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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 5, 2012.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

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

PRAYER

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

Loving and gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of the people's House to be the best and most faithful servants of the people they serve.

May they be filled with gratitude at the opportunity they have to serve in this place. We thank You for the abilities they have been given to do their work to contribute to the common good. May they use their talent as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

As this second session of the 112th Congress draws near its end and pressing legislative business once again weighs heavily on this Hill and throughout our land, withhold not Your spirit of wisdom and truth from this assembly. Give each Member clarity of thought and purity of motive so that they may render their service as their best selves.

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

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 Tennessee (Mr. FLEISCHMANN) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEISCHMANN 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.

REMEMBERING CALEB LOGAN COOKE

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

Mr. FLEISCHMANN. Mr. Speaker, I rise today in remembrance of Caleb Logan Cooke. Caleb was born January 22, 1997, and passed away Saturday, December 1, 2012, at the age of 15. Caleb was a blessing to his parents and entire family from the day God placed him on His Earth. Though life was often a struggle for Caleb, he met every challenge head-on and always with a thoughtful and caring disposition. He was an accomplished Boy Scout, earned his black belt in tae kwon do, and was recognized for having the highest GPA in his freshman class.

In addition to all of his high school and extracurricular accomplishments, Caleb was engaged politically and always ready to discuss the day's news. A civically active young man, he was truly a shining example of our youth. Most of all, Caleb was a good friend to my son, Jeffrey, a delightful son to his parents, a loving sibling to his sister and brothers, a blessing to his entire family.

Caleb will be missed by all and always remembered.

AMERICANS WANT JOBS, NOT UNEMPLOYMENT CHECKS

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

Mr. KUCINICH. Nearly 50 million Americans—over 10 million children—live in poverty and 46 million Americans on food stamps. According to the Census Bureau, without Social Security over 50 percent of people 65 and older would live and die in poverty. Why do we accept poverty? Why do we accept massive unemployment? Over 20 million Americans are without work. You cannot escape poverty without a job. Americans want jobs, not unemployment checks. If you don't have a source of income, you can't own a home.

The middle class is disappearing. An unfair tax system is causing wealth to accelerate upwards, which is why I oppose the Bush tax cuts. But more tax increases and no massive jobs program are a prescription for disaster. We need more taxpayers, not more tax increases. You can't rebuild America by retaxing America. Poverty and joblessness constitute a national emergency. The private sector is not creating sufficient jobs. Congress has a constitutional obligation and power to coin or create money. We can use our power to put millions back to work rebuilding our infrastructure.

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H.R. 2990, the National Employment Emergency Act, can accomplish this. It's our choice: increase taxes, cut spending, put the economy in a stall, or put millions back to work.

CONGRATULATING MOELLER HIGH SCHOOL FOOTBALL CHAMPIONS

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

Mrs. SCHMIDT. Mr. Speaker, I rise today to congratulate the Ohio High School Athletic Association's 2012 Division I State football champions, the Moeller Crusaders. Last Saturday, the Crusaders, led by Head Coach John Rodenberg, defeated Toledo Whitmer 20–12 to capture Moeller's eighth State football championship title.

Archbishop Moeller High School, a Catholic institution in the Marianist tradition, currently has a student enrollment of 925 outstanding young men. Since its inception in 1960, Moeller High School has earned itself a well-deserved reputation for promoting both academic excellence and athletic prowess. Under their very first coach, Gerry Faust, who later went on to coach for Notre Dame, the Crusaders compiled a record of 178 wins, 23 losses, and two ties, while winning four national football championships, five State football championships, and enjoying seven undefeated seasons. One of Coach Faust's most favorite players was our very own JOHN BOEHNER. Speaker BOEHNER played as a linebacker for the Crusaders.

Following Coach Faust's tenure at the helm, the Crusaders have won three additional State championships, including the one last weekend in front of a crowd of 8,834 people at Fawcett Stadium in Canton, Ohio.

So to the Moeller High School football players, coaching staff, parents, student body, school administrators, teachers, faculty members, and fans, I offer you my heartfelt congratulations on this auspicious occasion of winning your eighth State championship. God bless you. God bless the Moeller Crusaders. God bless the men of Moeller. Take care.

Go Crusaders!

CREATING JOBS FOR AMERICA

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

Mr. DUNCAN of Tennessee. Mr. Speaker, no Republican in Congress is trying to protect millionaires or billionaires. In fact, Republicans lose most of the wealthiest counties and neighborhoods by very large margins. Much of the impasse in the current negotiations is over who is going to spend the money. Republicans do not want higher taxes simply because so much of what the Federal Government spends is lost to waste, fraud, and abuse.

The most wasteful, inefficient way to spend money is to turn it over to the Federal Government. The best way to create jobs and hold prices steady is to let private citizens spend and invest as they choose. The wealthy do all right even in socialist countries. But lower-income and working people come out much better in countries that allow the most free enterprise. Millionaires and billionaires can take care of themselves. Republicans are simply trying to help create jobs and keep the cost of living from going out of sight for ordinary people.

□ 0910

MIDDLE CLASS TAX CUTS

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

Mr. CICILLINE. Mr. Speaker, Democrats and Republicans agree that we should preserve tax cuts for all Americans on the first $250,000 of family income. This will protect 98 percent of Americans from a tax increase and 97 percent of small businesses.

We have different ideas on the best and fairest way to set rates for the top 2 percent, the wealthiest Americans. Let's have that debate in the coming weeks, but let's act on the overwhelming areas of agreement today. This is not about a Democratic or Republican victory in this Chamber. It's about a victory for the American people.

Instead of moving forward with middle class tax cuts, our friends on the other side of the aisle are trying again to put forth a plan that gives tax breaks to the richest Americans at the expense of our seniors, veterans, the disabled, and the middle class.

It's time for the partisan games to end. Let's prove to the American people that this is the people's House. Pass the middle class tax cuts today.

MIDDLE CLASS TAX CUTS

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

Ms. TSONGAS. Mr. Speaker, yesterday I was proud to join my colleagues in signing a petition to bring the middle class tax cuts to the House floor for an up-or-down vote. While there is much left to negotiate, there is one step that we can take today. It will provide millions of families and 97 percent of all small businesses with the security of knowing that their income taxes will not rise on January 1.

Both parties and the American people agree on the need to pass an extension of the tax cuts for every family on the first $250,000 of income. The Senate has passed such a bill, the President stands ready to sign it today, and I have heard from hundreds of constituents urging support for this now.

I urge my Republican colleagues to join us today in protecting middle class Americans and send the Senate-passed bill to the President.

THE GIFT OF FREQUENT FLYER MILES

(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, the holidays are a time to reflect on the things for which we are grateful. As we enjoy the company of family and friends, we should also take time to thank the brave men and women serving in our Armed Forces.

Every one of us knows the tremendous debt we owe our military families. This year, as a token of my thanks, I'm donating over 79,000 frequent flyer miles that I received for congressional travel to the Fisher House's Hero Miles program, which provides free airline tickets to American soldiers and their families.

Flying to Washington is part of our job, and there's no better way to use the miles we accumulate from those trips than to help our troops and their families see each other. I encourage all of my colleagues to donate their miles to the Fisher House or a similar charity that helps make a difference this holiday season.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

COAST GUARD AUTHORIZATION ACT OF 2012 AMENDMENTS

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 825) providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 825

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 2838, with the Senate amendments thereto, and to have concurred in the Senate amendments with the following amendment:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Coast Guard and Maritime Transportation Act of 2012''.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
TITLE II—COAST GUARD
Sec. 201. Interference with Coast Guard transmissions.
Sec. 202. Coast Guard authority to operate and maintain Coast Guard assets.
Sec. 203. Limitation on expenditures.
Sec. 204. Academy pay, allowances, and emoluments.
Sec. 205. Policy on sexual harassment and sexual violence.
Sec. 206. Appointments of permanent commissioned officers.
Sec. 207. Selection boards; oath of members.
Sec. 208. Special selection boards; correction of errors.
Sec. 209. Prohibition of certain involuntary administrative separations.
Sec. 210. Major acquisitions.
Sec. 211. Advance procurement funding.
Sec. 212. Minor construction.
Sec. 213. Capital investment plan and annual list of projects to Congress.
Sec. 214. Aircraft accident investigations.
Sec. 215. Coast Guard Auxiliary enrollment eligibility.
Sec. 216. Repeals.
Sec. 217. Technical corrections to title 14.
Sec. 218. Acquisition workforce expedited hiring authority.
Sec. 219. Renewal of temporary early retirement authority.
Sec. 220. Response Boat-Medium procurement.
Sec. 221. National Security Cutters.
Sec. 222. Coast Guard polar icebreakers.
TITLE III—SHIPPING AND NAVIGATION
Sec. 301. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
Sec. 302. Limitation of liability for non-Federal vessel traffic service operators.
Sec. 303. Survival craft.
Sec. 304. Classification societies.
Sec. 305. Dockside examinations.
Sec. 306. Authority to extend the duration of medical certificates.
Sec. 307. Clarification of restrictions on American Fisheries Act vessels.
Sec. 308. Investigations by Secretary.
Sec. 309. Penalties.
Sec. 310. United States Committee on the Marine Transportation System.
Sec. 311. Technical correction to title 46.
Sec. 312. Deepwater ports.
TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION
Sec. 401. Short title.
Sec. 402. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
Sec. 403. Maritime environmental and technical assistance.
Sec. 404. Property for instructional purposes.
Sec. 405. Short sea transportation.
Sec. 406. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
Sec. 407. Transfer of vessels to the National Defense Reserve Fleet.
Sec. 408. Clarification of heading.
Sec. 409. Mission of the Maritime Administration.
Sec. 410. Amendments relating to the National Defense Reserve Fleet.
Sec. 411. Requirement for barge design.
Sec. 412. Container-on-barge transportation.
Sec. 413. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.
Sec. 414. Maritime workforce study.
Sec. 415. Maritime Administration vessel recycling contract award practices.
TITLE V—PIRACY
Sec. 501. Short title.
Sec. 502. Training for use of force against piracy.
Sec. 503. Security of Government-impelled cargo.
Sec. 504. Actions taken to protect foreign-flagged vessels from piracy.
TITLE VI—MARINE DEBRIS
Sec. 601. Short title.
Sec. 602. Short title amendment; references.
Sec. 603. Purpose.
Sec. 604. NOAA Marine Debris Program.
Sec. 605. Repeal of obsolete provisions.
Sec. 606. Coordination.
Sec. 607. Confidentiality of submitted information.
Sec. 608. Definitions.
Sec. 609. Severe marine debris event determination.
TITLE VII—MISCELLANEOUS
Sec. 701. Distant water tuna fleet.
Sec. 702. Technical corrections.
Sec. 703. Extension of moratorium.
Sec. 704. Notice of arrival.
Sec. 705. Waivers.
Sec. 706. National Response Center notification requirements.
Sec. 707. Vessel determinations.
Sec. 708. Mille Lacs Lake, Minnesota.
Sec. 709. Transportation Worker Identification Credential process reform.
Sec. 710. Investment amount.
Sec. 711. Integrated cross-border maritime law enforcement operations between the United States and Canada.
Sec. 712. Bridge permits.
Sec. 713. Tonnage of *Aqueos Acadian*.
Sec. 714. Navigability determination.
Sec. 715. Coast Guard housing.
Sec. 716. Assessment of needs for additional Coast Guard presence in high-latitude regions.
Sec. 717. Potential Place of Refuge.
Sec. 718. Merchant mariner medical evaluation program.
Sec. 719. Determinations.
Sec. 720. Impediments to the United States-flag registry.
Sec. 721. Arctic deepwater seaport.
Sec. 722. Risk assessment of transporting Canadian oil sands.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of fiscal years 2013 and 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) $6,882,645,000 for fiscal year 2013; and

(B) $6,981,036,000 for fiscal year 2014;

of which $24,500,000 is authorized each fiscal year to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) $1,545,312,000 for fiscal year 2013; and

(B) $1,546,448,000 for fiscal year 2014;

to remain available until expended and of which $20,000,000 is authorized each fiscal year to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—

(A) $138,111,000 for fiscal year 2013; and

(B) $140,016,000 for fiscal year 2014.

(4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—

(A) $16,699,000 for fiscal year 2013; and

(B) $16,701,000 for fiscal year 2014;

to remain available until expended.

(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) $19,848,000 for fiscal year 2013; and

(B) $19,890,000 for fiscal year 2014.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program—

(A) $16,000,000 for fiscal year 2013; and

(B) $16,000,000 for fiscal year 2014.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of fiscal years 2013 and 2014.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2013 and 2014 as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD

SEC. 201. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

Section 88 of title 14, United States Code, is amended by adding at the end the following:

''(e) An individual who knowingly and willfully operates a device with the intention of interfering with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

''(1) guilty of a class E felony; and

''(2) subject to a civil penalty of not more than $1,000 per day for each violation.''.

SEC. 202. COAST GUARD AUTHORITY TO OPERATE AND MAINTAIN COAST GUARD ASSETS.

Section 93 of title 14, United States Code, is amended by adding at the end the following:

''(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and other assets or facilities shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.''.

SEC. 203. LIMITATION ON EXPENDITURES.

Section 149(d) of title 14, United States Code, is amended by adding at the end the following:

''(3) The amount of funds used under this subsection may not exceed $100,000 in any fiscal year.''.

SEC. 204. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

(1) by striking ''person'' each place it appears and inserting ''foreign national''; and

(2) by striking ''pay and allowances'' each place it appears and inserting ''pay, allowances, and emoluments''.

SEC. 205. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) ESTABLISHMENT.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''§ 200. Policy on sexual harassment and sexual violence

''(a) REQUIRED POLICY.—The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

''(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

''(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

''(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims of sexual harassment or sexual violence, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

''(3) Procedures that cadets and other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

''(A) if the victim chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims that explains how the Coast Guard and the Academy will protect the confidentiality of victims;

''(B) a specification of any other person whom the victim should contact; and

''(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

''(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

''(5) Sanctions authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel, including with respect to rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

''(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

''(c) ASSESSMENT.—

''(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to an official of the Academy; and

''(B) to assess the perceptions of the cadets and other Academy personnel with respect to—

''(i) the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets or other Academy personnel;

''(ii) the enforcement of such policies;

''(iii) the incidence of sexual harassment and sexual violence involving cadets or other Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(d) REPORT.—

''(1) IN GENERAL.—The Commandant shall direct the Superintendent to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

''(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

''(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

''(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant's comments on the report, to—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Transportation and Infrastructure of the House of Representatives.

''(5) FOCUS GROUPS.—

''(A) IN GENERAL.—For each Academy program year with respect to which the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

''(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the next transmitted Commandant's report under this subsection.

''(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under the authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 199 the following:

''200. Policy on sexual harassment and sexual violence.''.

SEC. 206. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

''(d) For the purposes of this section, the term 'original', with respect to the appointment of a member of the Coast Guard, refers to that member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.''.

SEC. 207. SELECTION BOARDS; OATH OF MEMBERS.

Section 254 of title 14, United States Code, is amended to read as follows:

''§ 254. Selection boards; oath of members

''Each member of a selection board shall swear—

''(1) that the member will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon the member; and

''(2) an oath in accordance with section 635.''.

SEC. 208. SPECIAL SELECTION BOARDS; CORRECTION OF ERRORS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 262 the following:

''§ 263. Special selection boards; correction of errors

''(a) OFFICERS NOT CONSIDERED DUE TO ADMINISTRATIVE ERROR.—

''(1) IN GENERAL.—If the Secretary determines that as the result of an administrative error—

''(A) an officer or former officer was not considered for selection for promotion by a selection board convened under section 251; or

''(B) the name of an officer or former officer was not placed on an all-fully-qualified-officers list;

the Secretary shall convene a special selection board to determine whether such officer or former officer should be recommended for promotion and such officer or former officer shall not be considered to have failed of selection for promotion prior to the consideration of the special selection board.

''(2) EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is below the grade of captain and whose name was referred to that board for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

''(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—

''(1) IN GENERAL.—In the case of an officer or former officer who was eligible for promotion, was considered for selection for promotion by a selection board convened under section 251, and was not selected for promotion by that board, the Secretary may convene a special selection board to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

''(A) an action of the selection board that considered the officer or former officer—

''(i) was contrary to law in a matter material to the decision of the board; or

''(ii) involved material error of fact or material administrative error; or

''(B) the selection board that considered the officer or former officer did not have before it for consideration material information.

''(2) EFFECT OF FAILURE TO RECOMMEND FOR PROMOTION.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer, whose grade is that of commander or below and whose name was referred to that board for consideration, the officer or former officer shall be considered—

''(A) to have failed of selection for promotion with respect to the board that considered the officer or former officer prior to the consideration of the special selection board; and

''(B) to incur no additional failure of selection for promotion as a result of the action of the special selection board.

''(c) REQUIREMENTS FOR SPECIAL SELECTION BOARDS.—Each special selection board convened under this section shall—

''(1) be composed in accordance with section 252 and the members of the board shall be required to swear the oaths described in section 254;

''(2) consider the record of an applicable officer or former officer as that record, if corrected, would have appeared to the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board and that record shall be compared with a sampling of the records of—

''(A) those officers of the same grade who were recommended for promotion by such prior selection board; and

''(B) those officers of the same grade who were not recommended for promotion by such prior selection board; and

''(3) submit to the Secretary a written report in a manner consistent with sections 260 and 261.

''(d) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—

''(1) IN GENERAL.—An officer or former officer whose name is placed on a promotion list as a result of the recommendation of a special selection board convened under this section shall be appointed, as soon as practicable, to the next higher grade in accordance with the law and policies that would have been applicable to the officer or former officer had the officer or former officer been recommended for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

''(2) EFFECT.—An officer or former officer who is promoted to the next higher grade as a result of the recommendation of a special selection board convened under this section shall have, upon such promotion, the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active duty promotion list as the officer or former officer would have had if the officer or former officer had been recommended for promotion to that grade by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

''(3) RECORD CORRECTION.—If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not eligible for promotion or a former officer whose name was referred to the board for consideration, the Secretary may act under section 1552 of title 10 to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from the officer or former officer not being selected for promotion by the selection board that should have considered or did consider the officer or former officer prior to the consideration of the special selection board.

''(e) APPLICATION PROCESS AND TIME LIMITS.—The Secretary shall issue regulations regarding the process by which an officer or former officer may apply to have a matter considered by a special selection board convened under this section, including time limits related to such applications.

''(f) LIMITATION OF OTHER JURISDICTION.—No official or court of the United States shall have authority or jurisdiction over any claim based in any way on the failure of an officer or former officer to be selected for promotion by a selection board convened under section 251, until—

''(1) the claim has been referred to a special selection board convened under this section and acted upon by that board; or

''(2) the claim has been rejected by the Secretary without consideration by a special selection board convened under this section.

''(g) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A court of the United States may review—

''(A) a decision of the Secretary not to convene a special selection board under this section to determine if the court finds that the decision of the Secretary was arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law; and

''(B) an action of a special selection board under this section to determine if the court finds that the action of the special selection board was contrary to law or involved material error of fact or material administrative error.

''(2) REMAND AND RECONSIDERATION.—If, with respect to a review under paragraph (1), a court makes a finding described in subparagraph (A) or (B) of that paragraph, the court shall remand the case to the Secretary and the Secretary shall provide the applicable officer or former officer consideration by a new special selection board convened under this section.

''(h) DESIGNATION OF BOARDS.—The Secretary may designate a selection board convened under section 251 as a special selection board convened under this section. A selection board so designated may function in the capacity of a selection board convened under section 251 and a special selection board convened under this section.''.

(b) SELECTION BOARDS; SUBMISSION OF REPORTS.—Section 261(d) of title 14, United States Code, is amended by striking ''selection board'' and inserting ''selection board, including a special selection board convened under section 263,''.

(c) FAILURE OF SELECTION FOR PROMOTION.—Section 262 of title 14, United States Code, is amended to read as follows:

''§ 262. Failure of selection for promotion

''An officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade under section 256 of this title, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.''.

(d) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 262 the following:

''263. Special selection boards; correction of errors.''.

(e) APPLICABILITY; RULE OF CONSTRUCTION.—

(1) APPLICABILITY.—The amendments made by this section shall take effect on the date of enactment of this Act and the Secretary may convene a special selection board on or after that date under section 263 of title 14, United States Code, with respect to any error or other action for which such a board may be convened if that error or other action occurred on or after the date that is 1 year before the date of enactment of this Act.

(2) RULE OF CONSTRUCTION.—Sections 271, 272, and 273 of title 14, United States Code, apply to the activities of—

(A) a selection board convened under section 251 of such title; and

(B) a special selection board convened under section 263 of such title.

SEC. 209. PROHIBITION OF CERTAIN INVOLUNTARY ADMINISTRATIVE SEPARATIONS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 426 the following:

''§ 427. Prohibition of certain involuntary administrative separations

''(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not authorize the involuntary administrative separation of a covered individual based on a determination that the covered individual is unsuitable for deployment or other assignment due to a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual that resulted in the covered individual being determined to be fit for duty.

''(b) REEVALUATION.—

''(1) IN GENERAL.—The Secretary may require a Physical Evaluation Board to reevaluate any covered individual if the Secretary determines there is reason to believe that a medical condition of the covered individual considered by a Physical Evaluation Board during an evaluation of the covered individual renders the covered individual unsuitable for continued duty.

''(2) RETIREMENTS AND SEPARATIONS.—A covered individual who is determined, based on a reevaluation under paragraph (1), to be unfit to perform the duties of the covered individual's office, grade, rank, or rating may be retired or separated for physical disability under this chapter.

''(c) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means any member of the Coast Guard who has been determined by a Physical Evaluation Board, pursuant to a physical evaluation by that board, to be fit for duty.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 426 the following:

''427. Prohibition of certain involuntary administrative separations.''.

SEC. 210. MAJOR ACQUISITIONS.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

''§ 569a. Major acquisitions

''(a) IN GENERAL.—In conjunction with the transmittal by the President to Congress of the budget of the United States for fiscal year 2014 and biennially thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

''(b) INFORMATION TO BE INCLUDED.—Each report under subsection (a) shall include for each major acquisition program—

''(1) a statement of the Coast Guard's mission needs and performance goals relating to such program, including a justification for any change to those needs and goals subsequent to a report previously submitted under this section;

''(2) a justification explaining how the projected number and capabilities of assets acquired under such program meet applicable mission needs and performance goals;

''(3) an identification of any and all mission hour gaps, accompanied by an explanation of how and when the Coast Guard will close those gaps;

''(4) an identification of any changes with respect to such program, including—

''(A) any changes to the timeline for the acquisition of each new asset and the phase-out of legacy assets; and

''(B) any changes to—

''(i) the costs of new assets or legacy assets for that fiscal year or future fiscal years; or

''(ii) the total acquisition cost;

''(5) a justification explaining how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

''(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

''(7) an identification of how funds in the applicable fiscal year's budget request will be allocated, including information on the purchase of specific assets;

''(8) a projection of the remaining operational lifespan and life-cycle cost of each legacy asset that also identifies any anticipated resource gaps;

''(9) a detailed explanation of how the costs of legacy assets are being accounted for within such program; and

''(10) an annual performance comparison of new assets to legacy assets.

''(c) ADEQUACY OF ACQUISITION WORKFORCE.—Each report under subsection (a) shall—

''(1) include information on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload;

''(2) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under section 562(c) of this subchapter; and

''(3) identify positions that are or will be understaffed and actions that will be taken to correct such understaffing.

''(d) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class, with an explanation detailing the reasons why the cutters have not been maintained in class.

''(e) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to $300,000,000.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, is amended by inserting after the item relating to section 569 the following:

''569a. Major acquisitions.''.

(c) REPEALS.—

(1) Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 663 note) is repealed.

(2) Title 14, United States Code, is amended—

(A) in section 562, by repealing subsection (e); and

(B) in section 573(c)(3), by repealing subparagraph (B).

SEC. 211. ADVANCE PROCUREMENT FUNDING.

(a) IN GENERAL.—Subchapter II of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

''§ 577. Advance procurement funding

''(a) IN GENERAL.—With respect to any Coast Guard vessel for which amounts are appropriated and any amounts otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant of the Coast Guard may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

''(1) materials, parts, components, and labor for the vessel;

''(2) the advance construction of parts or components for the vessel;

''(3) protection and storage of materials, parts, or components for the vessel; and

''(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.

''(b) USE OF MATERIALS, PARTS, AND COMPONENTS MANUFACTURED IN THE UNITED STATES.—In entering into contracts and placing orders under subsection (a), the Commandant may give priority to persons that manufacture materials, parts, and components in the United States.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 15 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 576 the following:

''577. Advance procurement funding.''.

SEC. 212. MINOR CONSTRUCTION.

(a) IN GENERAL.—Section 656 of title 14, United States Code, is amended by adding at the end the following:

''(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

''(1) IN GENERAL.—Subject to the reporting requirements set forth in paragraph (2), each fiscal year the Secretary may expend from amounts made available for the operating expenses of the Coast Guard not more than $1,500,000 for minor construction and improvement projects at any location.

''(2) REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on each project undertaken during the course of the preceding fiscal year for which the amount expended under paragraph (1) exceeded $500,000.''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING.—Section 656 of title 14, United States Code, as amended by this Act, is further amended by striking the section designation and heading and inserting the following:

''§ 656. Use of certain appropriated funds''.

(2) ANALYSIS.—The analysis for chapter 17 of title 14, United States Code, is amended by striking the item relating to section 656 and inserting the following:

''656. Use of certain appropriated funds.''.

SEC. 213. CAPITAL INVESTMENT PLAN AND ANNUAL LIST OF PROJECTS TO CONGRESS.

(a) CAPITAL INVESTMENT PLAN.—Section 663 of title 14, United States Code, is amended to read as follows:

''§ 663. Capital investment plan

''(a) IN GENERAL.—On the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(1) a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

''(A) the proposed appropriations included in the budget;

''(B) the total estimated cost of completion;

''(C) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

''(D) an estimated completion date at the projected funding levels; and

''(E) an acquisition program baseline, as applicable; and

''(2) a list of each unfunded priority for the Coast Guard.

''(b) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority' means a program or mission requirement that—

''(1) has not been selected for funding in the applicable proposed budget;

''(2) is necessary to fulfill a requirement associated with an operational need; and

''(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.''.

(b) ANNUAL LIST OF PROJECTS TO CONGRESS.—Section 693 of title 14, United States Code, is amended to read as follows:

''§ 693. Annual list of projects to Congress

''The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President's budget submission for that fiscal year.''.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) ANALYSIS FOR CHAPTER 17.—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by striking the item relating to section 663 and inserting the following:

''663. Capital investment plan.''.

(2) ANALYSIS FOR CHAPTER 19.—The analysis for chapter 19 of title 14, United States Code, is amended by striking the item relating to section 693 and inserting the following:

''693. Annual list of projects to Congress.''.

(3) COAST GUARD AUTHORIZATION ACT OF 2010.—Section 918 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 663 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

SEC. 214. AIRCRAFT ACCIDENT INVESTIGATIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 678. Aircraft accident investigations

''(a) IN GENERAL.—Whenever the Commandant of the Coast Guard conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

''(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

''(2) CONDITIONS.—The Commandant shall only disclose information requested pursuant to paragraph (1) if the Commandant determines—

''(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

''(B) that release of such tapes, reports, or other information—

''(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

''(ii) would not compromise national security.

''(3) RESTRICTION.—A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

''(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

''(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

''(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

''(d) USE OF INFORMATION IN CIVIL OR CRIMINAL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'accident investigation' means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

''(2) the term 'safety investigation' means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a) that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, as amended by this Act, is further amended by adding at the end the following:

''678. Aircraft accident investigations.''.

SEC. 215. COAST GUARD AUXILIARY ENROLLMENT ELIGIBILITY.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended to read as follows:

''§ 823. Eligibility; enrollments

''The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

''(1) who—

''(A) are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

''(B) by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary; and

''(2) who may be enrolled therein pursuant to applicable regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

''823. Eligibility; enrollments.''.

SEC. 216. REPEALS.

(a) DISTRICT OMBUDSMEN.—Section 55 of title 14, United States Code, and the item relating to such section in the analysis for chapter 3 of such title, are repealed.

(b) COOPERATION WITH RESPECT TO AIDS TO AIR NAVIGATION.—Section 82 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(c) OCEAN STATIONS.—Section 90 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(d) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

(e) ADVISORY COMMITTEE.—Section 193 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(f) HISTORY FELLOWSHIPS.—Section 198 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

SEC. 217. TECHNICAL CORRECTIONS TO TITLE 14.

Title 14, United States Code, as amended by this Act, is further amended—

(1) by amending chapter 1 to read as follows:

''CHAPTER 1—ESTABLISHMENT AND DUTIES

''Sec.
''1. Establishment of Coast Guard.
''2. Primary duties.
''3. Department in which the Coast Guard operates.
''4. Secretary defined.

''§ 1. Establishment of Coast Guard

''The Coast Guard, established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times.

''§ 2. Primary duties

''The Coast Guard shall—

''(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

''(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

''(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States, covering all matters not specifically delegated by law to some other executive department;

''(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

''(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

''(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

''(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

''§ 3. Department in which the Coast Guard operates

''(a) IN GENERAL.—The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

''(b) TRANSFERS.—Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

''(c) OPERATION AS A SERVICE IN THE NAVY.—Whenever the Coast Guard operates as a service in the Navy—

''(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

''(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

''(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

''(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

''(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

''§ 4. Secretary defined

''In this title, the term 'Secretary' means the Secretary of the respective department in which the Coast Guard is operating.'';

(2) in section 95(c), by striking ''of Homeland Security'';

(3) in section 259(c)(1), by striking ''After selecting'' and inserting ''In selecting'';

(4) in section 286a(d), by striking ''severance pay'' each place it appears and inserting ''separation pay'';

(5) in the second sentence of section 290(a), by striking ''in the grade of vice admiral'' and inserting ''in or above the grade of vice admiral'';

(6) in section 516(a), by striking ''of Homeland Security'';

(7) by amending section 564 to read as follows:

''§ 564. Prohibition on use of lead systems integrators

''(a) IN GENERAL.—

''(1) USE OF LEAD SYSTEMS INTEGRATOR.—The Commandant may not use a private sector entity as a lead systems integrator.

''(2) FULL AND OPEN COMPETITION.—The Commandant shall use full and open competition for any acquisition contract unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

''(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

''(b) LIMITATION ON FINANCIAL INTEREST IN SUBCONTRACTORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1

subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

''(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

''(2) the procurement was awarded by an entity performing lead systems integrator functions or a subcontractor through full and open competition;

''(3) the procurement was awarded by a subcontractor through a process over which the entity performing lead systems integrator functions or a Tier 1 subcontractor exercised no control; or

''(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.'';

(8) in section 569(a), by striking ''and annually thereafter,'';

(9) in the analysis for chapter 17—

(A) by striking the item relating to section 669 and inserting the following:

''669. Telephone installation and charges.''; and

(B) by striking the item relating to section 674 and inserting the following:

''674. Small boat station rescue capability.'';

(10) in section 666(a), by striking ''of Homeland Security'' and inserting ''of the department in which the Coast Guard is operating'';

(11) in section 673(a)(3), by striking ''of Homeland Security (when the Coast Guard is not operating as a service in the Navy)'';

(12) in section 674, by striking ''of Homeland Security'';

(13) in section 675(a), by striking ''Secretary'' and all that follows through ''may not'' and inserting ''Secretary may not''; and

(14) in the first sentence of section 740(d), by striking ''that appointment'' and inserting ''that appointment to the Reserve''.

SEC. 218. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking ''as shortage category positions;'' and inserting ''as positions for which there exists a shortage of candidates or there is a critical hiring need;'';

(2) in subsection (b)—

(A) by striking ''paragraph'' and inserting ''section''; and

(B) by striking ''2012.'' and inserting ''2015.''; and

(3) in subsection (c), by striking ''section 562(d) of title 14, United States Code, as added by this title,'' and inserting ''section 569a of title 14, United States Code,''.

SEC. 219. RENEWAL OF TEMPORARY EARLY RETIREMENT AUTHORITY.

For fiscal years 2013 through 2018—

(1) notwithstanding subsection (c)(2)(A) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note), such section shall apply to the Coast Guard in the same manner and to the same extent it applies to the Department of Defense, except that—

(A) the Secretary of Homeland Security shall implement such section with respect to the Coast Guard and, for purposes of that implementation, shall apply the applicable provisions of title 14, United States Code, relating to retirement of Coast Guard personnel; and

(B) the total number of commissioned officers who retire pursuant to this section may not exceed 200, and the total number of enlisted members who retire pursuant to this section may not exceed 300; and

(2) only appropriations available for necessary expenses for the operation and maintenance of the Coast Guard shall be expended for the retired pay of personnel who retire pursuant to this section.

SEC. 220. RESPONSE BOAT-MEDIUM PROCUREMENT.

(a) REQUIREMENT TO FULFILL APPROVED PROGRAM OF RECORD.—Except as provided in subsection (b), the Commandant of the Coast Guard shall maintain the schedule and requirements for the total acquisition of 180 boats as specified in the approved program of record for the Response Boat-Medium acquisition program in effect on June 1, 2012.

(b) APPLICABILITY.—Subsection (a) shall not apply on and after the date on which the Commandant submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate such documentation as the Coast Guard Major Systems Acquisition Manual requires to justify reducing the approved program of record for Response Boat-Medium to a total acquisition of less than 180 boats.

SEC. 221. NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—

(1) MULTIYEAR AUTHORITY.—In fiscal year 2013 and each fiscal year thereafter, the Secretary of the department in which the Coast Guard is operating may enter into, in accordance with section 2306b of title 10, United States Code, a multiyear contract for the procurement of Coast Guard National Security Cutters and Government-furnished equipment associated with the National Security Cutter program.

(2) LIMITATION.—The Secretary may not enter into a contract under paragraph (1) until the date that is 30 days after the date the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings specified under section 2306b(a) of title 10, United States Code, and has done so in accordance with paragraph (3) of this subsection.

(3) DETERMINATION OF SUBSTANTIAL SAVINGS.—For purposes of this section, in conducting an analysis with respect to substantial savings under section 2306b(a)(1) of title 10, United States Code, the Secretary—

(A) may not limit the analysis to a simple percentage-based metric; and

(B) shall employ a full-scale analysis of cost avoidance—

(i) based on a multiyear procurement; and

(ii) taking into account the potential benefit any accrued savings might have for future shipbuilding programs if the cost avoidance savings were subsequently utilized for further ship construction.

(b) CERTIFICATE TO OPERATE.—The Commandant of the Coast Guard may not certify a sixth National Security Cutter as Ready for Operations before the Commandant has—

(1) submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives program execution plans detailing—

(A) how the first 3 National Security Cutters will achieve the goal of 225 days away from homeport in fiscal years following the completion of the Structural Enhancement Drydock Availability of the first 2 National Security Cutters; and

(B) increased aerial coverage to support National Security Cutter operations; and

(2) awarded a contract for detailed design and construction for the Offshore Patrol Cutter.

SEC. 222. COAST GUARD POLAR ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a business case analysis of the options for and costs of reactivating and extending the service life of the *Polar Sea* until at least September 30, 2022, to maintain United States polar icebreaking capabilities and fulfill the Coast Guard's high latitude mission needs, as identified in the Coast Guard's July 2010, High Latitude Study Mission Analysis Report, during the Coast Guard's recapitalization of its polar class icebreaker fleet. The analysis shall include—

(1) an assessment of the current condition of the *Polar Sea*;

(2) a determination of the *Polar Sea's* operational capabilities with respect to fulfilling the Coast Guard's high latitude operating requirements if renovated and reactivated;

(3) a detailed estimate of costs with respect to reactivating and extending the service life of the *Polar Sea*;

(4) a life cycle cost estimate with respect to operating and maintaining the *Polar Sea* for the duration of its extended service life; and

(5) a determination of whether it is cost-effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services as part of a strategy to maintain polar icebreaking services.

(b) RESTRICTIONS.—The Secretary shall not remove any part of the *Polar Sea* until the Secretary submits the analysis required under subsection (a).

(c) DEADLINE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the analysis required under subsection (a).

(d) REQUIREMENT FOR REACTIVATION OF *POLAR SEA*.—

(1) SERVICE LIFE EXTENSION PLAN.—

(A) IN GENERAL.—If the Secretary determines based on the analysis required under subsection (a) that it is cost-effective to reactivate the *Polar Sea* compared with other options to provide icebreaking services, the Secretary shall develop a service life extension plan for such reactivation, including a timetable for such reactivation.

(B) UTILIZATION OF EXISTING RESOURCES.—In the development of the plan required under subparagraph (A), the Secretary shall utilize to the greatest extent practicable recent plans, studies, assessments, and analyses regarding the Coast Guard's icebreakers and high latitude mission needs and operating requirements.

(C) SUBMISSION.—The Secretary shall submit the plan required under subparagraph (A), if so required, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the submission of the analysis required under subsection (a).

(2) DECOMMISSIONING; BRIDGING STRATEGY.—If the analysis required under subsection (a) is submitted in accordance with subsection (c) and the Secretary determines under subsection (a)(5) that it is not cost-effective to reactivate the *Polar Sea*, then not later than 180 days after the date on which the analysis is required to be submitted under subsection (c) the Commandant of the Coast Guard—

(A) may decommission the *Polar Sea*; and

(B) shall submit a bridging strategy for maintaining the Coast Guard's polar icebreaking services until at least September 30, 2022, to the Committee on Transportation and Infrastructure of the House of

Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) RESTRICTION.—Except as provided in subsection (d), the Commandant of the Coast Guard may not—

(1) transfer, relinquish ownership of, dismantle, or recycle the *Polar Sea* or *Polar Star*;

(2) change the current homeport of either of the vessels; or

(3) expend any funds—

(A) for any expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for dock use or other goods and services;

(B) for any personnel expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for a decommissioning officer;

(C) for any expenses associated with a decommissioning ceremony for either of the vessels;

(D) to appoint a decommissioning officer to be affiliated with either of the vessels; or

(E) to place either of the vessels in inactive status.

(f) DEFINITION.—For purposes of this section—

(1) the term ''*Polar Sea*'' means Coast Guard Cutter *Polar Sea* (WAGB 11); and

(2) the term ''*Polar Star*'' means Coast Guard Cutter *Polar Star* (WAGB 10).

(g) REPEAL.—This section shall cease to have effect on September 30, 2022.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking ''When the head'' and inserting the following:

''(1) IN GENERAL.—When the head''; and

(2) by adding at the end the following:

''(2) DETERMINATIONS.—The Maritime Administrator shall—

''(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

''(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

''(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

''(3) NOTICE TO CONGRESS.—

''(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

''(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

''(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

''(i) the reasons the waiver is necessary; and

''(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.''.

SEC. 302. LIMITATION OF LIABILITY FOR NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.

(a) IN GENERAL.—Section 2307 of title 46, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

''§ 2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators'';

(2) by striking ''Any pilot'' and inserting the following:

''(a) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot''; and

(3) by adding at the end the following:

''(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2307 and inserting the following:

''2307. Limitation of liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators.''.

SEC. 303. SURVIVAL CRAFT.

Section 3104 of title 46, United States Code, is amended—

(1) in subsection (b) by striking ''January 1, 2015'' and inserting ''the date that is 30 months after the date on which the report described in subsection (c) is submitted''; and

(2) by adding at the end the following:

''(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water, which shall include—

''(1) the number of casualties, by vessel type and area of operation, as the result of immersion in water reported to the Coast Guard for each of fiscal years 1991 through 2011;

''(2) the effect the carriage of such survival craft has on—

''(A) vessel safety, including stability and safe navigation; and

''(B) survivability of individuals, including persons with disabilities, children, and the elderly;

''(3) the efficacy of alternative safety systems, devices, or measures;

''(4) the cost and cost effectiveness of requiring the carriage of such survival craft on vessels; and

''(5) the number of small businesses and nonprofit entities that would be affected by requiring the carriage of such survival craft on vessels.''.

SEC. 304. CLASSIFICATION SOCIETIES.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.'';

(2) in subsection (d)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.''; and

(3) by adding at the end the following:

''(e) The Secretary shall revoke a delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for a state sponsor of terrorism.

''(f) In this section, the term 'state sponsor of terrorism' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.''.

SEC. 305. DOCKSIDE EXAMINATIONS.

(a) IN GENERAL.—Section 4502(f) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)—

(A) by striking ''at least once every 2 years'' and inserting ''at least once every 5 years''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) shall complete the first dockside examination of a vessel under this subsection not later than October 15, 2015.''.

(b) DATABASE.—Section 4502(g)(4) of title 46, United States Code, is amended by striking ''a publicly accessible'' and inserting ''an''.

(c) CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) in subsection (c), by striking ''July 1, 2012.'' and inserting ''July 1, 2013.'';

(2) in subsection (d)—

(A) in paragraph (1)(B), by striking ''July 1, 2012;'' and inserting ''July 1, 2013;''; and

(B) in paragraph (2)—

(i) by striking ''July 1, 2012,'' each place it appears and inserting ''July 1, 2013,''; and

(ii) by striking ''substantial change to the dimension of or type of vessel'' and inserting ''major conversion''; and

(3) by adding at the end the following:

''(e) For the purposes of this section, the term 'built' means, with respect to a vessel, that the vessel's construction has reached any of the following stages:

''(1) The vessel's keel is laid.

''(2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.''.

(d) CONFORMING AMENDMENTS.—Chapter 51 of title 46, United States Code, is amended—

(1) in section 5102(b)(3), by striking ''July 1, 2012.'' and inserting ''July 1, 2013.''; and

(2) in section 5103(c)—

(A) by striking ''July 1, 2012,'' each place it appears and inserting ''July 1, 2013,''; and

(B) by striking ''substantial change to the dimension of or type of the vessel'' and inserting ''major conversion''.

SEC. 306. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7508. Authority to extend the duration of medical certificates

''(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry issued under chapter 71 or 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or is in response to a national emergency or natural disaster.

''(b) MANNER OF EXTENSION.—An extension under this section may be granted to individual seamen or a specifically identified group of seamen.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''7508. Authority to extend the duration of medical certificates.''.

SEC. 307. CLARIFICATION OF RESTRICTIONS ON AMERICAN FISHERIES ACT VESSELS.

Section 12113(d)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking ''that the regional'' and inserting the following: ''that—

''(i) the regional'';

(B) by striking the semicolon and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) in the case of a vessel listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–625 et seq.), the vessel is neither participating in nor eligible to participate in the non–AFA trawl catcher processor subsector (as that term is defined under section 219(a)(7) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2887));''; and

(2) by amending subparagraph (C) to read as follows:

''(C) the vessel—

''(i) is either a rebuilt vessel or replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627);

''(ii) is eligible for a fishery endorsement under this section; and

''(iii) in the case of a vessel listed in paragraphs (1) through (20) of section 208(e) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–625 et seq.), is neither participating in nor eligible to participate in the non–AFA trawl catcher processor subsector (as that term is defined under section 219(a)(7) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2887); or''.

SEC. 308. INVESTIGATIONS BY SECRETARY.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended by inserting after section 12139 the following:

"§ 12140. Investigations by Secretary

''(a) IN GENERAL.—The Secretary may conduct investigations and inspections regarding compliance with this chapter and regulations prescribed under this chapter.

''(b) AUTHORITY TO OBTAIN EVIDENCE.—

''(1) IN GENERAL.—For the purposes of any investigation conducted under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence relevant to the matter under investigation if—

''(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena—

''(i) is reasonable; and

''(ii) will interfere with a criminal investigation; and

''(B) the Attorney General—

''(i) determines that the subpoena is reasonable and will not interfere with a criminal investigation; or

''(ii) fails to make a determination with respect to the subpoena before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A) with respect to the subpoena.

''(2) ENFORCEMENT.—In the case of a refusal to obey a subpoena issued to any person under this section, the Secretary may invoke the aid of the appropriate district court of the United States to compel compliance.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 121 of title 46, United States Code, is amended by inserting after the item relating to section 12139 the following:

''12140. Investigations by Secretary.''.

SEC. 309. PENALTIES.

Section 12151(a) of title 46, United States Code, is amended—

(1) by striking ''A person that violates'' and inserting the following:

''(1) CIVIL PENALTIES.—Except as provided in paragraph (2), a person that violates'';

(2) by striking ''$10,000'' and inserting ''$15,000''; and

(3) by adding at the end the following:

''(2) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—A person that violates section 12111(d) or a regulation prescribed under that section is liable to the United States Government for a civil penalty in an amount that is $25,000 or twice the charter rate of the vessel involved in the violation (as determined by the Secretary), whichever is greater. Each day of a continuing violation is a separate violation.''.

SEC. 310. UNITED STATES COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

"§ 55502. United States Committee on the Marine Transportation System

''(a) ESTABLISHMENT.—There is established a United States Committee on the Marine Transportation System (in this section referred to as the 'Committee').

''(b) PURPOSE.—The Committee shall serve as a Federal interagency coordinating committee for the purpose of—

''(1) assessing the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

''(2) promoting the integration of the marine transportation system with other modes of transportation and other uses of the marine environment; and

''(3) coordinating, improving the coordination of, and making recommendations with regard to Federal policies that impact the marine transportation system.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of—

''(A) the Secretary of Transportation;

''(B) the Secretary of Defense;

''(C) the Secretary of Homeland Security;

''(D) the Secretary of Commerce;

''(E) the Secretary of the Treasury;

''(F) the Secretary of State;

''(G) the Secretary of the Interior;

''(H) the Secretary of Agriculture;

''(I) the Attorney General;

''(J) the Secretary of Labor;

''(K) the Secretary of Energy;

''(L) the Administrator of the Environmental Protection Agency;

''(M) the Chairman of the Federal Maritime Commission;

''(N) the Chairman of the Joint Chiefs of Staff; and

''(O) the head of any other Federal agency who a majority of the voting members of the Committee determines can further the purpose and activities of the Committee.

''(2) NONVOTING MEMBERS.—The Committee may include as many nonvoting members as a majority of the voting members of the Committee determines is appropriate to further the purpose and activities of the Committee.

''(d) SUPPORT.—

''(1) COORDINATING BOARD.—

''(A) IN GENERAL.—There is hereby established, within the Committee, a Coordinating Board. Each member of the Committee may select a senior level representative to serve on such Board. The Board shall assist the Committee in carrying out its purpose and activities.

''(B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Coordinating Board shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined by a majority of the voting members of the Committee.

''(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall appoint an Executive Director of the Committee.

''(3) TRANSFERS.—Notwithstanding any other provision of law, the head of a Federal department or agency who is a member of the Committee may—

''(A) provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the activities of the Committee; and

''(B) transfer funds to another Federal department or agency in order to carry out the activities of the Committee.

''(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

''(1) steps taken to implement actions recommended in the document titled 'National Strategy for the Marine Transportation System: A Framework for Action' and dated July 2008;

''(2) an assessment of the condition of the marine transportation system;

''(3) a discussion of the challenges the marine transportation system faces in meeting user demand, including estimates of investment levels required to ensure system infrastructure meets such demand;

''(4) a plan, with recommended actions, for improving the marine transportation system to meet current and future challenges; and

''(5) steps taken to implement actions recommended in previous reports required under this subsection.

''(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with marine transportation system-related advisory committees, interested parties, and the public.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 555 of title 46, United States Code, is amended by adding at the end the following:

''55502. United States Committee on the Marine Transportation System.''.

SEC. 311. TECHNICAL CORRECTION TO TITLE 46.

Section 7507(a) of title 46, United States Code, is amended by striking ''73'' each place it appears and inserting ''71''.

SEC. 312. DEEPWATER PORTS.

Section 3(9)(A) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(9)(A)) is amended by inserting ''or from'' before ''any State''.

TITLE IV—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2013''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2013.

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $77,253,000, of which—

(A) $67,253,000 shall remain available until expended for Academy operations; and

(B) $10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $16,045,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $2,545,000 shall remain available until expended for direct payments to such academies; and

(C) $11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $12,717,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,750,000, all of which shall remain available until expended for administrative expenses of the program.

SEC. 403. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

''§ 50307. Maritime environmental and technical assistance program

''(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and nongovernmental entities and facilities.

''(b) COMPONENTS.—Under this section, the Secretary of Transportation may—

''(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

''(A) reducing air emissions, water emissions, or other ship discharges;

''(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

''(C) controlling aquatic invasive species; and

''(2) coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

''(c) COORDINATION.—Coordination under subsection (b)(2) may include—

''(1) activities that are associated with the development or approval of validation and testing regimes; and

''(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

''(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and nongovernmental entities and facilities to carry out the activities authorized under subsection (a).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

''50307. Maritime environmental and technical assistance program.''.

SEC. 404. PROPERTY FOR INSTRUCTIONAL PURPOSES.

Section 51103(b) of title 46, United States Code, is amended—

(1) in the subsection heading, by striking ''SURPLUS'';

(2) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of the Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels, if such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.''; and

(3) in paragraph (2)(C), by inserting ''or a training institution that is an instrumentality of a State, the District of Columbia, a territory or possession of the United States, or a unit of local government thereof'' after ''a nonprofit training institution''.

SEC. 405. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''landside congestion.'' and inserting ''landside congestion or to promote short sea transportation.'';

(2) in subsection (c), by striking ''coastal corridors'' and inserting ''coastal corridors or to promote short sea transportation'';

(3) in subsection (d), by striking ''that the project may'' and all that follows through the end of the subsection and inserting ''that the project uses documented vessels and—

''(1) mitigates landside congestion; or

''(2) promotes short sea transportation.''; and

(4) in subsection (f), by striking ''shall'' each place it appears and inserting ''may''.

(b) DOCUMENTATION.—Section 55605 is amended in the matter preceding paragraph (1) by striking ''by vessel'' and inserting ''by a documented vessel''.

SEC. 406. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.

Section 57101(a) of title 46, United States Code, is amended by inserting ''of 1,500 gross tons or more or such other vessels as the Secretary of Transportation determines are appropriate'' after ''Administration''.

SEC. 407. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

''(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER VESSELS.—All Federal entities are authorized to transfer vessels to the National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.''.

SEC. 408. CLARIFICATION OF HEADING.

(a) IN GENERAL.—The section designation and heading for section 57103 of title 46, United States Code, is amended to read as follows:

''§ 57103. Donation of nonretention vessels in the National Defense Reserve Fleet''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 571 of title 46, United States Code, is amended by striking the item relating to section 57103 and inserting the following:

''57103. Donation of nonretention vessels in the National Defense Reserve Fleet.''.

SEC. 409. MISSION OF THE MARITIME ADMINISTRATION.

Section 109(a) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''ORGANIZATION'' and inserting ''ORGANIZATION AND MISSION''; and

(2) by adding at the end the following: ''The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.''.

SEC. 410. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.

Subparagraphs (B), (C), and (D) of section 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:

''(B) activate and conduct sea trials on each vessel at a frequency that is considered by the Secretary to be necessary;

''(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;

''(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and''.

SEC. 411. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 412. CONTAINER-ON-BARGE TRANSPORTATION.

(a) ASSESSMENT.—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 413. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS STUDY AND COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.

(a) SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.—It is the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112–329) so that it can be submitted to Congress before July 1, 2013.

(b) SUBMISSION OF REPORT TO COMPTROLLER GENERAL.—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States for consideration under subsection (c).

(c) COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.—

(1) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after receipt of the report referred to in subsection (a), the Comptroller General shall conduct an assessment of the report and submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report of such assessment.

(2) COMPTROLLER GENERAL STUDY AND REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall conduct a study of the Department of Defense's programs and efforts related to the state of strategic ports with respect to the Department's operational and readiness requirements, and report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate on the findings of such study. The report may include an assessment of—

(A) the extent to which the facilities at strategic ports meet the Department of Defense's requirements;

(B) the extent to which the Department has identified gaps in the ability of existing strategic ports to meet its needs and identified and undertaken efforts to address any gaps; and

(C) the Department's ability to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) STRATEGIC PORT DEFINED.—In this section, the term ''strategic port'' means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.

SEC. 414. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 415. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts.

(b) CONTENTS.—The assessment under subsection (a) shall include a review of—

(1) whether the Maritime Administration's contract source selection procedures and practices are consistent with law, including the Federal Acquisition Regulation, and Federal best practices associated with making source selection decisions;

(2) the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities; and

(3) any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

(c) FINDINGS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall report the findings of the assessment under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

TITLE V—PIRACY

SEC. 501. SHORT TITLE.

This title may be cited as the ''Piracy Suppression Act of 2012''.

SEC. 502. TRAINING FOR USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following:

''§ 51705. Training for use of force against piracy

''The Secretary of Transportation, in consultation with the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, shall certify a training curriculum for United States mariners on the use of force against pirates. The curriculum shall include—

''(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

''(2) information on current threats and patterns of attack by pirates;

''(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

''(4) standard rules for the use of force for self-defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

''(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.''.

(b) DEADLINE.—The Secretary of Transportation shall certify the curriculum required under the amendment made by subsection (a) not later than 270 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis for chapter 517 of title 46, United States Code, is amended by adding at the end the following:

''51705. Training program for use of force against piracy.''.

SEC. 503. SECURITY OF GOVERNMENT-IMPELLED CARGO.

Section 55305 of title 46, United States Code, is amended by adding at the end the following:

''(e) SECURITY OF GOVERNMENT-IMPELLED CARGO.—

''(1) In order to ensure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense), when responsible for the carriage of such equipment, materials, or commodities, to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities if the vessels are transiting high-risk waters.

''(2) The Secretary of Transportation shall direct each department or agency responsible to provide armed personnel under paragraph (1) to reimburse, subject to the availability of appropriations, the owners or operators of applicable vessels for the cost of providing armed personnel.

''(3) In this subsection, the term 'high-risk waters' means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which an applicable voyage begins.''.

SEC. 504. ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2009 through 2012 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the estimated cost for each of the fiscal years 2009 through 2012 for such incidents.

TITLE VI—MARINE DEBRIS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Marine Debris Act Amendments of 2012''.

SEC. 602. SHORT TITLE AMENDMENT; REFERENCES.

(a) SHORT TITLE AMENDMENT.—Section 1 of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 note) is amended by striking ''Research, Prevention, and Reduction''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Debris Act (33 U.S.C. 1951 et seq.), as so retitled by subsection (a) of this section.

SEC. 603. PURPOSE.

Section 2 (33 U.S.C. 1951) is amended to read as follows:

''SEC. 2. PURPOSE.

''The purpose of this Act is to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety through the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris.''.

SEC. 604. NOAA MARINE DEBRIS PROGRAM.

(a) NAME OF PROGRAM.—Section 3 (33 U.S.C. 1952) is amended—

(1) in the section heading by striking ''**PREVENTION AND REMOVAL**''; and

(2) in subsection (a)—

(A) by striking ''Prevention and Removal Program to reduce and prevent the occurrence and'' and inserting ''Program to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the'';

(B) by inserting ''the economy of the United States,'' after ''marine debris on''; and

(C) by inserting a comma after ''environment''.

(b) PROGRAM COMPONENTS.—Section 3(b) (33 U.S.C. 1952(b)) is amended to read as follows:

''(b) PROGRAM COMPONENTS.—The Administrator, acting through the Program and subject to the availability of appropriations, shall—

''(1) identify, determine sources of, assess, prevent, reduce, and remove marine debris, with a focus on marine debris posing a threat to living marine resources and navigation safety;

''(2) provide national and regional coordination to assist States, Indian tribes, and regional organizations in the identification, determination of sources, assessment, prevention, reduction, and removal of marine debris;

''(3) undertake efforts to reduce the adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety, including—

''(A) research and development of alternatives to gear posing threats to the marine environment and methods for marking gear used in certain fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

''(B) the development of effective nonregulatory measures and incentives to cooperatively reduce the volume of lost and discarded fishing gear and to aid in gear recovery;

''(4) undertake outreach and education activities for the public and other stakeholders on sources of marine debris, threats associated with marine debris, and approaches to identifying, determining sources of, assessing, preventing, reducing, and removing marine debris and its adverse impacts on the United States economy, the marine environment, and navigation safety, including outreach and education activities through public-private initiatives; and

''(5) develop, in consultation with the Interagency Committee, interagency plans for the timely response to events determined by the Administrator to be severe marine debris events, including plans to—

''(A) coordinate across agencies and with relevant State, tribal, and local governments to ensure adequate, timely, and efficient response;

''(B) assess the composition, volume, and trajectory of marine debris associated with a severe marine debris event; and

''(C) estimate the potential impacts of a severe marine debris event, including economic impacts on human health, navigation safety, natural resources, tourism, and livestock, including aquaculture.''.

(c) GRANT CRITERIA AND GUIDELINES.—Section 3(c) (33 U.S.C. 1952(c)) is amended—

(1) in paragraph (1), by striking ''section 2(1)'' and inserting ''section 2'';

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(d) REPEAL.—Section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915), and the item relating to that section in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987, are repealed.

SEC. 605. REPEAL OF OBSOLETE PROVISIONS.

Section 4 (33 U.S.C. 1953) is amended—

(1) by striking ''(a) STRATEGY.—''; and

(2) by striking subsections (b) and (c).

SEC. 606. COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.—

(1) IN GENERAL.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is redesignated and moved to replace and appear as section 5 of the Marine Debris Act (33 U.S.C. 1954), as so retitled by section 602(a) of this title.

(2) CONFORMING AMENDMENT.—Section 5 of the Marine Debris Act (33 U.S.C. 1954), as amended by paragraph (1) of this subsection, is further amended in subsection (d)(2)—

(A) by striking ''this Act'' and inserting ''the Marine Plastic Pollution Research and Control Act of 1987''; and

(B) by inserting ''of the Marine Plastic Pollution Research and Control Act of 1987'' after ''section 2201''.

(3) CLERICAL AMENDMENT.—The item relating to section 2203 in the table of contents contained in section 2 of the United States-Japan Fishery Agreement Approval Act of 1987 is repealed.

(b) BIENNIAL PROGRESS REPORTS.—Section 5(c)(2) of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1954(c)(2)), as in effect immediately before the enactment of this Act—

(1) is redesignated and moved to appear as subsection (e) at the end of section 5 of the Marine Debris Act, as amended by subsection (a) of this section; and

(2) is amended—

(A) by striking ''ANNUAL PROGRESS REPORTS.—'' and all that follows through ''thereafter'' and inserting ''BIENNIAL PROGRESS REPORTS.—Biennially'';

(B) by striking ''Interagency'' each place it appears;

(C) by striking ''chairperson'' and inserting ''Chairperson'';

(D) by inserting ''Natural'' before ''Resources'';

(E) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(F) by moving all text 2 ems to the left.

SEC. 607. CONFIDENTIALITY OF SUBMITTED INFORMATION.

Section 6(2) (33 U.S.C. 1955(2)) is amended by striking ''by the fishing industry''.

SEC. 608. DEFINITIONS.

Section 7 (33 U.S.C. 1956) is amended—

(1) in paragraph (2), by striking ''2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914)'' and inserting ''5 of this Act'';

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

''(3) MARINE DEBRIS.—The term 'marine debris' means any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.'';

(3) by striking paragraph (5);

(4) by redesignating paragraph (7) as paragraph (5);

(5) in paragraph (5), as redesignated by paragraph (4) of this section, by striking ''Prevention and Removal'';

(6) by striking paragraph (6) and inserting the following:

''(6) SEVERE MARINE DEBRIS EVENT.—The term 'severe marine debris event' means atypically large amounts of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source.''; and

(7) by redesignating paragraph (8) as paragraph (7).

SEC. 609. SEVERE MARINE DEBRIS EVENT DETERMINATION.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall determine whether the March 2011, Tohoku earthquake and subsequent tsunami and the October 2012, hurricane Sandy each caused a severe marine debris event (as that term is defined in section 7(6) of the Marine Debris Act (33 U.S.C. 1956(6)), as amended by this Act).

(b) DEADLINE.—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide the determination required under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives.

TITLE VII—MISCELLANEOUS

SEC. 701. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 547) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) LICENSING RESTRICTIONS.—

''(1) IN GENERAL.—Subsection (a) only applies to a foreign citizen who holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the position, with respect to requirements for experience, training, and other qualifications.

''(2) TREATMENT OF CREDENTIAL.—An equivalent credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.'';

(2) in subsection (c) by inserting ''or Guam'' before the period at the end; and

(3) in subsection (d) by striking ''on December 31, 2012'' and inserting ''on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2012''.

SEC. 702. TECHNICAL CORRECTIONS.

(a) STUDY OF BRIDGES.—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 33 U.S.C. 494a) is amended to read as follows:

''SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

''The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the construction or alteration of any bridge, drawbridge, or causeway over the navigable waters of the United States with a channel depth of 25 feet or greater that may impede or obstruct future navigation to or from port facilities and for which a permit under the Act of March 23, 1906 (33 U.S.C. 491 et seq.), popularly known as the Bridge Act of 1906, was requested during the period beginning on January 1, 2006, and ending on August 3, 2011.''.

(b) WAIVER.—Section 7(c) of the America's Cup Act of 2011 (125 Stat. 755) is amended by inserting ''located in Ketchikan, Alaska'' after ''moorage''.

SEC. 703. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking ''2013'' and inserting ''2014''.

SEC. 704. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 (33 U.S.C. 1223 note) dealing with notice of arrival requirements for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless the vessel arrives from a foreign port or place.

SEC. 705. WAIVERS.

(a) *TEXAS STAR CASINO*.—

(1) IN GENERAL.—Notwithstanding section 12113(a)(4) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a fishery endorsement for the *Texas Star Casino* (IMO number 7722047).

(2) RESTRICTION.—Notwithstanding section 12113(b)(1) of title 46, United States Code, a fishery endorsement issued under paragraph (1) is not valid for any fishery for which a fishery management plan has been approved by the Secretary of Commerce pursuant to section 304 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854) before the date of enactment of this Act.

(b) *RANGER III*.—Section 3703a of title 46, United States Code, does not apply to the passenger vessel *Ranger III* (United States official number 277361), during any period that the vessel is owned and operated by the National Park Service.

SEC. 706. NATIONAL RESPONSE CENTER NOTIFICATION REQUIREMENTS.

The Ohio River Valley Water Sanitation Commission, established pursuant to the Ohio River Valley Water Sanitation Compact consented to and approved by Congress in the Act of July 11, 1940 (54 Stat. 752), is deemed a Government agency for purposes of the notification requirements of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603). The National Response Center shall convey notification, including complete and unredacted incident reports, expeditiously to the Commission regarding each release in or affecting the Ohio River Basin for which notification to all appropriate Government agencies is required.

SEC. 707. VESSEL DETERMINATIONS.

The vessel with United States official number 981472 and the vessel with United States official number 988333 shall each be deemed to be a new vessel effective on the date of delivery after January 1, 2008, from a privately owned United States shipyard if no encumbrances are on record with the Coast Guard at the time of the issuance of the new vessel certificate of documentation for each vessel.

SEC. 708. MILLE LACS LAKE, MINNESOTA.

The waters of Mille Lacs Lake, Minnesota, are not waters subject to the jurisdiction of the United States for the purposes of section 2 of title 14, United States Code.

SEC. 709. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

Not later than 270 days after the date of enactment of this Act, the Secretary of Homeland Security shall reform the process for Transportation Worker Identification Credential enrollment, activation, issuance, and renewal to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 710. INVESTMENT AMOUNT.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the $22,500,000 invested in income-producing securities for purposes of section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by $12,851,340.

SEC. 711. INTEGRATED CROSS-BORDER MARITIME LAW ENFORCEMENT OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may establish an Integrated Cross-Border Maritime Law Enforcement Operations Program to coordinate the maritime security operations of the United States and Canada (in this section referred to as the ''Program'').

(b) PURPOSE.—The Secretary, acting through the Commandant, shall administer the Program in a manner that results in a cooperative approach between the United States and Canada to strengthen border security and detect, prevent, suppress, investigate, and respond to terrorism and violations of law related to border security.

(c) TRAINING.—The Secretary, acting through the Commandant and in consultation with the Secretary of State, may—

(1) establish, as an element of the Program, a training program for individuals who will serve as maritime law enforcement officers; and

(2) conduct training jointly with Canada to enhance border security, including training—

(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada;

(B) on the integration, analysis, and dissemination of port security information by and between the United States and Canada;

(C) on policy, regulatory, and legal considerations related to the Program;

(D) on the use of force in maritime security;

(E) on operational procedures and protection of sensitive information; and

(F) on preparedness and response to maritime terrorist incidents.

(d) COORDINATION.—The Secretary, acting through the Commandant, shall coordinate the Program with other similar border security and antiterrorism programs within the Department of Homeland Security.

(e) MEMORANDA OF AGREEMENT.—The Secretary may enter into any memorandum of agreement necessary to carry out the Program.

SEC. 712. BRIDGE PERMITS.

(a) IN GENERAL.—For the purposes of reviewing a permit application pursuant to section 9 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401), the Act of March 23, 1906, popularly known as the Bridge Act of 1906 (33 U.S.C. 491 et seq.), the Act of June 21, 1940, popularly known as the Truman-Hobbs Act (33 U.S.C. 511 et seq.), or the General Bridge Act of 1946 (33 U.S.C. 525 et seq.), the Secretary of the department in which the Coast Guard is operating may—

(1) accept voluntary services from one or more owners of a bridge; and

(2) accept and credit to Coast Guard operating expenses any amounts received from one or more owners of a bridge.

(b) EXPEDITED PROCESS.—The Secretary of the department in which the Coast Guard is operating shall complete, on an expeditious basis and using the shortest existing applicable process, determinations on any required approval for issuance of any permits under the jurisdiction of such department related to the construction or alteration of a bridge over the Kill Van Kull consistent with Executive Order 13604 (March 22, 2012) and the Administration's objectives for the project.

SEC. 713. TONNAGE OF AQUEOS ACADIAN.

The Secretary of the department in which the Coast Guard is operating may consider the tonnage measurements for the vessel *Aqueos Acadian* (United States official number 553645) recorded on the certificate of inspection for the vessel issued on September 8, 2011, to be valid until May 2, 2014, if the vessel and the use of its space is not changed after November 16, 2012, in a way that substantially affects the tonnage of the vessel.

SEC. 714. NAVIGABILITY DETERMINATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of additional regulatory requirements imposed on passenger vessels operating on the Ringo Cocke Canal in Louisiana as a result of the covered navigability determination.

(b) RESTRICTION.—Before the date that is 180 days after the date on which the assessment required under subsection (a) is submitted, the Commandant may not enforce any regulatory requirements imposed on passenger vessels operating on the Ringo Cocke Canal in Louisiana that are a result of the covered navigability determination.

(c) COVERED NAVIGABILITY DETERMINATION DEFINED.—In this section, the term ''covered navigability determination'' means the Coast Guard's Navigability Determination for Ringo Cocke Canal, Louisiana, dated March 25, 2010.

SEC. 715. COAST GUARD HOUSING.

Not later than 30 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation

of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the Coast Guard's National Housing Assessment and any analysis conducted by the Coast Guard of such assessment.

SEC. 716. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH-LATITUDE REGIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an assessment of the need for additional Coast Guard prevention and response capability in the high-latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the assessment—

(1) an analysis of the high-latitude operating capabilities of all current Coast Guard assets other than icebreakers, including assets acquired under the Deepwater program;

(2) an analysis of projected needs for Coast Guard operations in the high-latitude regions; and

(3) an analysis of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard operations in the high-latitude regions, including forward operating bases and existing infrastructure in the furthest north locations that are ice free, or nearly ice free, year round.

SEC. 717. POTENTIAL PLACE OF REFUGE.

(a) CONSULTATION.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall consult with appropriate Federal agencies and with State and local interests to determine what improvements, if any, are necessary to designate existing ice-free facilities or infrastructure in the Central Bering Sea as a fully functional, year-round Potential Place of Refuge.

(b) PURPOSES.—The purposes of the consultation under subsection (a) shall be to enhance safety of human life at sea and protect the marine environment in the Central Bering Sea.

(c) DEADLINE FOR SUBMISSION.—Not later than 90 days after making the determination under subsection (a), the Commandant shall inform the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing of the findings under subsection (a).

SEC. 718. MERCHANT MARINER MEDICAL EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Coast Guard National Maritime Center's merchant mariner medical evaluation program and alternatives to the program.

(b) CONTENTS.—The assessment required under subsection (a) shall include the following:

(1) An overview of the adequacy of the program for making medical certification determinations for issuance of merchant mariners' documents.

(2) An analysis of how a system similar to the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners program, and the Federal Aviation Administration's Designated Aviation Medical Examiners program, could be applied by the Coast Guard in making medical fitness determinations for issuance of merchant mariners' documents.

(3) An explanation of how the amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, that entered into force on January 1, 2012, required changes to the Coast Guard's merchant mariner medical evaluation program.

SEC. 719. DETERMINATIONS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of—

(1) the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards;

(2) enforcement of the Coast Guard's foreign rebuild determination regulations; and

(3) recommendations for improving transparency in the Coast Guard's foreign rebuild determination process.

SEC. 720. IMPEDIMENTS TO THE UNITED STATES-FLAG REGISTRY.

(a) ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of factors under the authority of the Coast Guard that impact the ability of vessels documented in the United States to effectively compete in international transportation markets.

(b) CONTENT.—The assessment under subsection (a) shall include—

(1) a review of differences between Coast Guard policies and regulations governing the inspection of vessels documented in the United States and International Maritime Organization policies and regulations governing the inspection of vessels not documented in the United States;

(2) a statement on the impact such differences have on operating costs for vessels documented in the United States; and

(3) recommendations on whether to harmonize any such differences.

(c) CONSULTATION.—In preparing the assessment under subsection (a), the Commandant may consider the views of representatives of the owners or operators of vessels documented in the United States and the organizations representing the employees employed on such vessels.

SEC. 721. ARCTIC DEEPWATER SEAPORT.

(a) STUDY.—The Commandant of the Coast Guard, in consultation with the Commanding General of the Army Corps of Engineers, the Maritime Administrator, and the Chief of Naval Operations, shall conduct a study on the feasibility of establishing a deepwater seaport in the Arctic to protect and advance strategic United States interests within the Arctic region.

(b) SCOPE.—The study under subsection (a) shall include an analysis of—

(1) the capability provided by a deepwater seaport that—

(A) is in the Arctic (as that term is defined in the section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)); and

(B) has a depth of not less than 34 feet;

(2) the potential and optimum locations for such deepwater seaport;

(3) the resources needed to establish such deepwater seaport;

(4) the timeframe needed to establish such deepwater seaport;

(5) the infrastructure required to support such deepwater seaport; and

(6) any other issues the Secretary considers necessary to complete the study.

(c) DEADLINE FOR SUBMISSION OF FINDINGS.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 722. RISK ASSESSMENT OF TRANSPORTING CANADIAN OIL SANDS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess the increased vessel traffic in the Salish Sea (including Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca), that may occur from the transport of Canadian oil sands oil.

(b) SCOPE.—The assessment required under subsection (a) shall, at a minimum, consider—

(1) the extent to which vessel (including barge, tanker, and supertanker) traffic may increase due to Canadian oil sands development;

(2) whether the transport of oil from Canadian oil sands within the Salish Sea is likely to require navigation through United States territorial waters;

(3) the rules or regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass those rules or regulations in such waters and adjacent Canadian waters;

(4) the rules or regulations that restrict the amount of oil transported in tankers or barges in United States waters, including an assessment of whether there are methods to bypass those rules or regulations in such waters and adjacent Canadian waters;

(5) the spill response capability throughout the shared waters of the United States and Canada, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation;

(6) the vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca;

(7) the agreement between the United States and Canada that outlines requirements for laden tank vessels to be escorted by tug boats;

(8) whether oil extracted from oil sands has different properties from other types of oil, including toxicity and other properties, that may require different maritime clean up technologies;

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian oil sands development or expected to be associated with Canadian oil sands development; and

(10) the potential costs and benefits to the United States public and the private sector of maritime transportation of oil sands products.

(c) CONSULTATION REQUIREMENT.—In conducting the assessment required under this section, the Commandant shall consult with the State of Washington, affected tribal governments, and industry, including vessel operators, oil sands producers, and spill response experts. The Commandant may consult with the Secretary of State.

(d) DEADLINE FOR SUBMISSION.—Not later than 180 days after the date of enactment of

this Act, the Commandant shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LOBIONDO. 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 House Resolution 825.

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

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield to the chairman of the full committee, Mr. MICA, such time as he may consume.

Mr. MICA. I thank the gentleman for yielding.

First, I want to take a moment to thank Mr. LOBIONDO for his outstanding leadership of the Coast Guard Committee, and also Mr. LARSEN, the ranking member from Washington. I know FRANK LOBIONDO has a great love for the United States Coast Guard. He has worked diligently, long, and tirelessly for one of our most important branches and most historic branches of government over the years and dedicated part of his time, but a full commitment, to the United States Coast Guard.

As we take up H.R. 2838 today, as we consider that reauthorization for the United States Coast Guard—and Congress must authorize every program. We create the Coast Guard by law. We must also set the policy and the programs and the funding levels through our committee, an important responsibility.

Now, we have an important responsibility, but we're reminded again, even in the last few days, of the death of one of our Coast Guard officers, Chief Mate Terrell Horne. He was killed protecting the United States. I think it was drug smugglers who took his life in southern California while a small boat was trying to stop their activities. Here again we are painfully reminded of the sacrifice of those men and women in service to the United States. So this morning, I really would like to dedicate this reauthorization to his memory and the memory of all the men and women who have served in the Coast Guard.

I had lost one young lady from St. Augustine in the Arctic. I remember that tragic loss of her life and so many others who have served us well in the United States Coast Guard, an important national security and safety agency that protects us day in and day out, 24/7. So we are reminded of their sacrifices and, today, of our responsibility.

To succeed at the many jobs that we assign members of the Coast Guard, they must have the resources on the water and the docks to complete their important mission. This bill authorizes the Coast Guard for fiscal years 2013 and 2014. It's a total of $8.6 billion. Of course, when you talk about trillions in our Federal budget and activities, it's a small amount for the more than 50,000 Coast Guard men and women and for the programs that they undertake again each day.

□ 0920

One of the things we've tried to do is make the regulatory burden on fishermen more reasonable by extending some of the time they undergo to have dockside examinations. Again, in addition to serving national security purposes and maritime safety, we also serve an important economic activity, and that's the fishing community.

This bill also looks towards helping others that we're responsible for in the maritime industry. One of the problems we've had is in developing a TWIC card. A TWIC card is a Transportation Worker Identification Credential. We've had great problems with trying to get that installed so that we could find out who is entering our ports and to ensure that is done safely and securely, particularly with the threats that we face, the huge coastline of ports, the exposure that we face from maritime threats. And I think we've, hopefully, lessened some of the burdensome time required by multiple trips to get folks that need these cards to go to these enrollment centers—again, trying to help those who we're supposed to serve and to help them do their job in an expedited fashion.

As you know, our committee published a report. When we were in the minority, we helped author it. The title of the report was, ''The Federal Government Must Stop Sitting on Its Assets.'' And in each of the categories and areas we're responsible for in the Transportation Committee, whether it's empty public buildings that have sat there, properties underutilized, we want to make sure that taxpayers' resources are used in the best possible way.

So this bill follows up our report by requiring the Coast Guard, which has currently sidelined one of our heavy icebreakers, to make a decision on either being reactivated or decommissioned. Again, we can't sit on valuable assets in any of our agencies.

Finally, this bill restricts the use of post-construction of future National Security Cutters until our National Security Cutters meet long-promised mission performance capabilities. We started producing a small number of National Security Cutters—bigger than 100-plus-foot cutters—after 9/11. We've had some problems with that program. It's our responsibility to straighten out those problems, to make certain that the long-promised mission performance capabilities are met, and this bill hopefully leads us in that positive direction.

Unfortunately, the bill does not restrict the ability of foreign seamen injured outside the United States on non-U.S.-flagged vessels from suing in United States courts, paid for by United States taxpayers. It was something we had hoped to achieve. We couldn't put it in this bill.

There are some other measures I would have liked to have had in this bill. It does not, unfortunately, establish—but we passed in the House—a uniform national standard for ballast water discharges. And that provision is supported by many in the House and by the U.S. and international maritime industries.

So we've done a good part of the job. I think we've met our responsibility, and I am pleased that we are here to authorize, for a period of 2 years, the United States Coast Guard, its operations and its programs, and support the men and women who support us. So, with that, I urge the passage of H. Res. 825.

Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of the resolution introduced by my colleague from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee.

Before I begin my remarks, I want to join the gentleman from Florida (Mr. MICA), and of course the many others, in offering my condolences to the entire Coast Guard family for the tragic loss of one of their shipmates during a drug interdiction operation in the waters off of southern California this past weekend. We all recognize that the servicemen and -women of the Coast Guard willingly and routinely expose themselves to highly dangerous conditions on behalf of our Nation. Nevertheless, it is a profound tragedy when a servicemember makes that sacrifice, and our thoughts and prayers are with the Coast Guard at this time.

The legislation I stand in support of today has been developed as a compromise over the past 2 months during negotiations with the Senate. It would amend H.R. 2838, the Coast Guard and Maritime Transportation Act of 2012, that passed the House last November, and it also incorporates numerous provisions from the amendments to H.R. 2838 that cleared the Senate in September. And I appreciate the gentleman from New Jersey (Mr. LOBIONDO) for his willingness to work with me on this legislation in a bipartisan and open manner. I'm confident in saying that this bill embodies a fair and bipartisan compromise for everyone involved and that we can feel proud of this work.

As the ranking member of the Coast Guard Subcommittee, it's been a high priority for me to advance policies to revitalize and expand our domestic maritime industries, and this legislation marks a significant achievement in doing just that. It creates jobs in the

shipbuilding industry by taking vital steps towards improving our icebreaker fleet and finishing the program of record for Response Boat-Medium.

Earlier this year, I had a chance to visit job-creating shipyards that will be a part of the modernization effort of the Coast Guard. These shipyards provide good-paying jobs for hardworking engineers, welders, electricians, and mechanics all over the Northwest and throughout the country. The reauthorization of the Maritime Administration will improve the fortunes of those shipyards, and I am pleased that that is included in this bill as well.

But we've also, in authorizing the Coast Guard, reformed a number of key programs. The Coast Guard has one of the most expansive missions in the Federal Government. This multimission maritime military service is responsible for a broad range of activities, including mariner licensing, emergency oil spill response, vessel inspections, and navigation safety. The Coast Guard remains indispensable to the maintenance of a reliable and secure marine supply chain that supports maritime cargo operations, which contribute $649 billion annually to the U.S. GDP, sustaining more than 13 million jobs.

This legislation authorizes funding levels for both the Coast Guard and the Reserve that provide for increased funding levels in fiscal years '13 and '14 over the fiscal year '12 level.

I believe the funding levels in the bill remain insufficient to address the documented needs of the Coast Guard. The Coast Guard has been asked to do more with less, and I'm afraid that their only choice during this time of budget uncertainty is to do less with less, and that's just wrong. So while I would prefer these levels to be higher, I understand that these funding levels are likely the best that can be provided under the constraints.

We must be aware, however, that funding levels in this legislation are absent any consideration of what will be needed to address the estimated $260 million in damages to Coast Guard facilities in the Northeast as a result of Hurricane Sandy. These costs will be addressed in the future, I assume.

And I want to highlight, as well, that this legislation contains several provisions that will improve the Coast Guard's readiness and capabilities in the increasingly important Arctic region. Specifically, this bill directs the Coast Guard to complete a business case analysis to assess the cost-effectiveness of reactivating its heavy icebreaker, the Polar Sea. This analysis is overdue and it is vitally important.

At present, the Coast Guard has only one icebreaker, the Healy. Although the Coast Guard expects, in 2013, to reactivate the other heavy icebreaker, the Polar Star, the plain fact remains that the Coast Guard's icebreaker fleet remains severely undercapitalized and overextended. As it will be years before a new icebreaker can be delivered, it's essential that we make informed decisions on the Polar Sea now in order to have a balanced assessment of Coast Guard polar icebreaker capabilities in the near term.

This legislation also advances provisions that address many administrative, personnel, procurement, and regulatory issues affecting the Coast Guard; specifically, several new authorities to bring the Coast Guard into parity with the other armed services have been included. Additionally, this legislation contains new authorities that will improve the efficiency and oversight of the Coast Guard's major acquisition programs, especially new advanced procurement authority and development of multiyear capital investment programs.

The bill includes language I authored that requires the Coast Guard to complete the procurement of 180 Response Boat-Mediums, or RB-Ms, as originally planned in the program of record for this vessel. This is a critical piece of maritime security, and the completion of these boats will lead to additional job creation in small shipyards.

Besides addressing the needs of the Coast Guard, this legislation also advances several important initiatives to support the U.S. Merchant Marine:

Title III of the legislation protects the Jones Act by strengthening the review and notice requirements for future administrative waivers. This provision, originally called for in H.R. 3202, the American Mariner Jobs Protection Act, should help preserve more opportunities for U.S. carriers and seafarers. The title also provides for a formal authorization for the Committee on the Maritime Transportation System;

Title IV of the legislation includes several provisions that will improve the Maritime Administration's ability to accept, manage, and recycle vessels held in the National Defense Reserve Fleet;

I'm also pleased title VI reauthorizes the Marine Debris Research, Reduction, and Prevention Act. More and more marine debris from the 2011 Japanese tsunami continues to wash up on the shores of the Pacific coast, including in my State of Washington. Japan, in the midst of a recovery from this disaster, though, has shown extraordinary leadership and friendship with the United States by recently announcing that they will donate directly $5 million to debris cleanup.

□ 0930

It is important that we reauthorize the Marine Debris Act to ensure that the National Oceanic and Atmospheric Administration has the authority it needs to work with States to address this threat.

I very much appreciate the cooperation of Chairman LoBIONDO for including this important environmental measure, and I also applaud my colleagues, Mr. THOMPSON and Mr. FARR, for their work to see this program reauthorized.

In closing, Mr. Speaker, this legislation reflects a fair and balanced compromise. We have an obligation to support the Coast Guard and support our U.S. merchant marine. A safe and secure maritime environment is good for job creation, good for the economy, and good for the American people. In my estimation, this legislation fulfills that obligation. I urge its passage today, and I just briefly want to thank once again Mr. LoBIONDO for his incredible work to be bipartisan, open, and transparent in working to bring this legislation to passage.

With that, I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of House Resolution 825.

H.R. 2838 reauthorizes the activities of the Coast Guard through the fiscal year 2014 at levels that will allow for the administration's requested 1.7 percent military pay increase for fiscal year 2013 and provide for a military pay increase for fiscal year 2014 at a level consistent with CBO's estimate on the rate of inflation. The bill provides funding for the Coast Guard at levels that will reverse the irresponsible cuts proposed by the Obama administration and will ensure the service has what it needs to successfully conduct its missions.

The legislation includes critical provisions that will give the Coast Guard, its servicemembers, and its dependents great parity with their counterparts in the Department of Defense, something that we've worked very hard to achieve. H.R. 2838 also contains reforms and improvements to the Coast Guard's acquisition program and activities. The bill encourages job growth in the maritime sector by cutting EPA, TSA, and Coast Guard regulatory burdens on small businesses. Finally, the bill enhances the security of U.S. vessels and crews transiting high-risk waters, reauthorizes the national security aspects of the Maritime Administration for fiscal year 2013, and makes several important improvements to NOAA's marine debris program, as noted by Mr. LARSEN.

H.R. 2838 was put together in cooperation with the minority and with our counterparts in the Senate. I'd like to thank Mr. MICA, chairman of the full committee; I'd like to thank Mr. RAHALL, the ranking member of the full committee; I especially want to thank Mr. LARSEN. We've had, I think, a model for how a committee or a subcommittee should operate. We've been focused on results. We've been focused on incorporating good ideas. Rick, I very much appreciated your cooperation in moving forward on these very important issues for the Nation.

Finally, I would like to thank the staff on both sides for their work and their help in this legislation. We rely on them a great deal. They've worked in an extraordinary manner, and it's very much appreciated, and hopefully we get the results we need.

I also want to take a moment to underscore the very dangerous work that the Coast Guard does to keep our Nation and our shores safe. We were all shocked and very saddened to hear the news this weekend that a Coastie lost his life in the line of duty. This underscores how our Coast Guard men and women put their life at risk each and every day. They're really underrecognized and underappreciated for the work they do. And with drugs being such a great scourge in our country, it sounds like this Coastie was just brutally murdered. So our heart goes out to the men and women of the Coast Guard, his colleagues, his family, and his friends. Chief Petty Officer Terrell Horne was serving his country and gave his life for his country. Again, our thoughts and prayers go out to his family and friends. We're tremendously thankful for all the brave men and women of the Coast Guard and the work that they do each and every day.

I urge all Members to support H.R. 2838, and I reserve the balance of my time.

Mr. LARSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. Thank you, Mr. LARSEN and Mr. LOBIONDO, for your work on this.

Mr. Speaker, I rise to offer my support for the House and Senate agreement on the Coast Guard reauthorization for fiscal year 2013 and 2014.

The United States Coast Guard plays an integral role in our Nation's homeland security. They are on the front lines each and every day ensuring that our ports and waterways remain safe and secure.

As a cofounder and cochair of the congressional bipartisan PORTS Caucus, we're learning more and more every day about the critical role that our Coast Guard plays in the security of our ports. Our caucus members had a very productive conversation with Vice Admiral Peter Neffenger of the U.S. Coast Guard in April, whom I got to know very well in Los Angeles when he was the captain of the ports of Los Angeles and Long Beach. He discussed the Coast Guard's critical role in providing security and disaster preparedness at our Nation's ports. That's why providing the Coast Guard with the necessary ships and gear they need is so important.

However, it's neither the ships nor the gear that make up the heart of the United States Coast Guard. It is the men and women who fight every day to make this country a safer place. They serve with bravery and poise, and are sometimes called upon to make the ultimate sacrifice. And as has been talked about this morning, unfortunately that is what occurred this past weekend when a brave Coast Guardsman gave his life for this country. On December 2, Chief Petty Officer Horne was killed when he and his team came upon a boat suspected of drug smuggling and were rammed upon approaching it. The impact knocked Officer Horne and another Coast Guardsman into the water, inflicting Horne with a severe traumatic head injury that ultimately proved to be fatal.

Chief Petty Officer Terrell Horne was a distinguished Coast Guardsman, and his life is deeply cherished by our Nation as we reflect on his unwavering commitment to protecting our country. He and his family were from Redondo Beach, which is in my current congressional district. His sacrifice serves as a stark reminder of the extraordinary sacrifices our men and women in uniform make boldly for this country each and every day.

As my colleagues consider this bill before us, I ask that we all keep Officer Horne's family, friends, and fellow officers in the Coast Guard in your thoughts and prayers and never forget the sacrifices that our men and women make for us each and every day. I appreciate all the comments that have been made this morning reflecting this same thought.

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

Mr. LARSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Thank you very much, Mr. Chair and Mr. Ranking Member.

Mr. Speaker, I rise today in support of the underlying bill which reauthorizes important programs to keep our waterways safe and navigable, protect our marine economy, defend our maritime borders, and support the brave Coast Guard personnel, including the personnel of the U.S. Coast Guard sector Columbia River, which is headquartered in Oregon's First Congressional District. They all work in pursuit of these vital missions. I also thank the chairman and ranking member of the Coast Guard Subcommittee for their work on this, as well as the chair and ranking member of the full Transportation and Infrastructure Committee.

In addition to supporting the basic mission of the Coast Guard, this legislation includes language to reauthorize another important mission carried out by our Federal Government that is worthy of this body's support, NOAA's marine debris program. In June of this year, coastal residents in my home State of Oregon found a 66-foot dock resting on a beach near the town of Newport, Oregon. The dock was just one piece of many that scientists have estimated to be a debris field with as much as 1.5 million tons of debris that were washed into the ocean by the tsunami that struck Japan in March of 2011.

Beyond the obvious navigational dangers posed by the dock and the other debris that has been discovered in States on the Pacific coastline, the debris also brings with it invasive species that could harm our maritime environment. Not only is this debris dangerous, it's costly to remove, and the threat of a significant increase in debris arriving on our coasts has caused many State and local governments serious budgetary concerns. Oregon spent nearly $80,000 just removing that one dock.

Since the arrival of the Japanese dock on Agate Beach, Oregon, other members and I have heard from constituents who call on us to provide them with some assistance in dealing with this unprecedented situation.

□ 0940

The Marine Debris Program at NOAA makes some funding available through grants provided to coastal communities and to State and local governments to assist with debris response and removal. The bill we are considering today reauthorizes NOAA's Marine Debris Program. That's very important.

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

Mr. LARSEN of Washington. I yield the gentlelady an additional 30 seconds.

Ms. BONAMICI. In addition to that, I've introduced bipartisan legislation with Congresswoman HERRERA BEUTLER from Washington, the Marine Debris Emergency Act, to expedite that funding, which can currently take about a year from proposal to award. This bill will shorten the window to 60 days, which could be very important.

So I urge my colleagues to support our coastal communities by supporting this legislation and the bill before us today. Thank you to the chairs and ranking member for their hard work.

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

Mr. LARSEN of Washington. I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

Mr. Speaker, I rise today to highlight title VI of the Coast Guard and Maritime Transportation Act of 2012, which amends the Marine Debris Program.

This partnership between NOAA and the United States Coast Guard has been hugely beneficial to our Nation's coastal communities. It has improved research and debris removal activities at sea and has built a greater understanding of the challenges we face in addressing this threat. There are so many successful projects funded by the Marine Debris Program, which is astounding considering that the program spends far less than $10 million.

I want to highlight the National Fish and Wildlife Foundation NOAA grant program for Marine Debris Research and Technology. From 2005 to 2011, this program supported 46 projects involving fishermen, ports, and marinas, and they leveraged $2.7 million in NOAA funding with $2.9 million in non-Federal matching funds.

Another program, Fishing for Energy, is one innovative program that installs collection bins for commercial fishermen to dispose of old or unwanted fishing gear. To date, this program has disposed of more than 700

tons of obsolete or derelict gear, which annually accounts for $250 million in lost marketable lobster and which saves up to $792 million in damages to boat propellers from derelict fishing gear. If that isn't enough, an Energy-from-Waste facility recycles the gear and harnesses electricity from the recycling process. It doesn't cost the fishermen anything to dispose of this gear, and that's why it's such a successful program.

This small Federal investment results in a huge cost savings. Marine debris is a much larger and growing problem. With the disaster in Japan last year and with recent storms like Sandy, cleaning up debris requires both resources and coordination between agencies and States. While I commend the bipartisan support and leadership of my colleagues to get this bill to the President, I am disappointed that the program's authorization has not been extended. I will continue to work for the permanent reauthorization of the Marine Debris Program because it is a critical program for coastal communities.

I urge my colleagues to support this bill, which is one of bipartisan-bicameral compromise. I thank Chairman MICA, Chairman HASTINGS, Ranking Member RAHALL, and Ranking Member MARKEY for their leadership in bringing my bill, H.R. 1171, to the floor for passage out of the House. I thank Chairman LOBIONDO and Ranking Member LARSEN for including this important language in the Coast Guard and Maritime Transportation Act of 2012. I urge your support.

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

Mr. LARSEN of Washington. I yield myself such time as I may consume.

Mr. Speaker, thank you so much for an opportunity to speak on this important resolution. I want to urge everyone to support its passage.

Finally, I want to thank the staff for its great work in putting this together. It's a bit of a dance to put all of the pieces together in legislation like this, but they did a great job, so I want to extend my thanks to them as well.

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

Mr. LOBIONDO. Mr. Speaker, in closing, I would like to thank everyone who has been involved in this process. Again, I especially thank Mr. LARSEN for the cooperative initiatives and efforts that we've been able to undertake. I hope that all the Members of the House of Representatives will think about the sacrifices that the men and women of the Coast Guard make and will vote affirmatively for this bill.

I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I applaud Chairmen MICA and LOBIONDO and Ranking Members RAHALL and LARSEN for their work on the Coast Guard and Maritime Transportation Act of 2012 and for their leadership. I also thank our colleagues in the Senate for their work.

The bill before us contains provisions in Section 301 that are substantially similar to H.R. 3202, the American Mariners Job Protection Act, which I introduced with Congressman JEFF LANDRY.

These provisions will significantly expand transparency surrounding the issuance of waivers allowing non–Jones Act qualified vessels to carry cargoes between two ports in the United States.

While the Jones Act can be waived in the interest of national defense, the Maritime Administration (MARAD) is required to assess whether Jones Act–qualified vessels are available to carry the cargo under consideration. However, recent experience suggests that such assessments have been cursory at best.

The provisions included in Section 301 will require MARAD to publicize the results of such assessments, including detailing the actions that could be taken to enable American vessels to carry the cargo for which a waiver is sought. MARAD will also be required to publish its determinations on its website and provide notification to Congress when a Jones Act waiver is requested or issued.

I thank my colleagues for working with me and Congressman LANDRY to make these important improvements in the administration of the Jones Act.

While I applaud the inclusion of these provisions, the bill before us does contain provisions that I do not support. In particular, I am deeply disappointed that this bill eliminates provisions in the Coast Guard Authorization of 2010 that I authored to establish an ombudsman in each Coast Guard District.

These ombudsmen were intended to serve as liaisons between the Coast Guard and ports, terminal operators, shipowners, and labor representatives to enable these stakeholders to seek further review of disputes regarding the application of Coast Guard regulations. They would have given the port community another mechanism to engage with the Coast Guard to ensure that the application of regulations achieves critical safety and security objectives while having the least possible impact on commerce.

I am also disappointed that this legislation delays the introduction of modern survival craft that ensure that all parts of the body are out of the water. Instead, the bill allows the continued use of equipment that pre–dates World War II.

We would never think of using pre-World War II technology in other aspects of our lives when significantly more advanced technology is available. For that reason, I am shocked that my colleagues believe such antiquated equipment is appropriate for those whose lives are at risk at sea—particularly the disabled, the elderly and children. This is not a subject that needs more study. It has been studied numerous times—and the National Transportation Safety Board (NTSB) explicitly opposes the continued use of life floats and non–inflatable buoyant apparatus as primary lifesaving devices.

Similarly, I am disappointed by provisions in this bill that delay the requirement that fishing vessels undergo dockside exams—and that will reduce the frequency of such exams once they are implemented. Five years between dockside examinations will do little to reduce the unconscionably high casualties suffered by commercial fishermen in what remains our nation's most dangerous profession.

Finally, I am disappointed that we could not include legislation Congressman LANDRY and I introduced to restore the cuts to cargo preference programs made in the MAP–21 legislation. Cargo preference requirements are critical to the maintenance of a robust U.S.-flagged fleet and these cuts should never have been made.

While I will not oppose this legislation, I believe it could have been significantly better than it is in its current form—and I hope we can address these matters promptly in the 113th Congress.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H. Res. 825, a resolution providing for the concurrence by the House in the Senate amendments to H.R. 2838, the Coast Guard Authorization Act of 2012, with an amendment.

For many years I have directed my district staff in Huntington Beach, California, to organize regular briefings for me as well as public informational meetings about homeland and border security, particularly security of the coastline I have the honor to represent in Congress. On April 4 of this year, I had one such briefing in the American Legion Post in Newport Beach that featured presentations by the Department of Homeland Security Office of Intelligence and Analysis, U.S. Coast Guard and U.S. Border Patrol. The briefings were attended by police, sheriff, fire and marine safety personnel from San Diego to Los Angeles.

These briefings are always foremost in my mind when I urge my colleagues in Congress to summon the political will to stop giving our country away by failing to enforce our borders. The southern California shoreline is the destination for a brazen invasion of contraband and illegal labor smugglers by sea. The brazenness is exceeded only by the shocking multiplier effect of violent crime to persons and property that emanates from the ''stash'' (safe) houses and sweat shops that proliferate along a clandestine network extending north from San Diego.

The stakes have been rising in recent years as hundreds of ''panga'' boats ply the waters of Orange County's most treasured beachfront locations, looking for scouts and convoys forward positioned to make a pick-up of exploited workers or drugs shipments. Some panga boats are small, seating 6 to 8 passengers, and sometimes the boats are huge and hold up to 40 people. To suggest it is a sophisticated operation would be an understatement. That is why we enlist the public as well as our protective law enforcement services to spread the word of warning and alert the citizenry to the threat we face as individuals and as a society.

On December 2, 2012, we were tragically reminded of what is at stake when news from the U.S. Coast Guard reached my desk that a brave member of the United States Coast Guard, Chief Petty Officer Terrell Horne III, was killed in action while defending our coastline from the wave of unlawful foreign incursions. As I did in my letter to Admiral Papp, Commandant of the USCG, I want to convey here the most heartfelt condolences from my family and me, as well as millions of Americans living on this coastline, to Chief Petty Officer Horne's family, to the crew of the Cutter *Halibut* on which Petty Officer Horne served, and to the larger USCG community.

Reports indicate that Chief Petty Officer Horne was in a chase boat pursuing a panga when it turned and rammed his craft, killing him and injuring other USCG members doing

their jobs for us. This violence against our coastal defenders is yet another wake up call to America, sounding anew a warning that we must as a nation summon courage to defend our border equal to the devotion to duty Chief Petty Officer Horne exemplified. There was no price he was unwilling to pay to protect our nation, and we must honor him by rising in the same degree to the cause for which he died.

Every day courageous men and women of the USCG are on the front line of the struggle to restore the rule of law in the navigable waters of our nation. As the daily assault on our coastal communities escalates, the USCG stands between us and lawlessness on the open seas and along the shorelines where our very civil order now is under siege. This tragic loss of one of American's finest is the terrible price we pay to turn back those emboldened to violate our border security and threaten our homeland in desperate criminal enterprises, profiting from trafficking in drugs and human beings.

Unyielding in our vigilance against these modern day pirates and slave traders, we pause to mourn the loss of a fellow American whose service to our nation humbles us and deepens our resolve to prevail against the perpetrators of violence and crime making landfall on our coast from the sea.

That can and must be done to honor Chief Petty Officer Horne and all those who have sacrificed all so we may remain a sovereign nation and free people. We owe it to Terrell Horne and each and every one of our fallen heroes. I again urge my colleagues to support H. Res. 825 in honor of Terrell and all those who sacrifice so much for all of us.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and agree to the resolution, H. Res. 825.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

Mrs. BLACKBURN. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 50

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content;

Whereas the position of the United States Government has been and is to advocate for the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentlewoman from California (Ms. ESHOO) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee.

GENERAL LEAVE

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD for S. Con. Res. 50.

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

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

This week, representatives from 193 countries are meeting in Dubai to reexamine an international treaty dealing with telecommunications. Several hostile countries are seeking to use this opportunity to impose new international regulations on the Internet.

We need to send a strong message to the world that the Internet has thrived under a decentralized, bottom-up, multistakeholder governance model. That is why I stand in strong support of Senator RUBIO's Senate Concurrent Resolution 50. The U.S. is united in its opposition to international control over Internet governance, and we've seen leadership pushing back against ceding more power to the International Telecommunication Union. It is referred to as the ''ITU.'' It's a branch of the United Nations.

Some want to give it new powers. Several countries see the Internet as a tool for political and/or economic control that they want to exploit. For example, Russia's Vladimir Putin has openly stated his intention to seek ''international control over the Internet using the monitoring and supervisory capabilities of the ITU.'' Just last week, the Syrian Government shut off Internet access as the regime sought to suppress the free exchange of information among its private citizens. But it's because the Internet is the ultimate tool of political and economic liberation that we should foster and protect it, not give those who fear its impact on politics and the economy the power to repress its continued innovation and untapped potential.

I also want to make an important point about our legitimacy in the fight to keep the Internet thriving, democratic, and decentralized. Unfortunately, we did undermine our credibility when the Federal Communications Commission imposed net neutrality regulations without the proper statutory authority to do so. Even Ambassador Verveer at the State Department had made the point. He said in 2010 that the net neutrality proceeding ''is one that could be employed by regimes that don't agree with our perspectives about essentially avoiding regulation of the Internet and trying to be sure not to do anything to damage its dynamism and its organic development. It could be employed as a pretext or as an excuse for undertaking public policy activities that we would disagree with pretty profoundly.''

□ 0950

We need to pass S. Con. Res. 50 and rebuild our credibility in support of Internet freedom. Regulating beyond our authority at home sets a very bad example when we want to oppose truly devastating regulations at the international level. Despite our domestic disagreements on telecom policy, one thing both sides of the aisle can agree on is that we should uphold the Internet governance model that's working. Let's not try to fix what's not broken.

In Dubai, we want our country promoting private markets and U.S. interests. Let's encourage the decentralized governance model that's been successful in the past, and let's show leadership instead of giving away broad regulatory powers to those who don't deserve and who should not have it.

I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it's fitting that on the week in which the World Conference on International Telecommunications convenes in Dubai that the House will once again take up a resolution demonstrating the bipartisan commitment of Congress to preserve the open structure and multistakeholder approach that has guided the Internet over the past two decades.

I think we are all very, very proud that there is not only bipartisan but bicameral support underlying this resolution, and there is complete support across the executive branch of our government. In other words, the United States of America is totally unified on this issue of an open structure, a multistakeholder approach that has guided the Internet over the past two decades.

The Senate resolution before us today, Mr. Speaker, makes a minor technical change to a resolution that the House passed unanimously in August by a vote of 414–0. I have no objection to this change, and I ask my colleagues to support this bipartisan measure.

I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN), who is the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. WALDEN. I thank my colleague and friend for the time.

I rise today in support of Senate Concurrent Resolution 50, which, as you've heard, opposes international regulation of the Internet. It is virtually identical to the language that our friend and colleague Representative MARY BONO MACK put forward in H. Con. Res. 127, which was introduced earlier this year and passed by my subcommittee and in the full Energy and Commerce Committee and went on to pass this House without opposition. With this vote, we unify that language and we send a strong bipartisan, bicameral signal about America's commitment to an unregulated Internet.

I want to thank Representative BONO MACK for championing this important legislation to keep the Internet free from government regulation. I also wish to thank FCC Commissioner Robert McDowell, who has tirelessly sounded the call, not only about the peril we face if we stand idly by as countries like Russia and China seek to exert control over the Internet, but also about how FCC's own actions adopting network neutrality rules regulating the Internet undermine America's case abroad.

I also fear that recent talks of cybersecurity executive orders here at home may be cited back to us by some foreign nations with them accusing us of telling them to do as we say but not as we do.

The historical hands-off regulatory policy has allowed the Internet to become the greatest vehicle for global, social, and economic liberty since the printing press. And despite the current economic climate, it continues to grow at an astonishing pace.

FCC Commissioner McDowell and Chairman Genachowski are in Dubai this week as U.S. delegates to the World Conference on International Telecommunications. Our committee has also sent representatives from both parties to keep an eye on the proceedings. There, the 193 member countries of the United Nations are considering whether to apply to the Internet a regulatory regime that the International Telecommunications Union created in the 1980s for old-fashioned telephone service, as well as whether to swallow the Internet's nongovernmental organizational structure whole and make it part of the United Nations. Neither of these are acceptable outcomes and must be strongly opposed by our delegation.

Among those supportive of such regulation is Russian President Vladimir Putin, who spoke positively about the idea of ''establishing international control over the Internet,'' to use his own words. Some countries have even proposed regulations that would allow them to read citizens' email in the name of security, require citizens to register their email addresses for tracking purposes, and to charge for Internet access to their countries on a per-click basis.

This resolution rejects these proposals by taking the radical position that if the most revolutionary advance in technology, commerce, and social discourse of the last century is not broken, as you've heard others say, there's no reason to ''fix'' it.

The ability of the Internet to grow at this staggering pace is due largely to the flexibility of the multistakeholder model that governs the Internet so successfully today. Nongovernmental institutions now manage the Internet's core functions with input from private and public sector participants, and this structure prevents governmental or nongovernmental actors from controlling the design of the network or the content that it carries. Without one entity in control, the Internet has become a driver of jobs, information, business expansion, investment, and innovation. Moving away from the multistakeholder model would harm these abilities, preventing the Internet from spreading prosperity and the cause of freedom.

As the United States delegation continues its work at the WCIT, this resolution is an excellent bipartisan demonstration of our Nation's commitment to preserve the multistakeholder governance model and keep the Internet free from international regulation. I encourage my colleagues to support passage of this measure.

Mrs. BLACKBURN. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Louisiana (Mr. SCALISE), who is a member of the Telecommunications and Internet Subcommittee.

Mr. SCALISE. Mr. Speaker, I want to thank the gentlelady from Tennessee for yielding and for her leadership on this issue.

As has been noted, right now, in Dubai, an arm of the United Nations is considering trying to take international control over parts of the Internet. If you look at the struggling economy we have right now in the United States, one of the few bright spots is the telecommunications industry. One of the reasons—as a computer science major, I would argue that one of the reasons that the telecommunications and technology industry has been so successful even in a tough economy is because the government hasn't figured out how to regulate it and slow it down.

And yet here you have a proposal by the United Nations, coming out of the United Nations, to interfere with that multistakeholder organization which has been and allowed this industry to be so successful and allowed the Internet to shape and dramatically improve so many people's lives. So many of the things we can do today and all of the conveniences that have been added through great new aps and great new technology have come from this multistakeholder governance of the Internet. And yet here you have the United Nations try to step in.

And let's be real clear about who some of these countries are that want to do this and what they're intending to do if they are successful. Countries like Russia and China are leading this. Some of the Arab nations right now where you see uprisings, and many of those uprisings, by the way, have been brought through social media, through an open and free Internet where people can come together in cyberspace and hold their leadership accountable and in some cases rise up against oppressive governments, and those governments would like nothing more than to be able to shut that down by taking over control of the Internet.

I know it's been brought up before by the gentlelady from Tennessee and others, but I think it's important to know that Vladimir Putin, when he was meeting with the ITU Secretary-General said his goal, the reason that he and others like China are pursuing this, is to establish international control over the Internet through these new ITU rules.

And so while these discussions are going on in Dubai, I think it's critical that this piece of legislation is something we can arm our supporters with, those who stand up for Internet freedom, to say it is the United States Congress' bipartisan agreement that we want to maintain that freedom. We don't want United Nations control over the Internet.

□ 1000

Mrs. BLACKBURN. Mr. Speaker, we have no further speakers, and as I close, I want to thank Ms. ESHOO for the leadership that she has given. She's

the ranking member of the Telecommunications and Internet Subcommittee.

I also want to draw attention to the outstanding work that Representative MARY BONO MACK did as she led the debate and the discussion and pushed for the resolution, authored the resolution that the House passed earlier on this very issue. I also want to thank her for her work with Senator RUBIO and having a resolution that would be agreed to by both Chambers.

As Ms. ESHOO indicated earlier, the Senate resolution makes a technical change, a small technical change, in the resolution that was passed by the House. This is where the U.S. needs to stand firm. It's a way that we, in a bipartisan manner, can stand firm for freedom. I encourage the passage of this resolution; and I encourage that we, as a body, will continue to stand for a free and open Internet.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKburn) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 50.

The question was taken.

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

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

The yeas and nays were ordered.

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

FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6620) to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6620

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 ''Former Presidents Protection Act of 2012''.

SEC. 2. ELIMINATING CERTAIN LIMITATIONS ON THE LENGTH OF SECRET SERVICE PROTECTION FOR FORMER PRESIDENTS AND FOR THE CHILDREN OF FORMER PRESIDENTS.

(a) FORMER PRESIDENTS.—Section 3056(a)(3) of title 18, United States Code, is amended by striking ''unless the former President did not'' and all that follows through ''warrant such protection''.

(b) CHILDREN OF FORMER PRESIDENTS.—Section 3056(a)(4) of title 18, United States Code, is amended by striking ''for a period'' and all that follows through ''comes first''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6620, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6620, the Former Presidents Protection Act of 2012, amends Federal law to uniformly provide lifetime Secret Service protection to all of America's former Presidents.

I want to thank the gentleman from South Carolina (Mr. GOWDY) and the gentleman from Virginia (Mr. SCOTT) for sponsoring this commonsense, bipartisan legislation.

America has a responsibility to protect its Presidents and their families, and not simply while they serve in office. We also have a duty to ensure the ongoing safety of those who serve in America's highest elected office after they leave office.

In 1958, Congress first authorized Secret Service protection for former Presidents, which was limited to a reasonable period of time after a President leaves office. Congress expanded this to lifetime protection in 1965.

But in 1994, Congress once again limited Secret Service protection for former Presidents, this time to 10 years after a President leaves office. This 10-year restriction applied to Presidents who took office after January 1, 1997.

The role of a former President has changed throughout the years. Former Presidents now have a global presence, and they are often seen as de facto representatives of the United States.

Whether it's former President Carter's work in peace negotiations with other countries or President Clinton's global initiative, former Presidents have a valuable role in using their experience and knowledge to help the U.S. in both a public and private capacity.

The world has changed dramatically since the 9/11 terrorist attacks. The threats to American personnel and interests continue as terrorists wage a war against the United States. Arbitrarily limiting Secret Service protection to 10 years may have made sense in 1994, after the Cold War had ended and before the war on terror had begun.

In a world where Americans who serve the public interest are considered targets, we must make sure that the safety and security of our former Chief Executives is not jeopardized. H.R. 6620 recognizes that those who serve as President are symbols of America and American freedoms and deserve to be protected.

There are only a handful of Americans who will be called upon to serve this country as President. These individuals represent America, not only while serving in office, but remain in the public consciousness long after they leave. H.R. 6620, simply recognizes that unique role and reinstates lifetime protection for all of our former Presidents.

I want to again thank Mr. GOWDY and Mr. SCOTT for their work on this issue, and I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Ladies and gentlemen, H.R. 6620 is a commonsense bill that will ensure the continued safety of our Presidents after they leave the White House by extending the ability of the Secret Service to protect former Presidents; and I'm proud to join with the chairman, Mr. SMITH, of Judiciary, in support of this bill.

For Presidents who didn't serve prior to 1997, current Federal law provides that the Secret Service's protection terminates 10 years after the President leaves office. The 10-year limitation was enacted in 1994, when the nature of threats to former Presidents was more limited. But times have changed, and it's an unfortunate fact that former Presidents will require Secret Service protection for the rest of their lives. Therefore, this bill would simply restore the law to its prior form.

When a President of the United States completes his term, he remains a symbol of our Nation. Sadly, our Presidents who've worked hard to protect us from those who would harm our Nation may, themselves, continue to be in harm's way even after they complete their terms in office.

Most former Presidents remain prominently in the public eye, continuing to represent our country in significant ways and providing leadership on important issues. We should recognize and encourage their continued service by providing them with the protection they need.

This bill would also expand the Secret Service's authorization to protect the children of former Presidents until they reach 16 years of age. This also makes good sense under the current circumstances.

I want to recognize the Secret Service for their excellent and tireless job that they perform in protecting our national leaders. The men and women of the Secret Service conduct themselves with valor, while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President and special national security events as well.

The Secret Service has other important functions which also deserve recognition. For example, the investigative role of the Secret Service has expanded greatly, from protecting the

currency against counterfeiting, to investigating a wide variety of crimes related to this country's financial institutions and credit systems.

□ 1010

I, too, join in commending the gentleman from South Carolina, a member of our committee, TREY GOWDY, for his special work on this bill; and I urge my colleagues to support H.R. 6620.

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

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. GOWDY), who is the sponsor of this legislation.

Mr. GOWDY. Mr. Speaker, I would like to first thank Chairman LAMAR SMITH. This may be my last opportunity to thank him for his service as chairman of the Judiciary Committee, not just for this bill but for the work he's done in the full 2 years. He has done a fantastic job, and I would like to thank the chairman for that.

Mr. Speaker, two things are clear: protection, security, and public safety—those are the fundamental obligations of government; and, secondly, we live in an increasingly dangerous world with increasing threats against our citizens and targets that are viewed as high profile. For those reasons, Mr. Speaker, and others, I earnestly believe those who serve this country as President should never have to worry about their personal safety.

Under current law, protection for President Obama and President George W. Bush will cease after 10 years. Both men are young, enjoy good health, and have long lives ahead of them post-Presidency. This bill proposes to extend that security for the remainder of their lives. There's an unintended anomaly, Mr. Speaker, that if current law were not changed, Hillary Clinton, Barbara Bush and Laura Bush would receive more protections by virtue of being First Lady than they would if they had served as President themselves. So I hope my colleagues will make sure that the person and the symbol of our Presidency is safe and secure for the duration of their natural lives.

Mr. CONYERS. Mr. Speaker, before I yield to the distinguished gentlelady from Texas, I would like to observe the great relationship that has been formed on Judiciary between myself and the distinguished gentleman from San Antonio, Texas. For 4 years he was the ranking member on his side, while I was chair. We worked together. And for the 2 years he served as chair, I worked as his ranking member. We had a cordial and, I think, important relationship in framing and putting forward the issues for the Committee on the Judiciary, and I thank him.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. CONYERS. I will yield to the gentleman, with pleasure.

Mr. SMITH of Texas. Mr. Speaker, I wanted to thank the former chairman of the Judiciary Committee himself for those generous comments and say I've certainly enjoyed our working relationship over the last 6 years, and I know that that will continue as well.

Mr. CONYERS. I yield such time as she may consume to the gentlelady from Texas, a senior member of Judiciary, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. This is an enormously positive exhibition of the working relationship of the members of the House Judiciary Committee. And I thank both the chairman and the ranking member for the evidence of collegiality in these waning moments of the 112th Congress.

I'm going to follow my ranking member and acknowledge appreciation for the service of Judiciary Committee Chairperson LAMAR SMITH, who happens to be a tall Texan. And so we are delighted to thank him very much for the work that he has done, and to join with an established icon of Judiciary prominence in JOHN CONYERS. The two match well in their excellence, and I thank the ranking member and the former chairperson for his work and service. There is great work being done by the Judiciary Committee, and I think it is enormously important that we are the holders and protectors of the Constitution on behalf of not only our Members but on behalf of the United States of America.

Now is not the time, but I do want to acknowledge and hope that the House will consent at the appropriate time to acknowledge one of our fallen of great prominence of this committee, someone who I sat in his office as a baby Member of Congress, the Honorable Jack Brooks, who has passed. I hope there will be an appropriate moment for us to honor him before we leave today.

I rise to be able to thank the sponsor of this legislation—he attracted my interest in it—to correct something that probably was thought to be of good direction, but was not, in the limitation of the coverage of the President and the President's children, the First Family's children.

As a member of the Homeland Security Committee, let me say that we are celebratory of the fact that we have not had another attack on our soil since 9/11. If we look at it in a global perspective, we've not fought a war on our soil since—I believe at least an intense one—since the Civil War. But certainly we know that terrorism and danger have taken a new direction in this country and the world. And for those of us who spend time on these issues on a regular basis, this is a forward-thinking and smart initiative to ensure that the security of the men and/or women who have served as President of the United States and their children can be fully protected.

Let me acknowledge, as well, the service of the men and women of the United States Secret Service. And to be very frank, having jurisdiction over the Secret Service and Homeland Security and having interacted with them on a number of occasions, certainly we note that there was a moment in this last year that did not reflect well upon the decades of service of the United States Secret Service. But they have done their job well. They have been dutiful servants and protectors of the men that have held the highest office, along with the First Ladies and their children. This legislation speaks to a modern-day world where you never know where danger may approach someone and can be utilized in an untoward manner, such as being held hostage and used to threaten the sanctity and democracy and freedom of this Nation.

So this legislation reflects our smartness and astuteness in correcting what was probably thought to be good but upon reflection does not reflect on the goodness of this Congress, the goodness of the American people, who respect the service of their public servants to the highest office in this land.

With that, Mr. Speaker, I want to ask my colleagues to support the underlying legislation. And as this exhibits our opportunity that we can work together, I know that we'll find the right solution for solving our issues of middle class tax cuts and the fiscal deadline and make sure we move in a very positive direction.

Mr. CONYERS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6620.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6602) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Purpose.
Sec. 3. Technical amendments.

SEC. 2. PURPOSE.

The purpose of this Act is to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements.

SEC. 3. TECHNICAL AMENDMENTS.

(a) TABLES OF CONTENTS.—

(1) TABLE OF CONTENTS OF THE TITLE.—Title 36, United States Code, is amended in the matter before subtitle I by striking

''Subtitle	Sec.
''I. PATRIOTIC AND NATIONAL OBSERVANCES AND CEREMONIES	**101**
''II. PATRIOTIC AND NATIONAL ORGANIZATIONS	**10101**
''III. TREATY OBLIGATION ORGANIZATIONS	**300101**''

and inserting

"Subtitle I—Patriotic and National Observances and Ceremonies

"Part A—Observances and Ceremonies

''Chap.	Sec.
''1. Patriotic and National Observances	101
''3. National Anthem, Motto, Floral Emblem, March, and Tree	301
''5. Presidential Inaugural Ceremonies	501
''7. Federal Participation in Carl Garner Federal Lands Cleanup Day	701
''9. Miscellaneous	901

"Part B—United States Government Organizations Involved With Observances and Ceremonies

''21. American Battle Monuments Commission	2101
''23. United States Holocaust Memorial Council	2301
''25. President's Committee on Employment of People With Disabilities	2501

"Subtitle II—Patriotic and National Organizations

"Part A—General

''101. General	10101

"Part B—Organizations

''201. Agricultural Hall of Fame	20101
''202. Air Force Sergeants Association	20201
''203. American Academy of Arts and Letters	20301
''205. American Chemical Society	20501
''207. American Council of Learned Societies	20701
''209. American Ex-Prisoners of War	20901
''210. American GI Forum of the United States	21001
''211. American Gold Star Mothers, Incorporated	21101
''213. American Historical Association	21301
''215. American Hospital of Paris	21501
''217. The American Legion	21701
''219. The American National Theater and Academy	21901
''221. The American Society of International Law	22101
''223. American Symphony Orchestra League	22301
''225. American War Mothers	22501
''227. AMVETS (American Veterans)	22701
''229. Army and Navy Union of the United States of America	22901
''231. Aviation Hall of Fame	23101
''233 through 299	Reserved
''301. Big Brothers—Big Sisters of America	30101
''303. Blinded Veterans Association	30301
''305. Blue Star Mothers of America, Inc.	30501
''307. Board For Fundamental Education	30701
''309. Boy Scouts of America	30901
''311. Boys & Girls Clubs of America	31101
''313 through 399	Reserved
''401. Catholic War Veterans of the United States of America, Incorporated	40101
''403. Civil Air Patrol	40301
''405. Congressional Medal of Honor Society of the United States of America	40501
''407. Corporation for the Promotion of Rifle Practice and Firearms Safety	40701
''409 through 499	Reserved
''501. Daughters of Union Veterans of the Civil War 1861–1865	50101
''503. Disabled American Veterans	50301
''505 through 599	Reserved
''601. 82nd Airborne Division Association, Incorporated	60101
''603 through 699	Reserved
''701. Fleet Reserve Association	70101
''703. Former Members of Congress	70301
''705. The Foundation of the Federal Bar Association	70501
''707. Frederick Douglass Memorial and Historical Association	70701
''709. Future Farmers of America	70901
''711 through 799	Reserved
''801. General Federation of Women's Clubs	80101
''803. Girl Scouts of the United States of America	80301
''805. Gold Star Wives of America	80501
''807 through 899	Reserved
''901. Help America Vote Foundation	90101
''903 through 999	Reserved
''1001. Italian American War Veterans of the United States	100101
''1003 through 1099	Reserved
''1101. Jewish War Veterans of the United States of America, Incorporated	110101
''1103. Jewish War Veterans, U.S.A., National Memorial, Incorporated	110301
''1105 through 1199	Reserved
''1201. Korean War Veterans Association, Incorporated	120101
''1203 through 1299	Reserved
''1301. Ladies of the Grand Army of the Republic	130101
''1303. Legion of Valor of the United States of America, Incorporated	130301
''1305. Little League Baseball, Incorporated	130501
''1307 through 1399	Reserved
''1401. Marine Corps League	140101
''1403. The Military Chaplains Association of the United States of America	140301
''1404. Military Officers Association of America	140401
''1405. Military Order of the Purple Heart of the United States of America, Incorporated	140501
''1407. Military Order of the World Wars	140701
''1409 through 1499	Reserved
''1501. National Academy of Public Administration	150101
''1503. National Academy of Sciences	150301
''1505. National Conference of State Societies, Washington, District of Columbia	150501
''1507. National Conference on Citizenship	150701
''1509. National Council on Radiation Protection and Measurements	150901
''1511. National Education Association of the United States	151101
''1513. National Fallen Firefighters Foundation	151301
''1515. National Federation of Music Clubs	151501
''1517. National Film Preservation Foundation	151701
''1519. National Fund for Medical Education	151901
''1521. National Mining Hall of Fame and Museum	152101
''1523. National Music Council	152301
''1524. National Recording Preservation Foundation	152401
''1525. National Safety Council	152501
''1527. National Ski Patrol System, Incorporated	152701
''1529. National Society, Daughters of the American Colonists	152901
''1531. The National Society of the Daughters of the American Revolution	153101
''1533. National Society of the Sons of the American Revolution	153301
''1535. National Tropical Botanical Garden	153501
''1537. National Woman's Relief Corps, Auxiliary to the Grand Army of the Republic	153701
''1539. The National Yeomen (F)	153901
''1541. Naval Sea Cadet Corps	154101
''1543. Navy Club of the United States of America	154301
''1545. Navy Wives Clubs of America	154501
''1547. Non Commissioned Officers Association of the United States of America, Incorporated	154701
''1549 through 1599	Reserved
''1601 through 1699	Reserved
''1701. Paralyzed Veterans of America	170101
''1703. Pearl Harbor Survivors Association	170301
''1705. Polish Legion of American Veterans, U.S.A.	170501
''1707 through 1799	Reserved
''1801 through 1899	Reserved
''1901. Reserve Officers Association of the United States	190101
''1903. Retired Enlisted Association, Incorporated	190301
''1905 through 1999	Reserved
''2001. Society of American Florists and Ornamental Horticulturists	200101
''2003. Sons of Union Veterans of the Civil War	200301
''2005 through 2099	Reserved
''2101. Theodore Roosevelt Association	210101
''2103. 369th Veterans' Association	210301
''2105 through 2199	Reserved
''2201. United Service Organizations, Incorporated	220101
''2203. United States Capitol Historical Society	220301
''2205. United States Olympic Committee	220501
''2207. United States Submarine Veterans of World War II	220701
''2209 through 2299	Reserved
''2301. Veterans of Foreign Wars of the United States	230101
''2303. Veterans of World War I of the United States of America, Incorporated	230301
''2305. Vietnam Veterans of America, Inc.	230501
''2307 through 2399	Reserved
''2401. Women's Army Corps Veterans' Association	240101
''2403 through 2499	Reserved
''2501 through 2599	Reserved
''2601 through 2699	Reserved
''2701 through 2799	Reserved

"Subtitle III—Treaty Obligation Organizations

''3001. The American National Red Cross ... 300101''.

(2) TABLES OF CONTENTS OF SUBTITLES.—Title 36, United States Code, is further amended as follows:

(A) In the matter before chapter 1, after the heading

"Subtitle I—Patriotic and National Observances and Ceremonies",

strike

''PART A—OBSERVANCES AND CEREMONIES''

and all that follows through

''25. President's Committee on Employment of People With Disabilities .. 2501''.

(B) In the matter before chapter 101, after the heading

"Subtitle II—Patriotic and National Organizations",

strike

''PART A—GENERAL''

and all that follows through

''2701. [Reserved] ... 270101''.

(C) In the matter before chapter 3001, after the heading

"Subtitle III—Treaty Obligation Organizations",

strike

''Chapter Sec.

''3001. The American National Red Cross ... 300101''.

(b) RESERVED CHAPTERS.— Title 36, United States Code, is further amended as follows:

(1) In the matter before

''**CHAPTER 301—BIG BROTHERS—BIG SISTERS OF AMERICA**'',

insert

''**CHAPTERS 233 THROUGH 299—RESERVED**''.

(2) In the matter before

''**CHAPTER 401—CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED**'',

insert

''**CHAPTERS 313 THROUGH 399—RESERVED**''.

(3) In the matter before

''**CHAPTER 501—DAUGHTERS OF UNION VETERANS OF THE CIVIL WAR 1861–1865**'',

insert

''**CHAPTERS 409 THROUGH 499—RESERVED**''.

(4) In the matter before

''**CHAPTER 601—82ND AIRBORNE DIVISION ASSOCIATION, INCORPORATED**'',

insert

''**CHAPTERS 505 THROUGH 599—RESERVED**''.

(5) In the matter before

''**CHAPTER 701—FLEET RESERVE ASSOCIATION**'',

insert

''CHAPTERS 603 THROUGH 699—RESERVED''.

(6) In the matter before

''CHAPTER 801—GENERAL FEDERATION OF WOMEN'S CLUBS'',

insert

''CHAPTERS 711 THROUGH 799—RESERVED''.

(7) In the matter before

''CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES'',

strike

''CHAPTER 901—[RESERVED]''

and insert (before chapter 901 as renumbered and transferred by subsection (c)(6)(A)),

''CHAPTERS 807 THROUGH 899—RESERVED''.

(8) In the matter before

''CHAPTER 1001—ITALIAN AMERICAN WAR VETERANS OF THE UNITED STATES''

insert (after chapter 901 as renumbered and transferred by subsection (c)(6)(A))

''CHAPTERS 903 THROUGH 999—RESERVED''.

(9) In the matter before

''CHAPTER 1101—JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INCORPORATED'',

insert

''CHAPTERS 1003 THROUGH 1099—RESERVED''.

(10) In the matter before

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED'',

insert

''CHAPTERS 1105 THROUGH 1199—RESERVED''.

(11) In the matter before

''CHAPTER 1301—LADIES OF THE GRAND ARMY OF THE REPUBLIC'',

insert

''CHAPTERS 1203 THROUGH 1299—RESERVED''.

(12) In the matter before

''CHAPTER 1401—MARINE CORPS LEAGUE'',

insert

''CHAPTERS 1307 THROUGH 1399—RESERVED''.

(13) In the matter before

''CHAPTER 1501—NATIONAL ACADEMY OF PUBLIC ADMINISTRATION'',

insert

''CHAPTERS 1409 THROUGH 1499—RESERVED''.

(14) In the matter before

''CHAPTER 1701—PARALYZED VETERANS OF AMERICA'',

strike

''CHAPTER 1601—[RESERVED]''

and insert

''CHAPTERS 1549 THROUGH 1599—RESERVED

''CHAPTERS 1601 THROUGH 1699—RESERVED''.

(15) In the matter before

''CHAPTER 1901—RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES'',

strike

''CHAPTER 1801—[RESERVED]''

and insert

''CHAPTERS 1707 THROUGH 1799—RESERVED

''CHAPTERS 1801 THROUGH 1899—RESERVED''.

(16) In the matter before

''CHAPTER 2001—SOCIETY OF AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS'',

insert

''CHAPTERS 1905 THROUGH 1999—RESERVED''.

(17) In the matter before

''CHAPTER 2101—THEODORE ROOSEVELT ASSOCIATION'',

insert

''CHAPTERS 2005 THROUGH 2099—RESERVED''.

(18) In the matter before

''CHAPTER 2201—UNITED SERVICE ORGANIZATIONS, INCORPORATED'',

insert

''CHAPTERS 2105 THROUGH 2199—RESERVED''.

(19) In the matter before

''CHAPTER 2301—VETERANS OF FOREIGN WARS OF THE UNITED STATES'',

insert

''CHAPTERS 2209 THROUGH 2299—RESERVED''.

(20) In the matter before

''CHAPTER 2401—WOMEN'S ARMY CORPS VETERANS' ASSOCIATION'',

insert

''CHAPTERS 2307 THROUGH 2399—RESERVED''.

(21) In the matter before

"Subtitle III—Treaty Obligation Organizations",

strike

''CHAPTER 2501—[RESERVED]

''CHAPTER 2601—[RESERVED]

''CHAPTER 2701—[RESERVED]''

and insert

''CHAPTERS 2403 THROUGH 2499—RESERVED

''CHAPTERS 2501 THROUGH 2599—RESERVED

''CHAPTERS 2601 THROUGH 2699—RESERVED

''CHAPTERS 2701 THROUGH 2799—RESERVED''.

(c) OTHER TECHNICAL AMENDMENTS TO TITLE 36.—Title 36, United States Code, is further amended as follows:

(1) NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM, MARCH, AND TREE.—In the heading for chapter 3, strike **''FLORAL EMBLEM MARCH''** and insert **''FLORAL EMBLEM, MARCH''**.

(2) UNITED STATES HOLOCAUST MEMORIAL MUSEUM.—In section 2301(2), strike ''section 2306'' and insert ''section 2304''.

(3) CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.—In section 40706(a)—

(A) in the matter before paragraph (1), strike the dash appearing after ''the Secretary of the Army'' and insert a colon;

(B) in paragraph (1), strike ''firearms'' and insert ''Firearms''; and

(C) in paragraph (3), strike ''trophies'' and insert ''Trophies''.

(4) MILITARY OFFICERS ASSOCIATION OF AMERICA.—In section 140402, in the matter before paragraph (1), strike ''(a) GENERAL.—The purposes'' and insert ''The purposes''.

(5) NATIONAL FILM PRESERVATION FOUNDATION.—In section 151705(b), in the matter before paragraph (1), strike ''the the jurisdiction'' and insert ''the jurisdiction''.

(6) HELP AMERICA VOTE FOUNDATION.—

(A) RENUMBERING AND TRANSFER OF CHAPTER.—Chapter 1526 is renumbered as chapter 901 and transferred so as to appear after

''CHAPTERS 807 THROUGH 899—RESERVED''

(as inserted by subsection (b)(7)).

(B) RENUMBERING OF SECTIONS.—In chapter 901, as renumbered by subparagraph (A), and in the chapter analysis, sections 152601 through 152612 are renumbered as sections 90101 through 90112, respectively.

(C) CONFORMING AMENDMENT.—In section 90109, as renumbered by subparagraph (B), strike ''section 152602'' and insert ''section 90102''.

(7) NATIONAL TROPICAL BOTANICAL GARDEN.—At the end of the chapter table of contents for chapter 1535, insert—

''153514. Authorization of appropriations.''.

(8) NATIONAL YEOMEN (F).—

(A) In the heading for chapter 1539, strike **''YOEMEN F''** and insert **''YEOMEN (F)''**.

(B) In section 153901, strike ''Yoemen F'' and insert ''Yeomen (F)''.

(C) In paragraphs (1) and (2) of section 153902, strike ''Yoemen (f)'' and insert ''Yeomen (F)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6602, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rules of the House entrust to the Judiciary Committee the responsibilities of revision and codification of the statutes of the United States.

□ 1020

This power does not give our committee substantive legislative jurisdiction over all areas of law; it merely confers the authority to organize duly enacted laws into an efficient codification system.

The nonpartisan Office of the Law Revision Counsel is responsible for properly codifying public laws into titles and sections of the United States Code. From time to time, that office provides the Judiciary Committee advice as to how to enact a more user-friendly and cohesive statutory system.

This spring, Republican and Democratic committee staff worked cooperatively with the Office of Law Revision Counsel to develop H.R. 6602. The bill makes technical changes to title 36 of the United States Code, the laws that govern patriotic and national observances.

Codification laws do not make any substantive changes to existing law. Industries, government agencies, and

interested parties commented on the draft of H.R. 6602 before its consideration today. I am confident this bill will improve our legislative codification system, and I encourage my colleagues to support the bill.

I reserve the balance of my time.

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

H.R. 6602 makes revisions in title 36 to the United States Code that are necessary to keep the title current, as well as to make technical corrections and improvements. H.R. 6602 was prepared by the Office of the Law Revision Counsel as part of its ongoing responsibility under 2 U.S.C., section 285b, to prepare and submit to the Committee on the Judiciary one title at a time a complete compilation, restatement, and revision of the general and permanent laws of the United States.

This legislation gathers provisions relating to patriotic and national observances and ceremonies, patriotic and national organizations, and treaty obligation organizations under the current title 36. The amendments strike the existing abbreviated table of contents of the title and insert a more comprehensive title-wide table of contents, update the format of the chapter headings of reserved chapters, and make other necessary technical corrections.

H.R. 6602 is not intended to make any substantive changes to the law. As is typical with the codification process, a number of nonsubstantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

I am pleased again to have worked with Chairman LAMAR SMITH to draft this legislation, and I thank him for moving it to the House floor and urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers on this side. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6602.

The question was taken.

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

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

The yeas and nays were ordered.

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

ELIMINATION OF A REPORTING REQUIREMENT FOR UNFUNDED DNA IDENTIFICATION GRANT PROGRAM

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6605) to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF REPORT REQUIREMENT.

Section 2406 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–5) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6605, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the ranking member, Mr. CONYERS, in cosponsoring this commonsense, bipartisan bill which eliminates an unnecessary reporting requirement on the States from an unfunded Federal grant program.

Earlier this year, I cosponsored, with Mr. CONYERS, H.R. 6189, the Reporting Efficiency Improvement Act. In response to a specific request from the administration, H.R. 6189 eliminated two reports that the Department of Justice was required to prepare for grant programs that have not been funded by Congress for many years. One of these grant programs is the DNA Identification Act of 1994. On October 5, the President signed into law H.R. 6189.

H.R. 6605, the bill before the House today, does for the States what H.R. 6189 did for the Federal Government: It eliminates the statutory requirement for States to report to the Attorney General about grants from the DNA Identification Act of 1994. Because Congress has not funded this grant program in nearly a decade, this statutory reporting requirement is unnecessary.

I again thank Mr. CONYERS, the ranking member of the Judiciary Committee, for his initiative on this issue, and I urge my colleagues to support this bill.

I reserve the balance of my time.

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

To our colleagues, this measure before us now, H.R. 6605, is a noncontroversial bill that makes a single technical correction to the U.S. Code. Under the Government Performance and Results Modernization Act of 2010, the Department of Justice conducts an annual review of statutory reporting requirements that are outdated, duplicative, or otherwise no longer useful to Congress. After conducting that review, the Department recommended we eliminate two reports, both related to programs that have not received funding from Congress for the better part of a decade. Last September, with the support of Chairman LAMAR SMITH, Congress passed H.R. 6189, the Reporting Efficiency Improvement Act, to remove these two reporting requirements from the Federal code. President Obama signed H.R. 6189 into law on October 5 of this year.

The bill before us today makes a single technical correction to the Federal code in order to reflect the changes we made earlier this year. Specifically, the legislation eliminates a cross-reference to a report that, after the enactment of H.R. 6189, no longer exists. This bill is a housekeeping measure and nothing more.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further speakers on this side, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6605.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1030

CLARIFICATION WITH RESPECT TO ABSENCE FROM THE UNITED STATES DUE TO CERTAIN EMPLOYMENT BY CHIEF OF MISSION OR ARMED FORCES

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6223) to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in an executive level security position is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization if at least a portion of such period was spent in Iraq or Afghanistan, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION WITH RESPECT TO ABSENCE FROM THE UNITED STATES DUE TO CERTAIN EMPLOYMENT BY CHIEF OF MISSION OR ARMED FORCES.

(a) IN GENERAL.—Section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended to read as follows:

''(e) NATURALIZATION.—

''(1) IN GENERAL.—A period of absence from the United States described in paragraph (2)—

''(A) shall not be considered to break any period for which continuous residence or physical presence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.); and

''(B) shall be treated as a period of residence and physical presence in the United States for purposes of satisfying the requirements for naturalization under such title.

''(2) PERIOD OF ABSENCE DESCRIBED.—A period of absence described in this paragraph is a period of absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

''(A) such employment involved supporting the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity; and

''(B) the person spent at least a portion of the time outside the United States working directly with the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6223, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support this bill and thank Representative DENT for introducing it.

Many men and women put their lives at risk to serve our nation with the Department of State in U.S. Embassies abroad. They contribute directly to the security of our country.

As we have become aware, conflicts from across the globe affect these employees in countries such as Tunisia, Syria, Egypt, Israel, and most recently, Libya. Our embassies have been attacked. Our flags have been burned. And our ambassador to Libya and three other Americans have been murdered.

Regrettably, service to the United States in our embassies abroad often occurs under dangerous conditions and in threatening environments.

The work of our foreign officers and agents assures us that we are kept safe each and every day. We are fortunate to have men and women willing to sacrifice and serve in the embassies. These individuals often accept posts on the front lines overseas as they serve to defend our freedoms. And for that we are grateful.

To ensure that our nation has the tools and resources it needs, such as linguistic expertise or knowledge of a specific geographic area, legal permanent residents serve the United States in critical capacities in some of the most vulnerable parts of the world.

Unfortunately, their loyalty, dedication and success can come at a price if they intend on naturalizing and becoming a United States citizen.

Under the Immigration and Nationality Act, an applicant for naturalization must be a lawfully admitted permanent resident for at least five years, have continuous residence in the U.S. during that time and be physically present in the U.S. for at least half of that five year period.

Continuous residence is the time that the applicant has maintained official residence within the United States. Physical presence is the time the applicant has been actually and physically located in the United States.

A permanent resident may become ineligible to naturalize because they have not been ''physically present and residing in the United States, after being lawfully admitted for permanent residence, for an uninterrupted period of at least one year.''

Any departure from the United States prevents the establishment of ''an uninterrupted period of one year'' after lawful admission for permanent residence.

This means that a legal permanent resident who is serving in our embassies overseas cannot qualify for naturalization.

This bill resolves this issue. It allows legal permanent residents' time in embassies abroad to count towards both the ''continuous residence'' requirement and the ''physical presence'' requirement for naturalization.

This is a common sense change that brings certain national security professionals in our embassies abroad in line with their military counterparts. Military service members' time overseas currently counts towards physical presence.

Like their military colleagues, senior and managerial legal permanent residents who serve in embassies, regardless of duration, are now regarded as being legally physically present in the U.S. during the period they serve the Department of State.

Additionally, under current law, a person who provides translator or interpreter services to the U.S. Armed Forces or the Chief of Mission in Iraq or Afghanistan can count that period of absence from the United States toward the ''continuous residence.'' However, that time does not count towards the one year continuous physical presence requirement for naturalization.

This bill allows people who work in a security-related position in an executive or managerial capacity for the Armed Forces and Chief of Mission to benefit in the same way as people who work as interpreters or translators.

It also permits interpreters and translators who serve the Armed forces or Chief of Mission in places other than Iraq or Afghanistan to receive this benefit.

I again thank Mr. DENT for his work on this bill as it honors the legal permanent residents who serve our nation abroad and facilitates their path to citizenship. I urge my colleagues to support this bill.

I, again, just want to thank the gentleman from Pennsylvania (Mr. DENT) for sponsoring this bill, and I yield him the balance of my time.

Mr. DENT. Mr. Speaker, I am here today to rise in support of H.R. 6223, a bill I introduced earlier this year as well as in the 111th Congress.

I would especially like to thank Chairman LAMAR SMITH for his service as chairman of this committee for the past 2 years. He has been a great leader, and I will miss him as chairman. I just wanted to thank him for his help with this legislation, as well as his staff, Dimple Shah and others, Kristin Dini from my own office. I wanted to thank them all for their support and help with this measure. They have taken a lot of time to understand the difficulty the current policy poses to highly skilled and committed men and women serving in some of the most volatile regions of the world.

As the chairman briefly described, H.R. 6223 would amend current law to allow legal permanent residents working for the chief of mission in an interpreter, translator, or in an executive or managerial security-related position overseas to count their time of service toward the continuous residence and physical presence requirement for naturalization as a United States citizen.

While this change is seemingly minor in the grand scheme of immigration policy, it is one that should be addressed by Congress—if for no other reason than to recognize the critical contribution these men and women are making for our country in the war against terrorism in unstable regions across the globe.

Quite candidly and truthfully, I didn't give much thought to this issue until a few years ago when I was made aware of the selfless and highly skilled service being provided by a constituent and legal permanent resident from Pennsylvania, George Bou Jaoudeh, who happens to be a Lebanese national working with the State Department security overseas in Iraq since 2005.

Mr. Bou Jaoudeh spends 4 months in Iraq and then 20 days in the United States. As a green card holder with a desire to naturalize as a U.S. citizen, he has been unable to meet continuous residency and physical presence requirements because of his time working abroad in support of our country in a very dangerous place, I think we would all agree.

Consequently, even though he works inside the American embassy in Baghdad, George Bou Jaoudeh has not met his 1-year continuous residency requirement, which is absurd because he is serving our Nation on American territory in the embassy. It's a shame

that we have to use legislation to address this, but that's the situation we find ourselves in.

In September, the world watched as a violent raid on our embassy in Benghazi, Libya, took the life of Ambassador Chris Stevens and three other brave Americans, two of whom have served as diplomatic security officers. Committed to serving our Nation, these men gave their lives to provide security for American diplomats in an unstable country, struggling in the midst of historic change.

There is a real enemy working to, at the very least, threaten American ideals and our way of life. Let's ensure the policies shaping our immigration laws do not create a greater hindrance to us in this fight.

With this bill under consideration today, we have the opportunity to recognize the legal permanent residents who have proven their commitment to our Nation's ideals and missions, should they be working with the State Department as executive-level security personnel, interpreter, or translator, regarding their continuous residence and physical presence requirements.

I ask the House to support this commonsense, reasonable legislation to make sure that we recognize individuals who are serving our country, legal residents who are serving in very dangerous places, serving in our State Department, that they be given the recognition they deserve and a proper pathway to citizenship.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6223, a bill that would expand upon a small, but important provision in our immigration laws and alleviate one barrier often faced by certain persons applying for naturalization.

Under our immigration laws, a lawful permanent resident who is applying to become a U.S. citizen generally must reside continuously in the United States for 5 years. Persons who are naturalizing by virtue of their marriage to a U.S. citizen or battered spouses or children may naturalize after a 3-year period of residence. A person must also be physically present in the United States for at least one-half of that time.

In 2007, Congress enacted a law to ensure that when a person works as an interpreter or translator in Iraq or Afghanistan for the U.S. chief of mission or the Armed Forces—either directly or by contract—that time should count toward the ''continuous residence'' requirement for naturalization.

This makes sense. Why should we penalize a lawful permanent resident for choosing to provide critical translation or interpretative services in Iraq or Afghanistan by saying that the person failed to reside continuously in the United States?

Today's bill builds on that commonsense provision in law in three ways:

First, it eliminates the geographical restriction in current law and says that time spent providing qualifying services to the U.S. chief of mission or Armed Forces anywhere in the world should be considered for naturalization purposes. Lawful permanent residents provide important services to our government all around the world, and it makes little sense to limit the provision only to service in those two countries.

Second, the current law applies only to the work of translators or interpreters, but lawful permanent residents assist our chiefs of mission and Armed Forces in a variety of important ways. To the current list of qualifying jobs, this bill adds certain high-level security-related work.

Finally, although the provision in current law only allows the time abroad not to count as a break in the ''continuous residence'' requirement for naturalization, this bill would allow the time also to count toward the ''physical presence'' requirement.

I thank the gentleman from Pennsylvania for his work on the bill. I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6223, as amended.

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

The title was amended so as to read: ''A bill to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.''

A motion to reconsider was laid on the table.

PATENT LAW TREATIES IMPLEMENTATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3486) to implement the provisions of the Hague Agreement and the Patent Law Treaty.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3486

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 ''Patent Law Treaties Implementation Act of 2012''.

TITLE I—HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

SEC. 101. THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS.

(a) IN GENERAL.—Title 35, United States Code, is amended by adding at the end the following:

''PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

''CHAPTER Sec.
''38. International design applications 381.

''CHAPTER 38—INTERNATIONAL DESIGN APPLICATIONS

''Sec.
''381. Definitions.
''382. Filing international design applications.
''383. International design application.
''384. Filing date.
''385. Effect of international design application.
''386. Right of priority.
''387. Relief from prescribed time limits.
''388. Withdrawn or abandoned international design application.
''389. Examination of international design application.
''390. Publication of international design application.

''§ 381. Definitions

''(a) IN GENERAL.—When used in this part, unless the context otherwise indicates—

''(1) the term 'treaty' means the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;

''(2) the term 'regulations'—

''(A) when capitalized, means the Common Regulations under the treaty; and

''(B) when not capitalized, means the regulations established by the Director under this title;

''(3) the terms 'designation', 'designating', and 'designate' refer to a request that an international registration have effect in a Contracting Party to the treaty;

''(4) the term 'International Bureau' means the international intergovernmental organization that is recognized as the coordinating body under the treaty and the Regulations;

''(5) the term 'effective registration date' means the date of international registration determined by the International Bureau under the treaty;

''(6) the term 'international design application' means an application for international registration; and

''(7) the term 'international registration' means the international registration of an industrial design filed under the treaty.

''(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

''§ 382. Filing international design applications

''(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

''(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

''(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 shall apply.

''(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of

an application in a foreign country within the meaning of chapter 17 if the international design application is filed—

''(1) in a country other than the United States;

''(2) at the International Bureau; or

''(3) with an intergovernmental organization.

''§ 383. International design application

''In addition to any requirements pursuant to chapter 16, the international design application shall contain—

''(1) a request for international registration under the treaty;

''(2) an indication of the designated Contracting Parties;

''(3) data concerning the applicant as prescribed in the treaty and the Regulations;

''(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international design application, presented in the number and manner prescribed in the treaty and the Regulations;

''(5) an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

''(6) the fees prescribed in the treaty and the Regulations; and

''(7) any other particulars prescribed in the Regulations.

''§ 384. Filing date

''(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 may be treated as a design application under chapter 16.

''(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.

''§ 385. Effect of international design application

''An international design application designating the United States shall have the effect, for all purposes, from its filing date determined in accordance with section 384, of an application for patent filed in the Patent and Trademark Office pursuant to chapter 16.

''§ 386. Right of priority

''(a) NATIONAL APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172, a national application shall be entitled to the right of priority based on a prior international design application that designated at least 1 country other than the United States.

''(b) PRIOR FOREIGN APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172 and the treaty and the Regulations, an international design application designating the United States shall be entitled to the right of priority based on a prior foreign application, a prior international application as defined in section 351(c) designating at least 1 country other than the United States, or a prior international design application designating at least 1 country other than the United States.

''(c) PRIOR NATIONAL APPLICATION.—In accordance with the conditions and requirements of section 120, an international design application designating the United States shall be entitled to the benefit of the filing date of a prior national application, a prior international application as defined in section 351(c) designating the United States, or a prior international design application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international design application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application as defined in section 351(c) which designated but did not originate in the United States or a prior international design application which designated but did not originate in the United States, the Director may require the filing in the Patent and Trademark Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

''§ 387. Relief from prescribed time limits

''An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international design application may be excused as to the United States upon a showing satisfactory to the Director of unintentional delay and under such conditions, including a requirement for payment of the fee specified in section 41(a)(7), as may be prescribed by the Director.

''§ 388. Withdrawn or abandoned international design application

''Subject to sections 384 and 387, if an international design application designating the United States is withdrawn, renounced or canceled or considered withdrawn or abandoned, either generally or as to the United States, under the conditions of the treaty and the Regulations, the designation of the United States shall have no effect after the date of withdrawal, renunciation, cancellation, or abandonment and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 386(c) was made in a national application, or an international design application designating the United States, or a claim for benefit under section 365(c) was made in an international application designating the United States, filed before the date of such withdrawal, renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

''§ 389. Examination of international design application

''(a) IN GENERAL.—The Director shall cause an examination to be made pursuant to this title of an international design application designating the United States.

''(b) APPLICABILITY OF CHAPTER 16.—All questions of substance and, unless otherwise required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16.

''(c) FEES.—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

''(d) ISSUANCE OF PATENT.—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16.

''§ 390. Publication of international design application

''The publication under the treaty of an international design application designating the United States shall be deemed a publication under section 122(b).''.

(b) CONFORMING AMENDMENT.—The table of parts at the beginning of title 35, United States Code, is amended by adding at the end the following:

''V. The Hague Agreement concerning international registration of industrial designs ..... 401''.

SEC. 102. CONFORMING AMENDMENTS.

Title 35, United States Code, is amended—

(1) in section 100(i)(1)(B) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''right of priority under section 119, 365(a), 365(b), 386(a), or 386(b) or to the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(2) in section 102(d)(2) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c)'' and inserting ''to claim a right of priority under section 119, 365(a), 365(b), 386(a), or 386(b), or to claim the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)'';

(3) in section 111(b)(7)—

(A) by striking ''section 119 or 365(a)'' and inserting ''section 119, 365(a), or 386(a)''; and

(B) by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(4) in section 115(g)(1) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)'';

(5) in section 120, in the first sentence, by striking ''section 363'' and inserting ''section 363 or 385'';

(6) in section 154—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''section 120, 121, or 365(c)'' and inserting ''section 120, 121, 365(c), or 386(c)''; and

(ii) in paragraph (3), by striking ''section 119, 365(a), or 365(b)'' and inserting ''section 119, 365(a), 365(b), 386(a), or 386(b)''; and

(B) in subsection (d)(1), by inserting ''or an international design application filed under the treaty defined in section 381(a)(1) designating the United States under Article 5 of such treaty'' after ''Article 21(2)(a) of such treaty'';

(7) in section 173, by striking ''fourteen years'' and inserting ''15 years'';

(8) in section 365(c)—

(A) in the first sentence, by striking ''or a prior international application designating the United States'' and inserting '', a prior international application designating the United States, or a prior international design application as defined in section 381(a)(6) designating the United States''; and

(B) in the second sentence, by inserting ''or a prior international design application as defined in section 381(a)(6) which designated but did not originate in the United States''

after ''did not originate in the United States''; and

(9) in section 366—

(A) in the first sentence, by striking ''unless a claim'' and all that follows through ''withdrawal.'' and inserting ''unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, or a claim for benefit under section 386(c) was made in an international design application designating the United States, filed before the date of such withdrawal.''; and

(B) by striking the second sentence and inserting the following: ''However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b), or under section 386 (a) or (b), if it designated a country other than the United States.''.

SEC. 103. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall take effect on the later of—

(1) the date that is 1 year after the date of the enactment of this Act; or

(2) the date of entry into force of the treaty with respect to the United States.

(b) APPLICABILITY OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this title shall apply only to international design applications, international applications, and national applications filed on and after the effective date set forth in subsection (a), and patents issuing thereon.

(2) EXCEPTION.—Sections 100(i) and 102(d) of title 35, United States Code, as amended by this title, shall not apply to an application, or any patent issuing thereon, unless it is described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(c) DEFINITIONS.—For purposes of this section—

(1) the terms ''treaty'' and ''international design application'' have the meanings given those terms in section 381 of title 35, United States Code, as added by this title;

(2) the term ''international application'' has the meaning given that term in section 351(c) of title 35, United States Code; and

(3) the term ''national application'' means ''national application'' within the meaning of chapter 38 of title 35, United States Code, as added by this title.

TITLE II—PATENT LAW TREATY IMPLEMENTATION

SEC. 201. PROVISIONS TO IMPLEMENT THE PATENT LAW TREATY.

(a) APPLICATION FILING DATE.—Section 111 of title 35, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE, OATH OR DECLARATION, AND CLAIMS.—The application shall be accompanied by the fee required by law. The fee, oath or declaration, and 1 or more claims may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee, oath or declaration, and 1 or more claims within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of an application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.'';

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

''(3) FEE.—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.

''(4) FILING DATE.—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.''; and

(3) by adding at the end the following:

''(c) PRIOR FILED APPLICATION.—Notwithstanding the provisions of subsection (a), the Director may prescribe the conditions, including the payment of a surcharge, under which a reference made upon the filing of an application under subsection (a) to a previously filed application, specifying the previously filed application by application number and the intellectual property authority or country in which the application was filed, shall constitute the specification and any drawings of the subsequent application for purposes of a filing date. A copy of the specification and any drawings of the previously filed application shall be submitted within such period and under such conditions as may be prescribed by the Director. A failure to submit the copy of the specification and any drawings of the previously filed application within the prescribed period shall result in the application being regarded as abandoned. Such application shall be treated as having never been filed, unless—

''(1) the application is revived under section 27; and

''(2) a copy of the specification and any drawings of the previously filed application are submitted to the Director.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHTS.—

(1) IN GENERAL.—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''§ 27. Revival of applications; reinstatement of reexamination proceedings

''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to revive an unintentionally abandoned application for patent, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant for patent or patent owner.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

''27. Revival of applications; reinstatement of reexamination proceedings.''.

(c) RESTORATION OF PRIORITY RIGHT.—Title 35, United States Code, is amended—

(1) in section 119—

(A) in subsection (a)—

(i) by striking ''twelve'' and inserting ''12''; and

(ii) by adding at the end the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application in this country within the 12-month period was unintentional.''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting after the first sentence the following: ''The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application under section 111(a) or section 363 within the 12-month period was unintentional.''; and

(II) in the last sentence—

(aa) by striking ''including the payment of a surcharge'' and inserting ''including the payment of the fee specified in section 41(a)(7)''; and

(bb) by striking ''during the pendency of the application''; and

(ii) in paragraph (3), by adding at the end the following: ''For an application for patent filed under section 363 in a Receiving Office other than the Patent and Trademark Office, the 12-month and additional 2-month period set forth in this subsection shall be extended as provided under the treaty and Regulations as defined in section 351.''; and

(2) in section 365(b), by adding at the end the following: ''The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to accept an unintentionally delayed claim for priority under the treaty and the Regulations, and to accept a priority claim that pertains to an application that was not filed within the priority period specified in the treaty and Regulations, but was filed within the additional 2-month period specified under section 119(a) or the treaty and Regulations.''.

(d) RECORDATION OF OWNERSHIP INTERESTS.—Section 261 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph by adding at the end the following: ''The Patent and Trademark Office shall maintain a register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.''; and

(2) in the fourth undesignated paragraph by striking ''An assignment'' and inserting ''An interest that constitutes an assignment''.

SEC. 202. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 171 of title 35, United States Code, is amended—

(1) by striking ''Whoever'' and inserting ''(a) IN GENERAL.—Whoever'';

(2) by striking ''The provisions'' and inserting ''(b) APPLICABILITY OF THIS TITLE.—The provisions''; and

(3) by adding at the end the following:

''(c) FILING DATE.—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.''.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHT.—Title 35, United States Code, is amended—

(1) in section 41—

(A) in subsection (a), by striking paragraph (7) and inserting the following:

''(7) REVIVAL FEES.—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, or for the extension of the 12-month period for filing a subsequent application, $1,700.00. The Director may refund any part of the fee specified in this paragraph, in exceptional circumstances as determined by the Director''; and

(B) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) ACCEPTANCE.—The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in subsection (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a

maintenance fee after the 6-month grace period, the patent shall be considered as not having expired at the end of the grace period.'';

(2) in section 119(b)(2), in the second sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(3) in section 120, in the fourth sentence, by striking ''including the payment of a surcharge'' and inserting ''including the requirement for payment of the fee specified in section 41(a)(7)'';

(4) in section 122(b)(2)(B)(iii), in the second sentence, by striking '', unless it is shown'' and all that follows through ''unintentional'';

(5) in section 133, by striking '', unless it be shown'' and all that follows through ''unavoidable'';

(6) by striking section 151 and inserting the following:

''§ 151. Issue of patent

''(a) IN GENERAL.—If it appears that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

''(b) EFFECT OF PAYMENT.—Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.'';

(7) in section 361, by striking subsection (c) and inserting the following:

''(c) International applications filed in the Patent and Trademark Office shall be filed in the English language, or an English translation shall be filed within such later time as may be fixed by the Director.'';

(8) in section 364, by striking subsection (b) and inserting the following:

''(b) An applicant's failure to act within prescribed time limits in connection with requirements pertaining to an international application may be excused as provided in the treaty and the Regulations.''; and

(9) in section 371(d), in the third sentence, by striking '', unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable''.

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title—

(1) shall take effect on the date that is 1 year after the date of the enactment of this Act; and

(2) shall apply to—

(A) any patent issued before, on, or after the effective date set forth in paragraph (1); and

(B) any application for patent that is pending on or filed after the effective date set forth in paragraph (1).

(b) EXCEPTIONS.—

(1) SECTION 201(a).—The amendments made by section 201(a) shall apply only to applications that are filed on or after the effective date set forth in subsection (a)(1).

(2) PATENTS IN LITIGATION.—The amendments made by this title shall have no effect with respect to any patent that is the subject of litigation in an action commenced before the effective date set forth in subsection (a)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 3486, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Senate ratified both The Hague Agreement on Industrial Designs and the Patent Law Treaty in December of 2007. Each treaty is noncontroversial and helps American inventors who need overseas patent protection.

However, the treaties cannot take effect until we amend our national patent law to cohere with our new obligations. Now that patent reform is behind us, we turn to implement both treaties through S. 3486. And I thank Ranking Member CONYERS, Senator LEAHY, Senator GRASSLEY, and PTO Director Kappos for their work on this bill.

The Hague Agreement makes the process of registering industrial designs in other countries much easier for American applicants. Its signature provision allows a design owner to apply for protection in a number of African, Asian, and European nations through a single filing.

Currently, an American design applicant must file separate applications for design protection in each country or intergovernmental organization. The centralized registration procedure under the agreement will bring substantial cost savings to American industrial design owners.

In addition, the filing of a single application that is accepted by a centralized office will lead to fewer processing mistakes and delays by the applicant and foreign patent offices.

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The Hague Agreement also specifies administrative procedures to be followed by design patent applicants seeking multinational registration under the act. This allows us to provide the United States with the administrative benefits of a multinational design protection system and still retain our own substantive system.

The Patent Law Treaty, or PLT, also simplifies the formal obligations imposed on inventors and reduces cost for patent applicants and owners. The PLT furthers our policy of strong and intellectual property protection. It simplifies national and international formal requirements associated with patent applications and patents. This makes it easier for American patent applicants and owners to obtain and maintain patents throughout the world, as well as in the United States.

The drafting of S. 3486 was a collaborative effort that included the bipartisan and bicameral participation of the House and Senate Judiciary Committees, the Patent and Trademark Office, and the House legislative counsel. I again want to thank Ranking Member CONYERS, Senator LEAHY, Senator GRASSLEY, and PTO Director Kappos for their contributions to the project.

S. 3486 saves American inventors money and expands their patent protection outside the United States. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3486 because it will decrease the barriers that U.S. innovators and businesses confront when they pursue patent protection in foreign countries. Specifically, the legislation will standardize the application procedures of the U.S. Patent and Trademark Office and will make them consistent with The Hague Agreement concerning the international registration of industrial designs known as The Hague Treaty and the Patent Law Treaty.

The bill implements The Hague Treaty and Patent Law Treaty, which were ratified by the Senate unanimously on December 7, 2007. Unfortunately, neither of these treaties have yet to take effect in the United States because we have not passed implementing legislation. This bill addresses this problem in the following respects.

To begin with, the bill standardizes the application procedures so they're consistent with the procedures in other countries that are signatories to the treaties. Under current law, U.S. designers must file separate applications in each jurisdiction where they want to receive rights. This procedure is burdensome, complicated, and often involves several languages. Under this measure, the U.S. creators of industrial designs will be able to use a simplified application system by filing a single English language international design application with the Patent and Trademark Office. This modification will not affect the standard for attaining a design patent, but it will aid small companies in seeking to expand their businesses overseas by streamlining the application process. Additionally, the bill will extend the term of the design patent from 14 years to 15 years, which will benefit U.S. patent holders.

Second, the bill implements provisions under the Patent Law Treaty that revive applications which have been unintentionally abandoned.

Finally, by implementing the Patent Law Treaty, several hurdles which disadvantage American businesses will be removed. Implementing the Patent Law Treaty will amend patent application procedures for filing dates, fees, surcharges for fees, as well as for oaths, declarations, and claims submitted after the filing date. These modifications should save innovators precious resources.

In conclusion, the bill would benefit our Nation's economy by helping

American innovators and businesses better protect their inventions overseas.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no other speakers on this side, and I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 3486.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

21ST CENTURY LANGUAGE ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2367) to strike the word ''lunatic'' from Federal law, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2367

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 ''21st Century Language Act of 2012''.

SEC. 2. MODERNIZATION OF LANGUAGE REFERRING TO PERSONS WHO ARE MENTALLY ILL.

(a) WORDS DENOTING NUMBER, GENDER, AND SO FORTH.—Section 1 of title 1, United States Code, is amended—

(1) by striking ''and 'lunatic' ''; and

(2) by striking ''lunatic,''.

(b) BANKING LAW PROVISIONS.—

(1) TRUST POWERS.—The first section of the Act entitled ''An Act to place authority over the trust powers of national banks in the Comptroller of the Currency'', approved September 28, 1962 (12 U.S.C. 92a), is amended—

(A) in subsection (a), by striking ''committee of estates of lunatics,''; and

(B) in subsection (b), by striking ''committee of estates of lunatics''.

(2) CONSOLIDATION AND MERGERS OF BANKS.—The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(A) in section 2 (12 U.S.C. 215)—

(i) in subsection (e), by striking ''receiver, and committee of estates of lunatics'' and inserting ''and receiver''; and

(ii) in subsection (f), by striking ''receiver, or committee of estates of lunatics'' and inserting ''or receiver''; and

(B) in section 3 (12 U.S.C. 215a)—

(i) in subsection (e), by striking ''receiver, and committee of estates of lunatics'' and inserting ''and receiver''; and

(ii) in subsection (f), by striking ''receiver, or committee of estates of lunatics'' and inserting ''or receiver''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 2367, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 21st Century Language Act is a relatively simple bill. It strikes the word ''lunatic'' from the United States Code.

The term ''lunatic'' derives from the Latin word for ''moon.'' Before the modern era, it was used to describe a person who suffers from mental disease because of the belief that lunar cycles had an impact on brain function. But as science and medicine have progressed, society has come to understand mental illness with more clarity.

Senator CONRAD and Senator CRAPO introduced the legislation under consideration to strike the word ''lunatic'' from the United States Code. I thank them for their effort, and I encourage my colleagues to join me in support of this bill to modernize our codified law to reflect a 21st-century understanding of mental illness.

With that, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill eliminates outdated references in the U.S. Code that stigmatize individuals with mental illness issues. This legislation easily passed the Senate with strong bipartisan support.

The bill eliminates the word ''lunatic'' from several sections of the United States Code in order for our Code to reflect meanings which are much more appropriate and up to date in the 21st century.

In the past, Members of Congress from both sides of the aisle have worked together to address similar terms in the Code which negatively describe individuals with mental health issues. For example, in 2010, Rosa's Law passed in Congress with bipartisan support and was later signed into law. The law replaced parts of the Code containing the phrase ''having mental retardation'' with the phrase ''having intellectual disabilities.''

The term ''lunatic'' holds a place in antiquity and should no longer have a prominent place in our U.S. Code. Although the bill does not replace the word with another term, it follows the precedence of Congress to study semantics and continuously improves the status and appropriateness of our Nation's laws by addressing pejorative terms.

I applaud the bipartisan group of Senators—Senators CONRAD, CRAPO, and JOHANNS—for their work on this legislation. In addition, the bill shares strong support among our Nation's leading mental health advocates.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 2367.

The question was taken.

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

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1117

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 11 o'clock and 17 minutes a.m.

ELIMINATE PRIVACY NOTICE CONFUSION ACT

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to withdraw my motion that the House suspend the rules with regard to H.R. 5817.

The SPEAKER pro tempore. The motion is withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. Con. Res. 50, H.R. 6602, and S. 2367, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SENSE OF CONGRESS ON GOVERNANCE OF THE INTERNET

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in

the concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and concur in the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 34, as follows:

[Roll No. 617]

YEAS—397

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—34

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Bass (NH)
Bilbray
Black
Bonner
Bono Mack
Burton (IN)
Calvert
Costello
Hastings (FL)
Johnson (IL)
Kline
Mack
Marino
Matsui
McKeon
Miller, Gary
Nadler
Paul
Pence
Ruppersberger
Schilling
Shuler
Speier
Sullivan
Thornberry
Towns
Velázquez
Visclosky

□ 1140

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TECHNICAL CORRECTIONS AND IMPROVEMENTS IN TITLE 36, UNITED STATES CODE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6602) to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 39, as follows:

[Roll No. 618]

YEAS—392

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie

Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—39

Ackerman
Akin
Austria
Baca
Bachmann
Barber
Bartlett
Bass (NH)
Berman
Bilbray
Bonner
Bono Mack
Burton (IN)
Calvert
Costello
Dicks
Fleming
Grijalva
Hastings (FL)
Johnson (IL)
Kline
Mack
Marino
Matsui
McKeon
McMorris Rodgers
Miller, Gary
Paul
Pence
Quigley
Schilling
Shuler
Smith (TX)
Speier
Sullivan
Towns
Velázquez
Visclosky
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1147

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

21ST CENTURY LANGUAGE ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 2367) to strike the word ''lunatic'' from Federal law, and for other purposes on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 32, as follows:

[Roll No. 619]

YEAS—398

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Massie
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—1

Gohmert

NOT VOTING—32

Ackerman
Akin
Austria
Baca
Bachmann
Bartlett
Bass (NH)
Bilbray
Bonner
Bono Mack
Burton (IN)
Calvert
Costello
Hastings (FL)
Johnson (IL)
Kline
Mack
Marino
Matsui
McKeon
Miller (MI)
Miller, Gary
Paul
Pence
Quigley
Schilling
Shuler
Shuster
Speier
Sullivan
Velázquez
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1155

So (two-thirds being in the affirmative) the rules were suspended and 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:

Mrs. MILLER of Michigan. Mr. Speaker, on rollcall No. 619 I was inadvertly detained. Had I been present, I would have voted "yea."

CHANGING EFFECTIVE DATE OF CERTAIN FINANCIAL DISCLOSURE FORMS

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that the Committees on Oversight & Government Reform and House Administration be discharged from further consideration of the bill (H.R. 6634) to change the effective date for the Internet publication for certain financial disclosure forms, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

Section 1(a) of the Act entitled ''An Act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes'', approved September 28, 2012 (Public Law 112–178; 5 U.S.C. App. 105 note) is amended by striking ''December 8, 2012'' and inserting ''April 15, 2013''.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on December 8, 2012.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1200

MOMENT OF SILENCE IN REMEMBRANCE OF THE HONORABLE JACK BROOKS

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

Mr. HALL. Mr. Speaker, I rise today along with my colleagues, GENE GREEN and SHEILA JACKSON LEE, to ask you to join us in a moment of silence honoring our colleague, the Honorable Jack Brooks, former dean, who passed away yesterday evening at the age of 89. Jack Brooks was a fellow Texan and a good friend who served 42 years in Congress. He was a leader dedicated to bettering our country, and he will be sorely and dearly missed by his family, friends, and this Congress.

The SPEAKER pro tempore. Members will please rise for a moment of silence.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I would be glad to yield to my friend, the majority leader, for his favorite 10 or 15 or 20 minutes of the week to inquire of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morning-hour and at 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday, the House will meet at 10 a.m. for morning-hour and at noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Thursday. Members are advised that this is a change from the original House calendar.

Mr. Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business Friday. Additionally, the House will appoint conferees for the National Defense Authorization Act now that the Senate has completed its work.

As was announced last week, the House has a number of outstanding legislative items that we must resolve, and first amongst them is the so-called ''fiscal cliff.'' Though the House's target adjournment set in October of last year was December 14, that is no longer the case. Instead, Members are advised that the House will now be in session the week of December 17. Exact days will be announced next week. Members are further reminded that the House will not adjourn the 112th Congress until a credible solution to the fiscal cliff has been found.

Mr. HOYER. I thank the gentleman for his comments. I thank him for the early notice on next Friday.

First, Mr. Leader, if I could, we have the ending as next Thursday. I want to clarify for Members so that they know: we will not be in session next Friday. Is that accurate?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that is correct.

Mr. HOYER. Thank you for that information.

I also want to congratulate the gentleman for providing for the week of the 17th. I know none of us want to do that, but I appreciate the majority's focus on the business that has not been done. I also appreciate the gentleman's focus on the fiscal cliff and for indicating that we need to resolve that prior to leaving the 112th Congress. I think those are both positive announcements. I applaud him for that.

On the fiscal cliff—we discuss this all the time—but I want to inform the majority leader that there are now 175 signatures—we hope to have more, and we would obviously welcome people on your side of the aisle—on the discharge petition for the Walz bill, which mirrors the Senate bill, as the majority leader, I'm sure, knows, to ensure that no individual who makes $200,000 or less on net taxable income or that a family who makes $250,000 or less will see a tax increase on January 1. Hopefully, we will resolve the fiscal cliff and get an agreement.

I again ask my friend: the Walz bill will be compliant with the rules and will not have a blue slip problem, obviously, and hopefully we could move that bill. Again, for the purposes of giving confidence to the 98 percent of our taxpayers who are making less than the sums put forward in the bill—$200,000 and $250,000—I understand and anticipate the gentleman's response that we are all concerned with growing the economy and creating jobs and that we don't want to dampen that dam; and we understand the gentleman's concern about small businesses, particularly those 3 percent of small businesses that make more than this and report it on a personal income basis.

I would hope that we could give serious consideration to trying to act sooner than the end of the year and as soon as possible, frankly, on—as we call it—the middle class tax cut, the $250,000 and under.

I yield to my friend to see whether or not, perhaps, the actions that have been taken this week have any bearing on his thoughts on whether we could schedule that bill.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that I don't think it is a good thing right now to bring that bill to the floor because we hope that we can have successful negotiations with the White House.

I think, as the gentleman said earlier this week, Mr. Speaker, that our side actually put on the table, in our letter to the President, some specific proposals that actually deserve a response from the White House. That's what we're looking for: Are we going to get a response to our proposal about putting revenues of $800 billion on the table, of putting out there a framework for spending reduction?

I know, Mr. Speaker, the gentleman has agreed with me that we've got to do something to address the spending problem because you can't keep taxing and borrowing without doing the other side, which is to take care of the problem of spending. I think that the letter and the proposal that we sent to the President deserve a response, Mr. Speaker; and if we don't get a response, then perhaps the President will be willing to meet with us—one or the other—because it doesn't seem to me to be upholding the obligation to the American people that we're going to resolve this issue if we just stand still.

□ 1210

We put these specifics out on the table. The President has not responded. We ask the President to respond, Mr. Speaker. And I'd say to the gentleman that I hope that that's what can happen, either a response from the President—not just a summary rejection but a specific, serious response in the nature of our proposal—or if the President would agree to sit down and talk

about it. That's what we've got to do to fulfill our obligation. I don't think bringing that bill to the floor, Mr. Speaker, is going to further that likelihood.

Mr. HOYER. I thank the gentleman for his observation.

He and I do share the view that we need to address both the revenue side and spending side of our budget. My view is, and I've said this on a regular basis, what we really have is not necessarily a taxing problem or a spending problem; we have a paying for problem. The actions we take, we ought to pay for them. We haven't done that through the years. Frankly, we haven't done it on both sides of the aisle. I don't want to get into that specific argument, but the fact is, if we pay for things, you don't create debt. And if you cut revenues and you cut spending, you don't create debt. If you cut revenues and don't cut spending, you create debt just as surely as if you spend money and buy things and don't pay for them. In either instance, you create debt, and we need to get this country on a fiscally sustainable path.

So I congratulate the gentleman—not the gentleman specifically, but I was pleased, and the gentleman and I would disagree on the specificity of the offer that was included or the suggestion that was included in your letter. For instance, the President has put forward, as you know, in his budget and in his further proposals, an extensive list of reductions in spending that he proposed. In addition, he has put forward very specific proposals vis-a-vis revenues. His most specific proposal, of course, has been widely debated and discussed, and there was a difference of opinion on whether or not we ought to cap the taxes on $250,000 and under families and $200,000 and under individuals. There was a very robust debate on that during the campaign. The voters voted, and that's a very specific proposal.

In the $800 billion that you suggest in the letter that you jointly signed with the Speaker and others, there is a suggestion of $800 billion in revenues, which I believe is insufficient to get us to where we need to be. But having said that, it is certainly a good start, but it is not a good start if all it is is conceptual.

The President, as I said, has made very specific proposals. He wants taxes on those making over $250,000 to go up. That produces a certain amount of revenue, somewhere in the neighborhood of the $800 billion of which you speak. The fact is, though, in your proposal, we don't have the specifics other than to know that you're focused on preferences or loopholes—describe them as you may—which would be a reduction.

The gentleman knows the three largest of those is the health care, the mortgage interest, and the pension benefits that can be taken off your taxes. I don't know whether the gentleman suggests reducing those specifically, and I don't ask him to respond to that now, but I do tell my friend that if we don't have those specifics, as you have very specifically from the President, he also recommended capping deductions at 28 percent, a very specific revenue-generating proposal. He has also, as I said, agreed to very substantial spending cuts which he has outlined in his budget. And, as the gentleman also knows, we've cut a trillion dollars, give or take some billions of dollars, in expenditures pursuant to the debt limit extension of 2011. So we have addressed very substantial reductions in funding for 2011, for 2012, for 2013, and for out-years after that.

So I would urge my friend, when he says he's given specifics, as far as I know, the letter essentially has five lines in it. The letter is longer than that, but five lines of spending and/or tax-cutting proposals, but they are all generic, not specific. And that is, I think, the problem we have in these negotiations, to the extent that they exist. Unfortunately, we're not doing as much as I think we ought to be doing. We don't have specifics, and, therefore, conceptually everybody can say, well, we want to get $800 billion. The President and, apparently, your letter agree on that. How you get there is the key. And if you don't have specifics—the President has offered specifics on how to get there. I would respectfully suggest you have not offered specifics other than we're going to deal with preference items. But they're very controversial: charitable deductions, very controversial; other deductions, controversial. We have to really get down to the nitty-gritty of, okay, how are you going to do it?

I would urge the gentleman, in furtherance of what he and his party have already done, to perhaps be specific in how we get the $800 billion. The President has said how we get the $800 billion. I think that would be very helpful, and I yield to my friend.

Mr. CANTOR. I thank the gentleman.

That's what, really, discussions are for; that's what meetings are for. It's to try to get to the specifics. And although he and I differ, Mr. Speaker, the gentleman and I differ about the specifics of our proposal and the President's proposal because, frankly, I know and I think both sides know where each other are on taxes right now. Certainly the President was in a different place back in the summer of 2011 when he had indicated that—what was said was, Give us $1 trillion in additional revenues which could be accomplished without hiking tax rates is what the President said. Certainly the position he's taking now, that absolutely we have to have rate increases, is different than that. But that's what the President has said this time. So we know where each other is there. It's the specifics on the spending.

The gentleman points out, Mr. Speaker, that the President has submitted budgets in the past. There's been no discussions of specifics whatsoever, even when the Speaker or I have suggested in meetings that we've had as to where are your specifics. They have just not been forthcoming. So if the President is serious to actually do something about the problem, then I think we do need to come together and say to the American people we're willing to cut the wasteful spending here and, in the gentleman's own words, Mr. Speaker, to pay for what we actually spend, not to just keep spending what we don't have. I think it could really move the ball forward on these negotiations.

So I accept the spirit in which the gentleman suggests we should have more discussions to get the ball moving forward; it's just the White House doesn't seem willing to do so. And instead, we see the President going on a television interview and saying that he summarily rejects our position instead of trying to get down to the specifics of the problem, which is reducing wasteful spending.

Mr. HOYER. I thank the gentleman.

I want to say two things. First of all, I want to clarify, and I think I did clarify, that $800 billion clearly is in your proposal. When I said the President agrees with that $800 billion, he agrees to getting to at least $800 billion. He thinks we need more. I agree with the President; we need more.

When the gentleman says the problem is wasteful spending, I disagree with the gentleman very substantially on that. The problem is not wasteful spending; the problem is spending. Whether it's not wasteful or not, if it's good spending, we need to pay for it.

Now, where the gentleman and I have a very substantial disagreement, I know, is that when the gentleman and his party voted to reduce revenues by over $2 trillion, they didn't reduce spending by $2 trillion. As I said at the outset, inevitably, if you reduce revenues by $2 trillion and you up spending, which is what happened, frankly, as all of us know from 2001 to 2008, and particularly 2001 to 2006, if you up spending and reduce revenues, inevitably you have debt, just as if you buy stuff and don't pay for it, you have debt. So whether you reduce revenues or don't pay for what you buy, the result is exactly the same—debt. So that's why I say paying for is the problem.

The gentleman and I have a very substantive disagreement on whether or not you ought to have to pay for tax cuts. You have to pay for it one way or the other. You're either going to pay for it by having additional debt on which you'll pay substantial interest, or you'll pay for it by reducing programs. It's not wasteful spending. I'd like to get rid of all wasteful spending.

□ 1220

But I suggest to the gentleman, and he knows the figures as well as I do because we've been through a lot of meetings together on this, the issue is not wasteful spending. The issue is we've decided to buy things, a lot of which I think we ought to be buying, including

Social Security, including Medicare, including investment in education, including investment in infrastructure, including investment in innovation to grow our economy, which, in turn, will help our deficit situation as the economy grows, without raising any taxes.

But the fact of the matter is, I know the gentleman has historically not felt that tax cuts ought to be paid for, either by cutting spending, which didn't occur, or by offsetting revenues.

So I want to make it clear the President does not agree with the $800 billion level because he doesn't think the math works. I share the President's view. The math doesn't work.

And ultimately, in my opinion, the most useful effort will be if we all agree on the objective, whether it's $4 trillion, whether it's 70 percent debt to GDP ratio, which most economists, or a little less than that, say is sustainable and will have us on a sustainable path.

If we all agreed on the objective and then, Mr. Majority Leader, simply made the math work to get there in a way that we could agree on, I think America would be advantaged, I think the economy would be advantaged, and we would see a renaissance of job creation in this country as we did in the 2000s.

I'll be glad to yield to my friend.

Mr. CANTOR. I accept the gentleman's good intentions, and I know that he doesn't think that we ought to be imposing additional obligations on the American people to pay more of their money into Washington if the money is not going to be spent in a way that is something that they would like.

So if it's wasteful spending, or if it's spending just to aggravate the deficit situation, and that's from the perspective that we come, fix the problem. If the obsession is to raise taxes, you know we don't agree with that, but fix the problem.

So if you're asking for somebody to give more of their money to Washington, then at least be able to tell them that we are going to manage down the debt. That's what we're about here, which is why the focus is on spending, and how we have to ratchet down the spending in this town.

That's where we've heard no specifics or willingness on the part of the President to engage in discussions about specifics on spending.

As far as the math is concerned, again, it was a very different President in the summer of 2011 when he said $1.2 trillion in additional revenues could be accomplished without hiking tax rates. That's what he said. So, again, all of a sudden that math doesn't work, but it worked for 1.2 before.

Regardless, we sort of understand now, at least this round, where everyone is on taxes. Let's get to the problem, and maybe then we can resolve the taxes question.

Mr. HOYER. Well, we have a fundamental disagreement because the gentleman continues to want to focus on spending. I think that's right that we focus on spending. But again, debt is not caused by spending; it is caused by buying things that you don't pay for, or it's caused by cutting revenues that you don't offset either by cuts in spending, by cutting revenues. That's what causes debt. It's not buying things that causes debt. It's not paying for things.

The discipline, I will tell my friend, in the system for the American public is, if they want things, for us having the honesty to say, okay, if you want a tax cut or you want a strong defense, it costs money, both of them cost money. And if you're willing to pay for it, we will do that. If you're not willing to pay for it, we ought not to do it.

That's not been our practice, unfortunately, and we dropped the PAYGO requirement, as the gentleman knows, in 2001, actually 2003 legally. De facto, we dropped it in 2001, because we had substantial tax cuts without paying for them. We waived that requirement, and I think that, frankly, got us into the problem we have on either side of the aisle, whether it's spending or revenue reductions.

I don't think the President's changed his position. I think the positions have changed. Mr. Bowles indicated that. Others have indicated that. The situation has changed its dynamic in the sense that it's not the situation we were confronting in 2011.

But this is an important discussion because it really requires us to come to make a commonsense, math decision, not an ideological decision driven by debate about spending or taxes, but on how we have a budget that is a sustainable budget for our kids and for our grandkids and for our country over the long term. And I think that's what this discussion ought to be about. And if it is, I think we can get this challenge resolved, and Americans and America will say finally, finally, those representatives we've sent to Washington have sat down together with one another and made sense.

Again, I want to say to the gentleman, I can't read it either, and you certainly can't read it from there. But you can see that, perhaps, the five lines here, and then the very long lines the President has proposed in terms of cuts and revenues.

I think if you're expecting the President to come and say, well, we can get your $800 billion this way, that way and the other way, he's not going to do that because he's not going to negotiate with himself.

On the other hand, if you come to us and say specifically this is how we're going to get the $800 billion, we're going to eliminate the charitable deduction. This is how we're going to get the $800 billion, we're going to eliminate the mortgage deduction, that's something we can discuss. But if we don't have specifics on what you're going to do, but just a conclusionary ''we're going to get 800 billion,'' then it's hard to negotiate because we don't know what the negotiation parameters are.

I yield to my friend.

Mr. CANTOR. I'd just say, the gentleman is really saying there is a need for discussions, and that's what I'm saying today, Mr. Speaker.

Mr. HOYER. We agree.

Mr. CANTOR. We need to sit down and discuss. We do agree on that. Obviously, the White House doesn't agree on that, and we're trying to urge some real serious commitment to resolving this on the part of the White House.

Mr. HOYER. The gentleman has indicated there is other business that needs to be done. Let me briefly address those.

The farm bill, obviously, continues to be not resolved, not addressed. The Senate passed a bill, as the gentleman so well knows, 64–35, two-thirds of the Senate voting for it. We would be hopeful that that Senate bill could be put on the floor. I've talked to Chairwoman STABENOW. She and her ranking member worked very hard on that. I know our committee's reported out a bill 35–11, but that has not come to the floor. That was passed out almost 6 months ago, 5 months ago.

So I would hope that the farm bill could be moved. I know I'm going to be talking to some of my ag community today. They're very hopeful that a—not a stopgap but a farm bill of a sufficient length—and I think they would opt—I don't want to speak for them before I meet with them—but for the Senate bill, we need to pass that. Milk prices, as you know, will spike dramatically on January 1 if we don't pass the farm bill.

Also, on the Violence Against Women Act, I know last week we had the sponsor in the chair. I didn't know that. I thank the gentleman for reminding me.

But the Violence Against Women Act has been passed by this House and by the Senate. I would urge the majority to get us to conference on that. Rather than go through why I think the Senate bill's a good bill and you think the House bill's a good bill, the way to resolve that is to go to conference. I would urge the gentleman to go to conference on the Violence Against Women Act.

I believe the President is going to come down in very short order with some preliminary numbers on the supplemental. I think I'm going to New York tomorrow to spend time with some of our Members there and see the devastation that has occurred. The gentleman, I know, is very aware of that as well. We need to do a supplemental, so we need to have time to do that.

And lastly, although we haven't discussed it very often—it's not a very sexy issue, postal reform, again, is another issue that we're talking about balancing. The postal department has not been able to balance its budget, as we know. Part of it is dealing with the retirement programs that they're funding.

But I'm wondering if the gentleman has any thoughts on any one of those four bills.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I'll try and be brief. On the farm bill, the gentleman is correct. We're going to face some very dire consequences if we don't act on the issue prior to leaving here. And part of what I had indicated last week is that is something we are focused on and know we've got to deal with the issue prior to the end of the year.

On the issue of VAWA, as the gentleman and I have discussed many times on the floor, he knows that we can't go to conference with the Senate bill. The Senate bill has a blue slip problem.

I am speaking with the Vice President and his office and trying to resolve the issue of the differences surrounding the VAWA bill. This week I've actually been encouraged to see that we could very well see agreement on VAWA, and I'm very hopeful that that comes about. But I am encouraged about the discussions that my office is having with the Vice President's office right now, that bill being a high priority of Vice President BIDEN.

□ 1230

On the issue of the supplemental, I imagine, Mr. Speaker, the gentleman has seen the press reports that I have that the White House is anticipating sending up a $60 billion supplemental request for damages related to Sandy, and I think tomorrow would be that day, at least according to press reports. As the gentleman may know, the FEMA Director testified to the House yesterday that the agency can meet its needs associated with the disaster through the spring. Approximately $2 billion has been delivered, with about $5 billion remaining in the disaster relief fund.

So, again, no one is here saying that we don't want to deliver the necessary aid to the victims, because that is a priority. But we're looking forward to receiving that request and taking a look at the numbers and the need to make sure we can move forward on that as well.

Lastly, Mr. Speaker, postal reform. The gentleman and I have, yes, talked about this a lot and know that the issue has to do with the obligations of the Postal Service and how we can address those to create a more balanced prospect for the future to allow for its continuance, so we're looking at that as well. And the gentleman knows there's a lot of discussions, both bipartisan and bicameral, on that issue as well.

Mr. HOYER. I thank the gentleman.

Obviously, we are coming here to meet and we're focused on the fiscal cliff, but there are other things that we could be, hopefully, resolving in the time that we have available to us between now and the end of the year, and I would hope that we would do that.

I yield back the balance of my time.

ADJOURNMENT TO FRIDAY, DECEMBER 7, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Friday, December 7, 2012, and further when the House adjourns on that day, it adjourn to meet at noon on Tuesday, December 11, 2012, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

CONGRATULATING RYAN DEVLIN ON RECEIVING 2013 PENNSYLVANIA TEACHER OF THE YEAR AWARD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Ryan Devlin of Brockway, Pennsylvania, on receiving the 2013 Pennsylvania Teacher of the Year Award. Ryan is the youngest educator to receive this esteemed award. His recognition also marks the 2nd consecutive year in which the recipient is from the Fifth District of Pennsylvania, which I'm proud to represent.

In 2009, Ryan completed his master's degree in education at California University of Pennsylvania. The following year he was hired by the English Department at Brockway Area School District. Today, he teaches British literature, creative writing, digital media, and computer science, and also serves as the adviser to the senior high gifted program.

Ryan is a teacher that goes above and beyond, a characteristic he has demonstrated year after year. For example, he's played an active role in introducing new technology to both students and staff and has worked to develop 21st century learning skills in a classroom environment that fosters creativity, innovation, and critical thinking. Most importantly, Ryan works tirelessly to help his students achieve success in the classroom.

Ryan Devlin, thank you for your commitment to the teaching profession. Congratulations.

TRIBUTE TO CONGRESSMAN JACK BROOKS

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

Mr. GENE GREEN of Texas. Mr. Speaker, as announced earlier by Congressman RALPH HALL, we lost a memorable Texas legislator, Congressman Jack Brooks, who proudly served his southeast Texas district for 42 years after he was first elected in 1952, ultimately serving as dean of this House of Representatives and dean of our congressional delegation.

I knew Jack Brooks from my days in the State legislature, and he was one of my mentors when I first came to the House of Representatives. Representative Brooks was known for his tough persona and for chewing on his cigar while commanding a room. But he had a heart of gold. I remember sitting down with him when I first came to the House of Representatives. When he asked me what committee I wanted to serve on, I thought, well, I'll get what I need. I told him I wanted Energy and Commerce. He chewed on his cigar and said, You'll get Ed and Labor and like it.

But Jack was a great leader and a role model. He supported civil rights bills, refused to sign the segregationist Southern Manifesto in 1956, and helped write the historic Civil Rights Act of 1964 that banned racial segregation.

May we always remember Congressman Jack Brooks. He was a great man, political figure, U.S. Marines veteran, and a friend that I'll never forget.

PULSE OF TEXAS: GLENN FROM SPRING, TEXAS

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

Mr. POE of Texas. Mr. Speaker, Glenn from Spring, Texas, wrote me this:

> Starting at the age of 15, I worked any job I could to help support myself through college—manually dug ditches, construction work, plant work. After college, I found an entry-level position in the field I studied. With hard work, I have been constantly employed for 36 years and now nearing retirement. I have never requested or received any Federal financial assistance. I enjoy contributing to my community and church. This is my American Dream.
>
> Now the administration wants to increase the taxes I pay for being successful. As my grandmother would say, ''If you can work, do so, and never let your pride or laziness get in your way to earn an honest living, and you will be rewarded in life.''

Mr. Speaker, this administration wants to punish those who have lived the American Dream. During a recession, no one's taxes should be increased. This administration cannot tax and spend America into prosperity.

And that's just the way it is.

THREE YEARS OF CAPTIVITY FOR CUBAN HOSTAGE ALAN GROSS

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

Mr. RIVERA. This week marked the 3-year anniversary that a United States citizen, Alan Gross, has been held hostage in Cuba. He was arrested on December 3, 2009, for engaging in humanitarian activities to help the oppressed Cuban people.

Once again, the specter of a swap for Cuban spies being held in prison here has been raised. I would continue to encourage the administration to reject that notion, particularly when these Cuban spies are being held for participating in a murder conspiracy against other American citizens that were shot down over international water.

I would remind the administration that Cuba remains on the list of terrorist nations—nations that are specific enemies of this country and want to do harm to this country; a country that is harboring fugitives from U.S. justice, and a country where, just this week, peaceful dissidents in Cuba were attacked once again, according to reports from Cuba, by relatives of a political police captain on the island that attacked supporters of the peaceful group the Ladies in White.

Once again, I would urge, as I have done so many times, that the international community continue to denounce the atrocious human rights abuses on the island nation of Cuba.

FOREST SERVICE IN TOMBSTONE, ARIZONA

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

Mr. SCHWEIKERT. How many of us have heard of a little town called Tombstone? It's popped up in movies, American folklore. Guess what? The Forest Service seems hell-bent on ending its existence. This town is older than my State. Its water rights are older than my State. Yet the Forest Service is restricting the town from 87 percent of its water supply because there's Forest Service land around Tombstone.

This picture isn't a picture of a bunch of cowboys out having fun. They're not allowed to take a little Bobcat up the mountainside to get the springs to fix their water, so you have to go up by hand up a mountainside to remove the boulders.

Is there an adult in the Forest Service who has a lick of sense?

REMEMBERING THE LIFE OF COLD SPRING OFFICER TOM DECKER

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

Mr. PAULSEN. Mr. Speaker, I rise today to lend my voice to the chorus of Minnesotans that are grieving at the loss of one of our finest, Cold Spring Police Officer Tom Decker, who was senselessly murdered while responding to a call for help.

A 6-year veteran of the force and a father of four, Officer Decker exemplified what it means to serve and protect. He loved his job and the community that he served, and those he served admired and respected him in return. He was absolutely one of the good guys: a dedicated husband, father, and police officer.

So today, Mr. Speaker, let us honor Officer Decker's life and the incredible devotion he gave to his community. He was a hero. But more importantly, he was an incredible human being. He and his service will be absolutely and deeply missed. Let us all keep Officer Decker and his loved ones, fellow officers, and community in our prayers.

THE 147TH ANNIVERSARY OF THE ABOLITION OF SLAVERY

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

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize an important day in American history. Tomorrow, we will celebrate the 147th anniversary of the abolition of that regrettable institution of slavery. On 6 December 1865, the State of Georgia became the 27th State to ratify the 13th Amendment, marking the three-fourths supermajority necessary to amend the Constitution. The 13th Amendment accomplished something that the Emancipation Proclamation did not and perhaps could not do. It declared the nonexistence of slavery in the whole of the ''United States, or any place subject to their jurisdiction.''

The triumph the 13th Amendment represents not just for African Americans but for all Americans should be celebrated every December 6.

[From the Raleigh News & Observer, Dec. 5, 2012]

THE DAY SLAVERY OFFICIALLY ENDED

(By James A. Wynn Jr.)

The movie ''Lincoln'' highlights the struggle over the passage and ratification of the Thirteenth Amendment, the historic proviso that officially ended slavery in America. The triumph that the Thirteenth Amendment represents—not just for African-Americans but for all Americans—should be celebrated, and we should celebrate it tomorrow, December 6.

No amendment has a greater or simpler declarative force than the Thirteenth. It states uncompromisingly that ''Neither slavery nor involuntary servitude . . . shall exist within the United States.'' The amendment also empowered Congress to enact laws to enforce its substantive protections.

The significance of the Thirteenth Amendment cannot be overstated. Among other things, it extended the phrase ''We the People'' in the Preamble to the Constitution to all Americans, it ended the implicit sanctioning of slavery in the original Constitution and it made clear that abolishing slavery was the sovereign will of the people.

The U.S. Supreme Court, with its notorious 1857 Dred Scott decision, left no doubt that the phrase ''We the People'' in the Preamble did not include slaves. According to the court, African-Americans were not intended to be included in ''We the People'' because ''[t]hey had for more than a century before been regarded as an inferior order . . . and so far inferior, that they had no rights which the white man was bound to respect; and that the Negro might justly and lawfully be reduced to slavery for his benefit.''

The Thirteenth Amendment repudiated and effectively overruled Dred Scott and all it stood for, making clear that neither African-Americans, nor anyone else, could ''justly and lawfully'' be enslaved in this great country.

Further, the Thirteenth Amendment ended the original Constitution's implicit sanctioning of slavery. Although the word ''slave'' appears nowhere in the original Constitution, the document tacitly accepted slavery. For example, as a result of an infamous compromise between Northern and Southern states, Article I of the Constitution based political representation in the House of Representatives on the population of ''free Persons'' and three-fifths ''of all other Persons'' in each State.

Thus, despite the Declaration of Independence's majestic pronouncement that ''all men are created equal,'' the original Constitution indicated otherwise. With the Thirteenth Amendment, the Constitution expressly rejected slavery.

Finally, the Thirteenth Amendment, ''ratified by the Legislatures of three-fourths of the several states,'' as required by Article V of the Constitution, abolished slavery through the sovereign will of the people and the democratic process. By contrast, the Emancipation Proclamation, an 1863 declaration freeing slaves in Confederate territory, was a wartime measure issued unilaterally by Lincoln.

The Thirteenth Amendment has been the subject of far less litigation than the Fourteenth. As a result, it has suffered unjust obscurity. And to the extent we celebrate it at all, we do so on the wrong day, February 1—the anniversary of the day President Abraham Lincoln signed a joint resolution submitting the proposed amendment to the states for ratification.

Addressing a crowd outside the White House after he signed the joint resolution, Lincoln remarked that the occasion was one ''of congratulation to the country and to the whole world.'' In 1948, President Harry Truman declared February 1 ''National Freedom Day.''

Yet despite the symbolic significance of Lincoln's act, the Thirteenth Amendment had no legal effect until the states adopted it. Indeed, Lincoln's signature was unnecessary, and no other proposed amendment has been submitted to a president for signature.

The Thirteenth Amendment was put to all 36 states, including those formerly part of the Confederacy. Georgia became the 27th state to ratify the amendment, on Dec. 6, 1865, marking the achievement of the three-fourths supermajority necessary to amend the Constitution. The Supreme Court has held that constitutional amendments take legal effect when ratified. Thus, Dec. 6, 1865, marks the arguably most significant, and yet perhaps most unrecognized, date in African-American history.

Sadly, Lincoln never lived to see the Thirteenth Amendment ratified: He was assassinated on April 15, 1865, nearly eight months before Georgia provided the decisive vote in favor of ratification. No doubt Lincoln would have celebrated the day our nation constitutionally enshrined an abhorrence of slavery, the evil institution against which Lincoln had fought so hard.

No longer should the Thirteenth Amendment rest in silence. We should begin our holiday season by celebrating on Thursday the 147th anniversary of the Thirteenth Amendment's ratification. It is a day not just for African-Americans, but for all Americans, to commemorate our bettering our Constitution by spelling out the truth that Dr. Martin Luther King Jr. rightly called self-evident: ''All men are created equal.''

□ 1240

TAXING AND SPENDING

The SPEAKER pro tempore. 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. Mr. Speaker, I appreciate the hour, and I appreciate you being here with us this afternoon.

You know, it seems like just yesterday to me that you and I showed up here on Capitol Hill. It was that giant freshman class of 2010, and golly we came to do something.

I remember back in freshman orientation, folks hadn't even been sworn in yet and they were already trying to get focused on what the first votes in January 2011 would be about and the constant noise in the room was about how do we make a difference, how do we make it matter. This was a freshman class full of people who didn't come because they wanted a business card that says ''Congressman.'' They didn't come because this was just part of a career path they had been planning since they were kids. They came because they were men and women, moms and dads, small business owners, big business employees, folks from back home who said: golly, the country is in trouble, and if we don't have leadership who's willing to stand up and do the right thing for the right reasons, this country might just go over the edge.

There were 99 of us, Mr. Speaker. You remember. It was Republicans and Democrats. Now, there were more of us as Republicans than there were of them, but we came together in those early days to say: What can we do to make a difference?

Mr. Speaker, you can't see it here, but I have a chart of our spending as a percent of the share of our economy and tax revenue as a percent of the share of our economy. Now, Mr. Speaker, what you see on the chart with the green line is historical tax revenue. What you see is, going back to World War II, going back to the mid-1940s, that it really has not mattered in the history of this Nation whether the top tax rate was 90 percent as it was before the Kennedy years, or 70 percent as it was at the beginning of the Kennedy years, or 28 percent as it was in the Reagan years. It really has not mattered what the top bracket is. All Americans are willing to give to government is about 18 percent of GDP.

It turns out, Mr. Speaker—this will be no surprise to you—it turns out Americans are pretty smart. If what you decide, as the Federal Government, is we're going to tax this behavior, well, Americans start engaging in this other behavior instead. If what you say is, no, I'm going to tax that behavior, they say, well, that's okay, I'll go do this instead. Americans are pretty smart, and they change their behavior to maximize the benefit for themselves and their families, their kids and their grandkids.

So, going back—just a historical truth—through modern American history, post-World War II history, no matter what we've done with the Tax Code, Americans have only contributed about 18 percent of GDP. That distinguishes it, Mr. Speaker, from our spending trajectory in this country.

Now, on the chart I have our spending in red. Historical spending is represented by this jagged line. Projected future spending is that big smooth line that rises right off the chart. This red line, Mr. Speaker, represents what happens to Federal spending if we do nothing. That's important. What does it mean to do nothing? What I mean is, if we were to close down the White House tomorrow and not sign one new law; if we were to close down the U.S. House of Representatives tomorrow and not pass one new law; if we were to close the United States Senate—and I know what you're thinking, Mr. Speaker, you're thinking we're not going to be able to tell much difference there anyway, that's not true—if we close the United States Senate and pass not one new bill through the United States Senate, this trajectory of spending is what faces America. This trajectory of spending is what happens if we do nothing.

Mr. Speaker, there is no set of circumstances, not a historical set of circumstances, not a set of circumstances that we could conjure up where we could possibly raise enough money through the Tax Code to pay for the spending that this Congress, past Congresses, this President, past Presidents have promised the American people.

Here's the thing, Mr. Speaker: you and I are lovers of freedom, so we would never propose such a plan; but if we were to go out today and nationalize everything, if we were to put a 100 percent tax on every American worker in this land, if we were to put a 100 percent tax on every business in this land, if we were to take everything from everybody—their house, their business, their stocks, their bonds—if we were to sell every business in America at the auction block, if we took it all, the present value of that wealth would not be enough to pay the future promises that Presidents and Congresses have made.

We are in a spending-driven crisis. The question is: How do you tackle that, Mr. Speaker? Candidly, coming up with a clever idea to raise taxes is pretty easy. You just look at what taxes are today, and you say let's make them higher tomorrow. It doesn't take a lot of thoughtfulness to put that together. We can all agree on a plan that has the number that taxes are today and we make that number higher tomorrow. That's not an intellectual challenge. It's the wrong tax policy, and we see it in the President's budget from 2012.

I tell every town hall meeting, Mr. Speaker, that I have, every audience that's there that I appreciate this President. I appreciate this President because the law of the land is that every year the President of the United States will submit to the Congress his or her proposed budget, and every year this President has been in office he has done exactly that.

That's important, because a budget is a statement of your values, Mr. Speaker. You know that. I mean, when we talk about where we're going to spend the tax dollars that we take in, what those priorities are, that tells us what our values are. When we talk about how much money we're going to take from the American people—who those folks are who are going to have to pay more, who those folks are who are going to have to pay less—we talk about our values. So every single year the President has put his values statement forward.

Now, that distinguishes him from a body that has disappointed me so terribly much, Mr. Speaker, in my 2 short years in this Congress, and that's the United States Senate. In the 2 years I've been here, I've never seen a Senate budget. I thought that was odd until I talked to colleagues who had been here longer and they said, actually, Congressman, we haven't seen a budget in almost 4 years from the United States Senate. No budget in 4 years. No statement of values. No statement of solutions. No recognition that there is a problem and then a proposal to make it better.

But what I have here, Mr. Speaker, is a chart that represents the President's budget from February. As he has done faithfully for these 4 years in office, he submitted his budget in February that would take us through the 2013 year. In that budget he raised taxes by $2 trillion. Now, that's not a values statement about that. If I were to issue a values statement, I would tell you I don't want taxes to go up by $2 trillion. I think it's a bad plan, I think it's bad for the economy, I think it's bad for the American people. But the President laid that plan out there for the American people to decide. In fact, he ran a campaign on that all spring, all summer and all fall, and the American people sent him back to service for another 4 years.

But what you see in his budget, Mr. Speaker, as represented on this chart, is facing $16 trillion in public debt—largest public debt in American history, about $55,000 for every man, woman and child in this country, their burden of the debt, a debt that's threatening to sink our economy. Thank goodness we're the best of all the worst economies in the world, Mr. Speaker, because folks are still investing here. Whenever the rest of the world bounces back, we're going to be in bad, bad shape. You don't know how fast that spiral is going to get started.

□ 1250

But the President, looking at that same set of facts that I have just

shared and the same set of facts that you and I look at here in this body, Mr. Speaker, he proposed a budget that raised taxes by $2 trillion but increased spending by just as much.

Here it is, Mr. Speaker: this white dotted line represents the trajectory of debt accumulation for America. Again, if we do nothing, this is the debt accumulation for America. The red line represents the debt accumulation under the President's budget proposal. And what you see is that in 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020, under the President's proposed budget, after raising taxes on the American people by $2 trillion, the debt of this Nation actually grows faster than if we had done nothing at all because the President takes all of those tax dollars and spends them on his priorities.

Going back to that first chart, Mr. Speaker. The problem that we have in America is not a tax revenue problem; it's a spending problem. And if we refuse to grapple with the spending problem, we'll go nowhere. The President refused to grapple with that spending problem except—and I blew it up on here so that everybody could see it—way out past 2021, kind of between 2021 and 2022, the debt gets just a little bit smaller under the President's plan than it is currently if we do nothing at all.

Now my experience in just 2 short years, Mr. Speaker, is that those good things that we promise are going to happen 10 years from now, those tough decisions we promise we are going to make 10 years from now, those never get made. We spend the money in year one, but we never make the cuts in year 10. I don't know if we can count on that at all.

But, again, the President is a smart guy. I think he cares about this country. The American people just endorsed him for a second term. His 10-year budget plan does nothing, nothing to improve our deficit trajectory, our debt accumulation over the next 9 years.

Which brings us to where we are right now, Mr. Speaker, with this so-called fiscal cliff. It's not really a fiscal cliff. And the truth is, we have a tax decision coming up, and we have a spending decision coming up. And, truthfully, we need to have even more spending decisions coming up. But we're calling it the fiscal cliff. And ''sequester'' is a new word that we brought into the American parlance as a result of that.

The sequester, as you recall, Mr. Speaker, was the hammer that we put in place. It was one of the first big votes that you and I took way back in August of 2011. As part of an agreement, the President wanted to raise the debt ceiling. There were bills that needed to be paid. The Speaker of the House, JOHN BOEHNER, said, We are not going to expand America's credit card until we get serious about curbing spending. And he said to the President, No, Mr. President, I will not raise the limit on America's credit card unless you agree to dollar-for-dollar reductions on the spending side of the ledger so that we're not just making the problem worse; we're creating a pathway to solve the problem altogether. I admire the Speaker for that.

And the Speaker and the President agreed on this proposal. It was called the Budget Control Act of 2011. And what it did was it created for the first time ever a little committee here on Capitol Hill, a committee that was going to report language directly to the House floor and the Senate floor—no filibusters, no prevention of it coming by amendments, no monkey business—just directly to the floor for an up-or-down vote.

There were six House Members and six Senate Members on this panel. Mr. Speaker, you will recall it was six Republicans and six Democrats, serious men and women on this panel. And they looked at not just the $3.8 trillion annual Federal budget. They looked not just at the more than $50 trillion that would be represented in a 10-year budget. They looked at hundreds of trillions of dollars in Federal spending and commitments over a three-generational window. They worked on it for 3½ months; and collectively, at the end of the day, they agreed on not $1 in changes. Not $1, not $1.

The greatest disappointment of my 2 years here has been the failure of that joint select committee to succeed. Call it politics. I don't know what you want to call it. Again, these were serious men and women. They were tasked with solving our Nation's fiscal crisis, and they failed.

So then what? Well, the Speaker had the wisdom back in 2011 to make sure that we were really getting dollar-for-dollar changes on the spending side and on the savings side when we were going to raise the debt limit. And what the Speaker and the President ultimately agreed to was this crazy hammer called the sequester, an across-the-board cut on discretionary spending.

Discretionary spending is about one-third of our budget. Mandatory spending—Medicare, Medicaid, Social Security, interest on the national debt, those programs—represents about two-thirds of the spending in the country.

But they envisioned this across-the-board cut that would come on discretionary spending—that one-third of our budget—if the joint select committee failed to reach an agreement. And the cuts were designed to be so severe that no self-respecting joint select committee would ever fail to reach an agreement because they needed to prevent these cuts from happening. Well, they didn't reach an agreement, as you know, Mr. Speaker, as history has now told us. And I want to show you where these sequester cuts are coming.

As I just talked about, we have discretionary spending. It's broken up into defense and non-defense discretionary spending. And then we have mandatory spending which, again, is Medicare, Medicaid, Social Security, those mandatory programs where the money goes out the door whether Congress meets or not.

Well, look at how we've decided to take control of spending in this agreement, Mr. Speaker. Defense discretionary spending, we all know national security is a constitutional obligation that this Congress has. It is one of the few constitutionally delineated responsibilities this Congress must fulfill. Defense spending represents less than 17 percent of all the spending America does. That means 17 percent of our $3.8 trillion annual budget is defense spending, 17 percent of the spending. But these sequestration cuts, Mr. Speaker, are going to fall 50 percent on the Defense Department. We're asking the Defense Department, our men and women in uniform, to bear the lion's share of that burden.

Now, I don't think that's right. I voted in favor of this hammer to take place, this hammer that was going to be so severe and so draconian that no one would ever let it happen. They would sit down at a table and agree, as people who represent America should be able to do.

But when they failed and we saw these defense cuts were going to come, we brought out in May of last year—these last-minute negotiations in December drive me crazy, Mr. Speaker. And I want the American people to know—and I know you tell them on a regular basis that it doesn't have to be this way. It was May of 2012—7 months ago—that this House looked at the size of these defense cuts, looked at the impact it would have on our men and women in uniform and their families, and we said, There's a better way.

We didn't kick the can down the road. We didn't say, Oh, let's just put these cuts off altogether; America doesn't really have a spending problem. We don't really need to control that side of the balance sheet. No, we passed a bill in this House in May of this year that didn't just replace the defense spending with smarter cuts on the mandatory side of the ledger but, actually, over time was going to make even bigger reductions in spending, create even larger savings to the American people—savings that we know we have to have if we are to succeed as an economy. And we did that back in May.

Now, Mr. Speaker, as you know, the Senate has not passed a proposal to do that very same thing—not in May, not in June, not in July, not this fall. The President hasn't proposed—well, I guess in the proposal he made last week, he said, Well, let's just kick that can down the road for another year. That's not an answer. That's a frequent go-to place that we go to in this body—Republicans and Democrats alike. Let's just kick it down the road for another year. But that's not the answer. You and I know that the time for kicking cans down the road is gone.

So in May of this year, we passed this replacement. It has yet to see any action. But I just wanted to be clear. As

you know, Mr. Speaker, this body laid a proposal out, detailed line by line by line of how it is that we can both protect our men and women in uniform, continue to serve them and their families, and take our spending responsibilities and our saving responsibilities here seriously.

We'll go on here, Mr. Speaker. Nondefense discretionary spending, it represents about 13 percent of that $3.8 trillion annual pot. Where do the spending cuts fall there? This 13.4 percent of the spending is going to have to bear 35.1 percent of the cuts. Golly, that's not going to be easy, Mr. Speaker. I mean, these are programs that folks care about.

□ 1300

Take the food stamp program, for example, Mr. Speaker, the SNAP program. That's an important program, and I think we can all agree that there's some waste, there's some fraud, there's some abuse, and there's some things we can fix in that program. We did that in the bill we passed in May. It's an important support program to make sure that the most vulnerable among us are cared for and they can bounce back up. It's one of those programs where we try to reach out, Mr. Speaker, not to prop folks up, but to give them a hand up so that they can succeed.

These programs across the board are facing a 35 percent cut. Why is that? In fact, in the 2 years you and I have been here, Mr. Speaker, we've seen discretionary spending start—it started in 2010 at some of the highest levels in American history. You and I, in a bipartisan way, brought it down in 2011, we brought it down again in 2012, and we brought it down again for FY 2013.

I open up those newspapers, Mr. Speaker, and folks talk about how there's no agreement here, how it's just folks arguing and fighting with each other. In a bipartisan way, this House, that Senate, and our President have seen discretionary spending drop 3 years in a row. Never before in my lifetime have we seen such a thing. I credit this body with being a driving force in that because we're elected by the American people, who want to see their fiscal books put back in order, but we've succeeded on the discretionary side.

Discretionary turns out to be the easier nut to crack because that money doesn't go out the door unless this U.S. House of Representatives acts. That distinguishes it, Mr. Speaker, from mandatory spending. That's the third set of columns on my chart. Mandatory spending, as I said, is two-thirds of our budget, 63.8 percent to be precise. And of all the sequestration cuts, 63.8 percent of the budget is only going to bear 14.4 percent of the pain. The back story there, Mr. Speaker, is that's only 14.4 percent of the pain. As I said, discretionary spending has been on the chopping block in 2011, 2012, and now again in 2013. But mandatory spending we haven't had a single agreement about, and I don't hear the White House talking about it either.

The White House put together a group, and it was called the Simpson-Bowles Commission. It was named after Erskine Bowles, who is a former Clinton chief of staff, and Alan Simpson, who is a former Republican senator. They came together in what the President called his deficit-reduction commission to give the President an idea of what we could do to get our fiscal house in order. I just want to show you here on this chart, Mr. Speaker, the chronic deficits that we've had in this country. It goes back to 1970. All of this red ink represents the inflation adjusted—these are all in 2012 dollars. So we're comparing apples to apples all the way across this chart. The deficits that we've had in this country—and you'll see going back to 1970, Mr. Speaker, which happens to be the year of my birth, we've run a deficit every single year through 1998.

Do you remember 1998? We had Newt Gingrich leading the first Republican U.S. House of Representatives in modern times. We had Bill Clinton in the White House. They came together to solve some big problems: welfare reform, health insurance reform. Folks forget about health insurance reform for the 1990s. We did away with preexisting conditions, and we did away with all of the impediments in the large group markets, what they call ERISA plans. They had great success back in that area, and they finally got back into some positive territory.

To be truthful, this assumes that all the Social Security revenues and the Medicare revenues are getting spent on other projects rather than going in the trust funds and being preserved. We didn't really have a surplus. We were spending Social Security and Medicare revenues to create a surplus, but we did have some better years then.

Then we go into the Bush years, and this is important. Of course, 9/11 changed the way this country deals with national security. There were a lot of programs going on, much to my surprise, Mr. Speaker. You'll remember we created a brand new Federal department with a Republican House, a Republican Senate, and a Republican President. We created a brand new entitlement program in Medicare part D with a Republican House and a Republican President. And we ran during the Bush years—and they're represented right here—we ran at that time what were the largest deficits in American history. The largest deficits in American history were run during the Bush administration with a Republican House, a Republican President, and we began to get a hold of that. Of course, that was after September 11, 2001. Again, we had a dramatic uptick in spending on homeland security concerns, on national security concerns. That's an explanation; it's not an excuse. We reached those massive deficits, the largest deficits in American history, and we began to bring those back down.

Enter 2007. From 2007–2008, we had a Republican President in the White House, and we had a Democratic Speaker here in the U.S. House. Spending began to tick back up. And as we entered the Obama years, Mr. Speaker, here is the largest deficit in American history recorded during the Bush administration. This is the annual deficit recorded in the Obama administration. Not twice as large than the largest deficit in American history, not three times as large as the largest deficit in American history, but almost four times larger than the previous largest annual deficit in American history was the first-year deficit recorded in the Obama administration. That was the first time ever that we had run trillion-dollar deficits, and we've continued to run trillion dollar deficits during that time.

Tax policy hasn't changed during that time. Tax policy is exactly the same. You hear in the newspaper all the time, Mr. Speaker, about the Bush tax cuts. I don't know that that has meaning anymore. Of course, in 2001 and 2003, we did do some dramatic changes to tax policy. President Obama extended all of those changes in 2010. So that's the law of the land still today.

Tax policy has been exactly the same over this continuum. What has changed, Mr. Speaker, is the spending. The reason deficits have grown not one, not two, not three, but almost four times larger than the previous record deficit in American history is not because tax policy has changed—it hasn't. It's because Federal spending policy has changed, and that's what we have to get our arms around here in this body.

What I show going forward, Mr. Speaker—I put a little square around the annual budget deficits that have been run during the first 4 years of the Obama administration, but I also project for the Congressional Budget Office—that's the nonpartisan budget planning group we have here on Capitol Hill—what they believe is in store for us in the future if we continue under current policy. That's trillion-dollar deficits going out for years to come. The problem is not tax policy, Mr. Speaker. The problem is spending policy.

Can we improve tax policy? You better believe it. Mr. Speaker, you know I'm a cosponsor—in fact, I'm the main sponsor of H.R. 25, The Fair Tax. That's the largest, most popularly cosponsored fundamental tax reform proposal on either the House side or the Senate side. In fact, it's the largest, most popularly cosponsored tax proposal on both sides of the United States Congress. It would fundamentally change the way we tax. We can absolutely improve our tax system. But don't be misled. The problem in America is not bad tax policy. The problem is bad spending policy. We

have to move the focus away from taxation, which again has been the same for the last 12 years, and move it towards spending, which has changed dramatically just in the last 4 years.

I'm not one just to point the finger of blame, Mr. Speaker. You know, this freshman class came about results. They didn't come about whose fault it was. There is plenty of blame on both sides of the aisle. There is plenty of blame in the Congress and the White House. There is plenty of blame going back decades. But finding a solution is a priority for every man and woman in this body. All 435 men and women in this body are focused on finding a solution.

I'm just so proud, Mr. Speaker. I start to grin every time I start to talk about it. When you and I got here in this body, Mr. Speaker, we tackled fundamental spending reform for the first time in my lifetime. And we didn't pass it just once, Mr. Speaker. When we came in in 2011, we passed it twice. This House has passed the only budget to pass anywhere in this town. In the 2 years I've been in Congress, we didn't do it once, we did it twice. We didn't do it one year, we did it both years. And in each, Mr. Speaker, we didn't just complain about those before us who left us a current path of deficit and despair going forward—which is what happens if we fail to tackle our spending concerns—we passed that path to prosperity here in this House of Representatives that provided a solution. Not a solution 10 years from now, not a solution 5 years from now, but a solution that begins to administer tough love because that's the only kind that is left here, in year one.

□ 1310

You can't kick the cans down the road. You have to take these challenges head on.

But it's not just about the blame. Again, Mr. Speaker, there are solutions. We proposed that solution in the Ryan budget. I say the ''Ryan budget.'' I'm proud of him. He's my chairman. I sit on the Budget Committee. It was actually a very cooperative process. He laid out his ideas. He had this great committee of Democrats and Republicans there who gave input, who made changes. We passed that bill in the Budget Committee. We then brought it to the House floor, and we had a free-for-all in which every Member of the House who wanted to introduce a budget could introduce a budget, and there were several. Hear that. Every man and woman in this body who thought he had a better way to solve America's fiscal crisis could introduce a budget, and many of them did. Only one of those budgets passed this body. That's now the House budget—passed not once but twice—which provided real solutions.

Here is our spending represented in a different way because there are so many red herrings in this body. I want to say, Mr. Speaker, if you'd help me spread the word with my colleagues on the left, I say this from the heart. You know, we get down here, I'm on the Rules Committee, and I often handle the Rules debates here on the floor. It gets kind of toxic from time to time. Folks are trying to make their points. Everybody has got his talking points. It turns into an argument instead of a discussion about how to make America better. I do hope in this coming time, whether we use Special Order time to do it or whether we use some time off the floor to do it, that we will find an opportunity to have more of a discussion, because the facts are what the facts are. We ought to be able to agree on what the facts are, and then we ought to be able to disagree about what those solutions are. We ought to be able to question each other's judgment without questioning each other's motivations, and I hope we'll be able to spend some time on that. I heard folks say, Mr. Speaker, Oh, the problem is that global war on terror. It's all those war-fighting efforts. That's what has put us in this deficit circumstance that we're in.

This blue represents base spending going back to 2002. I started it right there when the wars began. This yellow line represents the spending that was done on the global war on terror. It's a big number because our commitment to our men and women in uniform is unequivocal. We stand behind the men and women who have been asked by their Commander in Chief to go overseas and defend our freedom and to protect our Nation. We defend them here in this House, unequivocally, with our budget votes, but it's a small number compared to all the other spending that goes on. Clearly, this yellow line is not what has created our trillion-dollar budget deficits—the largest budget deficits in American history by a factor of 4. It's the base spending that does that.

Here are the financial bailouts. I would have voted ''no'' on those bailouts had I been here, Mr. Speaker. You and I were not, but it wasn't the financial bailouts. As good or bad as they were, they're just this little green line right here. That is not what created these massive deficits. It's this giant blue line here. Then, finally, there was the 2009 stimulus bill, which is, actually, the largest portion here in the recent history of what we're spending on. We spent more on the stimulus bill than we spent on our men and women fighting two wars overseas. But even that is not responsible for this continuing growing line of Federal spending.

We're spending more than we've ever spent before. In fact, in the 10 years from 2012 to 2022—again, if we do nothing, Federal spending is expected to rise by 33 percent. I don't know if your salary is expected to rise by 33 percent, Mr. Speaker, if you're working in middle America. I know my community's salaries are not. This is 33 percent the size and scope of government, and the President is proposing to grow it more, to spend more. The problem isn't tax policy. The problem is spending.

We hear a lot about fairness, and I want to talk a little bit about that now. I'm going to switch to tax policy because that's what everybody seems to be obsessed with in the media, and I want to make sure we dispel some of the myths of what's going on there. I went to Dictionary.com, as I'm apt to do, and I printed out what ''fair'' is.

They said: ''(1) Free from bias, dishonesty, or injustice'' as their first definition. ''(2) Legitimately sought, pursued, done, given, etc.; proper under the rules.'' Fair.

I think we all support fairness—in fact, I'm certain that we do—but I'm absolutely certain that what President Obama believes is ''fairness'' is very different from what the people whom I represent believe is ''fairness.''

What I've brought here, Mr. Speaker, is a chart from the Joint Committee on Taxation. That's the group here on Capitol Hill that is in charge of measuring all the tax policies. It's a nonpartisan group, and they just try to tell you what the facts are about tax policy. This chart represents what the facts were in 2010 about the taxes and tax rates. That was the most recent year for which they had a study. It counts all the tax returns turned in in America. There were 155 million of them. There were 155 million tax returns turned in in America. Adjusted gross income, that's not actually your total income—it's a machination you go through there on your tax returns—but we break it out into different categories. Out of 155 million tax returns turned in, just under 6 million reported an income of $200,000 or above. What's even more interesting, though, is the number of returns below $10,000 because we're going to talk about fairness.

As for those folks with tax returns under $10,000, I don't think there is a man or a woman in this body, Mr. Speaker, who believes that if there are families of four trying to get by on $10,000 that they don't need some help, because they're not going to be able to make it. I pinch pennies as tight as anybody can. Everything I get is free with a rebate from Walgreens, from CVS, OfficeMax, and right on down the line. I've not met a sale that I won't travel to. That's tough to do in today's economy, $10,000, so that's why it's so interesting.

Look out here. Of the almost 21 million tax returns filed, only 14 of them ended up having a tax associated with them, and 425,000 were itemized. I want you to think about that, Mr. Speaker. Most Americans don't itemize on their taxes. They have what is called the standard exemption, the standard deduction. Most Americans take that, even homeowners. Of course, the mortgage interest deduction is the largest itemized deduction that most American families take, followed by the charitable deduction, but most American families don't itemize at all.

So you have to ask yourself, Mr. Speaker: Who are the folks who are reporting under $10,000 a year in income who are doing all this itemizing?

Look at that ratio: Taxable returns to itemized returns, it's about 30–1. Even down here among the richest of Americans, Mr. Speaker, it's 1–1. So, 30–1. Folks are gaming this Tax Code to participate not at all in the funding of our government. When we get together here to try to think about how we take care of the poorest among us, when we get together here to think about how to reach out to those less fortunate among us, we look at this category. Sure, folks making under $10,000 a year, don't they need our help? I tell you, if they're itemizing because they're doing such clever, crazy things on the Tax Code that the standard deduction and the standard exemption are not good enough for them, and if they're going to maximize their returns even more so they can get to zero, those folks are not the ones who need our help. We need to consider that in the context of fairness: 155 million returns with 6 million of them over $200,000 a year.

We're in a Republic, Mr. Speaker—some folks say ''democracy.'' Obviously, it's a Republic—but the majority can rule here. I'm just doing the math in my head. If there are 155 million people filing tax returns but only 6 million of them are making more than $200,000 a year, I'm pretty sure that I can find 51 percent who say, Let's not tax us, but let's tax them instead. I want you to think about that in the context of fairness.

Just in the spirit of full disclosure, Mr. Speaker, I'm not in the 1 percent. I have aspirations one day to make it into the 1 percent, but I'm not in the 1 percent. I never have been in my adult working life. I don't think I'm going to make it in anytime soon, but I aspire to fiscal success. I hope I have those good ideas that folks want to pay for. I hope that, by the sweat of my brow and by the power of my work ethic, I can generate some wealth, but I'm not part of the ''them'' who folks want to tax. I'm part of the ''us'' who folks don't want to tax and who are going to get a free ride in this proposal from the President.

□ 1320

I want to talk about that in the context of fairness. Let me tell you something you may not know, Mr. Speaker. Jimmy Carter was the last President from the great State of Georgia, so I'm going to start in the last of the Carter years, 1979.

What I have here on this chart is the percentage of all Federal income tax liability paid by citizens of the United States of America, what are we doing as citizens of America to pay for our government. And in the last year of the Carter administration, the bottom 80 percent of American income earners, which is most of us, that's the middle class, that's everybody there, the bottom 80 percent, was paying 35 percent of all the bills in this country. So 80 percent of Americans were paying 35 percent of the bills. That top 1 percent, Mr. Speaker, that top 1 percent of America was paying 18 percent of the bills.

Now, again, we talk about fairness. Again, I'm not in the 1 percent; although, again, I might like to be one day. For the 1 percent to be paying 18 percent of all of the burdens of this country, is that fair? Is that fair? For the 1 percent to pay 18 percent, is that fair? Again, we can look at the numbers. We can look at income distribution. We can look at all sorts of things. But think about that in the context of we always talk about people paying their fair share. In the last year of the Carter administration, the top 1 percent were paying 18 percent of the burden of America. But this is what's really interesting and, to me, Mr. Speaker, troubling, as a first-term Member in this United States House of Representatives. Look from 1979 out to today, and what you see, beginning in the 1990s, is that the majority of us, the 80 percent, begin to pay less of our Federal burden than do the 1 percent. In fact—and it's staggering to me, Mr. Speaker, and so I went and pulled the numbers. As we sit here, again, for the last year for which CBO is able to produce numbers—it's 2009. In 2009, the 80 percent of us who are in the middle, the 80 percent of us who form all of our communities back home and all of our clubs, the 80 percent of us who show up to church on Sunday and polls on Tuesday to make sure that we're doing our spiritual and civic duty, the 80 percent of us, we're only shouldering 6 percent of the total income tax burden in this land.

Now, I just want to ask you, Mr. Speaker, we're all smart folks. Again, I drive a long way to get something free with rebate at Walgreens. And for folks, Mr. Speaker, listening at Walgreens, I really don't like the new policy they have with those coupons that expire. I want to get back to the gift card program. That's not something we're going to do here on the floor; we're not going to mandate that for them. But 80 percent of us are paying 6 percent of the burden. What do you think that does to elections? You see it in the children in your life, right?

When your children have skin in the game, when they have some candy they might have to give up, when they have some chores they might not have to do if they negotiate properly, when you have skin in the game, you make different decisions. You find when you give the children in your life some money in their pocket and you're going through those impulse rows as you're walking out of the supermarket, Mr. Speaker, if they've got a dollar in their pocket, they're looking hard at those prices, seeing what's on two for one today, seeing what the discounts are. If it's their dollar, they're going to really think about what it is they're going to purchase in the candy aisle on the way out of the grocery store. But when they don't have any money in their pocket and they're just asking Mom and Dad to pick up the tab, there's no limit to what it is they're interested in having, right? The Snickers bar looks good. How about some of these sour things? My breath is bad; I need some gum. All across the board, there's no limit to what it is they might want.

What's going to happen to our Republic, Mr. Speaker, if we, the 80 percent, allow ourselves to only be burdened with 6 percent of the job of paying for the obligations of this country? Completely inverted there, Mr. Speaker. Today, again, 2009, the last year for which we had numbers, the top 1 percent paid 39 percent of all the bills. But again, if the 80 percent are only paying 6 percent of all the bills, that means the top 20 percent are paying 94 percent of all the bills. Again, what election is it that we're going to have where folks say, You know what, that guy over there shouldn't be picking up the tab for me.

What's happening to us as a Republic? Who are we now as a people? Do we want to help the least among us? Absolutely, we do. We always have; we always will. We can argue about whether we should do it from the Federal Government or from the State government or from our communities and from our churches, but of course we're committed to fulfilling those goals.

But we cannot, it is not fair, and I would argue it is immoral to face the kind of challenges that we're facing and say, You know what; we, the 80 percent of America, aren't going to help at all. We're already paying 6 percent of all the bills. There are 80 percent of us, we're the primary beneficiaries of it all, but we're paying 6 percent of all the bills; we don't want to pay more. Tax them. That is incredibly dangerous and antithetical to who we are as a Republic.

You know, this isn't new, Mr. Speaker. This isn't new. We can go back to Ben Franklin. He is often cited as saying that when the people find that they can vote themselves money, that will herald the end of the Republic.

That makes sense; right? It only takes 51 percent to win an election. So if 51 percent of the people can make sure that the other 49 percent have to bear all burdens and pay all the bills and do all the fighting and work out all the problems, then the 51 percent can just take the day off. Now that's not where we are in America, Mr. Speaker, but Ben Franklin worried about that over 200 years ago.

Milton Friedman, a Nobel Prize winning economist passed away, but his words are still with us. I think he said it well. In his ''Free to Choose'' statement, Mr. Speaker, back in 1990, he said this:

There is all the difference in the world, however, between two kinds of assistance through government that seem superficially

similar: first, 90 percent of us agree to impose taxes on ourselves in order to help the bottom 10 percent; and second, 80 percent voting to impose taxes on the top 10 percent to help the bottom 10 percent.

There's all the difference in the world, Milton Friedman says, between when 90 percent of us choose to burden ourselves so that we can help others, and when 80 percent decide they want to burden a different 10 percent so that they can help yet another 10 percent. And it is different. It's morally different.

And I've got to tell you, Mr. Speaker, and that's what I love about our freshman class, Republicans and Democrats alike, nobody came here to pass the buck. Nobody came here to say that decisions are easy and somebody should have made them earlier. They came here and said these decisions are really hard, but we're going to make them anyway.

What's the morality of deciding that our country is in peril and the people who ought to solve it are them; not us, but them; not me, but someone else; not in my family, but in my neighbor's family. There's a morality there.

Now, listen, I'm the first to tell you, Mr. Speaker, we need more revenue in this country. And the reason we don't have much revenue today is because folks don't have jobs. Guess what. If you don't have a job, you don't have any income. If you don't have any income, you can't pay any income taxes. That's not rocket science. That's basic economics, and it's at work every day in this country. We've got to get folks back to work. And more of them, Mr. Speaker.

□ 1330

If you're a family of four and you're earning $30,000 a year, you can't afford to pay the bills of this country in the same way that someone making $200,000 a year can. That's okay. We understand that. That's why there are graduated rates in the Income Tax Code. Some people pay 10 percent, some people pay 15 percent, some people pay 25 percent, some people pay in the 30s. The more you have, the more we think you're able to contribute.

But here we are in what every American economist would agree is one of the most dire economic circumstances of our time, and what I hear described as leadership from the President is don't change anything for the 80 percent. In fact, spend more on the 80 percent, and go tap that last 1 percent to pay all the bills. The top 1 percent are already paying all the bills.

This chart, which again I would say demonstrates a moral imperative that we investigate and grapple with as American citizens, as members of the greatest self-ruling Nation in the history of the world, what we've already seen is just, in my lifetime, born in 1970, just in my lifetime, through self-governance, we have completely turned on its head who pays the bills for America. And more and more and more and more we've said, It doesn't need to be me; it doesn't need to be us; it can be them; they can do it all.

That is not who we are. That's not who we teach our children to be, and it's not the legacy that we want to leave behind. Eighty percent of us, including me, in this country are paying only 6 percent of the burden of being an American citizen.

This chart, Mr. Speaker, reflects what happens if we roll off this fiscal cliff. They describe it as a cliff. Again, it's a spending decision and a tax decision, but I've listed them both up here. This chart comes from the Congressional Research Service.

A couple of interesting things I want to point out here. First and foremost, if we do nothing, there are going to be tax increases of about $400 billion. There are going to be spending reductions of about $102 billion. There are some other changes that would happen at the end of the year that aren't associated with policy decisions. So, at the end of the day, we change the scope of our deficit by about $607 billion if we do nothing.

That's what makes this such a hard issue to grapple with, Mr. Speaker. If we do nothing, if we reach no agreement, changes that happen automatically and burden us all in different ways will create $607 billion for the U.S. Treasury that we didn't have before. And that's only half of the annual deficit.

You see all the pandemonium that folks are describing, all the frightful words that are used to describe the fiscal cliff. If we roll over that fiscal cliff and all of those bad things come to bear, the tax increases and the spending reductions, collectively, they make $607 billion. And if we apply that to next year's deficit, we still won't reduce next year's annual deficit to the level of what used to be the highest deficit in American history run up under the Bush administration. We can roll right over the fiscal cliff, create $607 billion in taxes and savings that we didn't have before, and we still won't have reduced our annual budget deficit to what was formerly the highest budget deficit in American history before the Obama administration. That's how far out of whack we are.

I'm not trying to blame the President for that. I think there is some blame there. There's blame here. There's blame everywhere. I only say the Obama administration so folks understand this is a problem that has existed. As long as I've been alive, we've been running systemic deficits. But in the Bush administration, we were running the highest deficit in American history, and today it's four times larger. And if we roll over the fiscal cliff that everyone says is going to be so awful, we only solve half the problem. Still don't get back to what used to be the most profligate spending days in American history, used to be the largest American deficits in American history, the Bush administration. That's Number 1 that I want to get from this chart.

Here's Number 2, Mr. Speaker, going back to the grappling with fairness, who we are as a people, what we're about. I put up that chart earlier that showed how some folks were getting away with paying zero. Even though they had lots of money, they were just itemizing it all away so they didn't have to pay anything on the tax burden; certainly their right as an American citizen to take advantage of those Federal tax laws.

But we tried that. Back in the late sixties, early seventies, we created what was called the alternative minimum tax, Mr. Speaker. The alternative minimum tax, and it was designed—and you can go back and read about it in the CONGRESSIONAL RECORD. It's all right there. It was designed to get them.

We've talked a lot about who the ''us'' are and who the ''them'' are. The ''them'' are the people with the money who aren't paying their fair share. Again, we can argue about what fair share is, but that's why we created the alternative minimum tax. The ''them'' weren't making the proper payments. And what it turned out to be was they really were making a lot of money and they really were itemizing a lot of deductions. So, really, they were wealthy folks who were doing all the things the Tax Code encouraged them to do, but they ended up paying zero, and the 80 percent of us didn't like it. We thought, Golly, they have lots of money; they shouldn't be paying zero; we should do better. So we created the alternative minimum tax.

Here's the thing. The alternative minimum tax is still on the books today. We did such a crummy job of trying to attack the rich back when we created the alternative minimum tax, it's grown out of control, and it now hits middle-income Americans all across the country, except that the Congress fixes it 1 year at the time.

That's one of the crazy things that you learn when you become a Congressman is that you don't actually solve problems long term; you apparently just fix them 1 year at the time so you can come back again next year and fix the same problem in the same way once again.

All the taxes in the Bush administration, all these taxes we talk about, the ones that President Bush passed in 2001 and 2003, the ones that President Obama extended in 2010, all of those taxes combined create $104 billion for next year. That's a $104 billion change.

Fixing the AMT, fixing the alternative minimum tax, solving this thing that we created in order to tax the rich, to keep it now from impacting the middle class, is going to cost 117. All the Bush tax cuts combined are 104. Fixing this problem that Congress created back in the early 1970s, 117. We don't do that well when we try to attack the ''them'' in order to avoid the burden on the ''us,'' and we're going to

see that when we do the AMT patch again this year.

I want to close with this, Mr. Speaker. I have a chart here of who benefits from tax loopholes. Again, I'm a Fair Tax guy. H.R. 25, Mr. Speaker, I hope you'll go and pull it out, think about being a cosponsor if you're not already.

I want to change the way we do taxes in this country. But just by closing loopholes—and I hear the newspaper asking all the time: Which loopholes? What loopholes? How are you going to do that?

This shows who benefits from the loopholes, Mr. Speaker, in the Tax Code. It's not the bottom 20 percent. It's not the second 20 percent or the third or the fourth. It's not really even the top 20 percent. It's the top 1 percent.

So I would just encourage you, Mr. Speaker, to ask the President—as we're going through these discussions, he clearly has campaigned on getting more money out of the 1 percent.

I showed this chart, Mr. Speaker, that questions the morality of where we end up, questions what it means to our Republic at the end of the day if we continue to give so much of the burden to the few and leave the rest of us with none of the burden at all.

But if he is intent on doing that, he doesn't have to raise tax rates. He can do it through abolishing tax loopholes, which makes the Code fairer and more transparent to us all. We have a right to know what we have to pay in a tax code. These loopholes obscure it.

Mr. Speaker, I don't know what's going to happen in these final days. I know that the Speaker of this House is committed to doing the things that matter, to making a big difference for our children and for our grandchildren, to not kick the can down the road one more time. I pledge to support that plan, Mr. Speaker. I, too, did not come here to kick the can down the road. I came here to make the tough decisions.

And I say to my friends, and there are a lot of them out there who made tough decisions and they paid an electoral price for it. That's not a short list of folks. That's a long list of folks, and it happens every 2 years. You see people who had the courage to do what they thought was right, and they pay a price for that in terms of their political career.

□ 1340

But what I love about this institution, Mr. Speaker, these freshmen that I was elected with—you and I were elected with—these new freshmen that are coming in after this past election, I see men and women who care so much less about a political career and care so much more about doing things that matter for this Republic. I'm proud to be associated with them. And I'm convinced if we get past the rhetoric and get back to the discussion, we're going to be able to come up with a solution that the American people will be proud of and that we can be proud to tell our children and our grandchildren that we were a part of.

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

HONORING THE 50TH ANNIVERSARY OF LA ROCHE COLLEGE

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALTMIRE. I will not speak for nearly 60 minutes. I'm tempted to engage the gentleman, my good friend, Mr. WOODALL, in debate. But I won't do that because I know he's still smarting from his Bulldogs' loss over the weekend. And I'll let him continue to think about that. I very much enjoy the friendship and camaraderie with Mr. WOODALL, although we do have a difference of opinion on some of those issues.

Before we start, Madam Speaker, I would say to the individual who will be speaking following my presentation that I plan to only speak for about 5 minutes or less. This will not be an hour-long presentation. So the speaker who will follow me on the majority side, I recommend he hang near the floor because I will be wrapping up shortly.

Madam Speaker, I rise to commemorate the 50th anniversary of La Roche College. Founded in 1963 by the Sisters of Divine Providence in McCandless, Pennsylvania, a suburb of Pittsburgh, it was named in honor of Marie de la Roche, the first superior of the Congregation of the Sisters of Divine Providence. Originally a college for religious sisters, it now educates a diverse group of students from around the world, offering high-quality educational opportunities that continue to reflect its Catholic heritage.

Soon after its founding, La Roche experienced financial difficulties that threatened the school's existence. Due to the financial strain, the congregation at that time seriously considered permanently closing the college. However, because of the profound and positive impact the school made on the community in the short time its doors had been opened, the students, State officials, and the community leaders urged the congregation and the school's leadership to continue the mission of the school and to keep the school open.

Thankfully, due to the outpouring of support from the community, in 1970 the board amended its charter to establish La Roche College as an independent, coeducational Catholic institution, which it remains today. It also joined with the Art Institute of Pittsburgh and diversified its course offerings, expanding the areas of study the college would offer, including graphic and interior design programs that are among La Roche College's most popular programs today.

I was proud to serve on the Board of Trustees at La Roche College. It was during my time as a trustee that I had the wonderful opportunity to get to know the late Monsignor William Kerr, who served as La Roche's president for 12 years. It was during his tenure that the college established the Pacem in Terris Institute, a scholarship program for outstanding college-age men and women from conflict and post-conflict nations such as Rwanda and Bosnia. The institute allows students to receive an education at La Roche College to study leadership and diplomacy in return for their agreement to return to their home country after graduation to help engage in the peace process and rebuild their nations.

The institute successfully reflects the college's vision and mission to ''foster global citizenship.'' That program over the years has created a bond with some countries that is unlike any other institution of higher learning in America. It has had students go through the program that have gone back to their home countries and have very successfully become leaders in those countries. We are better off as a Nation and as a global community because of their work and because of that program which initiated and continues at La Roche College.

It was also during my time on the Board of Trustees in 2004 that La Roche College Board of Trustees appointed Sister Candace Introcaso as the college's seventh president. Sister Candace began her career in education at La Roche in the late 1980s, and it's under her leadership that the college has continued to expand its global footprint while placing a renewed focus on serving the needs of those in the Pittsburgh region. I had the privilege of working closely with Sister Candace during my time as a trustee and as the Congressman who now represents La Roche College. The future is bright for the college under her continued leadership.

La Roche College improves upon itself year after year. It continues to expand its academic offerings, with more than 50 undergraduate majors, 20 undergraduate minors, and three graduate programs. For six consecutive years, it has been named one of the Best Northeastern Colleges by the Princeton Review, and it fields 12 intercollegiate teams.

On many occasions my office used their facilities for workshops and town hall meetings. Over the years, La Roche students and faculty, as well as Sister Candace, came to visit my office on a number of occasions to discuss the importance of education to our country and their efforts to collaborate with the greater Pittsburgh and western Pennsylvania community for the betterment of our entire region.

Next year marks the 50th anniversary of La Roche College. Despite early financial troubles, the leadership of the college persevered, kept the doors open, and always stayed true to the

mission of the school. La Roche College is a tremendous asset to our community, and we look forward to many, many more years of continued success. I wish them nothing but the best, and congratulations on their 50th anniversary at La Roche College.

I yield back the balance of my time.

A GAME OF CAT AND MOUSE WITH THE ECONOMY

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.

It's a pleasure to follow my friend from Pennsylvania (Mr. ALTMIRE) and before that my friend from Georgia (Mr. WOODALL). It made a lot of sense. In fact, the last vote we took today was to eliminate the word ''lunatic'' from our Federal law. I don't have a problem with lunatic being used in the Federal law. Apparently, I was the only one here on the floor that didn't have a problem with using the term ''lunatic.'' In fact, it occurred to me that not only should we not eliminate the term lunatic at a time when we are facing national bankruptcy if we don't get serious about our issues but we should also use the term to identify those who want to continue doing business as usual around this town.

It's time we got serious. One of the things that would help the administration get serious, because it is a big deal and not because CBO has no clue what it's going to cost, as illustrated by them initially scoring, I believe, $1.1 trillion, then $800 billion, and now $1.6 trillion taking effect. Maybe $1.8 trillion. They don't have a clue. They're not allowed to use real historical reality, real rules to score. They use a fictitious static rule that is just so inaccurate. It would be a joke if it weren't so sad as to what it's done to good legislation.

Because of the emphasis on tax and all the people that are going to be hit with a tax because this administration and the Democratic Senators down the Hall—at least their leadership—continue to play games of cat and mouse and of chicken with the future of our financial stability and economy, I think it's important to look at taxes.

□ 1350

The President, for example, and Majority Leader REID in the Senate say they want to help the middle class, the poor working folks. So, apparently—and I know former Speaker PELOSI said we need to pass the bill so we can find out what's in it, but it's obvious from Leader REID's comments and the President's comments, those two people never read the ObamaCare bill.

It's a bit of interesting reading. I did go through it all before I voted against it; a lot of interesting stuff. I don't know why the President needs his own commission, the Noncommissioned Officer Corps. There were toss-outs to the big pharmaceuticals, AARP. If you saw somebody endorse this bill, then you could find a provision in here, if you knew what to look for, where they got their little pound of pork. So it's quite interesting. But Mr. Speaker, I would encourage the President and HARRY REID, since they have slapped this bill on the backs of every American, they really ought to read what they've done to Americans. There are a lot of people that have.

There was a good article, it seemed to be—I don't know Guy Benson, but a political editor for Townhall.com wrote on September 20, 2012, he was talking about the President:

> Barack Obama's re-election racket has been running millions of dollars worth of advertisements claiming that Mitt Romney's ''plan'' will raise taxes on middle class Americans. This isn't true; Romney promises precisely the opposite, and FactCheck.org has called out Democrats for repeating the debunked charge. But to paraphrase Bill Clinton's DNC speech in Charlotte, it takes some brass to preemptively criticize someone for doing what you've already done yourself. Before we get to the latest dreary punch line, let's go back to the video tape.

And online it had a video that could be punched, and it was President Barack Obama speaking. Part of his quote says:

> I can make a firm pledge: Under my plan, no family making less than $250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

The article goes on:

> This man's ''firm pledges'' aren't worth very much, are they? Kate touched on this last night, but it's worth another spin, if only to marvel at the sheer hypocrisy of it all. The Congressional Budget Office has determined that millions of Americans will get socked by the ObamaCare mandate tax, 80 percent of whom are middle-income citizens. Nearly 6 million Americans—significantly more than first estimated—will face a tax penalty under President Barack Obama's health overhaul for not getting insurance, congressional analysts said Wednesday. Most would be in the middle class. The new estimate amounts to an inconvenient fact for the administration, a reminder of what critics see as broken promises. And the Budget Office analysis found that nearly 80 percent of those who'll face the penalty would be making up to or less than five times the Federal poverty level. Currently that would work out to $55,850 or less for an individual and $115,250 or less for a family of four. Average penalty: about $1,200 in 2016.

It goes on to point out:

> CBO also said there will be 30 million people without insurance, though all but the 6 million will be exempt from the tax. The exempt Americans are a combination of illegal immigrants and those with incomes too low to pay income tax.

The article says:

> Just so we're clear: ObamaCare raids $716 billion from almost-insolvent Medicare to chip in toward its own $2 trillion price tag, raises premiums on average families, increases national health care spending faster than doing nothing would have, swells the deficit, exacerbates the national doctor shortage, is insanely costly and difficult to comply with, and raises taxes by $500 billion on the backs of millions of middle class families—and the country will still have 30 million people lacking health insurance. What a deal! And most of that dysfunction doesn't kick in until 2014.

If it had kicked in in 2012, you would have seen a different President elected, I'm sure. But in any event, what the ObamaCare bill requires—and one further comment. When a bill is based on a fraud, it's probably not going to end up being a good bill. The ObamaCare bill—and I hear people talk about 2,700 pages, 2,500, 2,600—let's see. My version here—this is one we got from the official printer—2,407 pages. But it's interesting, the title of the bill:

Resolved, That the bill from the House of Representatives (H.R. 3590) entitled ''An Act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes,'' do pass with the following amendments: Strike out all after the enacting clause and insert—ObamaCare.

So they took House bill 3590 that was an act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes—this is a tax credit for our military members—they struck, as it says: ''Strike out all after the enacting clause and insert'' ObamaCare. That's a fraudulent bill. That bill did not originate in the House, it originated in the Senate. The Constitution requires that any bill that raises revenue must originate in the House. It started as a fraud. This bill became a fraud when it was enacted and it was asserted that this originated in the House. It did not.

We had a tax credit for first-time homebuyers for our military. There was nothing germane about ObamaCare to a tax credit for our military. That's why I say a bill that starts out as a fraud is probably not going to be real good for a lot of folks.

So, though the President promised people all across America over and over that if you make less than $250,000 then you will not see your taxes go up, well, let's take a breather from the so-called fiscal cliff—the truth of the matter is we went off of that back in August 2011 when we passed that ridiculous debt ceiling bill that is going to further gut Medicare, on top of what ObamaCare did to it, and also gut our national security. But looking back at ObamaCare and the tax consequences—and Madam Speaker, that's why I keep saying the President really ought to read the bill that bears his name, that people refer to as ObamaCare. He really ought to read it. Majority Leader REID really ought to read the bill because he'll get to the part that has a mandatory provision that the Supreme Court had to take up: Is this mandate a penalty or a tax? And of course the intellectual gymnastics that our Chief Justice had to go through to say, between

pages 11 and 15 of the opinion, that this is a penalty, it's not a tax. Because under the anti-injunction statute, no Federal court would have jurisdiction to take up the case if it's a tax because you would have to wait until 2014. Because under the anti-injunction statute, under Federal law, no Federal court could take it up until the tax is actually imposed and the person filing suit is actually someone against whom that tax is imposed. So they would have to wait until 2014 in the intellectual gymnastics of the Chief Justice, he says, between pages 11 and 15.

□ 1400

So Congress called it a penalty. It is really a penalty. They knew what it was. It's a penalty. It's not a tax for these purposes because, you know, it's just being assessed against someone if they don't buy this basic health insurance policy. And it's estimated that will cost thousands and thousands of dollars.

Then, of course, you get on over to around page 60. And after he said, It's a penalty; therefore the anti-injunction statute doesn't prevent us from taking jurisdiction. And now that we have jurisdiction, we'll take it up. And now we take it up, and we say, It's really a tax, so it's okay. Boy, that kind of intellectual lack of integrity in any Federal entity is a danger to the ongoing of the Nation.

But for those of us that did read the bill, you will find that if someone is making 133 percent of the poverty level or more, they must buy the basic ObamaCare policy. Well, 133 percent of the poverty level for one person would be $14,856. So anyone in America who makes more than $14,856, as an individual—and in case those at the White House don't know, $14,856 is less than and not even equal to $250,000—but if you make $14,856, as an individual, when the tax fully kicks in, you will pay an extra 2.5 percent income tax as a penalty for not buying the ObamaCare health insurance bill. And so you will get popped with an extra 2.5 percent tax, which will be $371 slapped on the people that can afford it the least. This ObamaCare bill slaps $371 extra on somebody that can't afford health insurance at a time when they can't afford to pay the extra tax. Well, congratulations.

That's why I really wish the Senate majority leader and the President themselves would read this bill so they know what they're doing to people so that when they say, This isn't going to hit anybody with any extra tax if you make less than $250,000—if they continue to say it, they'll know that is simply not true.

If you are a couple and you make $20,123 and you cannot afford—between the two of you, you are just scraping by with $20,000; gas prices are up because of all the money flooded into the market created by our Federal Reserve; inflation is going to be kicking in big time this next year; and it's going to be a struggle for any couple that's making $20,000. It's going to be tough. Prices of everything are going to be going up.

So at a time when they will not be able, probably, to afford several thousand dollars for the ObamaCare basic policy—some estimates have been that it will be around $12,000—well, then, you are going to pay an extra $503 in a tax penalty because ObamaCare mandates it.

Let's go to a family of six. If you are a family of six and you make $41,190 and you cannot afford thousands and thousands of dollars for the basic ObamaCare health insurance policy, then this poor family, struggling with six folks—I grew up in a family with four kids. When times were good, we ate beef. When times were not, we would have Beanee Weenee. I happen to like it just fine, but it's still a struggle.

For those who continue to struggle, as I heard Jay Leno once say, Four words: Kraft Macaroni and Cheese, one of my favorite meals. But, nonetheless, it is going to be hard to afford even macaroni and cheese.

If you have a family of six, you are making $41,190, and you can't afford thousands and thousands of dollars for the ObamaCare basic policy, then, hello, you are going to pay over $1,000 additionally in your income tax.

I hope and pray that somebody in the majority—because I know the hearts of so many of my friends across the aisle. They care deeply about people suffering in America. I know they do. They really do care. That's why I want them to read ObamaCare, as I did, and see what you are doing to the poor and the downtrodden in America.

The President is still running around saying, you know, if you are making less than $250,000, you are not going to have any extra tax. Wrong. Read your own bill. Speaker PELOSI said, We will pass the bill to find out what's in it. They still don't know what's in it. That's why somebody has got to stand up and tell them what's in this bill is taxes on people that cannot afford it.

If they cannot afford thousands of dollars for a health insurance policy, they're not going to be able to afford $1,030 in extra income tax that our President and all the Democrats passed without a single Republican vote. They're not going to be able to afford that.

I guess that's why ObamaCare is going to provide for an additional 17,000 or so IRS agents. Because with this poor family of six making 133 percent of the poverty level, you are probably going to have to chase those two adults down in that family of six and get blood from a turnip because they don't have the $1,030 to pay in extra income tax. If they did, they might try to buy some form of health insurance. But even if they spent $1,030 on the health insurance policy, from the estimates we've seen, that still would not be anywhere near enough to buy the basic policy required by ObamaCare. This is going to devastate the working poor in America.

And again, I go back. Any bill that starts as a fraud is probably not going to be good for America.

So we come back to all of the rhetoric about taxes. Look, too many people in the House and Senate have forgotten that in July of 2011—that's the real time we were facing a fiscal cliff. And S&P made clear, Look, if you don't cut at least $4 trillion over 10 years, which is $400 billion a year, we were running a deficit at that time around $1.5 trillion over what we were bringing in. And they were saying—and I thought it was pretty modest—if you don't cut at least $400 billion of the $1.5 trillion you are overspending, then you are going to get downgraded.

Leaders in both parties really didn't take that seriously. So they came back with a proposal for a supercommittee; and if the supercommittee didn't reach an agreement on $1.2 trillion over 10 years, a $120 billion reduction from the overspending of $1.5 trillion—that should have been a drop in the bucket. That's nothing. We should have been able to cut that much, and we didn't do it. So now the sequestration is looming, and we come back to this issue again. But I'm shocked that so many people have already forgotten.

When we failed to cut $4 trillion over 10 years from our budget back in the summer of 2011, we got downgraded, and things got more expensive.

□ 1410

Tim Geithner back then was saying, August 2, the world comes to an end financially. We're going to hit the financial ceiling. It's going to be disastrous. Then, basically, the interpretation of what he was saying is, when we get to August 2, Just kidding. We're going to be okay for a little longer, but we're about to hit it anyway.

The financial cliff was approached, and we went over it. Now we're bouncing down the cliff from ledge to ledge. I'm hopeful that at some point we'll say we've fallen far enough. Let's not go all the way down to the bottom of the abyss. Let's start climbing out of this vast hole we've dug for ourselves that we've been plummeting down. Let's get back on top. You're never going to do that bringing in $2.4 or $2.5 trillion and spending over $3.5 trillion. And we want to eliminate the word ''lunatic'' from the Federal code? That's lunacy to think you can keep spending over a trillion dollars more than you bring in, when you're bringing in about $2.5 trillion, and not pay the price.

It is immoral for one generation to be spending money that the next generations haven't even had an opportunity to earn. It is narcissistic to say we are so important in our generation that we are going to lavish money on ourselves uncontrollably so that future generations will pay for our self-indulgence.

The history of America is one generation after another making sure that the generations that follow would have it better than they did. When we come to this generation, my generation—and it's embarrassing, but we've been so self-indulgent, so self-absorbed that we would spend future generations' money. They are kids, some of them are not even born, and they are going to have to bear the cost of what we're doing. As one of our Republican friends said just about an hour ago, Be quite sure any deficit spending now will be a tax on someone at some point. It's just the way it is.

We keep hearing that everybody needs to pay their fair share, and I hope that beginning now when people hear ''fair share,'' they'll think about a flat tax. Steve Forbes has been talking about it for years. RAND PAUL had an article out a year or so ago proposing a flat tax. My friend, MIKE BURGESS, has a proposal. Many of us have proposals.

Look, you talk about wanting Warren Buffett to pay what his secretary does, yet you haven't made one proposal that will bring Warren Buffett to paying what his secretary does. That's crazy. That's why we shouldn't eliminate the word ''lunatic.'' It really has application around this town.

Warren Buffett ought to take heed. He runs around telling people, yeah, rich people should pay more taxes. Well, he's not. He's not going to pay more, not on any of the proposals that the President has him running around endorsing. How about a flat tax that says 15 percent for capital gains tax, what Warren Buffett normally pays, 15 percent for his secretary in income tax, 15 percent for gift tax, and a 15 percent corporate tax. Let's just go 15 percent across the board. The irony is that the economy would so explode—so many more people would be employed, so many more people would be making more money—that the revenue would actually come in in greater amounts. We would actually get greater revenue, and there would be less pain and less suffering in America.

A couple of years or so ago, an 80-year-old lady in east Texas said:

> I grew up here in east Texas in a home that had no electricity, no power. We had a wood-burning stove; and now the electricity, propane, everything is so expensive, my Social Security doesn't cover it. It looks like I'm going to have to go back to a wood-burning stove just to exist. This could be a cold winter.

It doesn't have to be like that. It ought to be an economic renaissance. The more fair we are here in Washington—you make more, you pay more; you make less, you pay less. I'm one of those that likes two deductions: one for charitable giving and the other for the mortgage interest deduction.

We can negotiate over numbers. That's not a problem. We could compromise. We can reach an agreement, a compromise over numbers, but let's don't compromise on a principle that is so basic and simply says, if you make more, you pay more. It's an easy concept. You make more, you pay more; you make less, you pay less. That's fair.

For Heaven's sake, let's do this. Let's take that ObamaCare burden off the working poor in America that are going to get socked with that tax. We were told for so long, if we don't do something, there will be maybe 30 million people in America who won't have insurance. Then we get to the bottom of it and we find out, well, now we're going to have lots of people paying lots more taxes and we're still—oh, and we're gutting Medicare. Because of ObamaCare, we're gutting Medicare by $716 billion so the seniors will have less health care. Oh, I know, some of our Democrat friends have said not to worry, we're only taking that from the health care providers—the doctors, the hospitals. We're taking that from them. We're not taking it from you, seniors. You don't have to worry. You will have Medicare. My foot.

Those health care providers who have $716 billion sucked out of the system will not be able to provide service to all the seniors, and that's why we start hearing stories now about how ObamaCare is going to work. Some say the age may be 75 that is tossed out by the panel. It won't be a death panel, but it will be a panel that says, You're 75. No hip. No, no. You're too old. You don't get a hip. You don't get a knee. You're just going to have to suffer because you're not productive anymore.

That is outrageous. Every individual has value.

I would just like to conclude with words from my friend Dick Morris, who said:

> I know there is a disagreement on when life begins in America, but for Heaven's sake, we ought to agree that life ends when you die.

That's why ObamaCare needs to go.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. CANTOR) for December 4 and today on account of family medical reasons.

Mr. BILBRAY (at the request of Mr. CANTOR) for today on account of personal reasons.

Ms. MATSUI (at the request of Ms. PELOSI) for today on account of attending funeral of longtime family friend Martin L. Friedman.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Friday, December 7, 2012, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8589. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0781; FRL-9370-6] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8590. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl(C8-C18) dimethylamidopropylamines; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0106; FRL-9369-2] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8591. A letter from the Acting Principal Deputy, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Christopher D. Miller, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

8592. A letter from the Attorney, Legal Division, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Consumer Leasing (Regulation M) [Docket No.: CFPB-2012-0042] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8593. A letter from the Attorney, Legal Division, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Truth In Lending (Regulation Z) [Docket No.: CFPB-2012-0004] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8594. A letter from the Attorney, Legal Division, Consumer Product Safety Commission, transmitting the Bureau's final rule — Truth in Lending (Regulation Z) [Docket No.: CFPB-2012-0043) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8595. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Indonesia, Singapore, and/or Malaysia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8596. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Ghana pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8597. A letter from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Updating OSHA Standards Based on National Consensus Standards; Head Protection [Docket No.: OSHA-2011-0184] (RIN: 1218-AC65) received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8598. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Control of NOx Emissions from Glass Melting Furnaces [EPA-R03-OAR-2012-0785; FRL-9755-4] received November 29, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, for Imperial County, Placer County and Ventura County Air Pollution Control Districts [EPA-R09-OAR-2012-0120; FRL-9710-3] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley and South Coast; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amendments [EPA-R09-OAR-2011-0589 and EPA-R09-OAR-2011-0622; FRL-9753-3] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2012-0473; FRL-9745-1] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Approval of Air Quality Implementation Plans and Findings of Failure to Submit Required Plans; California; San Joaquin Valley; 1-Hour and 8-Hour Ozone Extreme Area Plan Elements [EPA-R09-OAR-2012-0734; FRL-9753-4] received November 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8603. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance on Performing a Seismic Margin Assessment in Response to the March 2012 Request for Information Letter (JLD-ISG-2012-04) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8604. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants, Regulatory Guide 1.182 [NRC-2012-XXXX] received November 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8605. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-149, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-103, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8607. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-113, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8608. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8609. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-148, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8610. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-150, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8611. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-137, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8612. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-092, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8613. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-127, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8614. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-152, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8615. A letter from the 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), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

8616. A letter from the 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), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

8617. A letter from the Senior Procurement Executive, Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Introduction [Docket: FAR 2012-0080, Sequence 7] received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8618. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2012 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

8619. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8620. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustment for Inflation [Docket No.: 121022566-2566-01] (RIN: 0605-AA31) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8621. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3350-EM in the Commonwealth of Massachusetts, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8622. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3353-EM in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

8623. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Health Care and Social Assistance (RIN: 3245-AG30) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8624. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Adoption of 2012 North American Industry Classification System for Size Standards (RIN: 3245-AG47) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8625. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Real Estate and Rental and Leasing (RIN: 3245-AG28) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8626. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Educational Services (RIN: 3245-AG29) received November 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8627. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — December 2012 (Rev. Rul. 2012-31) received November 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8628. A letter from the Under Secretary, Department of Defense, transmitting the Fiscal Year 2011 Defense Environmental Programs Annual Report; jointly to the Committees on Armed Services and Energy and Commerce.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following actions were taken by the Speaker:

The Committee on Natural Resources discharged from further consideration. H.R. 511 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The Committee on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure discharged from further consideration H.R. 4297.

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. KLINE: Committee on Education and the Workforce. H.R. 4297. A bill to reform and strengthen the workforce investment system of the Nation to put Americans back to work and make the United States more competitive in the 21st Century, with an amendment; Rept. 112–699, Pt. 1; referred to the Committee on Veterans' Affairs for a period ending not later than December 14, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

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. HALL (for himself, Mr. CONAWAY, and Mr. SMITH of Texas):

H.R. 6633. A bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR:

H.R. 6634. A bill to change the effective date for the Internet publication of certain financial disclosure forms; to the Committee on Oversight and Government Reform, 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. considered and passed.

By Mr. WALDEN (for himself, Mr. AMODEI, and Ms. BONAMICI):

H.R. 6635. A bill to direct the Secretary of Defense to submit a report to Congress on the future availability of TRICARE Prime throughout the United States and to ensure that certain TRICARE beneficiaries retain access to a primary care provider, and for other purposes; to the Committee on Armed Services.

By Mr. GRIMM (for himself, Mr. BISHOP of New York, Mr. ENGEL, Ms. HOCHUL, Mr. HANNA, Mr. KING of New York, Mr. GIBSON, Mr. TONKO, Mr. TURNER of New York, and Mr. CROWLEY):

H.R. 6636. A bill to designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the ''Leonard Montalto Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself and Mr. PAULSEN):

H.R. 6637. A bill to allow the Secretary of the Treasury to rely on State examinations for certain financial institutions, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO (for herself and Mrs. LOWEY):

H.R. 6638. A bill to amend chapter V of the Federal Food, Drug, and Cosmetic Act to enhance the requirements for pharmacies that compound drug products; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 6639. A bill to amend the Wildfire Suppressing Aircraft Transfer Act of 1996 to facilitate inter-agency agreements with the Air National Guard and the Air Force Reserve to secure Defense Support to Civil Authority (DSCA) missions in the initial airborne response to fighting wildfires; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Mr. GOSAR):

H.R. 6640. A bill to authorize a land exchange involving the acquisition of private land adjacent to the Cibola National Wildlife Refuge in Arizona for inclusion in the refuge in exchange for certain Bureau of Land Management lands in Riverside County, California, and for other purposes; to the Committee on Natural Resources.

By Mr. RIBBLE (for himself and Mr. FLEISCHMANN):

H.R. 6641. A bill to authorize the Secretary of Transportation to establish a pilot program to study the benefits of using hair specimens for preemployment controlled substances tests of commercial motor vehicle operators, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO:

H. Res. 825. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 2838, with an amendment; considered and agreed to. considered and agreed to.

By Mr. FLEMING (for himself, Mr. POSEY, Mr. MULVANEY, Mr. PRICE of Georgia, Mr. KING of Iowa, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. WALBERG, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. FLORES, Mr. BARTON of Texas, Mr. OLSON, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. AUSTIN SCOTT of Georgia, and Mr. BRADY of Texas):

H. Res. 826. A resolution expressing the sense of the House of Representatives that Congress should retain its authority to borrow money on the credit of the United States and not cede this power to the President; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or Joint resolution.

By Mr. HALL:

H.R. 6633.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 of the United States Constitution.

By Mr. CANTOR:

H.R. 6634.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. WALDEN:

H.R. 6635.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is pursuant to the following:

1) Article I, Section 8, Clause 1: ''The Congress shall have Power To lay and Collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States''

2) Article I, Section 1—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GRIMM:

H.R. 6636.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads.

By Mr. ELLISON:

H.R. 6637.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3.

By Ms. DELAURO:

H.R. 6638.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. GALLEGLY:

H.R. 6639.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 1 of the United States Constitution. The Congress shall have Power to . . . provide for the common Defense and general Welfare of the United States.

By Mr. GRIJALVA:

H.R. 6640.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. RIBBLE:

H.R. 6641.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 390: Mr. MCNERNEY.
H.R. 591: Mr. CROWLEY.
H.R. 1802: Mr. THOMPSON of California.
H.R. 2085: Ms. CASTOR of Florida.
H.R. 2229: Mr. CONYERS.
H.R. 2324: Mr. ENGEL.
H.R. 3324: Ms. BONAMICI.
H.R. 3395: Mrs. CAPITO.
H.R. 3798: Ms. DEGETTE.
H.R. 3984: Mrs. NAPOLITANO.
H.R. 4216: Ms. ZOE LOFGREN of California.
H.R. 4336: Mr. WALDEN.
H.R. 5436: Mr. POLIS.
H.R. 5817: Mr. WILSON of South Carolina.
H.R. 5991: Mr. PASTOR of Arizona.
H.R. 6101: Mr. AL GREEN of Texas.
H.R. 6157: Mr. GENE GREEN of Texas.
H.R. 6241: Mr. WAXMAN.
H.R. 6364: Mr. BUTTERFIELD, Mr. LONG, Mr. JONES, Mr. CARNAHAN and Ms. MOORE.
H.R. 6426: Mr. RUSH.
H.R. 6490: Mr. FLEISCHMANN, Mr. BROUN of Georgia, Mr. JONES, Mr. MICHAUD, and Mr. RUPPERSBERGER.
H.R. 6572: Mr. TIERNEY, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. CICILLINE, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. DOYLE, Mr. FITZPATRICK and Mr. RAHALL.

H.R. 6578: Mr. SHIMKUS.

H.R. 6587: Ms. BASS of California, Mrs. CAPPS, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER and Ms. PELOSI.

H.R. 6616: Mr. MULVANEY.

H. Con. Res. 21: Mr. CARNEY.

H. Con. Res. 142: Mrs. CAPITO, Mr. ROGERS of Kentucky, Mr. LANKFORD and Mrs. LUMMIS.

H. Res. 220: Mr. BISHOP of New York and Mr. HECK.

H. Res. 760: Mr. SCOTT of Virginia.

H. Res. 820: Ms. PELOSI.