now they're attacking our embassy and burning our flag and waving around al Qaeda flags and talking about how the world will be better off if all the Muslim radicals are in charge.

The same thing is true in Egypt. We went in and got rid of Mubarak. And what did we get? We got the Muslim Brotherhood, a radical Muslim fundamentalist group that wants to destroy the freedoms that we believe in, not to mention our best ally in the entire region, Israel. And Israel is the only place over there that we can count on if everything goes wrong. And so our State Department and the administration and previous administrations have made these kinds of mistakes, and we've been strangely, strangely silent.

So I would just like to end up by saying to my colleagues we should profit from our past mistakes. We should make sure that we don't try to nation build. We can't make the world over in our image. It's not possible. We have to work with unsavory leaders sometimes, people that we don't like, that we don't think are good people, because of stability in the region and because of America's interests. Our interests ought to be number one.

The protection of our country ought to be number one. The protection of our soldiers and the people who go to war and the people of this country ought to be number one. And of secondary importance are the lives of these people in these countries that are radical. But we haven't been doing that. But that ought to be our number one goal, the United States, first, last, and always. And we should not turn over to unelected bureaucrats the control of our foreign policy. We should listen to them. We should have our ambassadors over there. We should have good people over there like the ambas-

sador that just lost his life. But the final decisions ought to be brought before the committees of the Congress, and we ought to discuss them and we ought to participate in the decision-making process with the Commander in Chief and not let unelected leaders, bureaucrats make those decisions.

Finally, we must remember we should never go to war unless we realize the cost that is going to be involved. You cannot win an antiseptic war. You can have a tenuous peace. We had that in Korea. We still have a potential war over there in the 38th parallel. We didn't go in, and we didn't win it, so now we have the Communists up north and the freedom-loving people down south. We went into North Africa, into Somalia, and we tried to nation build there. And we had to pull out because you couldn't get it done. We've gone all over the place and tried to nation build, and we've gone all over the world and tried to make the world over in our image, and we've gone all over the world and tried to fight antiseptic wars, and they just don't work.

If you're going to fight a war, you have to go in and win it and then leave and do what is right for America. You can't stay there for 8, 10, 12 years and try to nation build. Because ultimately you lose a lot of life, you spend our treasure, and you don't get the job done. And I'm a conservative. I'm one of those guys that is one of the strongest supporters of the military in the entire Congress, and I'm one of those people they call a hawk and one of those people that says: Get the bad guys, wherever they are.

But I've learned over the past 30 years that you have to do certain things if you're going to make America great and survive as a Nation. And those things are very important. You can't make the world over in our image. You have to work with some leaders in other parts of the world that are not savory people because of our interests and our stability. You can't spend our money and our treasure and the lives of Americans without going in to win. And you can't fight an antiseptic war.

If we go in, and we go in to win, we're going to have to take some innocent lives. And it's a tragic thing. But that's the way that war is. And the reason Dwight Eisenhower and the American forces were so great and so successful in World War II in Europe and in Japan was because we went in and we did what had to be done to win. And if we hadn't done that, we might all be speaking German today.

I yield back the balance of my time.

□ 1450

CURRENT EVENTS AND LESSONS FROM HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Madam Speaker.

The things that are going on right now in the world are deeply troubling. For those of us who have studied history, it becomes even more disturbing when we make the same mistakes again, mistakes that get people killed who have entrusted their lives to their government, who say, I'm willing to lay down my life for you. I give my life in service to you.

As some of the military, some of our outstanding military in Afghanistan this year have told me sincerely, I'm willing to lay down my life for my country. Please don't waste my life.

The decisions of a President who has never really gotten involved in foreign affairs, his experience before coming into public office is as a community organizer. That can be fine if you adequately study history and really understand, not from the standpoint of an Indonesian school child and the limited viewpoint that that may yield, but from the standpoint of someone who has studied history inside and out and understands such things as the axiom that when a nation's enemies see that nation's strongest ally or allies pulling away from it, that's when they move. The old axiom that among nations, weakness is provocative.

Two years ago, I'd seen an article, and this may have been the one I'd seen because the title is "Obama votes against Israel." This is an article dated May 29, 2010. And it points out in the article that the White House sided with Israel's enemies, something that this Nation didn't normally do, and basically demanding that Israel disclose all their nukes.

Well, those who study the Bible, biblical history, may recall that King Hezekiah was a very good king in Israel, and things went pretty well, but Isaiah was sent to confront Hezekiah about what he had done with visitors who had come from Babylon.

God knew what had been done. But Isaiah asked and Hezekiah explained, and this is the New Texas Paraphrase Version, but in essence he said, You know, all of these wonderful leaders came over from Babylon, so I showed them all of our treasure, and if you get into the strict interpretations, the translation, he basically says, I showed them our armory, all of our defenses.

Isaiah points out, You fool. You're going to lose the country because you've done this. No matter what point in history you are, when a nation shows all its defenses to its enemies, that information at some point in time will be used to take down such a foolish nation.

Even when a nation discloses all of their defenses to friends, to staunch allies—because as we've seen, we thought the U.S. had an ally in Castro in Cuba, and yet once he was in power, he turned rather remarkably against the United States. Those things happen. Power changes in different countries; and if they have information, if they

have weaponry, if they have the wherewithal, then sometimes a former friend can turn into an enemy.

So it was no surprise to me, being a student of history, that when it came out through the media that, gee, the Obama administration has taken a shocking position when looked at historically against Israel's well-being, then was it a shock that the flotilla left within only mere days to go challenge the blockade at the Gaza Strip? Nobody should have been surprised by that because the world, Israel's enemies, had been shown that this administration was willing to pander to Israel's enemies to try to make Israel's enemies think, you know, hey, we're one of you guys. We're just friends. We want to be friends with everybody.

It doesn't work that way. You don't throw your friends under the bus, and you don't gain friends by paying off enemies. It has never worked. It will never work. It gets people killed.

So Israel's been in a bit of a bind.

When we see the way this fiasco over the last year and a half has been handled, some might say, look, this is no time to be talking about these things. For goodness sake, decisions are being made as I speak that will either let people live or get people killed. If we don't talk about it now, when will we talk about it? Let the historians write that nobody would stand up and say this is a mistake? Let's don't repeat the terrible chapters of history. Let's get it right.

All of us who served in the United States armed services took an oath and had it cross our mind, you know, the time may come where I do have to lay down my life for my country. But after I had a soldier say that in Afghanistan, I had to realize, you know, I had that in the back of my mind. I'm willing to lay down my life. I hope it doesn't get wasted.

Well, the thing is every American that has laid down their lives for their country didn't do it for this administration or any other. There are ideals that this country was founded on and stands for even now.

But we're in the midst of a crisis, and part of it created by our own mishandling, and we have got to make sure that we do not continue to make the same mistakes and continue to pander to our enemies and continue to provoke them by showing weakness.

We owe the lives that have been laid down that are even now coming, being brought back into this country. We owe them an obligation to make sure that others do not lose their lives unless it really counts.

I come over here nauseated today upon hearing reports about—and I pray God they're not accurate—about what may have happened during the 8 hours or so the body of our great ambassador was missing.

But, we also know, well, gee, the Embassy in Cairo released a statement and they were basically condemning anybody that would produce a provoca-

tive film that might offend Muslims. Good grief. How many movies have been produced that provoke and insult those of us who are Christians? Thank God that most of us, as Christians, understand that that does not justify going and killing people and burning people and burning up buildings.

We understand that we believe in freedom of speech, that God gave us freedom to make choices. So in the most ideal country, others will have freedom to choose right and freedom to choose wrong.

□ 1500

But if it's too wrong, we have criminal laws, domestically, to deal with those issues. But you would hope someone, before any further action is taken to condemn Americans for using freedom of speech here, would analyze the situation—as they did not before they first condemned and even had a general officer of our military call and ask about maybe not producing a film, not pushing it out there, whatever it was he asked: Don't use your First Amendment rights that I'm supposed to be fighting for you to have. Don't use those. That will make my job easier.

Well, actually, the general doesn't know, it makes it more difficult.

Let's look at this. Let's analyze it a moment. A friend, Patrick Poole, asked a question that made me start asking questions. Let's look at it. We heard about this film that all of a sudden on 9/11—shouldn't that ring a bell—on 9/11 provoked riots. It provoked people in Cairo climbing up the walls of our Embassy. And it's easy to watch these things happen. You know historically that people will push the envelope, and these people did in Cairo: Well, I wonder if the soldiers will stop us if we go up to the wall.

And maybe they go up and spray-paint on the wall: Ooh, nobody stopped us from there. How about if we climb on the wall?

Well, no soldiers. They watched. They didn't do anything; they just watched.

Oh, let's push it a little further. Let's climb up the walls. Wow, we're up here on top of the walls and these soldiers that are supposed to protect the Embassy have done nothing. Let's take down the American flag; that's always popular here. Let's run up an al Qaeda-type flag.

And nothing was done. That is provocative in its weakness.

Now, this film is still a mystery. It should make people go: Wait a minute. This doesn't make sense that all of a sudden this film provoked nations of people, masses of people to come out and riot and it would cause them to kill an Ambassador and innocent people, this film.

Let's look at this a little more carefully. Then you find a story that it actually turns out there's a report that this movie came out in July. So a movie that nobody notices, nobody pays any attention to comes out in

July. Well, if this ridiculous movie, this insulting movie that insults Muslims, we're told—I haven't seen it, don't plan to—but it came out in July, how on 9/11, all of a sudden, does this movie cause people to be killed?

I would humbly submit that a lesson to learn here is that when American citizens utilize their free speech rights, their freedoms of religion, that the President and everyone under his command is not to direct that people can't use their freedom of speech and freedom of religion; they're to protect them. The messages that should come out from an administration are not: Don't use your freedom of speech and freedom of religion because we don't want to offend anyone. I'm offended all the time. You don't go kill people because of it.

Although it's not recognized under shari'a law, under Western law in a Western civilization—we dealt with this all the time in the court over which I was a judge—provoking words, no matter how insulting, provoking words are never a defense to a physical assault, much less murder. That's what we believe in this country. That's what Western civilizations believe. We should be defending that civilized concept, not pandering to people who are being inflamed by our enemies.

So then we find out that the inflammation of people who would kill American citizens and an American Ambassador were inflamed by this film that came out in July, but it was not until it was released through the Egyptian media that it started firing people up. Wow, isn't that remarkable? Right before 9/11. Well, now, if it's an insulting movie—and from the information we have, the Muslim Brotherhood is basically in control in Egypt. The Muslim Brotherhood basically could shut down any Egyptian media source, but yet they produce or they get this information, they get the film out. Not only that, because there are some Muslims that may not speak English that might be inflamed into a fire that will burn down buildings and kill people, we'd better interpret that into their language.

Gee, why would a foreign country—who this President says has been our ally, and then he said they're not our ally, but they're not our enemy, and then we hear, well, actually, we do consider them an ally. Whatever they are, a friend does not take some obscure film that nobody noticed, interpret it into a language that it knows will inflame people who will kill Americans and put it out there. That's not a friend. That's an enemy of the United States of America. And it is an insult to this government and to the American people that this body would vote for a continuing resolution that allowed the potential for more money to go to enemies that would put out films that will inflame people, that get Americans killed.

We owe those who have given their lives better than this, and we owe

those who are serving us abroad and serving here at home and may be sent better than this. So there are those who may say we should not be talking about this. If we don't talk about it now, others may give their lives. Let's save their lives for something more important than a mistake by an administration.

Our Ambassador to Libya is a hero. I've been to too many funerals of brave men and women who have given their lives for this country. So when I read a report or a media source that discloses the name of a former SEAL team member who is acting as private security at our facility in Libya and the report is—doesn't put it in quotes, but the report says that the administration released the information that this former SEAL member was killed while running for cover.

Now, I recognize that there are enough in the mainstream media who are so loyal, they take their marching orders—they may not lay down their lives, but they will lay down their reputations for this administration. Somebody may be willing to come forward and say, You know what? It's not exactly what the administration said. Maybe we misinterpreted that in the story.

It doesn't matter. The story came out, and the administration owes those who have given their lives for this administration better than that. Because I can guarantee you, I know enough SEAL members and I know enough SEAL team members that that SEAL team member was not running for cover when he was killed. If he was running, it was to get to a place from which he could conduct a better assault upon the enemy. That's the way they think. They don't think, "Run for cover." They think, "Where can I get to the best position to fight, to save those entrusted to my care?"

That's an insult, and I hope I never see another report like that from this administration or any Republican administration, because it's an insult and we owe better than that to those who are fighting for us.

Who made the decision in the Egyptian Government, in the Egyptian media to take this July obscure, and from what we hear, pitifully made film and blow it up in the Middle East, figuratively speaking—figuratively speaking, blow it up in the Middle East—so that people who heard it and saw it would blow up Americans?

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Who made that decision? And who made the decision—we need to know—who made the decision to release a statement that was provocative in its weakness in saying, you know what, people over here are getting upset because some idiot made a film back in the United States, and so we need to be sure not to insult Muslims.

When have I ever seen anything from this administration say, you know what, we need to not make films in

Hollywood that insult Christians, people like Mother Teresa, that deserve better treatment than that. When have I seen that?

We haven't, because this has been, in the past, a free country, where we have freedom of speech and freedom to make stupid, ridiculous, insulting movies.

But the obscure film this State Department apologized for had to be translated. It was translated by somebody. It had to be put on Egyptian television by somebody. Who could that have been?

And I would submit that until we find out, there should not be a dime of American money nor money that Americans have had to borrow in order to send to Egypt. It shouldn't go over there. It shouldn't go to Libya.

And it's time we wake up and quit playing stupid, silly games like this administration is doing with our dear friend, Israel, and understand decisions have consequences. And when this administration sided with Israel's enemies in May of 2010, it had consequences. People were hurt. People were killed.

When this administration, perhaps pouting, whatever the reason, well, I'm going to—and Beyonce, Jay-Z, I understand they're fantastic entertainers. But you've got a country named Israel that has been a friend, that has enemies at the gate, and there's not a better way to say it.

While we are pandering and playing and actually trying to make our enemies like us by offering to buy them offices in Qatar, to let their murdering thugs out so they can murder again, while we're playing these games thinking, gee, maybe our enemy will start liking us, the enemy is at the gate. And those centrifuges that are spinning in Iran are a modern-day mass of gas chambers that are being constructed for Israelis and for Americans.

Read what their leaders have said. Listen to what their leaders have said.

There's one way to stop them, that is, to be serious that we will take out anyone who wants to annihilate Americans or America. And when they know we're serious, we may not have to go do it. But it cannot be a bluff. People need to know the American people will not allow innocent American citizens to be target practice.

And for those who do not know enough history to know that in the song that our marines are so proud of, that I, as a grade school child, learned to sing in public school, to the shores of Tripoli, marines have been fighting our country's battles. Those shores of Tripoli came when the Muslim Barbary pirates were attacking American ships. And at that early time in our history, we didn't have a navy. Earlier we did not have marines. And it was flabbergasting to people like Thomas Jefferson who were sent over there to negotiate.

Why in the world would you attack Americans? We've never attacked you. You ought to look at us as peace-loving. And it was a shock when they were

told that actually, under our religion, we believe that if we die while attacking infidels, which we consider you to be, we go straight to paradise.

Jefferson and others were shocked. This doesn't mesh with most world religions. What religion would think it okay where actually you would get to paradise by killing innocent people?

Thank God that the vast majority of Muslims don't believe that. But it is pure folly to ignore those that do.

We owe those who serve the United States of America better than this. And to those who would say this is a political season, we should not be talking about anything but jobs, I would say before this economy can thrive, we have got to fulfill our oath to provide for the common defense because an economy won't last much longer if we don't protect those who are Americans here and abroad.

I pray for the wisdom of President Obama, for the Secretary of State Hillary Clinton, for those who are serving abroad these United States of America, and for our leaders in Congress, that though we are so close to an election, what will matter more is the fulfillment of our oath and the protection, as best we can, of those who are trying to protect us.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. CANTOR) for today after 11:40 a.m. on account of personal reasons.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today on account of district official business.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 44. Joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 18, 2012, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7675. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations (Unincorporated Areas of Mingo county, West Virginia, et al.); [Docket ID: FEMA-2012-0003] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7676. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations (Unincorporated Areas of Chickasaw County, Iowa, et al.); [Docket ID: FEMA-2012-0003] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7677. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations (Maui County, Hawaii, et al.) [Docket ID: FEMA-2012-0003] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7678. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations (Unincorporated Areas of Washington County, Alabama, et al.); [Docket ID: FEMA-2012-0003] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7679. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Final priorities and definitions; State Personnel Development Grants [CDFA Number: 84.323A] received August 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7680. A letter from the Under Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 13566 of February 25, 2011; to the Committee on Foreign Affairs.

7681. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas and Management Measures [Docket No.: 120606145-2251-01] (RIN: 0648-BB75) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7682. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Annual Catch Limit Amendment Supplement [Docket No.: 120409403-2218-02] (RIN: 0648-BB93) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7683. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Gulf of Alaska Pollock Fishery; Amendment 93 [Docket No.: 110627357-2209-03] (RIN: 0648-BB24) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7684. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2012 and 2013 Harvest Specifications for Groundfish; Correction [Docket No.: 111207737-2232-03] (RIN: 0648-XA711) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7685. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 32 Supplement [Docket No.: 100217095-2258-06] (RIN: 0648-AY56) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7686. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 120312182-2239-02] (RIN: 0648-XA882) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7687. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Electric Zoo Fireworks, East River, Randall's Island, NY [Docket No.: USCG-2012-0588] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7688. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Battle on the Bay Powerboat Race Atlantic Ocean, Fire Island, NY [Docket No.: USCG-2012-0629] (RIN: 1625-AA08) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7689. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Temporary Change for Recurring Fifth Coast Guard District Fireworks Displays, Cavalier Golf & Yacht Club Independence Day Fireworks Display, Broad Bay; Virginia Beach, VA [Docket No.: USCG-2012-0227] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7690. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sheboygan Harbor Fest, Sheboygan, WI [Docket No.: USCG-2012-0539] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7691. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation and Safety Zones; Marine Events in Captain of the Port Sector Long Island Sound Zone [Docket No. USCG-2012-0111] (RIN: 1625-AA00; 1625-AA08) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7692. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Artic Drilling and Support Vessels, Pudget Sound, Washington [Docket Number: USCG-2012-0508] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7693. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Temporary Change for Recurring Fireworks Display within the Fifth Coast Guard District, Pamlico River and Tar River, Washington, NC [Docket No.: USCG-2012-0097] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7694. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Flagship Niagara Mariners Ball Fireworks, Presque Isle Bay, Erie, PA [Docket No.: USCG-2012-0349] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7695. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annually Recurring Marine Events in Coast Guard Southeastern New England Captain of the Port Zone [Docket No.: USCG-2011-1026] (RIN: 1625-AA08; AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7696. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Fireworks Display, Potomac River, National Harbor Access Channel; Oxon Hill, MD [Docket Number: USCG-2012-0507] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7697. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone [Docket Number: USCG-2012-0477] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7698. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; OPSAIL 2012 Connecticut, Niantic Bay, Long Island Sound, Thames River and New London Harbor, New London, CT [Docket Number: USCG-2012-0066] (RIN: 1625-AA08) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Race on the Lake, Onondaga Lake, Syracuse, NY [Docket No.: USCG-2012-0347] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Richmond-Essex County Fourth of July Fireworks, Rappahannock River, Tappahannock, VA [Docket No.: USCG-2012-0300] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; East Tawas Offshore Gran Prix, Tawas Bay; East Tawas, MI [Docket No.: USCG-2012-0556] (RIN: 1625-AA08) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Fifth Coast Guard District Fireworks Display Pasquotank River; Elizabeth City, NC [Docket No.: USCG-2012-0543] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Major Motion Picture Filming, Cape Fear River; Wilmington, NC [Docket Number: USCG-2012-0515] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Grand Hotel 125th Anniversary Fireworks Celebration, Mackinaw Island, Michigan [Docket No.: USCG-2012-0533] (RIN: 1625-AA00) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0271; Directorate Identifier 2011-NM-196-AD; Amendment 39-17118; AD 2012-14-04] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters [Docket No.: FAA-2012-0704; Directorate Identifier 2012-SW-040-AD; Amendment 39-17113; AD 2012-13-11] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0149; Directorate Identifier 2011-NM-255-AD; Amendment 39-17117; AD 2012-14-03] received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0304; Directorate Identifier 2010-NM-103-AD; Amendment 39-17095; AD 2012-12-15] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Vertol (Type Certificate currently held by Columbia Helicopters, Inc. (CHI) and Kawasaki Heavy Industries, Limited Helicopters (Kawasaki) [Docket No.: FAA-2012-0730; Directorate Identifier 2012-SW-048-AD; Amendment 39-17124; AD 2012-14-10] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — BEA SYSTEMS (OPERATIONS) LIMITED Airplanes [Docket No.: FAA-2012-0189; Directorate Identifier 2011-NM-133-AD; Amendment 39-17102; AD 2012-12-22] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7711. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0104; Directorate Identifier 2011-NM-279-AD; Amendment 39-17107; AD 2012-13-05] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7712. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL Swidnick S.A. Helicopters [Docket No.: FAA-2012-0703; Directorate Identifier 2010-SW-019-AD; Amendment 39-17112; AD 2012-13-10] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7713. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes [Docket No.: FAA-2012-0102; Directorate Identifier 2012-NM-004-AD; Amendment 39-17072; AD 2012-11-09] (RIN: 2120-AA64) received July 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7714. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Turboshift Engines [Docket No.: FAA-2012-0057; Directorate Identifier 2012-NE-04-AD; Amendment 39-17100; AD 2012-12-20] (RIN: 2120-AA64) received July 31, 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. SMITH of Texas: Committee on the Judiciary. H.R. 2299. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions (Rept. 112-671). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 6060. A bill to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019 (Rept. 112-672). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 6190. A bill to direct the Administrator of the Environmental Protection Agency to allow for the distribution, sale, and consumption in the United States of remaining inventories of over-the-counter CFC epinephrine inhalers (Rept. 112-673). Referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2903. A bill to reauthorize the programs and activities of the

Federal Emergency Management Agency, with an amendment; (Rept. 112-674, Pt. 1); Referred to the Committee on Homeland Security for a period ending not later than September 17, 2012, for a period ending not later than September 17, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j) of rule X.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than November 16, 2012.

H.R. 1838. Referral to the Committee on Agricultural extended for a period ending not later than November 16, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SCALISE (for himself, Mrs. BLACKBURN, Mr. BROOKS, Mr. BURTON of Indiana, Mr. DIAZ-BALART, Mr. GINGREY of Georgia, Mr. HARRIS, Mrs. HARTZLER, Mr. HUELSKAMP, Mr. JOHNSON of Ohio, Mr. LUETKEMEYER, Mrs. MYRICK, Mr. SHIMKUS, Mr. WESTMORELAND, Mr. YOUNG of Florida, and Mr. ROKITA):

H.R. 6410. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. CONYERS, Mr. STARK, Mr. FILNER, Ms. WOOLSEY, Mr. MCGOVERN, and Ms. LEE of California):

H.R. 6411. A bill to impose a tax on certain trading transactions to strengthen our financial security, expand opportunity, and stop shrinking the middle class; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. GUTIERREZ, Mr. GONZALEZ, Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. SABLAN, Mr. HONDA, Ms. ESHOO, and Ms. MATSUI):

H.R. 6412. A bill to amend the Immigration and Nationality Act to provide for immigrant visas for certain advanced STEM graduates, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. PETRI, Ms. SCHWARTZ, and Ms. SCHAKOWSKY):

H.R. 6413. A bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. RUNYAN, Mr. KING of New York, and Mr. ISRAEL):

H.R. 6414. A bill to amend the Housing and Community Development Act of 1974 to set aside community development block grant

amounts in each fiscal year for grants to local chapters of veterans service organizations for rehabilitation of their facilities; to the Committee on Financial Services.

By Mr. FINCHER:

H.R. 6415. A bill to facilitate prompt and efficient adjusting of insurance claims in the case of natural and other disasters and losses, to encourage licensing of insurance claims adjusters, and for other purposes; to the Committee on Financial Services.

By Mr. FORTENBERRY:

H.R. 6416. A bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Financial Services.

By Ms. JACKSON LEE of Texas:

H.R. 6417. A bill to provide for research and education with respect to triple-negative breast cancer, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself and Mr. HUELSKAMP):

H.R. 6418. A bill to repeal a certain rule relating to nutrition standards in the national school lunch and school breakfast programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LARSEN of Washington (for himself, Mr. HONDA, Mr. CLEAVER, Ms. MOORE, Mr. BUTTERFIELD, Mr. MORAN, and Ms. SCHWARTZ):

H.R. 6419. A bill to amend the Help America Vote Act of 2002 to permit an individual who is subject to a requirement to present identification as a condition of voting in an election for Federal office to meet such requirement by signing an affidavit attesting to the individual's identification, and for other purposes; to the Committee on House Administration.

By Mr. CLARKE of Michigan (for himself, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, and Mr. DAVIS of Illinois):

H.R. 6420. A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Ms. BORDALLO, Ms. BROWN of Florida, Mrs. CAPPS, Mr. CICILLINE, Ms. CLARKE of New York, Ms. DELAURO, Mrs. EMERSON, Mr. GRIJALVA, Mr. HINCHEY, Mr. HONDA, Ms. LEE of California, Ms. MATSUI, Mr. MCGOVERN, Ms. MOORE, Mr. MORAN, Mr. RANGEL, Ms. RICHARDSON, and Ms. SCHAKOWSKY):

H.R. 6421. A bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on House Administration, 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. MORAN (for himself and Mr. CRENSHAW):

H.R. 6422. A bill to establish a program to provide grants to nonprofit organizations to enable such organizations to assign and support volunteers to assist foreign countries in the administration of their natural resources in an environmentally sustainable manner; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself and Mrs. BIGGERT):

H.R. 6423. A bill to exclude insurance companies from the Federal Depository Insurance Corporation's "orderly liquidation authority"; to the Committee on Financial Services.

By Mr. POSEY:

H.R. 6424. A bill to provide that a former Member of Congress or former Congressional employee who receives compensation as a lobbyist shall not be eligible for retirement benefits or certain other Federal benefits; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN:

H.R. 6425. A bill to revise the boundaries of the John H. Chafee Coastal Barrier System Saddlebunch Keys Unit FL-57; to the Committee on Natural Resources.

By Mr. SARBANES (for himself, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CONYERS, Mr. DEUTCH, Mr. DINGELL, Mr. DOGGETT, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Mr. HOLT, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. NADLER, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SIRETSKY, Mr. TONKO, Mr. VAN HOLLEN, Mr. WELCH, Mr. YARMUTH, Ms. BONAMICI, Ms. DELAURO, Mr. LARSON of Connecticut, and Mr. COURTNEY):

H.R. 6426. A bill to reform the financing of Congressional elections by encouraging grassroots participation in the funding of campaigns, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Ways and Means, and 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. SMITH of Washington:

H.R. 6427. A bill to amend title IV of the Social Security Act to create a competitive self-sustainable social services grant program to provide workforce development opportunities and training to people with barriers to employment under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on 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 Mr. WELCH (for himself and Mr. COSTA):

H.R. 6428. A bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; to the Committee on Financial Services.

By Mr. CROWLEY (for himself, Mr. PASCRELL, Mr. BERMAN, Ms. CHU, Mrs. LOWEY, Mr. ELLISON, Mr. STARK, Mr. SERRANO, Ms. SPEIER, Mr. MORAN, Ms. MOORE, Mr. SHERMAN, Ms. RICHARDSON, Mr. ISRAEL, Mr. CONNOLLY of Virginia, Ms. LEE of California, Ms. MATSUI, Mr. HONDA, Ms. BONAMICI, Ms. ZOE LOFGREN of California, Mr. BECERRA, Mr. FARR, Ms. BORDALLO, Mr. AL GREEN of

Texas, Mr. SMITH of Washington, Mr. FILNER, Mr. DANIEL E. LUNGREN of California, Mr. LUJÁN, Mr. VAN HOLLEN, Mr. HEINRICH, Mr. TOWNS, Mr. LARSEN of Washington, Mr. LEVIN, Mr. HOLT, Mr. RYAN of Ohio, Mr. MEEKS, Mr. BLUMENAUER, Ms. BASS of California, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. NORTON, Mr. PETERS, Mr. WILSON of South Carolina, Mr. CAPUANO, Mr. GRIJALVA, Mr. DINGELL, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, Mr. COSTA, Ms. JACKSON LEE of Texas, Mr. BURTON of Indiana, Mr. DOGGETT, Mr. RANGEL, Mr. FALEOMAVAEGA, Ms. DEGETTE, Mrs. NAPOLITANO, Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Ms. MCCOLLUM, Mrs. MCCARTHY of New York, Mr. CLARKE of Michigan, Ms. LORETTA SANCHEZ of California, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. OLVER, Ms. EDWARDS, Mr. LEWIS of Georgia, Mr. NADLER, Mr. MCGOVERN, Mr. HINCHEY, Mr. WELCH, Ms. HAHN, Mr. PIERLUISI, Mr. KIND, Mr. RUSH, Mr. WAXMAN, Mr. SCHIFF, Mr. MARKEY, Mr. SIRES, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. KUCINICH, Ms. BERKLEY, Mr. ACKERMAN, Ms. TSONGAS, Ms. ESHOO, and Mr. MCNERNEY):

H. Res. 785. A resolution condemning the discrimination, hate crimes, racism, bigotry, bullying and brutal violence perpetrated against Sikh-Americans, and all acts of vandalism against Sikh Gurdwaras in the United States; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SCALISE:

H.R. 6410.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. ELLISON:

H.R. 6411.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1,3 and 18.

By Ms. ZOE LOFGREN of California:

H.R. 6412.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Mr. BLUMENAUER:

H.R. 6413.

Congress has the power to enact this legislation pursuant to the following:

This bill modifies the Social Security Act, which Congress enacted pursuant to its powers under the commerce clause of the U.S. Constitution, as well as its powers to tax and spend for the general welfare. Congress has the power under those provisions to enact this legislation as well.

By Mr. BISHOP of New York:

H.R. 6414.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. FINCHER:

H.R. 6415.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. FORTENBERRY:

H.R. 6416.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for this bill is pursuant to Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. JACKSON LEE of Texas:

H.R. 6417.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. KING of Iowa:

H.R. 6418.

Congress has the power to enact this legislation pursuant to the following:

This legislation repeals a rule made by an Executive agency pursuant to an act of Congress. This bill is intended to correct the agency's errant interpretation of Congress' intent as expressed in the authorizing legislation, and, as such, follows the responsibility that Congress has, under Article 1, Section. 1, to exercise all legislative powers of the United States.

By Mr. LARSEN of Washington:

H.R. 6419.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Mr. CLARKE of Michigan:

H.R. 6420.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 and Article 1, Section 8, Clause 1 of the United States Constitution.

By Mrs. MALONEY:

H.R. 6421.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. MORAN:

H.R. 6422.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this legislation.

By Mr. POSEY:

H.R. 6423.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. POSEY:

H.R. 6424.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2

Article I, Section 6, Clause 1

By Ms. ROS-LEHTINEN:

H.R. 6425.

Congress has the power to enact this legislation pursuant to the following:

Article IV

Section 3

Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. SARBANES:

H.R. 6426.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution under the General Welfare Clause.

By Mr. SMITH of Washington:

H.R. 6427.

Congress has the power to enact this legislation pursuant to the following:

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 . . .

By Mr. WELCH:

H.R. 6428.

Congress has the power to enact this legislation pursuant to the following:

Article 1, 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 this Constitution in the Government of the United States, or in any Department or Officer thereof . . .

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. BISHOP of New York and Mr. ENGEL.

H.R. 502: Mr. SCHIFF.

H.R. 592: Mr. KUCINICH.

H.R. 718: Mr. DENT.

H.R. 787: Mr. YODER.

H.R. 831: Ms. CASTOR of Florida.

H.R. 835: Mr. ROSKAM.

H.R. 860: Mr. MCCAUL, Ms. CHU, and Mr. BLUMENAUER.

H.R. 998: Mr. GEORGE MILLER of California.

H.R. 1057: Mr. CICILLINE.

H.R. 1093: Mr. SCHOCK.

H.R. 1116: Mr. BOSWELL and Mr. WATT.

H.R. 1244: Mr. QUIGLEY.

H.R. 1381: Ms. ZOE LOFGREN of California.

H.R. 1426: Mr. CONNOLLY of Virginia.

H.R. 1513: Ms. BASS of California.

H.R. 1537: Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KIND.

H.R. 1543: Mr. PERLMUTTER and Ms. PINGREE of Maine.

H.R. 1704: Mr. AL GREEN of Texas and Mr. ACKERMAN.

H.R. 1755: Mr. BISHOP of New York.

H.R. 1810: Mr. COSTA.

H.R. 1845: Mr. BRALEY of Iowa, Mr. SMITH of New Jersey, and Ms. CHU.

H.R. 1903: Mr. AL GREEN of Texas.

H.R. 1910: Mr. JONES.

H.R. 1942: Mr. MORAN.

H.R. 1946: Mr. PERLMUTTER.

H.R. 2040: Mrs. HARTZLER, Mr. REED, Mr. SMITH of Texas, and Mr. PEARCE.

H.R. 2077: Mr. STUTZMAN and Mr. ROYCE.

H.R. 2187: Mr. TIERNEY.

H.R. 2194: Ms. WATERS.

H.R. 2245: Mr. BOREN.

H.R. 2382: Mr. ELLISON and Mr. ENGEL.

H.R. 2402: Mr. AMASH.

H.R. 2492: Mr. CUELLAR, Mr. COBLE, and Mr. WOLF.

H.R. 2557: Mrs. HARTZLER.

H.R. 2649: Mr. WOMACK.

H.R. 2698: Ms. MCCOLLUM.

H.R. 2954: Ms. ZOE LOFGREN of California.

H.R. 2982: Mr. CALVERT.

H.R. 3057: Mr. CRAWFORD.

H.R. 3067: Mr. LIPINSKI, Mr. WATT, and Mr. FORTENBERRY.

H.R. 3151: Mr. MILLER of North Carolina.

H.R. 3238: Ms. WILSON of Florida, Mr. ANDREWS, Mr. LUJÁN, and Mr. GRIJALVA.

H.R. 3269: Mr. MORAN.

H.R. 3307: Ms. SUTTON.

H.R. 3379: Mr. GOSAR.
 H.R. 3423: Mr. CRAWFORD, Mr. FILNER, Ms. LINDA T. SANCHEZ of California, and Mrs. ROBY.
 H.R. 3437: Ms. JACKSON LEE of Texas.
 H.R. 3485: Ms. WASSERMAN SCHULTZ, Mr. MILLER of North Carolina, and Mr. ANDREWS.
 H.R. 3522: Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Ms. LORETTA SANCHEZ of California, and Mr. DOYLE.
 H.R. 3658: Ms. EDWARDS, Mr. CHABOT, Mr. TIERNEY, and Ms. ZOE LOFGREN of California.
 H.R. 3760: Mr. RUNYAN.
 H.R. 3773: Mr. CRAWFORD.
 H.R. 3798: Mr. HIGGINS, Mr. ENGEL, Mr. LANCE, Mr. BRADY of Pennsylvania, and Mr. FRELINGHUYSEN.
 H.R. 4049: Mr. ELLISON.
 H.R. 4066: Mr. CASSIDY, Mr. BARROW, and Mr. ROSKAM.
 H.R. 4137: Ms. NORTON.
 H.R. 4184: Mr. FARR and Mr. CICILLINE.
 H.R. 4227: Mr. SCHIFF.
 H.R. 4250: Mr. NUGENT and Mr. COFFMAN of Colorado.
 H.R. 4373: Mr. COURTNEY.
 H.R. 4972: Mr. THOMPSON of California.
 H.R. 5542: Mr. OWENS and Mr. SCHIFF.
 H.R. 5647: Ms. BALDWIN.
 H.R. 5817: Ms. NORTON and Mr. CAMP.
 H.R. 5840: Mr. PASCRELL and Mr. HANNA.
 H.R. 5860: Mr. KUCINICH.
 H.R. 5905: Mr. ENGEL and Mr. CAPUANO.
 H.R. 5914: Mr. JOHNSON of Ohio and Mr. CARSON of Indiana.
 H.R. 5943: Ms. PINGREE of Maine.
 H.R. 5959: Mr. SARBANES.
 H.R. 5998: Mr. FRELINGHUYSEN.
 H.R. 6043: Mr. GERLACH.
 H.R. 6149: Mr. CLARKE of Michigan.
 H.R. 6155: Ms. MATSUI, Mr. SCHIFF, Mr. BOREN, and Mr. CICILLINE.
 H.R. 6157: Mr. BOSWELL, Ms. BROWN of Florida, and Mr. PERLMUTTER.

H.R. 6163: Ms. CASTOR of Florida.
 H.R. 6174: Mr. BACHUS and Mr. GRIFFITH of Virginia.
 H.R. 6221: Ms. RICHARDSON, Mr. KEATING, and Mr. LANGEVIN.
 H.R. 6242: Mr. COOPER and Mr. BURTON of Indiana.
 H.R. 6316: Ms. TSONGAS.
 H.R. 6331: Ms. BORDALLO.
 H.R. 6372: Mr. HECK.
 H.R. 6381: Ms. WATERS, Mrs. BIGGERT, Mr. BARROW, and Ms. JACKSON LEE of Texas.
 H.R. 6401: Mr. ANDREWS and Mr. STIVERS.
 H.J. Res. 118: Mr. SOUTHERLAND, Mr. GRAVES of Georgia, Mr. CULBERSON, and Mr. PRICE of Georgia.
 H.J. Res. 119: Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. RICHMOND, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. LEE of California, Ms. BROWN of Florida, Ms. WILSON of Florida, Ms. CLARKE of New York, Mr. HASTINGS of Florida, Ms. FUDGE, Mr. BARROW, Mr. KISSELL, Ms. HAHN, Mr. SCHRADER, Mr. BOREN, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. BOUSTANY, Mr. BACHUS, Mr. PASTOR of Arizona, Mr. FINCHER, Mr. COOPER, Mr. BARTLETT, Ms. SEWELL, Mr. BISHOP of Georgia, Mr. CONNOLLY of Virginia, and Mr. BARBER.
 H. Con. Res. 107: Ms. WOOLSEY.
 H. Con. Res. 129: Ms. MCCOLLUM.
 H. Res. 111: Mr. RIBBLE, Mr. FARENTHOLD, and Mr. MCNERNEY.
 H. Res. 134: Ms. BALDWIN.
 H. Res. 687: Mr. MORAN.
 H. Res. 714: Ms. HIRONO.
 H. Res. 730: Mr. WOLF.
 H. Res. 734: Ms. LEE of California.
 H. Res. 759: Ms. LEE of California.
 H. Res. 760: Mr. ELLISON, Mr. KEATING, Mrs. NAPOLITANO, Mr. ROTHMAN of New Jersey, Mr. LYNCH, Mr. LUJÁN, Ms. TSONGAS, Ms. SLAUGHTER, and Mr. SCHIFF.
 H. Res. 763: Mr. ROYCE.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 5, September 13, 2012, by Mr. BRUCE BRALEY on House Resolution 739, was signed by the following members: Bruce L. Braley, Leonard L. Boswell, Kristi L. Noem, Kurt Schrader, Larry Kissell, Ed Perlmutter, Jim Cooper, Jim Costa, Rubén Hinojosa, Christopher P. Gibson, John Garamendi, Peter Welch, Joe Courtney, William L. Owens, Timothy J. Walz, Jean Schmidt, Timothy V. Johnson, Kathleen C. Hochul, Jo Ann Emerson, Jason Altmire, Eric A. "Rich" Crawford, Jeff Fortenberry, Ben Chandler, Mike McIntyre, Chellie Pingree, Denny Rehberg, David Loebsack, Charles A. Gonzalez, Danny K. Davis, Joe Donnelly, Rick Berg, Mark S. Critz, Michael F. Doyle, Tim Holden, Nick J. Rahall II, Heath Shuler, Timothy H. Bishop, Bob Filner, Tammy Baldwin, Scott R. Tipton, Marcy Kaptur, Renee L. Ellmers, James R. Langevin, Michael H. Michaud, John W. Olver, Louise McIntosh Slaughter, Betty McCollum, Lois Capps, John Barrow, Paul Tonko, Rick Larsen, Sheila Jackson Lee, Ed Pastor.

DISCHARGE PETITIONS—
ADDITIONS OR DELETIONS

The following Members' names were withdrawn from the following discharge petition:

Petition 5 by Mr. BRALEY on House Resolution 739: Scott R. Tipton, Renee L. Ellmers.