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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 19, 2012.

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 624

In the Senate of the United States, December 18 (legislative day, December 17), 2012.

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusionary Nation and famously declared ''this is our country'';

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was, awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed concurrent Resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2367.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

MORNING-HOUR DEBATE

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

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

THE FISCAL CLIFF

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

Mr. BLUMENAUER. Mr. Speaker, the reality behind the fiscal cliff is that, if we really get down to work, talking with one another, digging into the details, it really is not that hard.

The nuclear arsenal is a prime example and something that doesn't get nearly the attention it deserves. It is an illustration of why the fiscal sequestration level over the next 10 years for the Department of Defense, which would bring it down to 2007 spending levels, adjusted for inflation, is really not that draconian.

During the Cold War, the United States spent, on average, $35 billion a year on its nuclear weapons complex. Today it spends an estimated $55 billion.

The nuclear weapons budget is spread across the Department of Defense, Department of Energy, the Department of Homeland Security. And the government doesn't publicly disclose how much it is, but the last year that the elements were aggregated together, it spent at least $52.4 billion. That's in 2008, according to the Carnegie Endowment for Peace.

That doesn't include classified programs, and it was 5 times the State Department budget, 7 times the EPA, and 14 times what the Department of Energy spent on everything else it does.

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Indeed, the President agreed to a $200 billion modernization in order to secure the approval of the strategic arms reduction treaty in the Senate.

Well, perhaps it's time for us to take a step back and ask what is actually the purpose. Who is the enemy that this nuclear arsenal is going to deter?

The nuclear arsenal didn't stop Iran from pursuing nuclear weapons. It's not helping us at all with the terrorists who are now the central focus of our security concerns. It doesn't help in Iraq or Afghanistan, and we basically have a stalemate between Russia and China.

Nuclear weapons have not been used since World War II. They likely never will be, so why do we need land-based intercontinental ballistic missiles, bombers, and submarine launch delivery systems, all three of them?

Do we really need 12 new strategic submarines that will cost almost $5 billion a year, if we're lucky and contain costs?

Who actually is being deterred by this massive spending and buildup?

Exactly what are the circumstances 30 years from now that call for this massive stockpile of weapons and three redundant delivery systems?

You know, recent articles in the Post by Walter Pincus really focused on this. There's Dana Priest's work also in the Post; GAO reports—you don't have to dig very deeply to find out that this is a bloated, flawed program with little technical benefit for us now, a great deal of fiscal pain currently and well into the future.

Twenty-one years ago, President George H.W. Bush unilaterally announced the elimination of thousands of land-based tactical nuclear weapons stationed in Europe and an end to the deployment of tactical nuclear weapons on surface ships, attack submarines, and land-based Naval aircraft.

Billions had been spent over the years on such weapons, but there was really never any plans for how to use them. Most have been dismantled, and the United States today is no weaker. Most, frankly, have not even noticed.

What could we accomplish over the next 10 years with the same sort of bold thinking on the part of the President, the Pentagon, and Members in Congress?

It's time that we find out.

LET U.S. MARINE JON HAMMAR GO

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

Mr. POE of Texas. Mr. Speaker, 27-year-old Marine Corps veteran Jon Hammar honorably served two tours of duty in Iraq and Afghanistan. While he was on Active Duty, Hammar's battalion was hit very hard in Fallujah, and 13 of his fellow Marines were killed in action.

When he came home to America, he suffered from PTSD, as many of our warriors do. He spent time in a recovery facility in California to cope with the mental wounds of war.

Then, in August, Jon decided to get some R&R. He wanted to go to Costa Rica with a fellow marine, Ian McDonough, and they wanted to go on a surfing trip. According to McDonough, surfing gave Jon peace of mind and really helped with his therapy.

So the two packed up their car with their surfboards and began their journey from Florida to Costa Rica. Their trip took them through Texas to the border, in Brownsville, Texas. There they crossed the international border into Matamoros, Mexico, and that is as far as they got.

On the trip, Jon carried with him a 100-year-old antique gun, a family heirloom that belonged to his grandfather. When they arrived at the U.S. Customs and Border Protection in Texas, Jon did what he was supposed to do; he filled out all the necessary paperwork. He talked to U.S. Customs and verified with them that the rifle did not violate any Mexican law.

The two allegedly handed the Mexican officials the paperwork regarding the rifle. But instead of continuing on their way to Costa Rica to go surfing, Hammar was immediately detained and dragged away to a notorious prison in Matamoros where they house narcoterrorists.

Now, Mr. Speaker, here's a photograph of our marine when he served America. This is a photograph of him recently taken in the Matamoros prison. As you notice, he is in solitary confinement, and, similar to the old days, chained to his bed where he cannot go anywhere. This is all because of a misunderstanding and a mix-up about what the law is and what should have happened to him at the border.

□ 1010

So he's being held as a criminal because the size of the barrel on that rifle was, apparently, too long—even though U.S. Customs told Hammar he was not violating any American or Mexican law in having the rifle. Hammar had no criminal intent when he took that old rifle into Mexico.

Jon Hammar should not have to spend another holiday away from his family—holidays he spent when he served as a marine—and certainly he shouldn't spend a holiday away from his family in a Mexican jail where he is illegally being detained. Obviously, there appears to be a misunderstanding between U.S. and Mexican officials, with Hammar literally caught in the middle of this. So Mexican President Enrique Nieto should intervene and have Hammar released. It is in the power of the Mexican President to solve this international incident and do so in a diplomatic way. So I ask that he do so and release Hammar by Christmas.

Mr. Speaker, this marine and veteran has spent his life defending freedom, defending America, taking care of America. It's time that America take care of him by asking for and expecting his release from this Mexican prison where he ought not to be.

And that's just the way it is.

HONORING OUTGOING CBC CHAIRMAN REPRESENTATIVE EMANUEL CLEAVER

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

Mr. HOYER. Mr. Speaker, for over 40 years, the Congressional Black Caucus has strengthened and enhanced the work of the people's House. It does so by carrying into this Chamber the voices of millions of Americans who, for too long in our history, were voiceless. It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all of our citizens. The Congressional Black Caucus has been rightly known for a long period of time as the conscience of the Congress.

Mr. Speaker, since he arrived here 7 years ago, our colleague and my friend, EMANUEL CLEAVER, has been the conscience of the CBC. Representative CLEAVER, as most of us who served with him know, but many Americans might not know, wears multiple hats. He is not only the former mayor of Kansas City, Missouri, but he is also an ordained Methodist pastor. Pastor CLEAVER is frequently called upon for words to deliver at my whip meeting on Thursday mornings. I have said that they are the highlight of our week in many respects.

EMANUEL CLEAVER speaks to us about humanity, about caring, about respecting each of our colleagues on either side of the aisle, of respecting and honoring our responsibilities to our fellow citizens. In short, EMANUEL CLEAVER, on a weekly basis, appeals to the best that is within us to reflect the best that is America.

EMANUEL CLEAVER will shortly be succeeded as president of the CBC by MARCIA FUDGE from Ohio—like EMANUEL CLEAVER, a leader of conscience, a leader of great ability, and a leader who will reach out to all of us as well and continue to lead this organization that we know as the conscience of the Congress.

As we talk about creating jobs, as we talk about caring for one another, as we talk about making life better for all Americans, there is no more compelling voice than the Congressional Black Caucus towards that end. There has been no more compelling voice than that of my friend, EMANUEL CLEAVER.

EMANUEL, I expect your leadership to be enhanced as the days go by. You have shown us an example of how one can serve with dignity, with grace, and with effectiveness. Thank you.

Mr. Speaker, for over forty years, the Congressional Black Caucus has strengthened and enhanced the work of the people's house.

It does so by carrying into this Chamber the voices of millions of Americans who for too long in our history were denied a voice.

It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all.

The Congressional Black Caucus has long been the conscience of the Congress. And since he arrived here seven years ago, EMANUEL CLEAVER has been the conscience of the CBC.

Rep. CLEAVER—as most of us who serve with him know, but many Americans might not know—wears multiple hats, also being an ordained Methodist pastor.

Pastor CLEAVER is frequently called upon to deliver words of wisdom in the weekly meetings Democrats hold for our caucus, and he uses those opportunities to tell us parables intended to teach that behind every bill and every vote is a human story—real lives and real consequences.

Though he will be stepping down as its Chair, I know Rep. CLEAVER will continue to do his part to ensure the CBC retains its position as a moral guide in this House.

That we never forget the real people behind the policies we act on here—people struggling to be safe in our cities, pursue educational opportunities, access health care, and find good jobs.

The CBC may be called, in many respects, guardians of our American dream.

And I thank my friend—Rep. CLEAVER, Mayor CLEAVER, Pastor CLEAVER, Chairman CLEAVER—for being a steady captain of that guard over the past two years.

He surely leaves large shoes to fill, but I know Rep. FUDGE will do a great job at the helm as the CBC's new chair.

And I look forward to working as closely with her as I have with Rep. CLEAVER to help extend the promise of the American dream to all our people.

THANKING THE THIRD CONGRESSIONAL DISTRICT OF ARIZONA

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

Mr. QUAYLE. Mr. Speaker, I rise today to thank the people of the Third Congressional District of Arizona, who put their trust and faith in me to represent them in the 112th Congress. The people of our district are good, hard-working Americans. They value their family, their country, and their freedoms. It was an absolute honor to serve them in this Congress.

I would also like to thank my family and friends for their unwavering support throughout my life. Without them, I would not be here today.

Mr. Speaker, I'd also like to thank my tireless staff both here in Washington and back home in Arizona. Their dedication to our district and to our country was something that was amazing to watch. And over the course of 2 years, working day and night, they became a lot more than just people I work with. They became extended family. And I thank them for that.

Mr. Speaker, I want to finally thank, more importantly, my wife, Tiffany, who, a few years ago, made me the luckiest man on the face of the Earth when she said ''yes'' to be my wife. I want to thank her for all of the sacrifices that she has made so that I could be in this House. She has held down a full-time job, all the while playing both mom and dad to our daughter, Evie, when I was away from home. I can never thank her enough for all that she has done.

Mr. Speaker, the past 2 years have been an interesting ride, primarily because it was highly unlikely that I would ever speak on this floor. You see, Mr. Speaker, if you had asked me 5 years ago if I would ever run for public office, I would have said ''no.'' And not because I don't value and honor public service. I certainly do. But it's because the environment that I grew up in, I saw the bad side of politics and I didn't know if I wanted to put my family through the same trials and tribulations. However, that all changed as I witnessed our country continuing to stray from its founding principles, and if it didn't reverse course, we were going to lose countless generations because of lost opportunities.

So, Mr. Speaker, I ran for office not for a title, not for some unhealthy desire to be the center of attention, but to serve my fellow citizens and to be a part of a movement that would reestablish the belief that our country's greatness comes from its people and not from the government and to make sure that America remains the last great hope on Earth.

Two years ago, we sat out to accomplish those objectives. We didn't succeed—not for the lack of trying. We did take steps toward solving the biggest and most severe issues that we face. We must build on this and not shrink from solving the fiscal disaster that awaits us if we do nothing.

Mr. Speaker, as this Congress comes to a close in the next couple of weeks, I'm confident that the Members of the next Congress will rise to the occasion and provide the solutions to a worried Nation. However, my confidence is not limitless. If petty politics drives policy decisions, if one group is pitted against another for political gain, if personal destruction drowns out personal accountability, then, sadly, the legacy of our great Nation will be forever altered and the world will be a dimmer place.

I hope and pray this does not happen, Mr. Speaker. But as I said, my confidence is not limitless.

HONORING EMANUEL CLEAVER

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

Mr. DAVID SCOTT of Georgia. I rise to join some of my fellow colleagues in recognizing and honoring a distinguished gentleman serving in the Congress of the United States, who is the chairman of the Congressional Black Caucus, and that is Representative Reverend EMANUEL CLEAVER.

God has a way of having the right person serve at the right time and in the right place, and we have such a person in our chairman, Chairman CLEAVER. Chairman CLEAVER took office at a time of great turmoil and tumultuousness. This country was experiencing and we were at the height of perhaps the most devastating financial crisis since the Great Depression.

□ 1020

Chairman CLEAVER turned that situation into a tremendous positive by bringing his insightfulness and by helping to share with the entire Nation that while we did have great economic calamity, for every sector in our economy nowhere was that damage as greatly felt as in the African American community. We were blessed to have a chairman who could articulate it with the sensitivity and with the intelligence and with the intellect to be able to express those very serious concerns that were impacting the African American community in a way and in a manner that it enveloped the entirety of the entire population of our country.

Chairman CLEAVER became chairman at the time of the height of the tumultuous health care debate, where there was great passions that were brought to bear and expressions of demonstration where hundreds of thousands of people gathered here in Washington to express their concerns. But Chairman CLEAVER provided a calmness, an impact that helped us to navigate those troubled waters very, very successfully.

When it came time to look at the disparities of this economic impact and joblessness, he initiated job fairs in every congressional district all across this country that helped people be able to get jobs. He addressed the health disparities—particularly as they impacted the African American community—in a way and in a manner that everyone was able to accept the reality.

So, we thank you, Congressman CLEAVER, for the outstanding job that you have done, and we want to thank God for sending the right person to us at the right time. Thank you, Chairman CLEAVER. It is my great honor to serve with you. Thank you for your outstanding service.

EXPRESSING THANKS TO CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WATT) for 5 minutes.

Mr. WATT. Mr. Speaker, I want to join with my colleagues in expressing thanks and giving praise to our outgoing chair of the Congressional Black Caucus. He's not leaving Congress, he's just leaving the chairmanship of the Congressional Black Caucus.

I don't usually come over here for these 5-minute speeches or 1-minute speeches, but today I thought I would make an exception to say some things about our outgoing chair.

I want to make two points. First of all, contrary to the perception that's out in the world, there are no bad people in this body. All of us are good people who are here to serve the American people, and our constituents in particular. I characterize us as all good guys—and that includes female in that good guys category too. But then there are people who because of their particular qualities I would put in a category of really, really, really good people. It doesn't take long to detect those people; it comes through in their manner, in the way that they deal with their colleagues and the way that they consult and console you when you really need consultation and consolation; and the way they give you advice or fail to give you advice or don't give you advice when you either need it or don't need it. They're not in the way; they're just really, really, really good people. That's the category in which I would put our outgoing chair, Chairman EMANUEL CLEAVER. And his leadership has been outstanding, but it's not that that I came to praise.

The second thing I really want to emphasize about him is that the question I get most from constituents is who's doing something inside you all's institution to make you all more compatible with each other? So every week I look forward to getting in my intra-Congress mail this letter that our outgoing chair sends to every Member of this body, just one or two or three paragraphs, one page—never longer than one page, just giving us some sage wisdom and advice about how to be nicer to each other, how to soften our edges, how to work better together to achieve the aspirations of our constituents and of our Nation.

Those are the little things that people out in the public never see or hear about, and Chairman CLEAVER has set that example. Sometimes I'm sure he feels like he's a voice in the wilderness by doing that, but every single week each of us gets this special appeal from EMANUEL CLEAVER to be what we should be, stewards of our country, and to do it in a way that does not demean our institution and demean each other, and to advocate for what we believe, but to do it in a way that is more human and kind.

So I want to join with my colleagues in thanking him for his leadership, but most of all I want to thank him for the tremendous role model he has been for our institution to try to make our institution a better place in which to serve and to try to make each of us better Members of this institution.

NEW MARKETS TAX CREDIT

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

Mr. NEAL. Mr. Speaker, let me also thank Reverend Cleaver. At his request, I campaigned with him and for him and did a series of Social Security events in his constituency. I spent the better part of 2 days with him, and I got an opportunity to see the regard and respect that he was held in by the citizens of Kansas City.

Mr. Speaker, let me address the issue of extending the New Markets Tax Credit. I have fought for this program since its enactment in 2000 because it's a cost-effective way to create jobs and drive investments in communities with high rates of poverty and unemployment. I've seen the amazing results of this initiative firsthand. Let me highlight just some of those Massachusetts projects.

Let me first tell you a little bit about the New Markets Tax Credit. It was designed to stimulate investment and economic growth in low-income communities that are traditionally overlooked by conventional capital markets. Since its enactment, the credit has generated $45 billion in capital for projects in low-income communities that range from the first supermarket in a generation in southeast Washington, D.C., to the restoration of one of the greatest acoustical houses in the world, the Colonial Theater in Pittsfield, Massachusetts. Furthermore, New Markets' investments between 2003 and 2010 have been responsible for creating over 500,000 jobs in economically distressed communities across the country. These are remarkable results.

Let me share with you another success story from back home that further explains why I'm a big supporter of New Markets: the Holyoke Public Library. Holyoke is a city in western Massachusetts with a population of about 40,000 people. From the late 19th century until the mid-20th century Holyoke was the world's biggest paper manufacturer. In fact, at one point there were 25 paper mills in operation in Holyoke, and that's how Holyoke got its nickname, ''The Paper City.''

□ 1030

However, this industrial city's fortunes ebbed when the paper mills closed, and Holyoke now has one-third of its population living below the poverty line.

The Holyoke Public Library project is currently underway and involves renovating and expanding the 110-year-old library and transforming it into a 21st century education and training center.

For many years, there had been very little funding available to maintain the facility itself. And, therefore, over time, the library has substantially aged and deteriorated. Today, nearly 40 percent of the library's interior is seriously compromised and inaccessible to the public. But thanks in large part to New Market's tax credit financing, the Holyoke Public Library is currently being renovated and modernized, and the new and improved library will provide critical public access to computers and the latest technology.

New Market's tax credits are a good example of how public and private investment can be used to spur community and economic revitalization. New Market's tax credits expired at the end of last year. It's critical that the Congress not leave town until we, once again, extend this program and the opportunities that come with it.

REFLECTING ON CHAIRMAN EMANUEL CLEAVER WITH GRATITUDE

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

Ms. BASS of California. Mr. Speaker, I rise today to acknowledge the extraordinary leadership of my colleague, Mr. EMANUEL CLEAVER, who represents with distinction Missouri's Fifth District. I want to offer a special word of appreciation for his many years of service, not merely for his constituents, but for his steady commitment to employ the power of his office to ensure our Nation is set on a course where we all succeed.

As chair of the Congressional Black Caucus, Mr. CLEAVER used this position of leadership to help elevate and embolden us to address some of the great social and economic challenges of our day, not just for African Americans, but for all Americans.

I am reminded of the evening in North Carolina at the Democratic Convention when he gave that impassioned and fiery speech that brought everyone to our feet. He reminded us that in America our strength is rooted in our Nation's most profound gift—its diversity. He reminded us that no matter how difficult times may get or may be that we must ''hope on,'' and that it is the power of our hope that drives us to not give up when we have failed, but to try again until we get it right.

As I complete my first term in Congress, let me thank the chairman for his counsel, his guidance, and his friendship. He's provided advice and wisdom that as a newcomer to Washington has been invaluable. He's stepping down as the head of the Congressional Black Caucus, but we will all continue to enjoy hearing his reflections at caucus meetings and getting the notes on promoting civility. It's my personal hope that one day he will collect all of these notes and reflections and publish them.

But I did think that I would end with words from that famous North Carolina speech:

> Hope inspires me to believe that any day now, we will catch up to the ideals put forth by our Nation's Founding Fathers. It is our hope and faith that moves us. It is our hope that tells us our latter days will be better than our former. It is our hope that instructs us to march on.

I look forward to working with you in the years through the struggles and successes that are in front of us. Thank

you, Mr. CLEAVER, for your service, your friendship and for your leadership.

A TRIBUTE TO CHAIRMAN EMANUEL CLEAVER

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

Ms. FUDGE. Mr. Speaker, today I rise to salute EMANUEL CLEAVER, II, my chairman and my friend, the Congressman from the great State of Missouri who was unanimously elected to lead the Congressional Black Caucus for the 112th Congress. As we move closer to adjournment of this Congress, I rise with my colleagues to thank EMANUEL CLEAVER for his stellar leadership and sacrifice during the last 2 years.

From councilman to Kansas City's first African American mayor to Member of Congress, and most recently our leader, Chairman CLEAVER has continually represented the interests of both his constituents and scores of underrepresented Americans with an undeniable zeal and passion.

The leader of the Congressional Black Caucus carries the burden of modeling that which makes us the ''Conscience of the Congress,'' and he has succeeded. A man of fine intellect and unwavering integrity who daily exhibits his deep-seated belief in civility, Chairman CLEAVER is firm in his convictions based on what is right rather than what is expedient. As an ordained minister with many years of pastoral experience, EMANUEL CLEAVER has not only served as chairman of the caucus but has served as our spiritual adviser as well. He is a friend on whom we can all depend. He is selfless and unassuming, yet powerful, respected, and a trusted leader on both sides of the aisle. Chairman EMANUEL CLEAVER has earned the respect and admiration of citizens throughout this Nation and many beyond our borders.

Today, I salute Chairman EMANUEL CLEAVER. Today, the Congressional Black Caucus salutes him. We thank him for his dedication to our people, his devotion to the highest standards and his undeniably effective leadership. Our caucus thanks Chairman CLEAVER, our country thanks him, and I thank him.

A TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIR EMANUEL CLEAVER, II

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

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I'm talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.

The Congressional Black Caucus has long and rightly been known as the ''Conscience of the Congress,'' and it's no exaggeration to say that EMANUEL CLEAVER is the conscience of the CBC.

Prior to being elected to the House of Representatives, he served on the local level. But since coming here to the House in 2004, EMANUEL CLEAVER has been a champion for the poor, the aged, the infirm, and for those struggling to join the middle class or working to stay there. He has worked tirelessly to expand educational and employment opportunities for those looking to build a better life for themselves and their families and to represent God. He has done so with dignity, grace, civility, and unfailing good cheer.

As CBC chair during the 112th Congress, EMANUEL CLEAVER understood the importance of drawing attention to the economic crisis in the African American community, where the unemployment rates were more than double that of whites. And under his leadership, the CBC launched the ''For the People'' Jobs Initiative, hosting town hall discussions and job fairs, one of which was in Los Angeles, in my hometown, and four other urban areas hit hardest by the recession.

The CBC took the feedback that was received from those communities and its recommendations for creating jobs to the President, who included them in the American Jobs Act.

Following the assault and the murder of Trayvon Martin, an unarmed African American teenager in Florida, the CBC stood up for his parents and made sure their plea for justice did not go unheeded. Chairman CLEAVER understood that justice delayed is justice denied. And when the precious right to vote was under attack this election season, the CBC, led by Chairman CLEAVER and the incoming chair, MARCIA FUDGE, exposed those voter suppression efforts and worked overtime to overcome those obstacles and to ensure that our constituents were ready and able to vote with the CBC's ''For the People'' voter participation initiative. As a result, African American turnout in the 2012 election far exceeded expectations and was successful in reelecting President Barack Obama.

Mr. Speaker, Chairman CLEAVER has led the Congressional Black Caucus with skill, compassion, and an unwavering commitment to justice and equal opportunity during some of the most critical times of this Nation's history. I thank Chairman CLEAVER for his service, for his leadership, for his friendship, and, most of all, for his example of being led by God here in the House of Representatives.

□ 1040

IN MEMORY OF MAVIS DONAHUE

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

Mr. DAVIS of Illinois. Mr. Speaker, Members of the House, I rise first of all to commend a matriarch in my community who passed away a few days ago, Ms. Mavis Donahue, who came to the United States of America from Jamaica. Of course, much of her family came with her, and they kind of stay together as a group.

It was her daughter, Claudette, that I first met, and we worked together for about 40 years. But then her son-in-law, Billy, Claudette's husband, took the first photograph that I ever used in a campaign brochure. Their daughter Erica, who is my goddaughter, was the first person who ever appeared on a campaign brochure when I decided to run for public office. So I simply want to commend them as they prepare to take their mother, their grandmother, their aunt, their friend, their neighbor, back to her home in Jamaica to be buried alongside her mother.

I also join my colleagues in coming to pay tribute to our leader, the Reverend Congressman EMANUEL CLEAVER. We've all talked about his leadership, and I've been told two things about leadership that I always try to remember. One is that leadership is the ability to get other people to do what you want them to do but because they want to do it, meaning that somehow or another you can convince them that what you're talking about is the thing to do. The other thing that I've learned about leadership is that you can't lead successfully where you don't go, and you can't teach what you don't know.

I've been able to follow the life of EMANUEL CLEAVER long before he became a Member of the House of Representatives. See, he grew up in the Midwest, kind of, but really the Southwest, in a real sense, as I did. Our schools played football in the Southwest Athletic Conference. The first time we decided to televise our game, we went out and washed cars and did all the things you did to raise the money that we needed. We played Prairie View, and lo and behold, they beat us 28–0, which was a real letdown after we had paid to have the football game televised.

But I remember that EMANUEL came out of school, went to work for the Southern Christian Leadership Conference, became a leader in his community as a young person, pastor of a tremendous church that I've had the opportunity to visit, and they even let me have something to say.

Reverend CLEAVER, Congressman CLEAVER, America has benefited from your leadership for many years. We know that what you've done for the caucus and for this Congress will stand, but we know that you will keep doing it for many more years to come.

God bless you and God keep you.

UNEMPLOYMENT BENEFITS

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

GENERAL LEAVE

Mr. CURSON of Michigan. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days in which to revise and extend their remarks and to insert material into the RECORD on the subject of Representative EMANUEL CLEAVER's retirement as chair of the Congressional Black Caucus.

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

There was no objection.

Mr. CURSON of Michigan. I, too, offer my congratulations to Representative CLEAVER for his service to all Americans as the CBC chair.

Millions of Americans are out of work through no fault of their own. Millions of Americans are relying on federally funded benefits to make ends meet as our Nation's struggling economy starts to recover. These unemployment benefits for the long-term unemployed will immediately and completely stop on December 29, 2012, unless we in Congress act. There is no phaseout. Every individual receiving those benefits now will be cut off cold.

The Department of Labor estimates that over 2 million Americans will lose their emergency benefits at the end of the year, including over 92,000 people in my home State of Michigan. Cutting off benefits for the long-term unemployed will have a devastating impact on middle class families who are struggling to stay out of poverty. They are critically important for necessities of life, rent, groceries, and utilities. Cutting off unemployment benefits will also hurt America's economic recovery, as economists predict that allowing the UC benefits to expire at the end of this year will reduce economic growth next year by $58 billion.

Emergency unemployment benefits provide a particularly valuable economic contribution to the economy because financially stressed unemployed workers typically spend the benefits they receive quickly. Cutting off these benefits will hurt small businesses and add to the downward spiral of a failing economy. The Census Bureau reports that unemployment benefits, both State and Federal, reduced the number of Americans living in poverty last year by 2.3 million, including over 600,000 children. The Congressional Research Service estimates that in 2011, unemployment benefits reduced the poverty rate for families receiving them by 40 percent.

Cutting off unemployment benefits for too many Americans will only substantially increase hardship and poverty in our Nation. Now is not the time to deprive these Americans of a critical lifeline. Federally funded unemployment benefits should be extended by this Congress.

The best cure for unemployment is to create jobs. We can do this by investing in rebuilding our Nation's infrastructure, creating real jobs and real revenue by people working for a living.

STOP MILITARY RAPE

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

Ms. SPEIER. Mr. Speaker, I, too, rise to pay my respect and to honor Representative CLEAVER.

I am one of those many Members of the House who each week waits for that letter from Congressman CLEAVER. In each of these letters, he tells a life lesson, typically one to inspire us to be more hopeful, to be more willing to look at the issue from someone else's perspective, to be more compassionate, to be more loving. So I, too, share in his commitment to making this place a more responsive environment for all, and I thank Mr. CLEAVER for his great leadership as the chair of the CBC over the last year.

Mr. Speaker, I now would like to turn to my prepared remarks for this morning. I would like to read you some song lyrics that Air Force Technical Sergeant Jennifer Smith found on her government computer at Shaw Air Force Base. The lyrics of the song are called the ''The S&M Man,'' and they go like this:

> Who can take a machete, whack off all her limbs, Throw her in the ocean, and watch her try to swim?
>
> The S&M Man.

Jennifer Smith reported this song and other sexually explicit documents to her superiors in the Air Force. ''The S&M Man'' is offensive, it's hostile, but to her male colleagues and superiors, the song is just tradition, a tradition that is alive and well, celebrated in song, patches, coins, offensive pictures, behavior, and the tacit approval of commanding officers.

A military tradition of demeaning women is not only sickening, but contrary to the fundamental principles of an institution founded in respect and honor and in discipline. It undermines our military's readiness and cohesion. Simply put, it gravely damages the military.

This is the 24th time that I have come to the floor to share the story of a servicemember, either man or woman, who has been raped, sexually assaulted, or harassed by fellow servicemembers. By the Department of Defense's own records and estimates, there are 19,000 rapes and sexual assaults each year in the military, and the VA reports that half a million veterans are affected by military sexual trauma.

□ 1050

Still, fewer than 14 percent of these victims actually report the crimes. And why is that? It is because so few are prosecuted—fewer than 9 percent—and a minuscule number end in conviction.

Air Force Sergeant Jennifer Smith has been subjected to this toxic culture for nearly two decades. She finally had enough. She filed a lawsuit; and in her lawsuit, she chronicles 17 years of abuse and a toxic culture—from 1995 until the present time—a culture that speaks of repulsive and destructive behavior by servicemembers and the tacit approval of their commanders.

Jennifer Smith joined the Air Force 17 years ago, when she was just 18 years of age. Her career has been filled with promotions and with medals and commendations by her commanding officers. She is one of the soldiers whom we so highly regard in the military. She has a record of astonishing accomplishments. In many of the commendations, she has been told that she is a ''gifted mentor'' who ''goes above and beyond'' and to ''promote her now.'' Her career has also been filled with sexual harassment, assaults, and complacency—or worse—from her commanding officers.

During her five deployments in Iraq, Kuwait, Korea, and Germany, Sergeant Smith has endured assault by a master sergeant, who pushed her into a room, dropped his pants, and tried to force himself on her; harassment by a vice commander, who told her to relax and take her top off during a meeting; constant exposure to pornographic material and sexually explicit flight songs; and an attempted rape she was too scared to report.

Sergeant Smith endured sexual harassment and a hostile work environment for 13 years when she decided to speak up. It's time for all of us to speak up. It's time for all of us to expect from the military what we expect from the private sector—no hostile work environment.

She found pornographic materials in her squadron that included two "Doofer" books and magazines that were in her shared office. She reported them, but nothing was done.

Later that year, approximately two months after Technical Sergeant Smith had deployed to Iraq, she was assaulted outside of the gym. A man grabbed her from behind and physically dragged her to a dark place behind the building.

The man pushed her up against the wall and groped her. He had his arm under her neck, lifting her feet off the ground. He said, "I could kill you right now . . . and no one is going to miss you."

Technical Sergeant Smith was able to break free, and ran away as fast as she could. She went to work the next day and did not say anything about it because she feared retaliation and harassment.

This is happening now—in January 2012, Technical Sergeant Smith was back from Iraq at Shaw Air Base to manage pilot training. Whenever she checked her computer, she was bombarded with sexually hostile documents and videos. She reported the offensive material. Nothing was done.

In response to news coverage Sergeant Smith's formal complaint, Air Force Chief of Staff Gen. Mark Welsh ordered a service-wide sweep of workspaces and public areas for images, calendars and other materials that objectify women.

This sweep is inadequate, or worse. It appears to be a response to bad press rather than an aggressive tool to root out and expose this toxic culture.

The sweep which began on Wednesday, December 5th, provides a twelve-day window

for it to be completed after a very public notification.

This window and public notification intentionally or unintentionally provides service members the time to hide the content, and the opportunity for commanding officers to not find anything. Why did the Air Force tip off service members that the sweep was taking place? Commanding officers who performed the sweep also had an incentive not to find anything because it would reflect poorly on the command climate they are charged with maintaining.

This sweep also did not include individual desks, cabinet drawers, lockers, or military issued computer hard drives, where much of the content in the Smith complaint was stored.

Describing the need for a sweep, General Welsh explained, "In my view, all this stuff is connected.

If we're going to get serious about things like sexual assault, we have to get serious about an environment that could lead to sexual harassment. In some ways, this stuff can all be linked."

I agree with General Welsh. It's time to get serious about sexual assault in the military, but this must include credible and effective oversight actions to counter the culture that permits and fosters systemic harassment, assault, and rape.

And even with effective sweeps, it won't be as easy as taking down a calendar or deleting a computer file. Ending the epidemic of rape and sexual assault in the military will require a reboot of the military justice system, and addressing commander influence in these all too common cases. We owe Jennifer Smith and her many colleagues subjected to this gross harassment better. We don't tolerate it in the private sector.

MENTAL HEALTH FUNDING

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

Mr. MURPHY of Pennsylvania. While our Nation still grieves the loss of so many children and teachers and others in Connecticut, it is a time for Congress to begin a thoughtful dialogue on what we can do to deal with these mass-casualty incidences in our country. They have been going on for some time; but perhaps when we see the faces of children, principals, teachers and others, it will burn upon our hearts and motivate us to take further action. I want to make sure, Mr. Speaker, that Congress takes the appropriate action in a thoughtful, willful, determined way and that it doesn't jump to quick conclusions as if simple fixes will prevent this from happening.

First, to the parents of children across America who are asking questions, Mr. Speaker, I'd like to offer some of this advice, and also in my background as a psychologist, it's important for people to remember this:

Parents should be asking their children what they have heard about the incident. We should listen to their concerns and their emotions. We should answer their questions with age-appropriate information. We should support and comfort and reassure them of their safety at home and at school. We should observe and watch for symptoms of problems, such as changes in appetite, such as sleep issues, worries, aggression, anger, and sadness. We should protect our children from other media exposure and information that creates more fear and problems;

It is important for parents to call for professional help for their children if they are showing some concerns and symptoms of this beyond simple adjustment. For parents who have children who also have anger disorders, it is important for parents to review with school personnel locally how their schools are handling security and providing counseling assistance at school;

It is important for parents to pay attention to their own concerns and worries and to, over time, keep watch as concerns and symptoms may come later—even for those who are far distant from the location where this occurred.

For my colleagues, Mr. Speaker, I recommend that we remove the stigma surrounding mental illness in our talk about it and that we, first and foremost, address this as a mental health issue. We must commit to expanding access for those who are unable to receive treatment. If parents are not sure what to do, we need to provide them with information and assistance to get their children help. We have to review a wide range of things, such as television violence and video games in relation to violent behavior. We have to make sure that we are reviewing research that is being done with the National Institutes of Health, the National Institute of Mental Health, and our universities across the country. What we do not yet have is an answer to understanding how we can accurately predict those who will perform violent acts.

It is also important to understand that, for mentally ill persons, it is a diagnosable and treatable condition, that in the vast majority of cases there is no violence involved, and that, as a matter of fact, those with mental illness are 11 times more likely to be the victims of aggression rather than the sources of aggression. We can understand some of the risks: these often times are people between the ages of 15 and 25, and they generally tend to be males, intelligent; but we need to make sure we are identifying and providing resources for care for the families.

At the Federal Government level, I also recommend that Congress use a thoughtful approach in reviewing every single mental health program that we fund. In the Department of Justice, the Department of Education, Health and Human Services, the Department of Defense, we need a thorough and thoughtful review of what we spend and how it is spent even if it gets down to the level of family and community.

Understand, for example, in the Children's Mental Health Services program, it was funded at $117 million in fiscal year 2012. The President has proposed a cut of nearly $29 million of this; and with sequestration, it will be cut by a further $8 million. Should we make those cuts? Is that a program that is using this money effectively and efficiently? Let's talk about these in a candid and honest way with Members of Congress and the community.

Let's also understand that about 58 million Americans suffer from a mental disorder in a given year. About one in four people will have some diagnosable illness; and if one seeks treatment, one can get help. We also need to understand that, with psychotropic medication, over 70 percent of the time it is prescribed by a non-psychiatrist. With persons who have other problems with that—drug interactions—or who have other problems not quite dealt with, it is important to make sure that insurance plans funded by the Federal Government, State governments, and private insurers are appropriately allowing people to be treated for this.

We have many directions in which we need to go on this. Let's make sure we don't go in the wrong direction.

HONORING THE REVEREND EMANUEL CLEAVER

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

Ms. LEE of California. I rise in honor of our outgoing Congressional Black Caucus chairman, Congressman Reverend EMANUEL CLEAVER.

Chairman CLEAVER has been a truly outstanding leader of the Congressional Black Caucus during the 112th Congress. We were fortunate to have his wisdom and steady—mind you, steady—leadership as we have navigated through some of the most contentious debates that I have witnessed during my time in Congress.

Faced with a job crisis unlike any that we have seen in recent history, Chairman CLEAVER instituted a very successful job initiative. With unemployment at record levels, with three to four unemployed persons for every single job opening, with 50 million in poverty, and with unemployment disparities like none we have ever seen, he understood that it was extremely important not only to talk about the need for jobs but to take action to bring jobs to the people, and that's exactly what Chairman CLEAVER and the Congressional Black Caucus did with last year's jobs tour, by launching jobs fairs in districts across the country, and we actually connected people with real jobs.

Chairman CLEAVER also helped lead the fight against the efforts to disenfranchise millions of voters. He has been a strong advocate for protecting the most vulnerable among us in ensuring that the social safety net stays in place and in pushing for a budget that is balanced and fair.

Now, as we are all trying to make sense of this so-called ''fiscal cliff,'' I

am reminded of what he said so succinctly as a result of last year's deal. He called it, quite frankly, a ''Satan sandwich.'' He has really been able to take leadership on these issues because, as a person of faith, he understands the moral and the, really, I think, extremely deep ethical impacts of our decisions. He pricks our conscience as we approach our deliberations.

Indeed, in what has many times and often times been the most divisive, polarizing, and political climate that many of us have experienced, Chairman CLEAVER has used his pastoral skills, his ability to bring people together on both sides of the aisle to help us all through times of trouble.

□ 1100

He is truly a Member's Member. He helped to remind us exactly why we are all here. And yes, he is a brilliant legislator, but he's also a prophetic leader.

Chairman CLEAVER visited my district on my birthday not long ago, and he blessed me and my church with a sermon. And I must say, it was a moving, a powerful, and a spirited sermon. He's truly an anointed pastor, and he has demonstrated this gift in his work and his leadership here in Congress.

Also, Chairman CLEAVER is a strong environmentalist, and I had the privilege to visit his district where, as mayor of Kansas City, he led the way in the greening of his great city. His presentation and his clarity on climate change and how it is affecting God's planet and its inhabitants is brilliant and it's clear. Communities of color and low-income communities owe Chairman CLEAVER a debt of gratitude for tackling this tough issue with patience and with clarity.

But I know that Chairman Reverend Congressman CLEAVER does not stand alone. He has an amazing support system with his family and his wife, Dianne, who has been a friend to me and to the Congressional Black Caucus. Dianne is a brilliant and beautiful woman who was taught, like myself, by the Sisters of Loretto. She has been by his side offering her advice, counsel, and love.

I thank Chairman CLEAVER for his friendship. My congressional district, my pastor, J. Alfred Smith, Sr., and Junior, the Allen Temple Baptist Church in Oakland, California, and my entire congressional district deeply appreciate Chairman CLEAVER's generosity and his attention, not only to his remarkable constituents and his district, but to my district, to all of our districts, to our great Nation, and to our country.

Thank you, Chairman Reverend Congressman EMANUEL CLEAVER for your tremendous leadership, for your friendship, and I look forward to our continuing work together for peace and justice.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, let it be very clear, EMANUEL CLEAVER is not retiring from the United States Congress, but we are here to thank him for his service to the Congressional Black Caucus as chair, but really to the Nation.

Let me thank my colleagues for gathering this morning to raise a voice of crescendo in thanks and appreciation for this man called EMANUEL CLEAVER. His progeny and his ancestors are grateful for the mark that he has made on behalf of America.

Chairman CLEAVER speaks eloquently about his origins of hailing from Texas and his many relatives who remain there, even those who are in the surrounding areas of the 18th Congressional District. He's a proud graduate of Prairie View A&M University in Texas, in the surrounding area of Houston, Prairie View, Texas. He has a great heritage and connectedness to the Black Power movement, and he is a good combination of peace, gentleness, firmness, leadership, and courage.

And I might say that he was a man for these times, just as the Bible dictated that Esther was a woman for her time, was there for a time such as that. Our chairman of the Congressional Black Caucus found his role in a number of challenges that we faced. And if I might paraphrase a Biblical story, hopefully I have it nearly right, but I call this chairman a modern day Joseph who is able to wear the multicolored coat, representing constituencies from all backgrounds and going to represent his people in a foreign land. Chairman CLEAVER would go to places where others had not gone or raise his voice for issues that were unpopular, and he did so with the consensus and collaboration of the astute and committed members of the Congressional Black Caucus.

I went to his district, as many of us did. We're proud to see the affection, friendship, and love given to him by his constituents. I was so interested in what we call the green corridor; so many are looking to instill and implement that in their own districts.

Thank you, Reverend CLEAVER, for coming to Houston, Texas, on more than one occasion, but particularly to the NAACP banquet when I was named a recipient of the Mickey Leland Humanitarian Achievement Award, but more importantly, for your words of diminished return that if, in fact, we go to the lowest common denominator, if we don't raise ourselves to the highest level of challenge, then it becomes a diminished return, if I might paraphrase Chairman CLEAVER's words. It was a rousing and challenging speech that lifted people off their feet, and it caused us to think about what we need to do.

Finally, as others have spoken of his work on creating jobs for all of America, particularly those underserved, where the African American job unemployment rate was so high, he was a champion during the debate and the challenge of passing the Affordable Care Act, now proudly ObamaCare. When we came together that Sunday, March 19, before we had to go and vote, it was Chairman CLEAVER that led us to a prayer service where we worshipped and were renewed. We came back ready to cast our votes, to put this great legislation that is going to save lives over the top. We did it as a body, as a collective body, and as a group of members of the Congressional Black Caucus. And so even preceding his time in leadership, he led.

Finally, Mr. Speaker, let me offer my thank-you to this native son of Texas, a graduate of Prairie View A&M, one of the great institutions in the State of Texas. Let me congratulate his wife and his wonderful children and his extended family and all those who have seen in him the willingness to sacrifice for others. Thank you, Chairman CLEAVER. The great news is you're not retiring from this body and your leadership for America will continue.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. CLARKE) for 5 minutes.

Ms. CLARKE of New York. Mr. Speaker, I rise today to pay tribute to the outgoing chairman of the Congressional Black Caucus, the Reverend and Representative EMANUEL CLEAVER, II, of Missouri, who is my colleague and good friend. Representative CLEAVER has graciously served with distinction in the House of Representatives and the Fifth Congressional District of Missouri for nearly 8 years.

He has been an outstanding chairman to the Congressional Black Caucus, ushering the caucus through its 40th anniversary. He cares deeply for all Americans—children, seniors, and the marginalized of our society. Who can forget his demonstrative leadership on the CBC Jobs Tour where tens of thousands of Americans lined up for an opportunity to present themselves to employers.

From creating economic opportunity, supporting quality education for all children, to ensuring equal access to health care for all Americans, Chairman CLEAVER has truly been the embodiment of the conscience of the Congress.

After the shooting of our colleague Gabrielle Giffords, her staff, and constituents in Tucson, Arizona, occurred, Chairman CLEAVER was one of the first people to call for civility and the end to the toxic rhetoric here in Washington.

Congressman CLEAVER led the effort to ensure that all citizens registered to

vote on National Voter Registration Day, which was an initiative to raise awareness to block the voter suppression efforts with the enacting of voter ID laws by numerous States during the Presidential election this year.

This outspoken, soft-spoken minister can bring the fire when needed. I cannot forget his legendary and enthusiastic speech to Democrats on the pressing issues that affect all Americans, as demonstrated in his 2012 Democratic National Convention speech in Charlotte, North Carolina. He is not afraid to display his passion for what is right.

□ 1110

Chairman CLEAVER is truly a man on a mission for his constituents in Kansas City and all Americans across this Nation. A crusader for justice, I am proud to serve alongside him in the Congressional Black Caucus and look forward to our continued friendship in the 113th Congress.

I wish him God's richest blessings and continued success.

HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ISRAEL) for 5 minutes.

Mr. ISRAEL. Mr. Speaker, I rise to join my colleagues in honoring Chairman EMANUEL CLEAVER. I have never had to wait so long to say something nice about a colleague of ours, and that gives you a sense of how wonderful Chairman CLEAVER has been as the chairman of the CBC, as a Member of Congress, and as a human being.

This is a place of hard elbows and harsh tongues, and Chairman CLEAVER has always worked to make us better, a better Congress and better as individuals.

He and I found common ground very early on in our tenure together. I created the House Center Aisle Caucus, and he reached out to me and we tried to figure out ways of injecting respect and tolerance and sensitivity into our discourse on the floor of the House. We share the value that listening is better than shouting and that bringing people together is a more valued tradition than driving them apart.

His leadership of the CBC has inspired so many of us, his ability to drive the CBC forward and, at the same time, to reach even higher. And I know that the incoming chairperson, Chairwoman FUDGE, will pursue those goals with equal tenacity and equal vision.

Finally, Mr. Speaker, I would say this. Although EMANUEL CLEAVER ascended to the highest position in the Congressional Black Caucus, although he has become a senior Member of this Congress, he has never forgotten that our fundamental ability is to work for those we serve, and he has reminded us every single day that no matter how high you are at any given time, there is always a higher calling. And for that we are forever grateful to Chairman CLEAVER, for his service to the CBC and his continuing service as a Member of this body. He has made us a better Congress and a better country, and we look forward to continuing to work with him.

HONORING REPRESENTATIVE EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 2½ minutes.

Mr. PAYNE. Mr. Speaker, today I rise to honor my good friend and mentor, chairman of the Congressional Black Caucus, Representative EMANUEL CLEAVER, the outgoing chairman of the CBC.

An accomplished and esteemed legislator, Congressman CLEAVER was instrumental in orchestrating the CBC For the People Jobs Initiative, which brought together private and public sector entities across the Nation to help the unemployed Americans get jobs.

He also spearheaded voter protection events to bring attention to the State voter suppression policies designed to discourage and prevent African Americans from exercising their right to vote.

Personally, it was my pleasure to get to know Congressman CLEAVER through his relationship with my father, the late Congressman Donald Payne, Sr. However, I became more acquainted with Mr. CLEAVER when I was a candidate for the 10th Congressional District of New Jersey.

Throughout the many encounters with Congressman CLEAVER, he has always shown tremendous leadership, intellect, kindness, and poise. These characteristics were on full display during the passing of my father. My family and I were honored to have Mr. CLEAVER deliver a very emotional and uplifting speech that was felt throughout the church during my father's home-going service in March. His advice and words of comfort during those very challenging times were tremendous help, and I will always be grateful for his unwavering support.

During my transition to Capitol Hill, he offered a great deal of support, oftentimes stopping me in the hallways to ask me how am I doing and how can he help. His assistance has eased my transition considerably, and I am grateful for the profound impact that Congressman CLEAVER has had on me.

In just a few months, I've come to know why my father considered him a great colleague and an outstanding leader. Today I cannot think of a better friend and mentor.

Thank you.

HONORING THE SERVICE OF CONGRESSMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 2½ minutes.

Mr. RANGEL. I don't rise to talk about and to give accolades to Congressman CLEAVER because he has served the Congressional Black Caucus so well. And the reason I don't is because I can't imagine that he won't continue to serve us as he has this capacity to do.

I know that Congresswoman Judge FUDGE is going to do a remarkable job, but there is a uniqueness about Reverend CLEAVER, Pastor CLEAVER, City Councilman CLEAVER, Mayor CLEAVER, Congressman CLEAVER. God has given these terrific assets to be able to take complex, emotional problems and to talk to you like he's known you all of your life as he helps you to work with him to try to find some solution.

Every time I hear him give a talk, I vision him in his church talking about those things that give inspiration to so many people that have lost hope, and especially now, as many have lost their homes and lost jobs.

As we struggle in this Congress today, in trying to bring some balance in terms of our deficit, our spending, as well as our raising the revenue, I cannot help but look at the reverend, Congressman, chairman in terms of the words of Matthew, when Jesus made it abundantly clear that, although the rich were not asking Jesus for comfort as related to providing for the sick and the naked and the poor and the underprivileged, somehow Jesus had said what EMANUEL CLEAVER follows, that it's not what we do here in the Congress for Members of Congress, indeed, it's not what we do for the rich and the middle class, but the basic question we all have to decide is: What did we do for the lesser among us, the vulnerable, the sick, the aged, and the poor?

Certainly, EMANUEL CLEAVER provides a conscience for all of us that are privileged to serve in this august body.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor one of Congress's finest members, Chairman EMANUEL CLEAVER, for his exemplary leadership and service to the Congressional Black Caucus.

While Chairman CLEAVER has worked on behalf of the people of Missouri's fifth district for the last eight years, and in service to the people of Kansas City as a councilman and mayor for many more than that, I want his constituents to know the depth, character, and accomplishments of the public servant they are so fortunate to have representing them and Americans across this country.

As Chairman of the Congressional Black Caucus, Congressman CLEAVER has guided its more than 40 members on their mission to extend the promise of the American dream to every community and corner of this Nation. Through his tireless advocacy on issues critical to the African American community and his stewardship of the Caucus's jobs fair initiative, Chairman CLEAVER worked to bring the business community together with the many talented and skilled workers that were disproportionately impacted during this recent economic recession.

He has worked to ensure that every child has an opportunity to receive a quality education; that every man and woman can exercise their constitutional right to vote, and that

the doors of economic and social opportunity are open to every American who seeks to step through them.

And, like so many of my fellow Members, I have the privilege of knowing Chairman CLEAVER as a dear friend and mentor. He is always ready with a kind or encouraging word, no matter the situation or where he stands on the issues.

I salute the Chairman for his distinguished leadership and achievements with the Congressional Black Caucus and congratulate him on this milestone in his career. As colleagues, we are grateful that we will continue to benefit from his service and friendship for years to come.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor our colleague, the Honorable EMANUEL CLEAVER III. Congressman CLEAVER has served with distinction during the 112th Congress as the 20th chair of the Congressional Black Caucus (CBC).

During his tenure as CBC chair, Chairman CLEAVER focused on bringing critical issues before the United States that are of importance to Black America such as voter protection, job creation, inequity in unemployment, the debt-ceiling and many other pressing issues facing our country. As a co-chair of the CBC Technology and Infrastructure taskforce I have worked closely with Chairman CLEAVER to advocate for the needs of community colleges, increased workforce training, initiatives to broaden participation in STEM and inadequate, outdated, and underfunded transportation systems.

Chairman CLEAVER deserves to be commended for highlighting African-American inequity in unemployment and spearheading the Congressional Black Caucus Jobs tour this past summer. The jobs tour was a nationwide initiative that helped pair thousands of unemployed African Americans with employers and brought the issue to the forefront of the national discussion. As past chair of the CBC I know that the work of the Caucus truly serves as a voice for the voiceless and its 43 Members serve as the conscience of the United States Congress.

It has been an honor to be a friend and colleague of Chairman CLEAVER during our years in Congress. He continues to inspire and encourage us all through his milestone of service to our Nation throughout his tenure as a United States Congressman.

Mr. Speaker, I would like to recognize Chairman CLEAVER for his many accomplishments during his tenure as Chairman of the CBC.

Mrs. CHRISTENSEN. I rise in tribute to the Chair of the Congressional Black Caucus, the Honorable EMANUEL CLEAVER this morning.

Every Chair brings a special brand of leadership to the Caucus and every term in which that Chair serves has its own unique challenges.

Chairman EMANUEL CLEAVER led the 112th Caucus with humor and equanimity and provided a strong and unwavering moral compass for not just the CBC, but for the entire Democratic Caucus.

His stories—we never knew where he was going with them until the end—were always full of wit and "down-home wisdom" and always held a message to remind us "whose we are" and "what is expected of us." There was always an inspirational message to fuel us for the task.

We were continually challenged during the 112th Congress, the recession, the contentious election season and its voter suppression initiatives, the ethics attacks on our members, and the Tea Party influence on our Republican colleagues made it a particularly challenging two years.

But he met and led us to meet those challenges head on and took the CBC to yet another higher level. I was proud to serve as his First Vice-chair.

I know these years were full of sacrifice for him and his family and so I proudly join all of the other members of the CBC to tell him thank you for his excellent and significant stewardship.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to congratulate Congressman EMANUEL CLEAVER, for the great job he has done as Chairman of the Congressional Black Caucus in the 112th Congress.

As the 20th chair of the Congressional Black Caucus, Congressman CLEAVER has benefited from the legacy of many great leaders from our past.

A legacy that includes inspiring leaders like Shirley Chisholm, the first African American female Member to be elected to Congress, Charles Diggs, Jr., the first Chairman of the Congressional Black Caucus, and the late great Congressman Donald Payne from New Jersey.

I can say with great sincerity, that Congressman CLEAVER has established a legacy of his own.

During his tenure as CBC Chairman Congressman CLEAVER has sought to fight the pervasive job loss in the African American community by promoting the CBC jobs initiative.

Chairman CLEAVER has led Members of the Congressional Black Caucus across the country, where we have called upon private and public sector partners to immediately remedy the jobs crisis by going into communities with legitimate employment opportunities for the undeserved.

Under Representative CLEAVER's leadership, the CBC has hosted town hall meetings and job fairs in the hardest hit, economically distressed areas to provide opportunities for people to be connected to real employment.

When Republican state legislators decided to pass egregious voter I.D. laws to undermine the Voting Rights Act of 1965, Congressman CLEAVER made sure that the Congressional Black Caucus was at the forefront of the fight to educate the voting public about these laws, and stop them in their tracks.

After working under the leadership of Congressman CLEAVER for the last two years, I can attest with great confidence that he has shown a natural aptitude for strong leadership, with a clear vision that will serve as a great example for future CBC Chairmen for years to come.

I think my colleagues would agree with me when I say—Congressman CLEAVER, you have served well.

Thank you for your commitment and your tireless effort on behalf of the CBC.

I look forward to working with you, and continuing to "fight the good fight" in the 113th Congress.

RECESS

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

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

Eternal God, we give You thanks for giving us another day. We pause in Your presence and ask guidance for the men and women of the people's House.

Enable them, O God, to act on what they believe to be right and true and just, and to do so in ways that show respect for those with whom they disagree.

Send Your healing upon our Nation. As we continue to recover from such a great tragedy, endow the Members of this House and all our governmental leaders with the wisdom to respond with whatever policies and laws might be needed to ensure greater peace and security in our land.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. CHU) come forward and lead the House in the Pledge of Allegiance.

Ms. CHU 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.

CORRECTING THE ENROLLMENT OF S. 2367

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 63 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word ''lunatic'' from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike ''in subsection (b)'' and insert ''in subsection (j)''.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE DANIEL K. INOUYE

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 64 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE ONE HUNDRED THIRTEENTH CONGRESS

Mr. OLSON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the resolution is as follows:

H. RES. 836

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred sixty copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NO WASHINGTON PERMIT REQUIRED

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

Mr. POE of Texas. Mr. Speaker, the United States State Department has haughtily told Israel not to build homes in East Jerusalem. It might upset the Palestinians, sayeth the State Department. It might even hurt their feelings.

The United States has no business telling Israel or any other country where they can or cannot build homes in their own country. Israel doesn't need a construction permit from Washington to build a house on their own land. What would we think if some country told us we couldn't build homes in certain parts of our Nation? We would tell that country, in probably not very polite language, ''Mind your own business.''

The United States is once again meddling in the internal affairs of a sovereign nation. This is the arrogance of power. In the meantime, Prime Minister Netanyahu of Israel is going ahead with the housing project without the United States building permit. And good for him.

And that's just the way it is.

NOTHING WILL EVER BE MADE STRAIGHT ABOUT U.S. INTERVENTION IN LIBYA

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

Mr. KUCINICH. This past September 11, four Americans, including our Ambassador, were killed in Benghazi.

The responsibility for security failures has now been placed on the State Department. End of story? No. The deeper question is why did the U.S. intervene in Libya in the first place.

Twenty months after a U.S.-led mission to overthrow the Libyan Government, militias are still battling in the streets for control; al Qaeda-linked groups have a foothold in Libya they did not have before U.S. intervention.

Why did we spend U.S. tax dollars to open the door for al Qaeda in Libya? The intervention itself was a disaster, and it makes the case that the U.S. Government's policy of intervention in Libya was wrong and that everything that proceeds from that intervention is bound to be tainted.

The book of Ecclesiastes says: That which is crooked cannot be made straight. Nothing will ever be made straight about U.S. intervention in Libya.

SEQUESTRATION MUST BE ADDRESSED

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

Mr. WILSON of South Carolina. Madam Speaker, with the negotiations surrounding the fiscal cliff, the administration is ignoring sequestration. This important issue must be addressed which devastates national security and destroys 700,000 jobs.

In addition, I am grateful for the opportunity to offer a fond farewell to two hardworking staffers, Ryann DuRant, office scheduler, and Master Gunnery Sergeant Michelle King, military Fellow of the United States Marine Corps. Both women have served with dedication to the people of South Carolina's Second Congressional District. Michelle is relocating to the Pentagon where she will work with the Sexual Assault Prevention and Response Office. Ryann is taking a legislative correspondent and press assistant position with her new hometown representative of Myrtle Beach, Congressman-elect TOM RICE. Their competence, hard work, and good humor will be missed. We wish them all the best of success in the future.

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

WHAT OUR LAX GUN LAWS BRING US

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

Ms. CHU. Twenty children ages 6 and 7 went to school last Friday to learn, to play, to take their first steps into this world. What happened to them and six brave teachers determined to protect them is horrific and unimaginable. Our hearts break for their families, their friends, and their loved ones. What has been taken from them cannot be taken back.

The tragedy at Sandy Hook happened because we turned a blind eye to the carnage our lax gun laws bring us. It's time to change those laws before another school, mall, or movie theater is turned into a crime scene.

We must ban assault weapons. We must ban extended ammunition clips that shoot 30 bullets at a time. We must demand that everyone everywhere receives a thorough background check if they want to own a gun.

It's time to reclaim our security, and it starts by making changes to the law.

□ 1210

HONORING JOHN MATSUSHIMA

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

Mr. GARDNER. Madam Speaker, I rise today to honor Dr. John Matsushima, who will be honored as a Citizen of the West at the National Western Stock Show this coming January. This prestigious award has been presented since 1978, and the selected recipient must embody the spirit and determination of the Western pioneer who is committed to perpetuating the West's agricultural heritage and ideals. I can think of no better person to receive this honor than Dr. Matsushima.

Now 91 years old, he has dedicated his life to teaching others about agriculture and livestock. He began teaching in 1961 at Colorado State University, and he continued to enrich the lives of students until his retirement in 1992. Dr. Matsushima currently holds the title of professor emeritus at Colorado State University, and still spends significant time on campus as an adviser to those who will be future stewards of agriculture.

Among his many honors and awards, Dr. Matsushima received the Japan Emperor award in 2009 and was the first Japanese American to achieve this accomplishment. He has also received national and Colorado 4–H Club awards, the Colorado State University Livestock Leader award, and Colorado State's Best Teacher award.

He is a true pioneer who has committed his life's work to Colorado and to the Western United States. These stories highlight an amazing man, and I am proud to honor Dr. Matsushima on the House floor.

MAINTAIN THE C–130 FLEET

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

Mr. HIGGINS. Madam Speaker, this week, conferees met to reach an agreement on the National Defense Authorization Act. As we consider a final agreement, I rise in support of language in the conference report which prevents the movement and retirement of C–130 aircraft.

Madam Speaker, western New York is home to the Niagara Falls Air Reserve Station, which hosts a robust fleet of C–130 aircraft. These aircraft were among the planes used to deliver supplies to the regions of New York and New Jersey in the aftermath of hurricane devastation. Additionally, these western New York aircraft flew over 1,500 missions in Iraq and Afghanistan.

Representatives KATHLEEN HOCHUL, LOUISE SLAUGHTER, and I wrote to the conferees on this important issue, and we are pleased that the committee agreed to keep in language in the House-passed bill to maintain the C–130 fleet. I encourage the House to support the conference report language that will maintain the C–130 fleet.

THE TRAGEDY IN NEWTOWN, CONNECTICUT

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

Mr. OLSON. Madam Speaker, I rise today to express the sorrow I feel about the tragedy that happened in Newtown, Connecticut, last Friday.

I have a personal connection with Newtown. After being transferred from Texas, my parents were sent to Connecticut, to the corporate headquarters of my father's company. They bought a home in Newtown. My brother graduated from Newtown High School. I would go to Newtown for the holidays. I have driven past Sandy Hook Elementary School—the place where 20 innocent children and six adults were killed by a madman.

As a parent, I cannot imagine the pain the families who lost a child are feeling. From my brief time in Newtown, I saw that it was a true community with strong people. They will go forward, but they need our thoughts, our prayers, and our love.

May God bless them and help them find peace.

MEDICARE IDENTITY THEFT PREVENTION ACT

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

Mr. ALTMIRE. Madam Speaker, today the House will consider the Medicare Identity Theft Prevention Act, and I urge my colleagues to support it this afternoon.

Despite actions taken by this House and Federal agencies, Medicare identity theft continues to be a problem. Medicare's own inspector general issued a report stating that more than a quarter-million Medicare beneficiaries are potential victims of identity theft. This is simply unacceptable.

The bill we will consider today makes a commonsense change to Medicare cards that most seniors carry. It will ensure that, in the future, Social Security numbers are not displayed or embedded on these cards, which are issued to every Medicare beneficiary.

Seniors spend their whole lives building financial security for their retirement years. They shouldn't have to worry about losing it if someone steals one's Medicare card.

HONORING THE CAREER OF BOB MORTON, AN EASTERN WASHINGTON LEGEND

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

Mrs. MCMORRIS RODGERS. It is with great pride that I rise today to honor the tremendous service and career of Bob Morton, a 22-year veteran of the Washington State Legislature, who recently announced that he was going to be retiring at the end of the year.

He was first elected to the House in 1990, and then he was appointed to the Senate, where he currently represents the Seventh District, including Pend Oreille, Ferry, Stevens, and parts of Okanogan and Spokane Counties. He owned a small logging business and ran cattle while also preaching at his local church and serving the community.

But Bob is not just an outstanding legislator for eastern Washington; he is also a close friend, a mentor, and the reason that I got into politics and public service in the first place.

As an elected official, I've worked with him on countless issues, and his advice and friendship have been invaluable. He is recognized for his leadership and knowledge of forest health and good forest management. No one knows Western water law better than Bob, and he has participated in most of the negotiations over Washington water law.

Bob and his wife, Linda, have five children and 11 grandchildren, and I know they're looking forward to spending more time with them in their retirement. I wish them the best in their next adventures.

SUPERSTORM SANDY DISASTER ASSISTANCE PACKAGE

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

Mr. SIRES. Madam Speaker, it has been nearly 8 weeks since Superstorm Sandy struck our shores and devastated an entire region. It has been 8 weeks, and Congress has yet to send a disaster assistance package to the affected States.

It is precedent for this body to stand together in the aftermath of a natural disaster and to immediately provide the necessary assistance in order to help communities recover and rebuild. Two weeks after Hurricane Katrina hit the gulf coast, Congress approved more than $62 billion in Federal aid. One month after Hurricanes Ike and Gustav hit Texas, Congress approved more than $20 billion in aid.

Why can't this Congress come together and approve the $60 billion requested by the President to help the victims of Sandy? The damage done by Sandy is far beyond the resources and capacity that any single State possesses to recover on its own.

It is my hope that this Chamber can set aside its differences and swiftly approve the supplemental funding. Such assistance will aid those who have lost everything in the storm, and it will help to rebuild our communities stronger than ever. New Jersey, New York, and Connecticut have always stood by other regions of this Nation

that have been faced with difficult circumstances. I trust that my colleagues in Congress will now come to our aid.

THE NEWTOWN TRAGEDY AND THE NEED FOR TIGHTER GUN CONTROL

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

Ms. TSONGAS. Madam Speaker, every corner of America has been deeply affected by the tragic loss of so many lives in Newtown, Connecticut. We mourn for the enormity of grief and for the inconsolable loss visited upon Newtown's families, and we know that our response to Newtown must not and cannot go the way of the many other senseless acts of violence we almost routinely witness. The tragedy in Newtown must be a call to action.

Members from both sides of the aisle have acknowledged that it is time for a conversation about the accessibility of high-capacity weapons in our country and of the culture of violence we live in. This conversation is long overdue, and it is simply not an option to allow this discussion to become stagnant or to be bullied into silence by seemingly untouchable organizations.

America's laws must reasonably control gun manufacturing, sale, and usage. We must act to make real changes that will provide real protection for America's families. In the days to come, let us work together to do just that.

LET US MOURN WITH ACTION

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

Ms. JACKSON LEE of Texas. Madam Speaker, you will hear many voices being raised in the backdrop of an unspeakable tragedy from which, even as Members think of it, they cry.

Just a few minutes ago, there was a press conference in which there was probably not a dry eye in that room as Members gave tribute to those lives lost and to those being buried today, and as they spoke of their own anguish, their lost children, and of the loss of their fellow staff members in a gun incident.

So I rise today to say that we must act and can act and can pass legislation even this week. I join with Senator FEINSTEIN's effort and Congressman PERLMUTTER's and Congresswoman MCCARTHY's and that of many others with legislation. I join with the legislation of H.R. 277, that talks about protecting our children, which was introduced by myself. I join with the statement by the Progressive Caucus that speaks about this ammunition, these guns, and mental health. I also join with Dick's Sporting Goods store.

I will just personally say to those who are listening: maybe you'll want to turn in your guns. Oh, no. I am not going to take your guns, but look at what Dick's Sporting Goods did in the moment they wanted to be part of the solution and a part of America. Let us mourn with action.

God bless those who have lost their lives.

□ 1220

COMMEMORATING LIFE OF JENNI RIVERA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I rise to honor and commemorate the life of Mexican American singer Jenni Rivera. Jenni used her powerful voice, soulful singing style, and honest lyrics to create a message that spoke to the resiliency of women.

That powerful voice was silenced forever when she and six others were killed in a plane crash on November 9. Born and raised in Long Beach, California, to immigrant parents from Mexico, Jenni Rivera started her career selling her CDs at flea markets. When she died at the age of 43, Jenni was a top-selling artist, an actress, television producer, and entrepreneur.

Tragically, she was on the cusp of multicultural stardom when she died. She had just finished filming her first film and was in talks with ABC to star in her own sitcom.

Her talent and authenticity shined brightly in a music genre dominated by men. Jenni's lyrics offered a new and refreshing woman's perspective.

Madam Speaker, please join me in honoring the memory of Jenni Rivera and the message of empowerment she gave to millions of women that she spoke for.

IMPLEMENTING THE HIRE ACT

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

Mr. WALZ of Minnesota. Madam Speaker, as more and more of our brave warriors return from Afghanistan, more and more of them are looking for work. It's our duty as a Nation to make sure that we're doing everything possible to get these troops reemployed. That's why I'd like to applaud both the Senate and the House for including in the National Defense Authorization Act the Helping Iraq and Afghanistan Veterans Return to Employment, the HIRE Act.

What it does is establish a very commonsense process that encourages State credentialing authorities to consider certain military occupational training when granting licenses. It makes absolutely no sense to force a battlefield medic to spend time and Federal dollars taking redundant training to be an EMT. It makes no sense for a State agency that wouldn't count hundreds of hours driving heavy equipment in Afghanistan to get a CDL license. The Department of Defense spends $140 billion a year training our military personnel, the best in the world. It would be ludicrous to not use that investment to get them jobs here at home.

Eight States have already passed legislation to develop the process. I encourage Members of Congress, talk to their State and their Governor to get this done.

FISCAL TURNING POINT

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

Mrs. DAVIS of California. Madam Speaker, as a Nation, we are gaining momentum as our economy gets back on track. For my constituents in San Diego, home prices are on the rise and most employers are adding jobs and hours instead of cutting back. We cannot afford to undo the progress we are making, especially for the middle class.

The only way to accelerate our economic progress is to balance economic development with protection for the most vulnerable Americans from job losses, tax increases, and program cuts. Americans young and old need to know that Congress believes in the future and that we'll work together to keep our country on the rise.

I think often of Gandhi's statement: The future depends on what we do in the present.

Let's not waste this critical opportunity to advance economic growth and invest in our future.

PREVENTING MORE SANDY HOOKS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, we have experiences in our personal and collective lives that challenge us profoundly, forcing us to search our souls and to change our behavior. Our Nation experienced such a moment on Friday as 20 children were gunned down at Sandy Hook Elementary School, along with six teachers and administrators who were attempting to protect them.

As we mourn and reach out to the families of Newtown, we owe the victims and each other serious consideration of how to prevent more Newtowns and Auroras and Oak Creeks and Tucsons. We must shore up mental health outreach and support, especially for troubled young people. And politically difficult as it may be, we must deal with the instruments of destruction, keeping deadly weapons out of the hands of violent and deranged people and removing weapons of mass killing from our streets.

The horror of Sandy Hook must overcome any temptation to accept the unacceptable or to avoid responsibility for addressing the crying need for change.

RESOLVING FISCAL CLIFF

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

Ms. HANABUSA. Madam Speaker, people have no idea what we're doing because we don't know what we're doing. It reminds me of being in traffic: we all hurry to get to where—to another bottleneck and to wait.

Resolving the fiscal cliff is an opportunity to show that we can work together in a bipartisan manner; but to do so, we must listen and put the people first and the party second. If we don't, a middle class family of four will see their taxes rise by $2,200 in 2013. Unemployment will go up to 9.1 percent.

Remember, the cost of extending all of the Bush tax cuts is $2.4 trillion in 10 years. Extend the middle class tax cuts and let the Bush tax cuts for the upper 2 percent return to the Clinton rates. We cannot sacrifice the middle class, the steady job growth that we've seen just to protect the upper 2 percent. This is not the message we want to send, and this is not the message Republicans want to send.

ADDRESSING GUN VIOLENCE

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

Mr. HIMES. Madam Speaker, I joined my colleagues in the Connecticut delegation in Newtown last Sunday night. We will never forget that vigil—the despondency, the anger, the hopelessness. But over time, that emotion turns into the imperative that we act as public officials to make sure that this never happens again.

We have so much to do in a Nation awash in guns, and not just guns, but guns that are designed for the explicit purpose to do nothing but to kill lots of people quickly, in a Nation that celebrates violence as a solution and as entertainment, in a Nation that does not do enough to address the needs of its mentally disturbed.

One thing we should do right away, though, is put to rest forever the pernicious fantasy that more people carrying arms will make us safer. That's not backed by fact. It's not backed by data. It's not backed by history. It is a testosterone-laden fantasy. A gun in the home is 22 times more likely to be used in a suicide or a murder or violent assault than it is likely to be used in self-defense.

The RAND Corporation studies show that police officers trained in a situation of an exchange of gunfire hit their intended target less than two in 10 times—trained police officers. Ladies and gentlemen, more guns do not make for a safer America.

COMMONSENSE GUN SAFETY LAWS

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

Mr. CICILLINE. Madam Speaker, yesterday my office hosted the Brady Campaign to Prevent Gun Violence, and I met with families whose lives have been devastated by gun violence, families who lost loved ones in Columbine, at Virginia Tech, at Aurora, and in other incidents. No words of mine could ever match the pain that these families felt as a result of these losses.

The recent tragedy in Newtown, unfortunately, is the most recent in a long series of mass killings involving guns. But this incident is especially horrific because it involved the slaughter of 20 innocent children and their teachers. This must mark a turning point in the debate over commonsense gun safety laws. It's critical for lawmakers on both sides of the aisle to commit themselves to do everything we can to end this violence because commonsense gun laws aren't Democratic values or Republican values; they're American values. And if our values as Americans mean anything at all, then surely all Americans are entitled to enjoy their lives and live in neighborhoods that are safe and free from gun violence.

There is lots of talk about a national conversation, beginning a dialogue. The time for talking is over. Now we must act: banning assault weapons and high-capacity assault clips, fixing our criminal background check system, and closing loopholes that allow 40 percent of gun sales to go forward without background checks.

□ 1230

RECENT DECREASE IN MENTAL HEALTH FUNDING

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

Ms. KAPTUR. Madam Speaker, in view of what has happened in Newtown, Connecticut, it is important to place on the Record the fact that our Nation has been experiencing the largest reduction in State mental health services of this generation. According to the National Alliance on Mental Illness, States have cumulatively cut over $1.8 billion from their mental health services between 2009 and 2011. This is the largest reduction in State mental health services in half a century.

With 1 in 17 people in America living with a serious neurological condition, how is this tremendous decrease in funding possible or humane?

Often, those who suffer the most are angels of destiny. According to a report from the Federal Bureau of Justice statistics, more than half of our country's prison population suffers or has suffered from mental disorders, but only a fraction of that population receives treatment during their incarceration. And, in fact, individuals with mental illness are far more likely to be victims of crime than the perpetrators.

Newtown is a national tragedy, Madam Speaker, but it reveals again our shared responsibility to support and treat those in this country who need our help so desperately. I urge our colleagues to support a more constructive Federal role in assuring proper and early diagnosis and intervention of affected youth and appropriate treatment.

I congratulate President Obama and Vice President BIDEN for their leadership in moving our Nation to a better day for us all. So many of us here in Congress wish to join them in this great national challenge.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). 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.

REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 668

Resolved,

SECTION 1. REFERRAL.

Pursuant to section 1492 of title 28, United States Code, the bill (H.R. 5862), entitled ''A Bill relating to members of the Quapaw Tribe of Oklahoma (O-Gah-Pah),'' now pending in the House of Representatives, is referred to the chief judge of the United States Court of Federal Claims for a determination as to whether the Tribe and its members have Indian trust-related legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution.

SEC. 2. PROCEEDING AND REPORT.

Upon receipt of the bill, the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations; and

(2) report back to the House of Representatives, at the earliest practicable date, providing—

(A) findings of fact and conclusions of law that are sufficient to inform the Congress of the nature, extent, and character of the Indian-trust related claims of the Quapaw Tribe of Oklahoma and its tribal members for compensation as legal or equitable

claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution; and

(B) the amount, if any, legally or equitably due from the United States to the claimants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill 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. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to thank the gentleman from Oklahoma (Mr. COLE) for sponsoring House Resolution 668.

This bill allows a Native American Tribe that resides in Oklahoma, the Quapaw, to appear before the United States Federal court of claims to plead for damages against the Federal Government for mismanagement of tribal funds. The court would issue a report, either favorable or unfavorable, to the tribe. If favorable, the Natural Resources Committee would be authorized to move separate legislation to effect the court's decision.

In 2002, the tribe filed a lawsuit for an accounting in Federal district court of the U.S. Government's mismanagement of tribal and tribal member trust assets.

In November 2004, the tribe and the U.S. Government agreed that the tribe and third-party contractors would conduct an accounting of the U.S. Government's actions and inactions related to the trust assets. This was to facilitate a mediated solution to this lawsuit's claims. In exchange for this mediated route, the tribe would dismiss the lawsuit.

In June 2010, after 5 years of accounting and related analysis, the Quapaw Analysis was completed and shared with the U.S. Government. This set the stage for mediation. That analysis confirmed that the government's mismanagement of the Quapaw's trust constituted a breach of trust.

The tribe initiated multiple attempts to resolve their claims, which the government rejected. By 2011, the tribe sought relief in court from the government's failure to fulfill its trust obligations and to mediate and settle the trust claims.

Last year, eight Quapaw Tribe members filed a class-action lawsuit on behalf of themselves and other individuals for damages based on breach of trust. The government filed motions to dismiss the case and also refused to respond to a formal settlement demand proffered by the tribe.

The government's foot-dragging necessitates our passage of House Resolution 668 today. The bill doesn't guarantee a desired outcome; it only allows the Quapaw a chance to go before the Federal court of claims and make their best case. Even if the court rules in their favor, the Natural Resources Committee must still move subsequent legislation that incorporates the court's decision through both Houses of Congress.

Also, a revision to the bill stipulates that an award of damages by the court only applies to claims that are not already pending before the Court of Federal Claims. This ensures that claimants will not be doubly or excessively compensated.

Again, I want to thank the gentleman from Oklahoma (Mr. COLE) for his persistence on this issue and for introducing this particular bill. I urge my colleagues to support House Resolution 668.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 668, a congressional reference bill concerning the trust-related claims of the Quapaw Tribe of Oklahoma.

Now, congressional reference bills are rare in Congress. The House hasn't considered such a bill since 2002 in the 107th Congress, but the fact that this procedure is a rare one doesn't mean that it isn't a useful one.

Unlike most other legislation, reference bills require passage in only one Chamber to take effect. If passed by either the House or Senate, the bill would simply refer a claim against the U.S. Government to the U.S. Court of Federal Claims for consideration.

The court, however, as the chairman has indicated, would not be authorized to render a final ruling on the claim. Rather, it would only be authorized to consider evidence and to submit a report to Congress with its findings and recommendations. Congress could then decide, based on the court's report, whether or not to enact a private claims bill or appropriate funds to the claimant in the interest of justice.

In this case, H. Res. 668 would refer the bill, H.R. 5862, a bill relating to members of the Quapaw Tribe of Oklahoma, to the Court of Federal Claims. And as amended, the bill would authorize the court to determine whether the tribe and its members have trust-related legal or equitable claims against the U.S., other than legal claims that are currently pending before the court.

We have consulted with the Department of Justice and the Department of the Interior on this matter, and both agencies agree that the Quapaw Tribe has legitimate claims against the United States concerning certain tribal lands that were held in trust by the Federal Government. The only real dispute is the value of the claim.

This makes this congressional reference bill an appropriate measure to help bring this matter to a final resolution. By referring the case to the Federal claims court, they can consider all the evidence, submit a report on what the court believes to be the appropriate value of the tribal claim, and then, based on that court's findings and conclusions, Congress can play its appropriate role to consider whether or not it is in the interest of justice to pass a private claims bill or otherwise appropriate funds to satisfy the claim.

This procedure will help the Congress do the right thing, and that's why we're sent here, to do the right thing.

So I ask my colleagues to support this important legislation. I commend Congressman COLE for his diligent pursuit of this matter of justice.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield as much time as he may consume to the gentleman from Oklahoma (Mr. COLE), who is the sponsor of this legislation.

Mr. COLE. I thank the gentleman for yielding.

I had a long oration I was going to make, but I want to be quite honest. My good friend Chairman SMITH and my good friend Ranking Member LOFGREN have actually covered the case as well or better than I can. They're both distinguished attorneys. They understand the intricacies involved here, so there's no need for me to go through and literally repeat point by point what they have already made.

I do want to make one central point, or two points.

First, I want to thank both of them. This is a matter of justice. This is a bipartisan effort to try and make sure that an Indian nation that has a legitimate claim against the United States of America has an opportunity to go to court and make its case; no predetermination of the outcome, no settlement without coming back through Congress again, just simply an opportunity to make a case of an injustice that all sides admit occurred, and establish what's fair compensation.

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I want to commend, again, both my colleagues, and particularly Chairman SMITH. This simply could not have happened without his cooperation, his help, and the diligent work of his staff.

I urge passage of the legislation.

INTRODUCTION

Several hundred years ago, the Quapaw ("the Downstream People") were part of a larger group known as the Dhegiha Sioux, which split into the modern tribes known as the Quapaw, Osage, Ponca, Kansa, and Omaha. The Quapaw's ancestral lands are located at the confluence of the Arkansas and Mississippi rivers in what is present day Arkansas. When first encountered by the Europeans in the 1670's, there were some 20,000 Quapaws living in four villages in this area.

A series of treaties with the U.S. Government resulted in most of the Quapaw land being ceded to the United States, and the

Tribe acquiesced to relocation to the far northeastern corner of present day Oklahoma. In the process, the tribal land base was whittled down to its current acreage.

After Quapaw lands in Oklahoma were found to contain rich deposits of zinc and lead in 1905, the Government allowed mining activities to be carried out largely unfettered, and not for the benefit of the Quapaws. For years the value of the Quapaw mineral estate was exported from their land with the Government failing to ensure that royalties, bonuses and other payments were properly made and managed.

WHY H. RES. 668 IS NECESSARY

The Office of Historical Trust Accounting (OHTA) was established by Secretary of the Interior Secretarial Order No. 3231 on July 10, 2001; OHTA is charged with planning, organizing, directing and executing the historical accounting of tribal trust accounts and nonmonetary assets.

In 2002, the Tribe filed a lawsuit for an accounting and for asset mismanagement in the Federal District Court in Oklahoma alleging the U.S. Government owed them an accounting and had mismanaged their funds and nonmonetary assets.

During this time, there were over 104 tribal lawsuits pending and the Department of the Interior—Office of Historic Trust Accounting's ability to fund the accountings and determine whether assets were mismanaged was severely limited. At the same time, the Department of Justice had similar concerns about its ability to respond to the myriad of tribal lawsuits

In July 2004, the U.S. Government and the Tribe negotiated and agreed to settle the pending lawsuit, and enter into an agreement under which the Department of the Interior would enter into a contract with Quapaw Information Services as contractor, to "identify, select, and analyze documents, and prepare an analysis (the Quapaw Analysis), of Interior's management" of the Tribe's Tribal Trust Fund Account, along with certain non-monetary land and natural resources assets held in trust on behalf of the Tribe, and eight individual members of the Tribe.

In 2010—after six years of work, Quapaw Information Systems gave its report to the U.S. Government. In turn, the U.S. Government accepted the accounting as being in conformity with the Federal standards, but refused to do anything with the accounting.

The Tribe fulfilled its end of the bargain. The U.S. Government did not.

By 2011, the Tribe was left with no choice but to seek relief in court from the Government's failure—not only its failure to fulfill its trust obligations, but its agreement to mediate and settle the matter once the accounting was completed. Accordingly, eight Quapaw tribal members filed a class-action lawsuit on behalf of themselves and all other similarly situated tribal members. This case, Goodeagle v. United States, seeks damages for the Government's breach of trust in the U.S. Court of Federal Claims.

In May 2011, the Tribe submitted a formal settlement demand to the Government, to which the Government has never responded.

Instead, the Government has filed repeated Motions to Dismiss the Goodeagle case.

With the settlement demand ignored, and the Government's ongoing refusal to resolve these claims through settlement, in September 2012, the Tribe filed a complaint for damages in the U.S. Court of Federal Claims.

In November 2012, the Government filed yet another motion to dismiss the Tribe's case.

THE MECHANICS OF H. RES. 668

To ensure that the Tribe and its members can pursue their trust-related claims in the U.S. Court of Federal Claims, Rep. TOM COLE and Rep. DAN BOREN introduced H. Res. 668. Notably, this resolution does not pre-determine the outcome of the U.S. Court of Federal Claims review of the Tribe's lawsuit.

It simply allows the Tribe and its members to plead their case to a neutral decision-maker in a judicial proceeding.

Some may assume that the sending of a congressional reference to the U.S. Court of Federal Claims has already predetermined liability in favor of a claimant. As observed by former House Member (Rep. Marion T. Bennett (R–MO)), who became a Claims Court judge, "nothing could be further from the truth or the intent of Congress . . . Congress intends only to afford an impartial and independent forum for determination of the merits of a complex claim by judicial methods." Bennett, Private Claims Acts and Congressional References, 9 JAG L. Rev. 9 (1967).

H. Res. 668, as amended, simply affords the Tribe and its members the chance to present their case about the nature, extent, and character of the Indian trust related claims of the Quapaw Tribe and its tribal members for compensation as legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of House approval of this to a neutral decision-maker in a judicial proceeding.

Ms. ZOE LOFGREN of California. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. 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 agree to the resolution, H. Res. 668.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ZOE LOFGREN of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2012

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6672) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pandemic and All-Hazards Preparedness Reauthorization Act of 2012".

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

Sec. 1. Short title; table of contents.
TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES
Sec. 101. National Health Security Strategy.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Advisory Committee on Children and Disasters.
Sec. 104. Modernization of the National Disaster Medical System.
Sec. 105. Continuing the role of the Department of Veterans Affairs.
TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE
Sec. 201. Temporary redeployment of federally funded personnel during a public health emergency.
Sec. 202. Improving State and local public health security.
Sec. 203. Hospital preparedness and medical surge capacity.
Sec. 204. Enhancing situational awareness and biosurveillance.
Sec. 205. Eliminating duplicative Project Bioshield reports.
TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW
Sec. 301. Special protocol assessment.
Sec. 302. Authorization for medical products for use in emergencies.
Sec. 303. Definitions.
Sec. 304. Enhancing medical countermeasure activities.
Sec. 305. Regulatory management plans.
Sec. 306. Report.
Sec. 307. Pediatric medical countermeasures.
TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT
Sec. 401. BioShield.
Sec. 402. Biomedical Advanced Research and Development Authority.
Sec. 403. Strategic National Stockpile.
Sec. 404. National Biodefense Science Board.

TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

(a) IN GENERAL.—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh–1) is amended—

(1) in subsection (a)(1), by striking "2009" and inserting "2014"; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting ", including drills and exercises to ensure medical surge capacity for events without notice" after "exercises"; and

(B) in paragraph (3)—

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

(I) by striking "facilities), and trauma care" and inserting "and ambulatory care facilities and which may include dental health facilities), and trauma care, critical care,"; and

(II) by inserting "(including related availability, accessibility, and coordination)" after "public health emergencies";

(ii) in subparagraph (A), by inserting ''and trauma'' after ''medical'';

(iii) in subparagraph (B), by striking ''Medical evacuation and fatality management'' and inserting ''Fatality management'';

(iv) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(v) by inserting after subparagraph (B), the following the new subparagraph:

''(C) Coordinated medical triage and evacuation to appropriate medical institutions based on patient medical need, taking into account regionalized systems of care.'';

(vi) in subparagraph (E), as redesignated by clause (iv), by inserting ''(which may include such dental health assets)'' after ''medical assets''; and

(vii) by adding at the end the following:

''(G) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other health care facilities, critical care, and trauma care (which may include trauma centers) and emergency medical systems.'';

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting '', including the unique needs and considerations of individuals with disabilities,'' after ''medical needs of at-risk individuals''; and

(ii) in subparagraph (B), by inserting ''the'' before ''purpose of this section''; and

(D) by adding at the end the following:

''(7) COUNTERMEASURES.—

''(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.

''(B) For purposes of this paragraph, the term 'countermeasures' has the same meaning as the terms 'qualified countermeasures' under section 319F–1, 'qualified pandemic and epidemic products' under section 319F–3, and 'security countermeasures' under section 319F–2.

''(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—

''(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and

''(B) promoting familiarity with local medical and public health systems.''.

(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh–16) is amended—

(1) by striking paragraphs (5), (7), and (8);

(2) in paragraph (4), by striking ''2811(b)(3)(B)'' and inserting ''2802(b)(4)(B)'';

(3) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(4) by inserting before paragraph (2) (as so redesignated), the following:

''(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319;'';

(5) by amending paragraph (2) (as so redesignated) to read as follows:

''(2) oversee the implementation of the preparedness goals described in section 2802(b) with respect to the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);'';

(6) by inserting after paragraph (6), the following:

''(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and

''(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of communication needs of the intended recipients, including at-risk individuals.''.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting '', security countermeasures (as defined in section 319F–2),'' after ''qualified countermeasures (as defined in section 319F–1)'';

(B) in paragraph (4), by adding at the end the following:

''(D) POLICY COORDINATION AND STRATEGIC DIRECTION.—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 504(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.

''(E) IDENTIFICATION OF INEFFICIENCIES.—Identify and minimize gaps, duplication, and other inefficiencies in medical and public health preparedness and response activities and the actions necessary to overcome these obstacles.

''(F) COORDINATION OF GRANTS AND AGREEMENTS.—Align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in consultation with the Secretary of Homeland Security, to—

''(i) optimize and streamline medical and public health preparedness and response capabilities and the ability of local communities to respond to public health emergencies; and

''(ii) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate.

''(G) DRILL AND OPERATIONAL EXERCISES.—Carry out drills and operational exercises, in consultation with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness and response, including exercises based on—

''(i) identified threats for which countermeasures are available and for which no countermeasures are available; and

''(ii) unknown threats for which no countermeasures are available.

''(H) NATIONAL SECURITY PRIORITY.—On a periodic basis consult with, as applicable and appropriate, the Assistant to the President for National Security Affairs, to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.''; and

(C) by adding at the end the following:

''(7) COUNTERMEASURES BUDGET PLAN.—Develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities described in subsection (d). Each such plan shall—

''(A) include consideration of the entire medical countermeasures enterprise, including—

''(i) basic research and advanced research and development;

''(ii) approval, clearance, licensure, and authorized uses of products; and

''(iii) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

''(B) inform prioritization of resources and include measurable outputs and outcomes to allow for the tracking of the progress made toward identified priorities;

''(C) identify medical countermeasure lifecycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F–2; and

''(D) be made available to the appropriate committees of Congress upon request.'';

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

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have lead responsibility within the Department of Health and Human Services for emergency preparedness and response policy coordination and strategic direction;

''(2) have authority over and responsibility for—

''(A) the National Disaster Medical System pursuant to section 2812;

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2;

''(C) the Biomedical Advanced Research and Development Authority pursuant to section 319L;

''(D) the Medical Reserve Corps pursuant to section 2813;

''(E) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and

''(F) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary;

''(3) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C–1;

''(B) the Strategic National Stockpile pursuant to section 319F–2; and

''(C) the Cities Readiness Initiative; and

''(4) assume other duties as determined appropriate by the Secretary.''; and

(3) by adding at the end the following:

''(d) PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Assistant Secretary for Preparedness and Response shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. In developing such a plan, the Assistant Secretary for Preparedness and Response shall consult with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food

and Drugs. Such strategy and plan shall be known as the 'Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan'.

''(2) REQUIREMENTS.—The plan under paragraph (1) shall—

''(A) describe the chemical, biological, radiological, and nuclear agent or agents that may present a threat to the Nation and the corresponding efforts to develop qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), or qualified pandemic or epidemic products (as defined in section 319F–3) for each threat;

''(B) evaluate the progress of all activities with respect to such countermeasures or products, including research, advanced research, development, procurement, stockpiling, deployment, distribution, and utilization;

''(C) identify and prioritize near-, mid-, and long-term needs with respect to such countermeasures or products to address a chemical, biological, radiological, and nuclear threat or threats;

''(D) identify, with respect to each category of threat, a summary of all awards and contracts, including advanced research and development and procurement, that includes—

''(i) the time elapsed from the issuance of the initial solicitation or request for a proposal to the adjudication (such as the award, denial of award, or solicitation termination); and

''(ii) an identification of projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (C), including projected needs with regard to replenishment of the Strategic National Stockpile;

''(E) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

''(F) evaluate progress made in meeting timelines, allocations, benchmarks, and milestones identified under subparagraph (D)(ii);

''(G) report on the amount of funds available for procurement in the special reserve fund as defined in section 319F–2(h) and the impact this funding will have on meeting the requirements under section 319F–2;

''(H) incorporate input from Federal, State, local, and tribal stakeholders;

''(I) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals (as defined in 2802(b)(4)(B)), as applicable under subparagraph (C), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile, including by addressing the needs of pediatric populations with respect to such countermeasures and products in the Strategic National Stockpile, including—

''(i) a list of such countermeasures and products necessary to address the needs of pediatric populations;

''(ii) a description of measures taken to coordinate with the Office of Pediatric Therapeutics of the Food and Drug Administration to maximize the labeling, dosages, and formulations of such countermeasures and products for pediatric populations;

''(iii) a description of existing gaps in the Strategic National Stockpile and the development of such countermeasures and products to address the needs of pediatric populations; and

''(iv) an evaluation of the progress made in addressing priorities identified pursuant to subparagraph (C);

''(J) identify the use of authority and activities undertaken pursuant to sections 319F–1(b)(1), 319F–1(b)(2), 319F–1(b)(3), 319F–1(c), 319F–1(d), 319F–1(e), 319F–2(c)(7)(C)(iii), 319F–2 (c)(7)(C)(iv), and 319F–2(c)(7)(C)(v) of this Act, and subsections (a)(1), (b)(1), and (e) of section 564 of the Federal Food, Drug, and Cosmetic Act, by summarizing—

''(i) the particular actions that were taken under the authorities specified, including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

''(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

''(iii) the number of, nature of, and other information concerning the persons and entities that received a grant, cooperative agreement, or contract pursuant to the use of such authorities, and the persons and entities that were considered and rejected for such a grant, cooperative agreement, or contract, except that the report need not disclose the identity of any such person or entity;

''(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6), a contract was entered into within one year after such approval by the President; and

''(v) with respect to section 319F–1(d), for the one-year period for which the report is submitted, the number of persons who were paid amounts totaling $100,000 or greater and the number of persons who were paid amounts totaling at least $50,000 but less than $100,000; and

''(K) be made publicly available.

''(3) GAO REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the date of the submission to the Congress of the first Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning such Strategy and Implementation Plan.

''(B) CONTENT.—The report described in subparagraph (A) shall review and assess—

''(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to paragraph (2)(C);

''(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and

''(iii) the progress made toward meeting the timelines, allocations, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.

''(e) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (b)(7) and (d), the Secretary shall ensure that information and items that could compromise national security, contain confidential commercial information, or contain proprietary information are not disclosed.''.

(b) INTERAGENCY COORDINATION PLAN.—In the first Public Health Emergency Countermeasures Enterprise Strategy and Implementation Plan submitted under subsection (d) of section 2811 of the Public Health Service Act (42 U.S.C. 300hh–10) (as added by subsection (a)(3)), the Secretary of Health and Human Services, in consultation with the Secretary of Defense, shall include a description of the manner in which the Department of Health and Human Services is coordinating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the following:

''SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the 'National Advisory Committee on Children and Disasters' (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—The Advisory Committee shall—

''(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

''(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards emergencies; and

''(3) provide advice and consultation with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

''(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

''(2) REQUIRED MEMBERS.—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

''(A) the Assistant Secretary for Preparedness and Response;

''(B) the Director of the Biomedical Advanced Research and Development Authority;

''(C) the Director of the Centers for Disease Control and Prevention;

''(D) the Commissioner of Food and Drugs;

''(E) the Director of the National Institutes of Health;

''(F) the Assistant Secretary of the Administration for Children and Families;

''(G) the Administrator of the Federal Emergency Management Agency;

''(H) at least two non-Federal health care professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery;

''(I) at least two representatives from State, local, territorial, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

''(J) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

''(e) MEETINGS.—The Advisory Committee shall meet not less than biannually.

''(f) SUNSET.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.''.

SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting '', including at-risk individuals as applicable'' after ''victims of a public health emergency'';

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B), the following:

''(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.''.

''(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.''; and

(2) in subsection (g), by striking ''such sums as may be necessary for each of the fiscal years 2007 through 2011'' and inserting ''$52,700,000 for each of fiscal years 2013 through 2017''.

SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 8117(g) of title 38, United States Code, is amended by striking ''such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011'' and inserting ''$155,300,000 for each of fiscal years 2013 through 2017 to carry out this section''.

TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

SEC. 201. TEMPORARY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

''(e) TEMPORARY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.—

''(1) EMERGENCY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL.—Notwithstanding any other provision of law, and subject to paragraph (2), upon request by the Governor of a State or the chief of a tribe or such Governor or chief's designee, the Secretary may authorize the requesting State or tribe to temporarily redeploy, for purposes of immediately addressing a public health emergency in the State or tribe, non-Federal personnel funded in whole or in part through, as appropriate, programs under this Act.

''(2) ACTIVATION OF EMERGENCY REDEPLOYMENT.—

''(A) PUBLIC HEALTH EMERGENCY.—The Secretary may authorize a temporary redeployment of personnel under paragraph (1) only during the period of a public health emergency determined pursuant to subsection (a).

''(B) CONTENTS OF REQUEST.—To seek authority for a temporary redeployment of personnel under paragraph (1), the Governor of a State or the chief of a tribe shall submit to the Secretary a request for such authority and shall include in the request each of the following:

''(i) An assurance that the public health emergency in the geographic area of the requesting State or tribe cannot be adequately and appropriately addressed by the public health workforce otherwise available.

''(ii) An assurance that the public health emergency would be addressed more efficiently and effectively through the requested temporary redeployment of personnel.

''(iii) An assurance that the requested temporary redeployment of personnel is consistent with the any applicable All-Hazards Public Health Emergency Preparedness and Response Plan under section 319C–1.

''(iv) An identification of—

''(I) each Federal program from which personnel would be temporarily redeployed pursuant to the requested authority; and

''(II) the number of personnel who would be so redeployed from each such program.

''(v) Such other information and assurances as the Secretary may require.

''(C) CONSIDERATION.—In reviewing a request for temporary redeployment under paragraph (1) of personnel funded through a Federal program, the Secretary shall consider the degree to which the program would be adversely affected by the redeployment.

''(D) TERMINATION AND EXTENSION.—

''(i) TERMINATION.—A State or tribe's authority for a temporary redeployment of personnel under paragraph (1) shall terminate upon the earlier of the following:

''(I) The Secretary's determination that the public health emergency no longer exists.

''(II) Subject to clause (ii), the expiration of the 30-day period following the date on which the Secretary approved the State or tribe's request for such authority.

''(ii) EXTENSION AUTHORITY.—The Secretary may extend the authority to authorize a temporary redeployment of personnel under paragraph (1) beyond the date otherwise applicable under clause (i)(II) if the public health emergency still exists as of such date, but only if—

''(I) the State or tribe that submitted the initial request for authority for a temporary redeployment of personnel submits a request for an extension of such authority; and

''(II) the request for an extension contains the same type of information and assurances necessary for the approval of an initial request for such authority.

''(3) NOTICE TO PERSONNEL OF POSSIBILITY OF REDEPLOYMENT.—The Secretary shall ensure that, if a State or tribe receives Federal funds for personnel who are subject to the Secretary's redeployment authority under this subsection, the State or tribe gives notice to such personnel of the possibility of redeployment—

''(A) at the time of hiring; or

''(B) in the case of personnel hired before the date of the enactment of this subsection, as soon as practicable.

''(4) NOTICE TO CONGRESS.—The Secretary shall give notice to the Congress in conjunction with the approval under this subsection of—

''(A) any initial request for authority for a temporary redeployment of personnel; and

''(B) any request for an extension of such authority.

''(5) GUIDANCE.—The Secretary shall—

''(A) not later than 6 months after the enactment of this subsection, issue proposed guidance on the temporary redeployment of personnel under this subsection; and

''(B) after providing notice and a 60-day period for public comment, finalize such guidance.

''(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of the Congress a report, on the Secretary's authority under this subsection, including—

''(A) a description of how, and under what circumstances, such authority has been used by States and tribes;

''(B) an analysis of how such authority has assisted States and tribes in responding to public health emergencies;

''(C) an evaluation of how such authority has improved operational efficiencies in responding to public health emergencies;

''(D) an analysis of the extent to which, if any, Federal programs from which personnel have been temporarily redeployed pursuant to such authority have been adversely affected by the redeployment; and

''(E) recommendations on how such authority could be improved to further assist in responding to public health emergencies.

''(7) DEFINITION.—In this subsection, the term 'State' includes, in addition to the entities listed in the definition of such term in section 2, the Freely Associated States.

''(8) SUNSET.—The authority under this subsection shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.''.

SEC. 202. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) COOPERATIVE AGREEMENTS.—Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) in subsection (b)(1)(C), by striking ''consortium of entities described in subparagraph (A)'' and inserting ''consortium of States'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking clauses (i) and (ii) and inserting the following:

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

''(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);'';

(ii) in clause (iv), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

''(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency preparedness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (designated under section 658D of the Child Care and Development Block Grant Act of 1990);

''(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally occurring or due to

bioterrorism, consistent with the requirements of this section; and

''(ix) a description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance, including any utilization of poison control centers;''; and

(B) in subparagraph (C), by inserting '', including addressing the needs of at-risk individuals,'' after ''capabilities of such entity'';

(3) in subsection (f)—

(A) in paragraph (2), by adding ''and'' at the end;

(B) in paragraph (3), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (4);

(4) in subsection (g)—

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

''(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and''; and

(B) in paragraph (2)(A), by adding at the end the following: ''The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).'';

(5) by striking subsection (h);

(6) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''$824,000,000 for fiscal year 2007, of which $35,000,000 shall be used to carry out subsection (h),'' and inserting ''$641,900,000 for fiscal year 2013''; and

(II) by striking ''such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$641,900,000 for each of fiscal years 2014 through 2017'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(iv) in subparagraph (C), as so redesignated, by striking ''subparagraph (C)'' and inserting ''subparagraph (B)'';

(B) in subparagraphs (C) and (D) of paragraph (3), by striking ''(1)(A)(i)(I)'' each place it appears and inserting ''(1)(A)'';

(C) in paragraph (4)(B), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(D) by adding at the end the following:

''(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).''; and

(7) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d–1(e)) is amended by striking ''such sums for each of fiscal years 2007 through 2011'' and inserting ''$30,800,000 for each of fiscal years 2013 through 2017''.

SEC. 203. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking ''public health or medical'' and inserting ''public health, medical, or dental''.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d–7b(k)) is amended by striking ''$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011'' and inserting ''$5,000,000 for each of fiscal years 2013 through 2017''.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh–15) is amended—

(A) in subsection (d)(2), by adding at the end the following: ''Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.''; and

(B) in subsection (i), by striking ''$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011'' and inserting ''$11,200,000 for each of fiscal years 2013 through 2017''.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended—

(1) in subsection (a), by inserting '', including capacity and preparedness to address the needs of pediatric and other at-risk populations'' before the period at the end;

(2) in subsection (b)(1)(A)(ii), by striking ''centers, primary'' and inserting ''centers, community health centers, primary'';

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

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.'';

(4) by striking subsection (g) and inserting the following:

''(g) COORDINATION.—

''(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

''(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partnerships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).'';

(5) in subsection (i)—

(A) by striking ''The requirements of'' and inserting the following:

''(1) IN GENERAL.—The requirements of''; and

(B) by adding at the end the following:

''(2) MEETING GOALS OF NATIONAL HEALTH SECURITY STRATEGY.—The Secretary shall implement objective, evidence-based metrics to ensure that entities receiving awards under this section are meeting, to the extent practicable, the applicable goals of the National Health Security Strategy under section 2802.''; and

(6) in subsection (j)—

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

''(1) IN GENERAL.—For purposes of carrying out this section, there is authorized to be appropriated $374,700,000 for each of fiscal years 2013 through 2017.''; and

(B) by adding at the end the following:

''(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

''(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

''(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).''.

SEC. 204. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting ''poison control centers,'' after ''hospitals,'';

(B) in paragraph (2), by inserting before the period at the end the following: '', allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort''; and

(C) in paragraph (3), by inserting before the period at the end the following: ''and update such standards as necessary'';

(2) by striking subsection (c); and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''PUBLIC HEALTH SITUATIONAL AWARENESS'' and inserting ''MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE'';

(B) in paragraph (1)—

(i) by striking ''Pandemic and All-Hazards Preparedness Act'' and inserting ''Pandemic and All-Hazards Preparedness Reauthorization Act of 2012''; and

(ii) by inserting '', novel emerging threats,'' after ''disease outbreaks'';

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

''(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Secretary shall submit to the appropriate committees of Congress a coordinated strategy and an accompanying implementation plan that identifies and demonstrates the measurable steps the Secretary will carry out to—

''(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3);

''(B) modernize and enhance biosurveillance activities; and

''(C) improve information sharing, coordination, and communication among disparate biosurveillance systems supported by the Department of Health and Human Services.'';

(D) in paragraph (3)(D), by inserting ''community health centers, health centers'' after ''poison control,'';

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process;''; and

(F) by adding at the end the following:

''(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section and consistent with section 319M, the National Biodefense Science Board

shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Human Services to ensure comprehensive, real-time, all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

''(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

''(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

''(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.'';

(4) in subsection (e)(5), by striking ''4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act'' and inserting ''3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012'';

(5) in subsection (g), by striking ''such sums as may be necessary in each of fiscal years 2007 through 2011'' and inserting ''$138,300,000 for each of fiscal years 2013 through 2017''; and

(6) by adding at the end the following:

''(h) DEFINITION.—For purposes of this section the term 'biosurveillance' means the process of gathering near real-time biological data that relates to human and zoonotic disease activity and threats to human or animal health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.''.

SEC. 205. ELIMINATING DUPLICATIVE PROJECT BIOSHIELD REPORTS.

Section 5 of the Project Bioshield Act of 2004 (42 U.S.C. 247d–6c) is repealed.

TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking ''size of clinical trials intended'' and all that follows through ''. The sponsor or applicant'' and inserting the following: ''size—

''(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

''(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

''(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies. The sponsor or applicant''.

SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''sections 505, 510(k), and 515 of this Act'' and inserting ''any provision of this Act'';

(B) in paragraph (2)(A), by striking ''under a provision of law referred to in such paragraph'' and inserting ''under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act''; and

(C) in paragraph (3), by striking ''a provision of law referred to in such paragraph'' and inserting ''a section of this Act or the Public Health Service Act referred to in paragraph (2)(A)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''EMERGENCY'' and inserting ''EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may declare an emergency'' and inserting ''may make a declaration that the circumstances exist'';

(ii) in subparagraph (A), by striking ''specified'';

(iii) in subparagraph (B)—

(I) by striking ''specified''; and

(II) by striking ''; or'' and inserting a semicolon;

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

''(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or''; and

(v) by adding at the end the following:

''(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act sufficient to affect national security or the health and security of United States citizens living abroad.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by amending clause (ii) to read as follows:

''(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(D) in paragraph (4), by striking ''advance notice of termination, and renewal under this subsection.'' and inserting '', and advance notice of termination under this subsection.''; and

(E) by adding at the end the following:

''(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product or an unapproved use of an approved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product or use, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''the Assistant Secretary for Preparedness and Response,'' after ''consultation with'';

(ii) by striking ''Health and'' and inserting ''Health, and''; and

(iii) by striking ''circumstances of the emergency involved'' and inserting ''applicable circumstances described in subsection (b)(1)'';

(B) in paragraph (1), by striking ''specified'' and inserting ''referred to''; and

(C) in paragraph (2)(B), by inserting '', taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable'' after ''risks of the product'';

(4) in subsection (d)(3), by inserting '', to the extent practicable given the circumstances of the emergency,'' after ''including'';

(5) in subsection (e)—

(A) in paragraph (1)(A), by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)'';

(B) in paragraph (1)(B), by amending clause (iii) to read as follows:

''(iii) Appropriate conditions with respect to collection and analysis of information concerning the safety and effectiveness of the product with respect to the use of such product during the period when the authorization is in effect and a reasonable time following such period.'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''manufacturer of the product'' and inserting ''person'';

(II) by striking ''circumstances of the emergency'' and inserting ''applicable circumstances described in subsection (b)(1)''; and

(III) by inserting at the end before the period ''or in paragraph (1)(B)'';

(ii) in subparagraph (B)(i), by inserting before the period at the end '', except as provided in section 564A with respect to authorized changes to the product expiration date''; and

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

''(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when distributed or administered for the approved use.''; and

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

''(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

''(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

''(B) requirements established under section 503(b); and

''(C) requirements established under section 520(e).'';

(6) in subsection (g)—

(A) in the subsection heading, by inserting ''REVIEW AND'' before ''REVOCATION'';

(B) in paragraph (1), by inserting after the period at the end the following: ''As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—

''(A) an unapproved product for which an authorization was issued under this section; or

''(B) an unapproved use of an approved product for which an authorization was issued under this section.''; and

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

''(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—

''(A) the circumstances described under subsection (b)(1) no longer exist;

''(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

''(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.'';

(7) in subsection (h)(1), by adding after the period at the end the following: ''The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.'';

(8) by adding at the end of subsection (j) the following:

''(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Secretary of any application or submission pending before the Food and Drug Administration for a product for which an authorization under this section is issued.''; and

(9) by adding at the end the following:

''(m) CATEGORIZATION OF LABORATORY TESTS ASSOCIATED WITH DEVICES SUBJECT TO AUTHORIZATION.—

''(1) IN GENERAL.—In issuing an authorization under this section with respect to a device, the Secretary may, subject to the provisions of this section, determine that a laboratory examination or procedure associated with such device shall be deemed, for purposes of section 353 of the Public Health Service Act, to be in a particular category of examinations and procedures (including the category described by subsection (d)(3) of such section) if, based on the totality of scientific evidence available to the Secretary—

''(A) such categorization would be beneficial to protecting the public health; and

''(B) the known and potential benefits of such categorization under the circumstances of the authorization outweigh the known and potential risks of the categorization.

''(2) CONDITIONS OF DETERMINATION.—The Secretary may establish appropriate conditions on the performance of the examination or procedure pursuant to such determination.

''(3) EFFECTIVE PERIOD.—A determination under this subsection shall be effective for purposes of section 353 of the Public Health Service Act notwithstanding any other provision of that section during the effective period of the relevant declaration under subsection (b).''.

(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:

''SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PRODUCT.—The term 'eligible product' means a product that—

''(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;

''(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents; or

''(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

''(C) is intended for use during the circumstances under which—

''(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

''(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

''(2) PRODUCT.—The term 'product' means a drug, device, or biological product.

''(b) EXPIRATION DATING.—

''(1) IN GENERAL.—The Secretary may extend the expiration date and authorize the introduction or delivery for introduction into interstate commerce of an eligible product after the expiration date provided by the manufacturer if—

''(A) the expiration date extension is intended to support the United States ability to protect—

''(i) the public health; or

''(ii) military preparedness and effectiveness; and

''(B) the expiration date extension is supported by an appropriate scientific evaluation that is conducted or accepted by the Secretary.

''(2) REQUIREMENTS AND CONDITIONS.—Any extension of an expiration date under paragraph (1) shall, as part of the extension, identify—

''(A) each specific lot, batch, or other unit of the product for which extended expiration is authorized;

''(B) the duration of the extension; and

''(C) any other requirements or conditions as the Secretary may deem appropriate for the protection of the public health, which may include requirements for, or conditions on, product sampling, storage, packaging or repackaging, transport, labeling, notice to product recipients, recordkeeping, periodic testing or retesting, or product disposition.

''(3) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has, under paragraph (1), extended the expiration date and authorized the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer.

''(4) EXPIRATION DATE.—For purposes of this subsection, the term 'expiration date' means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

''(c) CURRENT GOOD MANUFACTURING PRACTICE.—

''(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

''(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

''(d) EMERGENCY DISPENSING.—The requirements of sections 503(b) and 520(e) shall not apply to an eligible product, and the product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because it is dispensed without an individual prescription, if—

''(1) the product is dispensed during the circumstances described in subsection (a)(1)(C); and

''(2) such dispensing without an individual prescription occurs—

''(A) as permitted under the law of the State in which the product is dispensed; or

''(B) in accordance with an order issued by the Secretary, for the purposes and duration of the circumstances described in subsection (a)(1)(C).

''(e) EMERGENCY USE INSTRUCTIONS.—

''(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product's approved, licensed, or cleared conditions of use.

''(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be considered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—

''(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or

''(B) by a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.''.

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

''(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

''(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

''(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.''.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:

"SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.

''It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

''(1) is intended to be held and not used; and

''(2) is held and not used, unless and until that product—

''(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

''(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

''(C) is authorized for use under section 564.''.

SEC. 303. DEFINITIONS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by striking ''The Secretary, in consultation'' and inserting the following:

''(a) DEFINITIONS.—In this section—

''(1) the term 'countermeasure' means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;

''(2) the term 'qualified countermeasure' has the meaning given such term in section 319F–1 of the Public Health Service Act;

''(3) the term 'security countermeasure' has the meaning given such term in section 319F–2 of such Act; and

''(4) the term 'qualified pandemic or epidemic product' means a product that meets the definition given such term in section 319F–3 of the Public Health Service Act and—

''(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological, or nuclear threats, including pandemic influenza; or

''(B) is included under this paragraph pursuant to a determination by the Secretary.

''(b) GENERAL DUTIES.—The Secretary, in consultation''.

SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 303, is further amended—

(1) in the section heading, by striking ''**TECHNICAL ASSISTANCE**'' and inserting ''**COUNTERMEASURE DEVELOPMENT, REVIEW, AND TECHNICAL ASSISTANCE**'';

(2) in subsection (b), by striking the subsection enumerator and all that follows through ''shall establish'' and inserting the following:

''(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—

''(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F–1, 319F–2, 319F–3, 319L, and 2811 of the Public Health Service Act;

''(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section 319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;

''(3) promote countermeasure expertise within the Food and Drug Administration by—

''(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F–2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;

''(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;

''(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and

''(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;

''(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other countermeasure-related technologies and capabilities, that shall—

''(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings; and

''(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—

''(i) in order to inform the process for countermeasure approval, clearance, and licensure; and

''(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and

''(5) establish''; and

(3) by adding at the end the following:

''(c) FINAL GUIDANCE ON DEVELOPMENT OF ANIMAL MODELS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Secretary shall provide final guidance to industry regarding the development of animal models to support approval, clearance, or licensure of countermeasures referred to in subsection (a) when human efficacy studies are not ethical or feasible.

''(2) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the deadline for providing final guidance under paragraph (1) by not more than 6 months upon submission by the Secretary of a report on the status of such guidance to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(d) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

''(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—

''(A) a meeting to discuss proposed animal model development activities; and

''(B) a meeting prior to initiating pivotal animal studies.

''(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

''(e) REVIEW AND APPROVAL OF COUNTERMEASURES.—

''(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

''(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applications or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).''.

SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 304, is further amended by adding at the end the following:

''(f) REGULATORY MANAGEMENT PLAN.—

''(1) DEFINITION.—In this subsection, the term 'eligible countermeasure' means—

''(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F–2(c) of the Public Health Service Act; or

''(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

''(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.

''(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

''(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of a written request to the Secretary. Such request shall include a proposed regulatory management plan.

''(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

''(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines

that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

''(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

''(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

''(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

''(C) an agreement on how the plan shall be modified, if needed.

''(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—

''(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;

''(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;

''(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

''(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);

''(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure and plans for conducting the necessary scientific research;

''(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance and the population for which desired labeling would not be appropriate, if known; and

''(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

''(6) PRIORITIZATION.—

''(A) PLANS FOR SECURITY COUNTERMEASURES.—The Secretary shall establish regulatory management plans for all security countermeasures for which a request is submitted under paragraph (3)(A).

''(B) PLANS FOR OTHER ELIGIBLE COUNTERMEASURES.—The Secretary shall determine whether resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures. If resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures, and if resources are not available to establish regulatory management plans for all eligible countermeasures for which requests have been submitted, the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner, shall prioritize which eligible countermeasures may receive regulatory management plans.''.

SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 305, is further amended by adding at the end the following:

''(g) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall make publicly available on the Web site of the Food and Drug Administration a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

''(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

''(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

''(B) the identification of scientific gaps that impede the development, approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and the progress made on resolving these challenges;

''(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (f), the extent to which the performance targets and goals set forth in subsection (f)(4)(B) and the regulatory management plan have been met, including, for each such countermeasure—

''(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

''(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and

''(C) explanations for any failure to meet such performance targets and goals;

''(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

''(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including—

''(A) Center-specific objectives and accomplishments; and

''(B) the number of full-time equivalent employees of the Food and Drug Administration who directly support the review of countermeasures;

''(5) the number of countermeasure applications and submissions submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications and submissions, and the number of each type of authorization issued pursuant to section 564;

''(6) the number of written requests for a regulatory management plan submitted under subsection (f)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures; and

''(7) the number, type, and frequency of meetings between the Food and Drug Administration and—

''(A) sponsors of a countermeasure as defined in subsection (a); or

''(B) another agency engaged in development or management of portfolios for such countermeasures, including the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the National Institutes of Health, and the appropriate agencies of the Department of Defense.''.

SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (d), by adding at the end the following:

''(5) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.''; and

(2) in subsection (n)(1), by adding at the end the following:

''(C) For a drug that is a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act), a security countermeasure (as defined in section 319F–2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.''.

(b) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

''(A) shall consider—

''(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

''(B) may consider the availability of qualified countermeasures (as defined in section 319F–1), security countermeasures (as defined in section 319F–2), and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.''; and

(2) in subsection (b), by striking ''subsection (a)'' and inserting ''paragraphs (1) and (2)(A) of subsection (a)''.

(c) ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subparagraph (C), by striking the period and inserting ''; and''; and

(2) by adding at the end the following:

''(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.''.

TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

SEC. 401. BIOSHIELD.

(a) PROCUREMENT OF COUNTERMEASURES.—Section 319F–2(c) of the Public Health Service Act (42 U.S.C. 247d–6b(c)) is amended—

(1) in paragraph (1)(B)(i)(III)(bb), by striking ''eight years'' and inserting ''10 years'';

(2) in paragraph (2)(C), by striking ''the designated congressional committees (as defined in paragraph (10))'' and inserting ''the appropriate committees of Congress'';

(3) in paragraph (5)(B)(ii), by striking ''eight years'' and inserting ''10 years'';

(4) in subparagraph (C) of paragraph (6)—

(A) in the subparagraph heading, by striking ''DESIGNATED CONGRESSIONAL COMMITTEES'' and inserting ''APPROPRIATE CONGRESSIONAL COMMITTEES''; and

(B) by striking ''the designated congressional committees'' and inserting ''the appropriate congressional committees''; and

(5) in paragraph (7)(C)—

(A) in clause (i)(I), by inserting ''including advanced research and development,'' after ''as may reasonably be required,'';

(B) in clause (ii)—

(i) in subclause (III), by striking ''eight years'' and inserting ''10 years''; and

(ii) by striking subclause (IX) and inserting the following:

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—

''(aa) may specify—

''(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

''(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

''(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

''(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).''; and

(C) by adding at the end the following:

''(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.''.

(b) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (c)—

(A) by striking ''special reserve fund under paragraph (10)'' each place it appears and inserting ''special reserve fund as defined in subsection (h)''; and

(B) by striking paragraphs (9) and (10); and

(2) by adding at the end the following:

''(g) SPECIAL RESERVE FUND.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated to the special reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under subsection (c) and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), $2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.

''(2) USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.—The Secretary may utilize not more than 50 percent of the amounts authorized to be appropriated under paragraph (1) to carry out section 319L (related to the Biomedical Advanced Research and Development Authority). Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out such section.

''(3) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund shall not be used to pay costs other than payments made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7).

''(4) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than $1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—

''(A) in meeting the security countermeasure needs identified under this section; and

''(B) on the annual Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).

''(h) DEFINITIONS.—In this section:

''(1) The term 'advanced research and development' has the meaning given such term in section 319L(a).

''(2) The term 'special reserve fund' means the 'Biodefense Countermeasures' appropriations account, any appropriation made available pursuant to section 521(a) of the Homeland Security Act of 2002, and any appropriation made available pursuant to subsection (g)(1).''.

SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)) is amended—

(1) in subparagraph (B)(iii), by inserting ''(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)'' after ''development''; and

(2) in subparagraph (D)(iii), by striking ''and vaccine manufacturing technologies'' and inserting ''vaccine-manufacturing technologies, dose-sparing technologies, efficacy-increasing technologies, and platform technologies''.

(b) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(5)) is amended by adding at the end the following:

''(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.''.

(c) FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d–7e(d)(2)) is amended to read as follows:

''(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund $415,000,000 for each of fiscal years 2013 through 2017, such amounts to remain available until expended.''.

(d) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d–7e(e)(1)(C)) is amended by striking ''7 years'' and inserting ''11 years''.

(e) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d–6a note) is amended by striking ''6-year'' and inserting ''11-year''.

(f) INDEPENDENT EVALUATION.—Section 319L of the Public Health Service Act (42 U.S.C. 247d–7e) is amended by adding at the end the following:

''(f) INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Comptroller General of the United States shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

''(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

''(B) the activities supported by flexible manufacturing initiatives; and

''(C) the ability of flexible manufacturing activities carried out under this section to—

''(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

''(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological, and nuclear agents.''.

(g) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F–1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''to—'' and inserting ''—'';

(B) in clause (i)—

(i) by striking ''diagnose'' and inserting ''to diagnose''; and

(ii) by striking ''; or'' and inserting a semicolon;

(C) in clause (ii)—

(i) by striking ''diagnose'' and inserting ''to diagnose''; and

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

(D) by adding at the end the following:

''(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).''.

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F–3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(7)(A)) is amended—

(A) in clause (i)(II), by striking ''; or'' and inserting ''; '';

(B) in clause (ii), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and''.

(3) TECHNICAL AMENDMENTS.—Section 319F–3(i) of the Public Health Service Act (42 U.S.C. 247d–6d(i)) is amended—

(A) in paragraph (1)(C), by inserting '', 564A, or 564B'' after ''564''; and

(B) in paragraph (7)(B)(iii), by inserting '', 564A, or 564B'' after ''564''.

SEC. 403. STRATEGIC NATIONAL STOCKPILE.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''consistent with section 2811'' before ''by the Secretary to be appropriate''; and

(ii) by inserting before the period at the end of the second sentence the following: ''and shall submit such review annually to the appropriate congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security''; and

(B) in paragraph (2)(D), by inserting before the semicolon at the end the following: ''and that the potential depletion of countermeasures currently in the stockpile is identified and appropriately addressed, including through necessary replenishment''; and

(2) in subsection (f)(1), by striking ''$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (c)(10)(A).'' and inserting ''$533,800,000 for each of fiscal years 2013 through 2017. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (h).''.

SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d–f(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(iii) one such member shall be an individual with pediatric subject matter expertise; and

''(iv) one such member shall be a State, tribal, territorial, or local public health official.''; and

(B) by adding at the end the following flush sentence:

''Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).''; and

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 6672.

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

There was no objection.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

Although it has been more than 10 years since September 11 and the anthrax attacks that followed, the threat of bioterrorism remains a very real danger to the American people. Fortunately, we have spent the last decade preparing for chemical, biological, radiological, and nuclear threats by developing and stockpiling numerous medical countermeasures to protect Americans in the event of such an attack. As a result of these efforts, we now have numerous vaccines and treatments in the Strategic National Stockpile that will save thousands of lives if we are attacked. However, the work to protect Americans against bioterrorism is not finished; and we must pass this bill, or the future of America's public health preparedness infrastructure will be in jeopardy.

The Pandemic and All-Hazards Preparedness Authorization Act, known as PAHPRA, is a fiscally responsible bill that represents common ground between the bipartisan House and Senate-passed preparedness bills. I would like to take the opportunity to thank the bipartisan cosponsors, including Chairman UPTON and Ranking Member WAXMAN, as well as our great bipartisan partners in the Senate for their support in what has been a very productive process to ensure the health, preparedness of our States and hospitals for the next flu outbreak or pandemic.

The bill will reauthorize critically important biodefense programs designed to promote the continued development of medical countermeasures against threats and would strengthen the Nation's public health preparedness infrastructure. Reauthorizing these programs is essential to how the Nation would respond to a chemical, biological, radiological, or nuclear attack. PAHPRA will reauthorize critically important programs for 5 years at the fiscal year 2012 appropriated level. The bill would not create a new program nor increase the authorization for appropriations for the existing program.

H.R. 6672 would reauthorize and improve certain provisions of Project Bioshield and PAHPRA. Its passage, I think, is important for the future of our national security here at home.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act, which will reauthorize certain provisions of the Project Bioshield Act of 2004 and Pandemic and All-Hazards Preparedness Act of 2006. This legislation was passed by Congress to help the U.S. develop countermeasures against chemical, biological, radiological, and nuclear terrorism agents and to provide a mechanism for Federal acquisition of these newly developed countermeasures.

Our Nation remains vulnerable to these threats because many of these vaccines and medicines that are needed to protect our citizens do not exist. Developing and stockpiling these medical countermeasures require time, resources, and research—all of which will be provided under the legislation before us today. I'm pleased that the language I supported during the committee process was included, aimed at increasing emphasis on regionalized trauma care systems.

This bill is also very important to me because the University of Texas Medical Branch's Galveston National Laboratory is in my backyard. The Galveston National Lab is the only BSL–4 lab located on a university campus. At the lab, scientists conduct research to develop therapies, vaccines, and diagnostic tests for naturally-occurring emerging diseases such as SARS and avian influenza, as well as for microbes that might be employed by terrorists. This is exactly the type of research we hope to encourage under the Pandemic and All-Hazards Preparedness Reauthorization Act.

As an original cosponsor of the bill with Mr. ROGERS, I'm very pleased how quickly we moved this rare bipartisan piece of legislation. I want to thank Mr. ROGERS, Chairman UPTON, Ranking Member WAXMAN, Ranking Member PALLONE, Mrs. MYRICK, Ms. ESHOO, and Mr. MARKEY for their work on H.R. 6672. I strongly urge my colleagues to vote ''yes'' on this legislation.

I reserve the balance of my time.

Mr. ROGERS of Michigan. I yield 2 minutes to the distinguished chairman and a great leader of this Congress, the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I particularly want to thank Mr. ROGERS, who has helped shepherd this bill through our committee. I appreciate the very hard work of Chairman PITTS, Ranking Members WAXMAN and PALLONE, along with all the members of our committee to get this bill done and to the floor this afternoon.

Madam Speaker, this bill, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, would reauthorize programs designed to encourage the development of medical countermeasures and improve the Nation's health infrastructure to help us respond to a terrorist attack. This bill is very similar to H.R. 2405, the Pandemic and All-Hazards Preparedness Act of 2011, which passed the House last year. This bill, H.R. 6672, reflects common ground reached between the House and Senate through months and months of bipartisan negotiations. I'm hopeful that the Congress, House and Senate, will enact the bill this week so that we can ensure that our Nation is prepared for the unthinkable.

This bill reauthorizes the special reserve fund, the Biodefense Advanced Research and Development Authority, and public health preparedness programs, while eliminating duplicative reports. It also clarifies that the Assistant Secretary for Preparedness and Response is the leader of the Federal Government's efforts on preparedness

and response. This clarification will help in removing duplication, improving coordination, and providing accountability.

The bill also takes important steps to foster medical countermeasure development by ensuring that the FDA's regulations of medical countermeasures are predictable, consistent, and, in fact, transparent. Finally, the bill would provide additional flexibility for emergency distribution, stockpiling, and use of medical countermeasures so the Nation is prepared for whatever may happen.

I would urge all of my colleagues to support the bill. Again, I commend Republicans and Democrats for working together on a bill that really does need to get to the President's desk.

□ 1250

Mr. PALLONE. Madam Speaker, I'd like to yield such time as she may consume to the gentlewoman from California (Ms. ESHOO) and stress her involvement in this issue over the years.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Ms. ESHOO. I thank the gentleman.

Madam Speaker, it's good to see you in the chair. We're all going to miss you a great, great deal.

I rise today in support of the Pandemic and All-Hazards Preparedness Act's reauthorization, legislation I first introduced in 2006 with Congressman MIKE ROGERS to better help our country prepare for a chemical, biological, radiological, or nuclear attack.

Developing and stockpiling appropriate countermeasures is essential for public safety, and these programs encourage American companies to invest in areas of high critical need.

The bill before us today includes new provisions that highlight the important needs of our Nation's children. Children are not just little adults; they need special care and special medical attention. They're especially vulnerable to biological or chemical agents because of their size, their limited capacity to flush out toxins, their underdeveloped motor skills, and their total reliance on their parents or other caregivers.

While the hope is that we will never need to use these countermeasures to combat an attack on our country, I'm proud that we've strengthened these programs for everyone in our country, especially the children.

I'm pleased to see the Pandemic and All-Hazards Preparedness Act voted on today. I thank everyone that's been involved in this on a bipartisan basis in the spirit in which it was first introduced when we introduced it in 2006, and I look forward to seeing it signed into law by the President of the United States.

Mr. ROGERS of Michigan. Madam Speaker, I just want to say thank you and congratulate my friend, ANNA ESHOO, for the work that she's done on this bill in such a bipartisan way. I think we would not have advanced to this degree without her great help and assistance.

With that, I would yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

I also want to start by thanking our chairman, Chairman UPTON, Mr. WAXMAN, the ranking member, Mr. ROGERS, as well as our staff, Clay Alspach with the majority staff, for all their help in assuring that this bill, H.R. 6672, came to the floor.

In an emergency we need all hands on deck. In the aftermath of an attack, natural disaster, or pandemic, we need to be assured that there is an adequate supply of countermeasures to meet our Nation's needs. This program has also proven itself effective and deserves to be reauthorized and strengthened, as this bill does.

Our Nation will never reach the surge capacity it needs without utilizing all personnel in our health care workforce. The committee has worked with me to ensure maximum capacity by correcting an oversight in the original law and now clarifies that dentists and dental facilities have the opportunity to be included in the first responder framework by incorporating earlier legislation, H.R. 570.

Dentists are willing and trained to support the medical and public health response to a disaster, and this legislation allows States the option of incorporating dentists into their disaster response framework.

In addition, the legislation expands on a long-held priority for me by strengthening our Nation's commitment to trauma care and its continued necessity in the aftermath of a disaster.

We're fortunate to have the bill on the floor today to ensure that our national disaster response framework has the maximum available resources. I urge the Senate to take up this legislation.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I'm pleased to rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This bill reflects bipartisan work that has taken place between the House and Senate over the last several months to resolve differences between the House and Senate-passed PAHPA reauthorization bills.

We all know very well that our Nation continues to face threats that require an ongoing commitment to public health and emergency preparedness. Just recently we experienced a devastating storm along the east coast—Hurricane Sandy—that destroyed entire communities in coastal New Jersey and New York, including areas within my district. The Federal Government's support, including through programs authorized by PAHPA, was critical in the wake of this disaster.

The legislation before us today reauthorizes programs and activities first established as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the 2004 Project Bioshield Act, and the 2006 Pandemic and All-Hazards Preparedness.

In the wake of 9/11, Congress placed a high priority on biodefense. Congress first passed the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 to improve the Nation's ability to respond to acts of biological terrorism.

In 2004, we passed the Project Bioshield Act with tremendous bipartisan support, and Democrats and Republicans worked together to authorize the development, procurement, and emergency use of medical countermeasures for biological, chemical, radiological, and nuclear threats.

We then identified some shortfalls, and in 2006 worked to amend and build upon the existing BioShield program and Department of Health and Human Services authorities by passing PAHPA. For example, PAHPA charged the Assistant Secretary for Preparedness and Response with the Department's public health and medical response. It required, a National Health Security Strategy to guide the Department's preparedness and response efforts, reauthorize grants to improve State and local public health and hospital preparedness, and establish the Biomedical Advance Research and Development Authority to spur development of medical countermeasures.

Together, BioShield and PAHPA represent more comprehensive efforts to prepare for and respond to public health emergencies, whether they're naturally occurring events like the H1N1 outbreak, or those that are deliberate, such as anthrax attacks. As a result of these bills and the investments that followed, our Nation is better equipped to respond to public health emergencies.

I'd just like to take a few moments, Madam Speaker, to highlight ways that H.R. 6672 will continue the progress we've made over the past decade.

First, the bill further facilitates the development of medical countermeasures through emphasizing medical countermeasures advancement in the National Health Security Strategy; requiring the development of a 5-year budget analysis of the countermeasure enterprise; and calling for the development of a countermeasure strategy and implementation plan.

Second, Madam Speaker, H.R. 6672 bolsters the Nation's medical and public health preparedness and response infrastructure, including through a new authority that would allow States to redeploy personnel funded through Federal programs to the areas within their State where they're most needed in the aftermath of a disaster.

Third, it strengthens and clarifies the position of Assistant Secretary for

Preparedness and Response as the lead for HHS on emergency preparedness and response and calls for streamlining and better coordinating HHS preparedness grants with those of other departments.

Next, it places even greater emphasis on the special needs of pediatric and other at-risk populations in preparing for and responding to public health emergencies.

Finally, H.R. 6672 improves FDA's emergency response capabilities. It will enable FDA to authorize the distribution and use of medical countermeasures in preparation for an emergency and to take actions during an emergency that will allow for the most effective use of medical countermeasures.

I'd like to thank Congressman MIKE ROGERS, Congressman GENE GREEN, and their staff who authored the original House legislation, H.R. 2405. I'd like to recognize the contributions of Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, Congresswoman ESHOO, and Congressman MARKEY, and their staff in strengthening the legislation as it moved through the committee process and in discussions with the Senate. They have all worked in a bipartisan fashion over the past 1½ years to accomplish the goals of our Members and should be commended for their work.

I also urge Members to join me in supporting passage of H.R. 6672. I'm hopeful that our Senate colleagues will similarly support this bill's passage so we can get the bill to the President's desk.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, at this time we have no further speakers, and I would continue to reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I'd like to submit letters of support from the following organizations into the RECORD: the Alliance for Biosecurity, the American Academy of Pediatrics, the Biotechnology Industry Organization, or BIO, the Roundtable on Critical Care Policy, and a joint letter from four public health organizations. Those are the American Public Health Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, and the Trust for America's Health.

I yield back the balance of my time.

ALLIANCE FOR BIOSECURITY, OFFICE OF THE SECRETARY AND LEGAL COUNSEL,
Washington, DC, December 17, 2012.

Hon. MIKE ROGERS,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE ROGERS: On behalf of the Alliance for Biosecurity, I write in strong support of the Pandemic All-Hazards Preparedness Reauthorization Act of 2012 (H.R. 6672). The Alliance for Biosecurity is a collaboration of pharmaceutical and biotechnology companies working to develop medical countermeasures (MCMs) to prevent and treat diseases associated with bioterrorism and emerging infectious diseases. It is essential to our nation's safety that this bill is passed by the House and Senate before the end of the 112th Congress.

As you know, the chemical, biological, radiological, and nuclear (CBRN) threat is real and growing. It is critical that the country continue ongoing efforts to develop, procure, and stockpile MCMs to both deter an attack and protect our citizens should a bioterrorism event occur. The Congressionally-established Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism 2008 report predicted that ''it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013.'' There is a limited commercial market for MCMs; consequently, without adequate advanced development and stockpiling funding, companies have neither the incentive nor the ability to invest in these life-saving therapies.

Reauthorization of PAHPA and Project BioShield is critical to ensuring the sustainability of the MCM enterprise. We applaud the tireless work of you and your colleagues on this important issue and urge that this measure is brought up for consideration in the House and Senate without delay to ensure that our nation remains prepared to face such threats.

Respectfully submitted on behalf of the Alliance for Biosecurity.

MAUREEN DONAHUE HARDWICK,
Secretariat and Legal Counsel.

AMERICAN ACADEMY OF PEDIATRICS,
December 18, 2012.

Hon. MIKE ROGERS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ROGERS: On behalf of the American Academy of Pediatrics (AAP), a professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I write to express our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.

Representing twenty-five percent of the U.S. population, children are not little adults. Their developing minds and bodies place them at disproportionate risk during a disaster situation. Children are particularly vulnerable to aerosolized biological or chemical agents because they breathe more times per minute than adults and they are more vulnerable to agents that act on or through the skin because their skin is thinner and they have a larger surface-to-mass ratio than adults. Children need different dosages of medicine than adults, not only because they are smaller, but also because certain drugs and biologics may have different or unanticipated effects on developing children. From needles and tubing, to oxygen masks and ventilators, to imaging and laboratory technology, children need medical equipment that has been specifically designed for their size and unique physiology.

Numerous expert bodies including the National Commission on Children and Disasters and the National Biodefense Science Board (NBSB) have found that, with respect to medical countermeasures (MCMs) for children, significant gaps remain in pediatric indications, dosages and formulations. H.R. 6672 includes several important provisions that will help advance the development of MCMs for children by maximizing existing pediatric drug testing laws, increasing pediatric expertise at federal agencies involved in MCM development and procurement, and prioritizing children within the existing Public Health Emergency Medical Countermeasures Enterprise. Additionally, the expansion of existing emergency use authorization authority will be critical to ensuring that countermeasures for children are stockpiled in advance of a disaster or emergency.

In particular, the Academy thanks you for including a provision that will require the Secretary of Health and Human Services to establish a National Advisory Committee on Children and Disasters. With the termination of the National Commission on Children and Disasters, which helped focus attention on gaps in disaster planning and delivered practical recommendations to the President and Congress, the National Advisory Committee on Children and Disasters will help ensure that important progress made at various federal agencies, state and local levels, and throughout the private sector continues. Importantly, the Advisory Committee will bring together federal and non-federal partners to provide guidance and recommendations on our nation's preparedness to meet the needs of children before, during and after all-hazards emergencies. It is our hope that the Advisory Committee will comprehensively assess progress toward fulfilling the recommendations of the National Commission on Children and Disasters. The Academy looks forward to working with you and the Department of Health and Human Services to establish the National Advisory Committee on Children and Disasters.

H.R. 6672 maintains the important role of the National Disaster Medical System (NDMS) while ensuring that the NDMS takes into account pediatric populations. It also ensures that the requirements for the Hospital Preparedness Program and the Public Health Emergency Preparedness Cooperative Agreement Program have specific pediatric performance measures. The AAP applauds the requirement in the legislation that the NBSB include an individual with pediatric subject matter expertise.

Thank you for your continued commitment to improving the health and well-being of children. We look forward to working with you on passage of H.R. 6672.

Sincerely,

THOMAS K. MCINERNY, MD, FAAP,
President.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
December 18, 2012.

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

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the Biotechnology Industry Organization (BIO), I am writing with our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA) of 2012, sponsored and championed by Chairman Mike Rogers (R–MI).

BIO represents more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States. BIO members are involved in the research and development of healthcare, agricultural, industrial and environmental biotechnology products. Our members play a central role in ensuring the effective development of medical countermeasures (MCMs) to protect our nation's citizens against chemical, biological, radiological and nuclear threats, whether naturally occurring or man-made.

We strongly support the simultaneous reauthorization of Project BioShield and the Special Reserve Fund (SRF) with PAHPRA.

Because the government represents the sole marketplace for the vast majority of MCMs, the funding available through the SRF is vital for private companies, considering the high cost and significant time commitment associated with the development and manufacture of these products. We also support the bill's provisions clarifying the regulatory process at the U.S. Food and Drug Administration (FDA) for MCMs, as these provisions will help accelerate MCM development and approval, improving the nation's preparedness.

We thank you for moving the legislation forward in the House, and we look forward to working with you, Chairman Rogers, Congressman Gene Green, and the Senate to ensure that H.R. 6672 is ultimately enacted into law this year. Thank you.

Sincerely,

JAMES C. GREENWOOD,
President & CEO.

THE ROUNDTABLE
ON CRITICAL CARE POLICY,
Washington, DC, December 18, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The Roundtable on Critical Care Policy strongly supports the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA) of 2012 and urges the House of Representatives to swiftly pass this vital legislation that will improve America's public health, medical preparedness and response capabilities, and enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency.

In particular, our organization strongly supports the Roundtable-endorsed provisions included in the House and Senate negotiated version of PAHPRA that would prioritize critical care within the National Health Security Strategy (NHSS). More specifically, these provisions would, for the first time, add care for critically ill patients in our nation's intensive care units (ICU) to the federal government's medical preparedness and surge capacity goals, thereby ensuring that critical care is included in federal, state and local planning efforts to increase preparedness for public health emergencies. This reauthorization would require the inclusion of medical surge capacity in the periodic evaluation of the nation's preparedness capabilities, enabling an efficient and effective medical response during an emergency.

The Roundtable also commends the inclusion of language in the NHSS that requires coordinated medical triage and evacuation to appropriate medical institutions during a public health emergency, which supports the Roundtable's past calls for increased planning for patient evacuation in hospitals—including ICUs.

When our nation is faced with a health emergency, the critical care delivery system is an integral component of our nation's medical response. Yet, despite the fact that Americans depend on this delivery system to care for our most critically ill and injured—a system whose capacity is truly put to the test and often stretched to its limits in the event of a widespread health emergency—critical care medicine has not been given sufficient consideration in our disaster preparedness efforts, until now.

The Roundtable believes that the inclusion of these provisions in the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 will go a long way towards strengthening the nation's critical care infrastructure, and addressing the needs of the critically ill and injured in the event of a major public health crisis.

We applaud the U.S. House of Representatives under your leadership for working to improve our federal disaster preparedness efforts, and ensuring the prioritization of critical care within PAHPRA.

Sincerely,

STEPHANIE SILVERMAN,
President.

DECEMBER 18, 2012.

Hon. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations, dedicated to protecting the public health of our nation, we write to express our support for the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 (PAHPRA/H.R. 6672) before the House of Representatives this week. We thank you for your leadership on this legislation that is critical to the safety of our nation.

PAHPRA is vital to state and local health and other public health practitioners who are a critical part of any community's first response to disease outbreaks, emergencies, and acts of terrorism. The following provisions in particular are essential to keeping communities healthy and safe:

Temporary Redeployment of Federally Funded Personnel During a Public Health Emergency (Section 201): The provision allows states and tribes to request from the Department of Health and Human Services (HHS) the authority to temporarily reassign public health personnel from other HHS-funded grant programs to respond to a major emergency. The authority would allow state and local governments to meet the tremendous staffing needs required by a disaster.

Reauthorization of the Public Health and Emergency Preparedness Grants (PHEP) (Section 202): The PHEP cooperative agreement program provides funding to local and state public health departments to strengthen their capacity and capability to effectively respond to public health emergencies including terrorist threats, infectious disease outbreaks, natural disasters, and biological, chemical, nuclear, and radiological emergencies. State and local health departments work with federal government officials, law enforcement, emergency management, health care, business, education, and religious groups to plan, train, and prepare for emergencies so that when disaster strikes, communities are prepared.

Reauthorization of the Hospital Preparedness Program (HPP) (Section 203): HPP provides funding to state and local health departments to enhance hospital preparedness and improve overall surge capacity in the case of public health emergencies. The preparedness activities carried out under this program strengthen the capabilities of hospitals throughout the country to respond to floods, hurricanes, or wildfires, and also include training for a potential influenza pandemic or terrorist attack.

Carryover of Grant Use, Coordination (Section 202 and 203): The bill updates the preparedness grant programs at HHS giving grantees limited ability to carry over funds encouraging flexibility and efficiency. The provisions promote long-term planning currently impossible in an unpredictable fiscal environment.

Children's Preparedness (Sections 103, 307 and throughout): The bill establishes the National Advisory Committee on Children and Disasters to bring together federal and non-federal partners to provide guidance and recommendations on medical and public health preparedness for children before, during and after a disaster or public health emergency. The bill takes significant steps to consider the particular needs of pediatric populations in Medical Countermeasure (MCM) research and development. The bill also calls for consideration of the needs of children, as an at-risk population, in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan, PHEP, HPP, and Medical Reserve Corps.

Enhancing Situational Awareness and Biosurveillance (Section 204): The bill calls for planning and integration of the current biosurveillance systems to strengthen the nation's bioterrorism and disease outbreak response capabilities. The bill also requires coordination with the National Biodefense Science Board. HHS is required to provide a report to Congress on their implementation plans and progress.

Individuals with Disabilities (Section 101): The bill calls for the consideration of the needs individuals with disabilities in the National Health Security Strategy.

Thank you again for your work to reauthorize this important legislation. We look forward to working with you and your staff to move this bill to the President's desk.

Sincerely,

GEORGES C. BENJAMIN, MD, FACP, FACEP, (E)
Executive Director, American Public Health Association.

PAUL E. JARRIS, MD, MBA,
Executive Director, Association of State and Territorial Health Officials.

ROBERT M. PESTRONK, MPH,
Executive Director, National Association of County and City Health Officials.

JEFF LEVI, PHD,
Executive Director, Trust For America's Health.

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Mr. ROGERS of Michigan. Madam Speaker, there are many things that keep me awake at night as the chairman of the House Permanent Select Committee on Intelligence. The growing threat from chemical, biological, radiological, and nuclear attacks not only abroad but here is of growing concern. Instability in governments that possess these materials, an increasing interest from those who would choose to do harm to the United States, desire to get their hands on these materials means that we must prepare ourselves here at home for the unfortunate, I think unlikely certainly in the short term, but possible position of being attacked with these disturbing weapons systems. This is that important step to protect Americans by increasing our stockpiles, and I would urge its passage.

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

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, and urge my colleagues to support this bill as well.

Madam Speaker, this legislation has been a long time coming. The House version of the

bill passed this body over one year ago; the Senate version was adopted in March of this year. Since that time we have been engaged in a lengthy, but extremely productive process with our Senate colleagues and their staff to come together to bridge the differences between the two bills. H.R. 6672 is the product of that effort. It is our hope that the Senate will pass the bill as soon as possible after the House acts on the legislation today, allowing the critical work authorized under the legislation to continue.

Toward that end, H.R. 6672 reauthorizes and makes minor—but important—improvements to various programs and activities first established in the 2004 Project Bioshield Act and the 2006 Pandemic and All-Hazards Preparedness Act, or as it is commonly referred to, ''PAHPA.'' These programs and activities are key in helping to ensure that our Nation is well prepared to successfully manage the effects of natural disasters, infectious disease outbreaks, and acts of bioterrorism.

H.R. 6672 includes dozens of changes to these underlying authorities. Let me highlight just three provisions that deserve special attention:

The bill targets the Food and Drug Administration, FDA, to ensure that it focuses on medical countermeasures—that is, products designed to combat chemical, biological, radioactive, and nuclear agents—of the highest importance. It requires FDA to work with industry on industry-submitted regulatory management plans for prioritized countermeasures to facilitate scientific exchanges between the FDA and countermeasure product sponsors to streamline our ability to make these products available. Just last Friday, FDA approved the first drug developed and procured under Project BioShield. Raxibacumab is approved for use together with antibiotics to treat anthrax in children and adults. The FDA provisions in H.R. 6672—together with the renewed emphasis in our countermeasure enterprise through other provisions in this legislation—will make it possible for even more drugs and devices to move from early development to procurement.

The legislation also makes improvements to the Nation's blueprint for public health preparedness and response activities that will enhance the ability of our diverse health care system to respond to mass casualty emergencies. Among such improvements are clarifying the role of the Assistant Secretary of Preparedness and Response as the lead office within the Department of Health and Human Services, HHS, for emergency preparedness and response. H.R. 6672 also establishes a new authority to permit the HHS Secretary to approve a request of a state, territory, or an Indian tribe to redeploy certain federally-supported employees during the time of a national emergency to geographic areas where such employees are needed most.

In addition, H.R. 6672 continues support for investments in State and local public health departments. Such investments are necessary to make certain that we have the requisite public health infrastructure in place to respond immediately and appropriately to any public health threat that may arise.

This legislation reflects the effort of a number of members—Democrats and Republicans alike. On our side of the aisle Congressman GREEN, Congresswoman ESHOO, Congressman MARKEY, and our Health Subcommittee Ranking Member—Congressman Pallone—have been deeply involved. I want to thank them and their staff for all the long and incredibly hard work they have put into this legislation and to the process of getting us here today.

I urge my colleagues to vote in favor of H.R. 6672.

Mr. PAULSEN. Madam Speaker, I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This legislation will bolster the nation's public health preparedness infrastructure and ensure the reauthorization of programs that provide key resources to states, health departments and hospitals.

I am particularly pleased that the final legislation contains key provisions that enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency. For the first time, the federal government will be required to prioritize the critical care system in its emergency and disaster planning efforts. Furthermore, the bill requires additional planning regarding evacuation of patients.

Last year, I introduced legislation with my colleague from Wisconsin, Congresswoman BALDWIN to ensure that the nation's critical care system is structured to provide the highest quality and most efficient health care. This legislation is designed to determine inefficiencies in the current system and bolster capabilities to meet future demands—including improving federal disaster preparedness efforts to care for the critically ill or injured.

A key aspect of this bill was to put in place measures to ensure there are sufficient numbers of critical care providers to respond in a medical crisis, develop best practices for the safe evacuation of ICU patients, and enhance the current databases that provide necessary resource information in the aftermath of a disaster. I'm happy to report that these important provisions are all reflected in today's bill.

Today's bill recognizes that critical care services play an important role in our medical response system and provides an opportunity to build more prepared and resilient communities that are able to respond and contain the impact of a public health emergency. I urge its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 6672.

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. ROGERS of Michigan. Madam 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.

PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY REAUTHORIZATION ACT

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1440) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act'' or the ''PREEMIE Reauthorization Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY
Sec. 101. Research and activities at the Centers for Disease Control and Prevention.
Sec. 102. Activities at the Health Resources and Services Administration.
Sec. 103. Other activities.
TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK
Sec. 201. National Pediatric Research Network.
TITLE III—CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION
Sec. 301. Program of payments to children's hospitals that operate graduate medical education programs.

TITLE I—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY

SEC. 101. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) EPIDEMIOLOGICAL STUDIES.—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f) is amended by striking subsection (b) and inserting the following:

''(b) STUDIES AND ACTIVITIES ON PRETERM BIRTH.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may, subject to the availability of appropriations—

''(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

''(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

''(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

''(2) REPORT.—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).''.

(b) REAUTHORIZATION.—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f(e)) is amended by striking ''2011'' and inserting ''2017''.

SEC. 102. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) TELEMEDICINE AND HIGH-RISK PREGNANCIES.—Section 330I(i)(1)(B) of the Public

Health Service Act (42 U.S.C. 254c–14(i)(1)(B)) is amended by striking ''or case management services'' and inserting ''case management services, or prenatal care for high-risk pregnancies'';

(b) PUBLIC AND HEALTH CARE PROVIDER EDUCATION.—Section 399Q of the Public Health Service Act (42 U.S.C. 280g–5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

''(A) the core risk factors for preterm labor and delivery;

''(B) medically indicated deliveries before full term;

''(C) the importance of preconception and prenatal care, including—

''(i) smoking cessation;

''(ii) weight maintenance and good nutrition, including folic acid;

''(iii) the screening for and the treatment of infections; and

''(iv) stress management;

''(D) treatments and outcomes for premature infants, including late preterm infants;

''(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

''(F) utilization of evidence-based strategies to prevent birth injuries;''; and

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

''(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes associated with prematurity, birth defects, or health risks to a post-term infant;''; and

(2) in subsection (c), by striking ''2011'' and inserting ''2017''.

SEC. 103. OTHER ACTIVITIES.

(a) INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.—The Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b–4g).

(b) ADVISORY COMMITTEE ON INFANT MORTALITY.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may establish an advisory committee known as the ''Advisory Committee on Infant Mortality'' (referred to in this section as the ''Advisory Committee'').

(2) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) PLAN FOR HHS PRETERM BIRTH ACTIVITIES.—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an existing advisory committee designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) MEMBERSHIP.—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(c) PATIENT SAFETY STUDIES AND REPORT.—

(1) IN GENERAL.—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) REPORT TO SECRETARY AND CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the agency designated under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and followup procedures designed to reduce rates of preventable hospital readmissions for preterm infants.

TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK

SEC. 201. NATIONAL PEDIATRIC RESEARCH NETWORK.

Section 409D of the Public Health Service Act (42 U.S.C. 284h; relating to the Pediatric Research Initiative) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

''(d) NATIONAL PEDIATRIC RESEARCH NETWORK.—

''(1) NETWORK.—In carrying out the Initiative, the Director of NIH, in consultation with the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with other appropriate national research institutes and national centers that carry out activities involving pediatric research, may provide for the establishment of a National Pediatric Research Network consisting of the pediatric research consortia receiving awards under paragraph (2).

''(2) PEDIATRIC RESEARCH CONSORTIA.—

''(A) IN GENERAL.—The Director of NIH may award funding, including through grants, contracts, or other mechanisms, to public or private nonprofit entities—

''(i) for establishing or strengthening pediatric research consortia; and

''(ii) for providing support for such consortia, including with respect to—

''(I) basic, clinical, behavioral, or translational research to meet unmet pediatric research needs; and

''(II) training researchers in pediatric research techniques in order to address unmet pediatric research needs.

''(B) RESEARCH.—The Director of NIH may ensure that—

''(i) each consortium receiving an award under subparagraph (A) conducts or supports at least one category of research described in subparagraph (A)(ii)(I) and collectively such consortia conduct or support all such categories of research; and

''(ii) one or more such consortia provide training described in subparagraph (A)(ii)(II).

''(C) NUMBER OF CONSORTIA.—

''(i) IN GENERAL.—The Director of NIH may make awards under this paragraph for not more than 8 pediatric research consortia, with a minimum of one pediatric research consortium that prioritizes collaboration with institutions serving rural areas.

''(ii) EXCEPTION.—Notwithstanding clause (i), the Director of NIH may make awards under this paragraph for more than 8 pediatric research consortia based on a finding of need by the Director. Before making any award pursuant to the preceding sentence, the Director of NIH shall give written notice to the Congress of the Director's intent to make the award and shall include in the notice an explanation of the Director's finding of need.

''(D) ORGANIZATION OF CONSORTIUM.—Each consortium receiving an award under subparagraph (A) shall—

''(i) be formed from a collaboration of cooperating institutions;

''(ii) be coordinated by a lead institution;

''(iii) agree to disseminate scientific findings rapidly and efficiently; and

''(iv) meet such requirements as may be prescribed by the Director of NIH.

''(E) SUPPLEMENT, NOT SUPPLANT.—Any support received by a consortium under subparagraph (A) shall be used to supplement, and not supplant, other public or private support for activities authorized to be supported under this paragraph.

''(F) DURATION OF CONSORTIUM SUPPORT.—Support of a consortium under subparagraph (A) may be for a period of not to exceed 5 years. Such period may be extended at the discretion of the Director of NIH.

''(3) COORDINATION OF CONSORTIA ACTIVITIES.—The Director of NIH shall—

''(A) as appropriate, provide for the coordination of activities (including the exchange of information and regular communication) among the consortia established pursuant to paragraph (2); and

''(B) as appropriate, require the periodic preparation and submission to the Director of reports on the activities of each such consortium.

''(4) ASSISTANCE WITH REGISTRIES.—Each consortium receiving an award under paragraph (2)(A) shall provide assistance to the Centers for Disease Control and Prevention in the establishment or expansion of patient registries and other surveillance systems as appropriate and upon request by the Director of the Centers.

''(e) RESEARCH ON PEDIATRIC RARE DISEASES OR CONDITIONS.—In making awards under subsection (d)(2) for pediatric research consortia, the Director of NIH shall ensure that an appropriate number of such awards are awarded to such consortia that agree to—

''(1) focus primarily on pediatric rare diseases or conditions (including any such diseases or conditions that are genetic disorders or are related to birth defects); and

''(2) conduct or coordinate one or more multisite clinical trials of therapies for, or approaches to, the prevention, diagnosis, or treatment of one or more pediatric rare diseases or conditions.''.

TITLE III—CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION

SEC. 301. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking ''through 2005 and each of fiscal years 2007 through 2011'' and inserting ''through 2005, each of fiscal years 2007 through 2011, and each of fiscal years 2013 through 2017'';

(2) in subsection (f)(1)(A)(iv), by inserting ''and each of fiscal years 2013 through 2017'' after ''2011''; and

(3) in subsection (f)(2)(D), by inserting ''and each of fiscal years 2013 through 2017'' after ''2011''.

(b) REPORT TO CONGRESS.—Section 340E(b)(3)(D) of the Public Health Service Act

(42 U.S.C. 256e(b)(3)(D)) is amended by striking ''Not later than the end of fiscal year 2011'' and inserting ''Not later than the end of fiscal year 2016''.

Amend the title so as to read: ''An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy; to reduce infant mortality caused by prematurity; to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; and to reauthorize support for graduate medical education programs in children's hospitals.''.

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD on S. 1440.

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

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1440, the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization, or the ''PREEMIE'' Reauthorization Act, would take important steps to protect and improve children's health. The bill includes three important programs: the PREEMIE Reauthorization Act, the National Pediatric Research Network, and the Children's Hospitals Graduate Medical Education Reauthorization.

The PREEMIE Reauthorization Act addresses one of the leading causes of neonatal death and a major cause of childhood disabilities: preterm birth. Since its passage in 2006, the PREEMIE Act has sponsored important research that has led to improved prevention and care of children born too early. Reauthorization will mean the continuation of the program that will lead to even better outcomes for children.

The National Pediatric Research Network is a proven way to support pediatric research by coordinating multicentered research activities, including those in rural areas. By working in teams, innovative research improves especially for diseases that are rare or affect a small population of children. Most of the approximately 7,000 rare diseases are pediatric and often genetic, and doctors do not have sufficient therapies to treat them. This bill will help alleviate that problem.

The Children's Hospital Graduate Medical Education Reauthorization would enable the Department of Health and Human Services to provide funding to freestanding children's hospitals to support the training of pediatricians and other residents. Prior to the enactment of CHGME, the number of residents in children's hospitals had declined by 13 percent. Now the program has enabled children's hospitals to increase their training programs by 35 percent.

In my home State of Pennsylvania, three premier children's hospitals, Children's Hospital of Pittsburgh, St. Christopher's Hospital for Children, and Children's Hospital of Philadelphia receive CHGME funds that support and ensure world-renowned health care for children.

CHGME is a significant achievement in pediatric health care in Pennsylvania and across the country. Despite these gains, shortages still exist, and the future of the pediatric workforce relies on the continuation of CHGME.

I commend the leadership on both sides of the aisle and in the committee for their leadership on this. These programs enjoy bipartisan support, and I urge my colleagues to support S. 1440.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of S. 1440, as amended. The legislation before us extends two existing programs and creates one new initiative, all activities that impact children's health.

The first title of the legislation reauthorizes the Prematurity Research Expansion and Education for Mothers who deliver Infants Early, or PREEMIE, Act through fiscal year 2017. The PREEMIE Act was signed into law in 2006, and I was proud to be a cosponsor of the original House legislation.

S. 1440, as amended, calls for further studies on factors related to prematurity, improved data on the national burden of preterm birth, continued preterm birth prevention efforts, and strengthened public and health provider education on risk factors for preterm delivery and treatments and outcomes for preterm infants. The legislation also codifies an advisory committee to the Secretary of Health and Human Services on infant mortality and directs the Secretary to coordinate existing quality studies on hospital readmissions and preterm infants.

Since the enactment of the PREEMIE Act, we've seen the preterm birth rate decline to its present level of just under 12 percent, the lowest rate we've seen since the late nineties. The good news is there's been progress in better understanding the causes of premature births and promoting interventions that work. On the other hand, however, we still don't know the causes of premature birth in up to 40 percent of cases. And then there's the cost to the health care system of premature births—more than $26 billion each year—not to mention the increased risks of serious disability and death for newborns and the tremendous toll prematurity takes on their families. And that's precisely why the goals of the PREEMIE Act remain just as salient as they were 6 years ago.

The second title is similar to the House-passed National Pediatric Research Network Act of 2012 and allows the National Institutes of Health to establish a national pediatric research network comprised of up to eight pediatric research consortia, or groups of collaborating institutions. The consortia will conduct basic clinical, behavioral, and translational research on pediatric diseases and conditions.

Among the eight consortia, the NIH Director will ensure that an appropriate number of awards go to consortia that focus primarily on pediatric rare diseases, such as spinal muscular atrophy or birth defects such as Down syndrome. There are many rare pediatric diseases, and in some of these diseases, the children are incredibly fragile. If we can allow for research to occur across the country, not just one single location, research can be done at a larger level because children could then participate without having to travel.

Additionally, we all know too well that, traditionally, pediatric research has been underfunded. That can make it hard to train and develop the research talent needed to address these devastating illnesses. The consortia can therefore be the training grounds for future researchers, helping to fill the pediatric pipeline.

Finally, the third title, Madam Speaker, of the amendment to S. 1440 reauthorizes the Children's Hospitals Graduate Medical Education, or CHGME, program through fiscal year 2017. The legislation maintains the current authorization level and will support the work of 56 children's hospitals training over 5,000 pediatric residents in 30 States.

The CHGME program was first established in 1999, following declines in pediatric training programs that threatened the stability of the pediatric workforce.

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Like any parent knows, it's important to have a trusted health provider to turn to when your child is sick or hurt. In Congress, on a bipartisan basis, we recognize that if we didn't create and fund programs to train pediatricians, there wouldn't be anyone left to care for our kids.

Since its inception, the CHGME program has been a success story, supporting children's hospitals and their work to train future generations of our pediatric workforce, including pediatric subspecialists in very short supply. Representing only 1 percent of all hospitals, the small number of children's hospitals that participate in the program train approximately 40 percent of all pediatricians and nearly half of all pediatric specialists. That's why continuing this critical program will have a major impact on access to primary care and specialty care for kids.

Reauthorizing this program, Madam Speaker, was one of my top health priorities of the year, and I want to thank Chairman JOE PITTS, the chairman of

our Health Subcommittee, for working with me on this bill. Together with his help and leadership, we were able to move this bill through our committee and to the House floor last year. I'm hopeful that reauthorization of the CHGME program will finally make it to the President's desk as part of S. 1440.

I just want to take a moment to commend Chairman UPTON, Chairman PITTS, and Ranking Member WAXMAN for their leadership on this legislation. I have to recognize and thank the House sponsor of the PREEMIE Act and the National Pediatric Research Network Act, and those Energy and Commerce members: Congresswoman ESHOO, Congressman LANCE, Congresswoman CAPPS, and Congresswoman MCMORRIS RODGERS. They were really dedicated to these important issues.

Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, one of the leaders on this issue, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I thank the chairman for yielding.

The gentleman from New Jersey just gave attributions to so many members, both Republicans and Democrats, from the Energy and Commerce Committee that worked so long and hard on this legislation back originally in 2006 and now in the reauthorization of S. 1440, the PREEMIE Act.

There are a lot of statistics that some people may not be aware of. One is the fact that about two-thirds of all infant deaths in the first year of life are among the preterm infants. In 2008, 12.3 percent of all live births, over 500,000 babies, were born preterm.

Madam Speaker, let me put it a little bit in context. Prematurity or preterm birth is by definition a birth earlier than 37 weeks. Those children are usually not the problem. They're not the ones that end up with permanent disabilities. But there is a subset of prematurity, maybe sometimes referred to as ''immaturity,'' children that are born as early as 20 weeks, all the way up to 37 weeks. Those children are the ones that very often, if they survive, are left with permanent long-term disabilities. We see a lot of folks on the Hill coming down the halls of our office buildings, and sometimes they're in wheelchairs, sometimes they're visually impaired, sometimes they're hearing impaired, but so many of those adults and children that we see on Capitol Hill were born prematurely. So a piece of legislation like this is hugely important.

I'll end my remarks by just making it a little personal. My wife, Billie, and I, Madam Speaker, have 13 grandchildren, and the oldest will be 15 years old in about 3 weeks. And they were born at 26 weeks—they each weighed 1 pound and 12 ounces. Thank God they are virtually unimpaired today and in the eighth grade and doing well. It tugs at your heartstrings. This is something that is hugely important.

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

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. The graduate medical education piece is very important because these children's hospitals, they see so many of these young kids. In fact, 50 percent or more of their patient population are Medicaid, and they need this funding for continuing medical education for pediatric residents.

I will just conclude with that and say how proud I am to be supportive of such a great piece of legislation.

Mr. PALLONE. Madam Speaker, I would like to now yield such time as she may consume to the sponsor of the House PREEMIE Act, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman.

Madam Speaker, I'm very proud to rise in support of the PREEMIE Act legislation that I introduced with Congressman LEONARD LANCE. He's been a terrific partner not only on this legislation but on other pieces of legislation that we've moved through the Energy and Commerce Committee, and I salute him.

This bill will expand research, education, and prevention of preterm birth. As the mother of two children, I know how precious the earliest part of life is, and it's our responsibility to do everything we can to make sure that our little ones begin their lives with more than a fighting chance.

Each year, as was stated, half a million babies are born prematurely in our country, and preterm birth is the leading cause of newborn mortality and the second-leading cause of infant mortality. Babies born even a few weeks too early can require weeks to months of hospitalization after birth, and premature birth can sometimes lead to developmental delays and disability later in life.

In addition to the emotional and physical toll of prematurity, there are significant health care costs to families, to our medical systems, and our economy. A 2006 report by the Institute of Medicine found the cost associated with preterm birth in the United States was $26.2 billion annually, or $51,600 per infant born preterm. These are staggering amounts of dollars. While employers, private insurers, and individuals bear about half of the cost of health care for these infants, 40 percent is paid for by Medicaid. So it's in the best interest of healthy babies, hopeful families, and the budget of our country to decrease preterm births.

The good news is our investment in preventing prematurity is paying off. In 2006, I introduced and Congress passed the first ever comprehensive PREEMIE Act, and prematurity rates have declined since then. This is very good news. The better news is that today we're reauthorizing this law, which will build upon the momentum of the original law and provide us with new tools and knowledge to improve the lives and health of America's mothers and children.

The PREEMIE Act has been packaged with other important pediatric health bills. I thank the chairman of the subcommittee, Mr. PITTS, the chairman of our full committee, Mr. UPTON, the ranking member of the full committee, as well as Mr. PALLONE, and all of our colleagues.

You know very well, Madam Speaker, that we come to this place to do good things for our country that will strengthen our Nation. How proud I am that we are living up to that in presenting this bill here today.

In closing, I would also like to thank Erin Katzelnick-Wise of my staff, who has worked on this bill as if it were the most important thing she could do in her life, understanding that it is one of the most important things she could do in her life for children in our country; to the American Academy of Pediatricians, who have been so magnificent in instructing all of us in our work on this legislation; and a particular shout-out to Dr. Phil Pizzo, the dean of the Stanford School of Medicine, a pediatrician himself who at one time worked with great distinction at the National Institutes of Health.

□ 1320

Mr. PITTS. Madam Speaker, I yield 2½ minutes to the chairman of the full committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I, too, want to commend the Republicans and Democrats, who worked very, very hard to get this legislation to the floor and, hopefully, to the President's desk as soon as possible. I particularly commend Chairman PITTS and Ranking Member PALLONE, LEONARD LANCE, ANNA ESHOO, LOIS CAPPS, and the staffs, really, on both sides. I made a commitment to all of these Members early on that we would work very diligently to get this legislation here, and we are finally here.

Madam Speaker, this bill, S. 1440, known as the PREEMIE Reauthorization Act, is designed to strengthen health care for kids, particularly for vulnerable kids. Not only does the bill reauthorize the PREEMIE Act, but it also includes the reauthorization of the Children's Hospital Graduate Medical Education program, and it authorizes the National Pediatric Research Network.

The original PREEMIE Act that I sponsored brought attention to the problems related to preterm birth, and since its passage, the preterm birth rate has declined. Good news. Yet, despite that improvement, according to the CDC, still a half a million babies are born prematurely every year in this country. That's one out of eight. We can and we must do better. This reauthorization will continue to strengthen the ongoing effort to track,

prevent, and treat prematurity, ensuring that every child has a healthy start and a better chance at a healthy and a productive future.

Madam Speaker, the National Pediatric Research Network brings us a step closer in providing more help to children with unmet health needs, particularly to those with rare pediatric and genetic diseases. I've met a number of times with a family in my district, the Kennedys, whose wonderful little daughters—Brielle and Brooke, who are affectionately known in our office as ''Sleeping Beauty'' and ''Cinderella''—have a rare disease called spinal muscular atrophy. It's often difficult to conduct research into these diseases due to the very small number of kids with that disease, but today, we are working to provide families like the Kennedys and so many others with greater hope for a cure or an advancement in the treatment.

This bill will help establish pediatric research networks and the consortia that are effective in overcoming gaps in research. Networks and consortia will be comprised of leading institutions that will act as partners to consolidate and coordinate those research efforts.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. UPTON. With the passage of the Children's Hospital Graduate Medical Education in 1999, freestanding children's hospitals began receiving funds to support their pediatric medical residency programs. As a result, the number of pediatricians in the U.S. has grown steadily. Today, over 40 percent of the pediatricians and pediatric specialists are trained in the 57 freestanding children's hospitals that receive this funding. A proven track record. We need to get it done.

Again, I congratulate the Members on the floor today for getting this bill, hopefully, to the President's desk before the year is out.

Mr. PALLONE. I yield such time as she may consume to the Democratic sponsor of the House National Pediatric Research Network Act of 2012, which is the second title of the legislation before us, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I do want to acknowledge the gentlelady in the chair as my partner in the Capps-Emerson lectures and as my neighbor and a real friend.

Madam Speaker, I rise in strong support of the PREEMIE Reauthorization Act. This is an important bill to improve the health outcomes of pregnant women and their babies, and it shows our Nation's commitment to addressing the costly and emotionally troubling incidence of preterm birth. While this is enough reason for me to support this legislation, I would like to highlight two additional sections of the bill that will improve the health and well-being not only of newborns but of our children as they grow.

First, it includes the reauthorization of the Children's Hospital Graduate Medical Education program. This is a critical investment in both the health of our kids and in the health of our economy by bringing new, talented individuals into the health care workforce.

From my years as a school nurse, I know the difficulty that children experience, especially those with special health care needs, when they look for a pediatric specialist. Over the years, we have seen how CHGME programs have made a measurable impact in alleviating that burden, allowing these children and their families to focus on healing. I am proud to be an original cosponsor of this legislation and will continue to champion it in the House.

While we must ensure that the providers are available for our kids, we are still far behind on too many important diagnostics, cures, and treatments for many of our ailing children. That is why this bill also includes the National Pediatric Research Network Act, which is a bill that I coauthored with my colleague, Representative CATHY MCMORRIS RODGERS.

This legislation will help strengthen and coordinate our Nation's research on pediatric diseases. It will disseminate research findings quickly so that all children may benefit, especially those who have rare diseases; and it will expand the geographic scope of research, giving sick kids easier access to research programs and to clinical trials. Moreover, this bill places an added emphasis on researching children's rare diseases, like spinal muscular atrophy, as my colleague Mr. UPTON has noted, and on developing new treatments to fight them.

The low prevalence of these diseases makes them particularly hard to research, and yet these diseases have such a marked impact on the lives of far too many families and communities, like the Strong family of Santa Barbara. My constituents Bill and Victoria Strong have worked tirelessly on behalf of their daughter, Gwendolyn, and all children with spinal muscular atrophy and other rare diseases. The work they've done to help raise the profile of pediatric rare disease research is going to help families all across the Nation. I thank them.

I also thank the leadership of the Energy and Commerce Committee—Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, and Ranking Member PALLONE—for their dedication to this bill. I thank the staff, especially Ruth Katz, for working across the aisle and across the Capitol to bring a strong bill now to the floor.

I urge my colleagues to support this bipartisan bill. I urge its swift passage in the Senate so that we can improve the health and well-being of all infants and all children.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), a leader on this issue.

Mr. LANCE. It is wonderful to see you in the chair, and I congratulate you on your magnificent service to the people of Missouri and the Nation.

I rise in strong support of S. 1440, to reauthorize the 2006 PREEMIE Act and to provide important continued research, education, and intervention in the national effort to reduce preterm births.

Madam Speaker, our Nation's premature birth rate is one of the highest in the world, and it is the leading cause of newborn death in the United States. Infants born just a few weeks too soon can face serious health challenges and are at risk for lifelong health and learning disabilities. In addition to its human toll, premature birth costs our economy billions of dollars per year; and while the medical community has made great strides in identifying the risk factors associated with premature births, far too many premature births today have no known causes.

That is why the Members of the House and Senate have worked in a bipartisan and bicameral fashion to reauthorize the 2006 PREEMIE Act so that we may continue to spur innovative solutions that will ultimately lead not just to healthier babies but to lower annual health care costs.

I thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE for their steadfast leadership on this issue as well as to thank Senators LAMAR ALEXANDER and MICHAEL BENNET. Once again, I commend Congresswoman ANNA ESHOO of California for working on an important issue to the health and well-being of the American people.

While many complain about the partisan nature of Congress, we have worked in a cooperative fashion on this and other issues, as has the entire Energy and Commerce Committee. It is in that bipartisan spirit that I ask all of my colleagues to join with us in the support of the PREEMIE Reauthorization Act so that we as a Nation will be able to continue our focus on premature birth research and prevention.

Mr. PALLONE. I have no additional speakers, Madam Speaker, so I would simply ask that we support this legislation and pass it on a bipartisan basis.

I yield back the balance of my time.

□ 1330

Mr. PITTS. Madam Speaker, I have no further speakers. I urge support for this bipartisan legislation.

I yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I rise in support of S. 1440, as amended, and urge my colleagues to support the bill as well.

As amended, S. 1440 is comprised of the authorization or re-authorization of three different programs, all related to children's health. Together, these provisions constitute a bipartisan effort to help ensure that our kids—and their health care needs—are appropriately and adequately addressed.

Title One of the bill would reauthorize and improve the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early—or PREEMIE—Act. Established in

2006, the PREEMIE Act expands federal research related to preterm labor and delivery, and the care and treatment, and outcomes of preterm and low birth weight infants. It also supports education programs for health professionals and the public on prematurity. Title One is designed to enhance these activities and represents a renewed commitment to our nation's efforts to reduce premature birth, the leading killer of newborns.

Title Two of S. 1440 would allow the National Institutes of Health to establish a national pediatric research network dedicated to finding treatments and cures for pediatric diseases and conditions—especially those that are rare. In addition to the research itself, Title Two places special emphasis on professional training for future pediatric researchers. These and other related components of Title Two are intended to build on the strong body of pediatric research that NIH already conducts and supports. I would encourage NIH to take full advantage of this opportunity.

Finally, Title Three of the bill would reauthorize the children's hospital graduate medical education—or CHGME—program. This program provides ongoing and consistent financial support to hospitals such as Children's Hospital of Los Angeles for the training of doctors who want to specialize in pediatrics. Over the years, the CHGME program has been enormously successful in reversing the significant decline in the number of pediatrician trainees across the country. Indeed, today, children's hospitals nationwide that are supported by the program train 40% of all pediatricians and 43% of all pediatric specialists.

As I have noted, this package of programs is a bi-partisan initiative that reflects the work of several members of the Energy and Commerce Committee. I especially want to note Congresswoman ESHOO, the Democratic sponsor of the original PREEMIE Reauthorization Act; Congresswoman CAPPS, the Democratic sponsor of the original National Pediatric Research Network Act; and Congressman PALLONE, the Democratic sponsor of the original Children's Hospital GME Support Reauthorization Act. All of them and all of us—on both sides of the aisle—have much to be proud of in supporting S. 1440, as amended.

I urge my colleagues to vote for S. 1440, as amended.

Mrs. MCMORRIS RODGERS. Madam Speaker, as a mother, I am reminded on a daily basis of the importance of the health of our Nation's children.

For that reason, I am proud to support the Prematurity Research Expansion and Education for Mothers who deliver Infants Early (PREEMIE) Act. This important legislation authorizes research to prevent preterm births and it requires the Secretary of HHS to coordinate our Nation's efforts to achieve this goal.

This legislation also amends the Public Health Service Act to extend and reauthorize appropriations for Children's Hospital Graduate Medical Education. This is the source of training of most of our Nation's pediatricians.

The PREEMIE act also includes legislation introduced by Representative CAPPS and myself, the National Pediatric Research Network Act which will build upon our Nation's commitment to pediatric medical research. That commitment has led to the prevention and treatment of terrible conditions such as polio, meningitis, childhood leukemia, and congenital heart disease.

Research networks have a proven track record in their ability to ensure collaboration and sharing of resources which, in turn, have led to medical discoveries that have improved lives. This legislation will authorize NIH to establish up to 8 pediatric research networks throughout the nation. Each network will be selected by NIH through a competitive review process. These networks will allow multiple institutions to work together in a "hub and spoke" fashion in order to encourage collaboration and resource sharing.

These pediatric networks will improve health outcomes for children who have conditions such as spinal muscular atrophy, Down syndrome, and Fragile X. This will be accomplished by encouraging teamwork among researchers, patients, and NIH.

Today, I am proud to vote for measures to improve the health of our Nation's children.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, S. 1440, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

Mr. BRADY of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1845

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 "Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012".

TITLE I—MEDICARE IVIG ACCESS

SEC. 101. MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a demonstration project under part B of title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the in-home administration of intravenous immune globin for the treatment of primary immune deficiency diseases.

(b) DURATION AND SCOPE.—

(1) DURATION.—Beginning not later than one year after the date of enactment of this Act, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) SCOPE.—The Secretary shall enroll not more than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease for participation in the demonstration project. A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) COVERAGE.—Except as otherwise provided in this section, items and services for which payment may be made under the demonstration program shall be treated and covered under part B of title XVIII of the Social Security Act in the same manner as similar items and services covered under such part.

(d) PAYMENT.—The Secretary shall establish a per visit payment amount for items and services needed for the in-home administration of intravenous immune globin based on the national per visit low-utilization payment amount under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out the demonstration project.

(f) STUDY AND REPORT TO CONGRESS.—

(1) INTERIM EVALUATION AND REPORT.—Not later than three years after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains an interim evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globin.

(2) FINAL EVALUATION AND REPORT.—Not later than one year after the date of completion of the demonstration project, the Secretary shall submit to Congress a report that contains the following:

(A) A final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globin.

(B) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins in all care settings under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(C) An update to the report entitled "Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)", issued in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(g) FUNDING.—There shall be made available to the Secretary to carry out the demonstration project not more than $45,000,000 from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(h) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means the demonstration project conducted under this section.

(2) MEDICARE BENEFICIARY.—The term "Medicare beneficiary" means an individual who is enrolled for benefits under part B of title XVIII of the Social Security Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE II—STRENGTHENING MEDICARE SECONDARY PAYER RULES

SEC. 201. DETERMINATION OF REIMBURSEMENT AMOUNT THROUGH CMS WEBSITE TO IMPROVE PROGRAM EFFICIENCY.

Section 1862(b)(2)(B) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

"(vii) USE OF WEBSITE TO DETERMINE FINAL CONDITIONAL REIMBURSEMENT AMOUNT.—

"(I) NOTICE TO SECRETARY OF EXPECTED DATE OF A SETTLEMENT, JUDGMENT, ETC.—In

the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected and the expected date of such payment.

''(II) SECRETARIAL PROVIDING ACCESS TO CLAIMS INFORMATION THROUGH A WEBSITE.—The Secretary shall maintain and make available to individuals to whom items and services are furnished under this title (and to authorized family or other representatives recognized under regulations and to an applicable plan which has obtained the consent of the individual) access to information on the claims for such items and services (including payment amounts for such claims), including those claims that relate to a potential settlement, judgment, award, or other payment . Such access shall be provided to an individual, representative, or plan through a website that requires a password to gain access to the information. The Secretary shall update the information on claims and payments on such website in as timely a manner as possible but not later than 15 days after the date that payment is made. Information related to claims and payments subject to the notice under subclause (I) shall be maintained and made available consistent with the following:

''(aa) The information shall be as complete as possible and shall include provider or supplier name, diagnosis codes (if any), dates of service, and conditional payment amounts.

''(bb) The information accurately identifies those claims and payments that are related to a potential settlement, judgment, award, or other payment to which the provisions of this subsection apply.

''(cc) The website provides a method for the receipt of secure electronic communications with the individual, representative, or plan involved.

''(dd) The website provides that information is transmitted from the website in a form that includes an official time and date that the information is transmitted.

''(ee) The website shall permit the individual, representative, or plan to download a statement of reimbursement amounts (in this clause referred to as a 'statement of reimbursement amount') on payments for claims under this title relating to a potential settlement, judgment, award, or other payment.

''(III) USE OF TIMELY WEB DOWNLOAD AS BASIS FOR FINAL CONDITIONAL AMOUNT.—If an individual (or other claimant or applicable plan with the consent of the individual) obtains a statement of reimbursement amount from the website during the protected period as defined in subclause (V) and the related settlement, judgment, award or other payment is made during such period, then the last statement of reimbursement amount that is downloaded during such period and within 3 business days before the date of the settlement, judgment, award, or other payment shall constitute the final conditional amount subject to recovery under clause (ii) related to such settlement, judgment, award, or other payment.

''(IV) RESOLUTION OF DISCREPANCIES.—If the individual (or authorized representative) believes there is a discrepancy with the statement of reimbursement amount, the Secretary shall provide a timely process to resolve the discrepancy. Under such process the individual (or representative) must provide documentation explaining the discrepancy and a proposal to resolve such discrepancy. Within 11 business days after the date of receipt of such documentation, the Secretary shall determine whether there is a reasonable basis to include or remove claims on the statement of reimbursement. If the Secretary does not make such determination within the 11 business-day period, then the proposal to resolve the discrepancy shall be accepted. If the Secretary determines within such period that there is not a reasonable basis to include or remove claims on the statement of reimbursement, the proposal shall be rejected. If the Secretary determines within such period that there is a reasonable basis to conclude there is a discrepancy, the Secretary must respond in a timely manner by agreeing to the proposal to resolve the discrepancy or by providing documentation showing with good cause why the Secretary is not agreeing to such proposal and establishing an alternate discrepancy resolution. In no case shall the process under this subclause be treated as an appeals process or as establishing a right of appeal for a statement of reimbursement amount and there shall be no administrative or judicial review of the Secretary's determinations under this subclause.

''(V) PROTECTED PERIOD.—In subclause (III), the term 'protected period' means, with respect to a settlement, judgment, award or other payment relating to an injury or incident, the portion (if any) of the period beginning on the date of notice under subclause (I) with respect to such settlement, judgment, award, or other payment that is after the end of a Secretarial response period beginning on the date of such notice to the Secretary. Such Secretarial response period shall be a period of 65 days, except that such period may be extended by the Secretary for a period of an additional 30 days if the Secretary determines that additional time is required to address claims for which payment has been made. Such Secretarial response period shall be extended and shall not include any days for any part of which the Secretary determines (in accordance with regulations) that there was a failure in the claims and payment posting system and the failure was justified due to exceptional circumstances (as defined in such regulations). Such regulations shall define exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subclause would qualify as exceptional circumstances.

''(VI) EFFECTIVE DATE.—The Secretary shall promulgate final regulations to carry out this clause not later than 9 months after the date of the enactment of this clause.

''(VII) WEBSITE INCLUDING SUCCESSOR TECHNOLOGY.—In this clause, the term 'website' includes any successor technology.

''(viii) RIGHT OF APPEAL FOR SECONDARY PAYER DETERMINATIONS RELATING TO LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—The Secretary shall promulgate regulations establishing a right of appeal and appeals process, with respect to any determination under this subsection for a payment made under this title for an item or service for which the Secretary is seeking to recover conditional payments from an applicable plan (as defined in paragraph (8)(F)) that is a primary plan under subsection (A)(ii), under which the applicable plan involved, or an attorney, agent, or third party administrator on behalf of such plan, may appeal such determination. The individual furnished such an item or service shall be notified of the plan's intent to appeal such determination''.

SEC. 202. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(ii), by striking ''A primary plan'' and inserting ''Subject to paragraph (9), a primary plan''; and

(2) by adding at the end the following new paragraph:

''(9) EXCEPTION.—

''(A) IN GENERAL.—Clause (ii) of paragraph (2)(B) and any reporting required by paragraph (8) shall not apply with respect to any settlement, judgment, award, or other payment by an applicable plan arising from liability insurance (including self-insurance) and from alleged physical trauma-based incidents (excluding alleged ingestion, implantation, or exposure cases) constituting a total payment obligation to a claimant of not more than the single threshold amount calculated by the Secretary under subparagraph (B) for the year involved.

''(B) ANNUAL COMPUTATION OF THRESHOLD.—

''(i) IN GENERAL.—Not later than November 15 before each year, the Secretary shall calculate and publish a single threshold amount for settlements, judgments, awards, or other payments for obligations arising from liability insurance (including self-insurance) and for alleged physical trauma-based incidents (excluding alleged ingestion, implantation, or exposure cases) subject to this section for that year. The annual single threshold amount for a year shall be set such that the estimated average amount to be credited to the Medicare trust funds of collections of conditional payments from such settlements, judgments, awards, or other payments arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section shall equal the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section for the year. At the time of calculating, but before publishing, the single threshold amount for a year, the Secretary shall inform, and seek review of, the Comptroller General of the United States with regard to such amount.

''(ii) PUBLICATION.—The Secretary shall include, as part of such publication for a year—

''(I) the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents; and

''(II) a summary of the methodology and data used by the Secretary in computing such threshold amount and such cost of collection.

''(C) EXCLUSION OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to a settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) that includes ongoing responsibility for medical payments (excluding settlements, judgments, awards, or other payments made by a workers' compensation law or plan or no fault insurance), the amount utilized for calculation of the threshold described in subparagraph (A) shall include only the cumulative value of the medical payments made under this title.

''(D) REPORT TO CONGRESS.—Not later than November 15 before each year, the Secretary shall submit to the Congress a report on the single threshold amount for settlements, judgments, awards, or other payments for conditional payment obligations arising from liability insurance (including self-insurance) and alleged incidents described in subparagraph (A) for that year and on the establishment and application of similar thresholds for such payments for conditional payment obligations arising from worker

compensation cases and from no fault insurance cases subject to this section for the year. For each such report, the Secretary shall—

''(i) calculate the threshold amount by using the methodology applicable to certain liability claims described in subparagraph (B); and

''(ii) include a summary of the methodology and data used in calculating each threshold amount and the amount of estimated savings under this title achieved by the Secretary implementing each such threshold.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2014.

SEC. 203. REPORTING REQUIREMENT.

Section 1862(b)(8) of the Social Security Act (42 U.S.C. 1395y(b)(8)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking ''shall be subject'' and all that follows through the end of the sentence and inserting the following: ''may be subject to a civil money penalty of up to $1,000 for each day of noncompliance with respect to each claimant.''; and

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

''(I) REGULATIONS.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will and will not be imposed under subparagraph (E), including not imposing sanctions for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day period for comment, proposed specified practices for which such sanctions will and will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.''.

SEC. 204. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end (after and below clause (ii)) the following:

''Not later than 18 months after the date of enactment of this sentence, the Secretary shall modify the reporting requirements under this paragraph so that an applicable plan in complying with such requirements is permitted but not required to access or report to the Secretary beneficiary social security account numbers or health identification claim numbers, except that the deadline for such modification shall be extended by one or more periods (specified by the Secretary) of up to 1 year each if the Secretary notifies the committees of jurisdiction of the House of Representatives and of the Senate that the prior deadline for such modification, without such extension, threatens patient privacy or the integrity of the secondary payer program under this subsection. Any such deadline extension notice shall include information on the progress being made in implementing such modification and the anticipated implementation date for such modification.''.

SEC. 205. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 1862(b)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)(iii)) is amended by adding at the end the following new sentence: ''An action may not be brought by the United States under this clause with respect to payment owed unless the complaint is filed not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment made pursuant to paragraph (8) relating to such payment owed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to actions brought and penalties sought on or after 6 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BRADY) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

I, too, want to add my thanks and appreciation to my classmate on her years of dedication and stellar service to the United States of America on behalf of your wonderful State. Thank you.

Some of you may remember David, the little boy in the bubble. He was a constituent from Shenandoah, Texas, who passed away at the age of 12 after living many years of his life in a sterile environment at the Texas Children's Hospital in Houston, Texas. His mom, Carol Ann Demeret, is a champion for David and for other patients who were born with immunodeficiency disease. Carol Ann is a friend and a constituent, and has worked so hard to help those patients impacted with that disease. For years now, Carol Ann and I and many others have been fighting to change the law that could help patients like David.

Intravenous immune globulin, or IVIG therapy, is a vital step for treating patients with certain life-threatening diseases. These are patients for whom virtually every trip outside is potentially deadly. For the 250,000 Americans with primary immunodeficiency disease, there is no place more dangerous than going to a hospital for treatment. This is why home IVIG treatment actually prevents people being exposed to common illnesses that may make you and I miserable for a day or two, but could be deadly for patients with suppressed immune systems.

Regular access to IVIG therapy means a better quality of life, less disability, and potentially the difference between life and death. Unfortunately, today current law excludes from Medicare coverage the items and services necessary to administer IVIG therapy in the home, where doctors tell us patients with compromised immune systems can benefit the most.

The Medicare IVIG Access Act requires the Centers for Medicare and Medicaid Services to do a couple of things. It establishes a 3-year demonstration project to cover these items and services necessary to do this therapy in the home. It evaluates the impact of the demonstration project on access for these Medicare beneficiaries, analyzes the appropriateness of implementing a new methodology for IVIG payment in all care settings under Medicare part B, and updates a previous report on this by the Assistant Secretary for Planning and Evaluation.

It's my intent that the required study consider the impact of lag times with respect to data used to determine the average sales price and make recommendations to reduce the lag time to ensure more accurate pricing for IVIG, and to report whether home infusion saves the Medicare program tax dollars by improving access to all care settings.

The Medicare Payment Advisory Committee recently looked at home infusion, including the access problem for Medicare beneficiaries with PIDD.

The June MedPAC report reported that a targeted expansion of home infusion coverage focusing on certain drugs would have more likelihood of savings.

Drugs with a narrow indication and precise diagnostic criteria like IVIG for PIDD are less likely to have a woodwork effect than drugs with broad uses or imprecise diagnostic criteria. MedPAC's report also highlighted that fixing the part B home infusion therapy for beneficiaries with PIDD may save money because some of the other covered therapies for these patients are more expensive.

I expect, Madam Speaker, that the study required by this bill will give us more information about potential savings from giving people access to the right kind of care, reducing their exposure to germs in other settings, and increased compliance with prescribed therapy.

There may be a lot of division and partisanship in Washington right now, but not about this bill. I would like to thank my esteemed colleague, Representative DORIS MATSUI of California, for her leadership and tremendous hard work on this important bill. We have here today a solid, bipartisan bill, and both the House and Senate join together in support of Medicare IVIG access.

Madam Speaker, I will include in the RECORD an exchange of letters between the Ways and Means Committee and Energy and Commerce Committee related to this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 11, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing concerning H.R. 1845, the ''Medicare IVIG Access

Act.'' I wanted to notify you that the Committee on Energy and Commerce will forgo action on the bill so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 18, 2012.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington,

DEAR CHAIRMAN UPTON, Thank you for your letter regarding H.R. 1845, the ''Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012,'' as amended, which is expected to be considered on the floor this week.

I appreciate your willingness to forgo action on H.R. 1845. I agree that your decision should not prejudice the Committee on Energy and Commerce with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

DAVE CAMP,
Chairman.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1845. It's a combination of two strong, bipartisan commonsense bills before the House today. I want to thank the gentleman on the Ways and Means Committee, Mr. BRADY, for his support of this important legislation.

As one of the coauthors of the SMART Act, one of the bills that have been combined today, with Representative TIM MURPHY, and as an original cosponsor of the Medicare IVIG Access Act, I'm glad these two bipartisan bills have been combined and brought to the floor for consideration and hopefully passage later today.

The SMART Act had 139 bipartisan cosponsors; the Medicare IVIG Access Act, with 65 bipartisan cosponsors, are perfect examples of, at times, Democrats and Republicans joining forces and getting something done around this place. And hopefully that spirit will continue in the days to come with the difficult decisions that face this body.

I would like to thank my good friend TIM MURPHY for his leadership and hard work in moving the SMART Act through the Energy and Commerce Committee. I'd also like to recognize the extraordinary, broad stakeholder coalition that has worked so hard to help get the SMART Act on the floor today, particularly the American Association For Justice and the MARC Coalition.

Finally, I want to thank Representative BRADY and DORIS MATSUI for their tireless efforts on behalf of the Medicare IVIG Access Act. Their legislation is a step toward ensuring all seniors with primary immunodeficiency diseases are able to access life-saving IVIG drugs in their own home.

But let me just take a few minutes to discuss the need for the SMART Act. The SMART Act reforms the badly broken Medicare secondary payer system. For background, the Medicare secondary payer system requires Medicare to recoup the cost of hospital and doctor bills for a senior if her injuries are the responsibility of a private insurer or some other third party. So far so good. Making sure Medicare doesn't pay for injuries caused by another third party is good policy to help keep Medicare solvent.

The problem is that under the current system, seniors and parties that want to settle a claim often cannot determine how much they owe Medicare. That often results in the settlements collapsing. The result is that seniors are denied settlements to compensate for their injuries, and the Medicare trust fund is never reimbursed. That's bad for seniors, and it's bad for the Medicare program. We're talking about cases where seniors are trying to give money back to the government and the government simply won't say how much they owe it. It's outrageous that seniors can't even give money back to Medicare that the government is owed because the system is broken down.

At a time when Congress is considering cuts to the Medicare benefits and provider payments, we need to at least make sure that Medicare is getting the money seniors want to send it.

The SMART Act will improve the Medicare secondary payer system by making the government work more efficiently, reducing unnecessary burdens and waste, and speeding the repayment of amounts owed to the Medicare trust fund. The best way to demonstrate the need for the legislation is with a few examples of the current system's unfairness and outright absurdity.

□ 1340

I have a handful of demand letters here sent by CMS to seniors asking to be repaid $1.59, or $2.81, or $4.82, or even $36.75. Those amounts CMS has sought to recoup from seniors is far less than the amount it actually costs CMS to pursue these claims. That's penny wise and a pound foolish.

The SMART Act makes sure CMS is only pursuing Medicare secondary payment claims that will recoup at least the cost that it takes CMS to pursue these claims. That's commonsense reform.

This bill makes financial sense for Medicare, but it will also make a meaningful difference for seniors who are awaiting settlements that are held up by Medicare's process today.

In fact, I heard the story of one gentleman who fell on a retailer's handicapped ramp while using a walker. Now, Mr. Law cut his left hand; he hit his head on the fence alongside the ramp. He and the retailer discussed the medical charges, and they agreed to settle for $2,000.

It took 18 months and eight written exchanges with CMS to resolve this simple MSP claim, which delayed settlement of the claim by the same 18 months. Plus, Mr. Law actually passed away during the extended timeframe.

We can do better for seniors. We can get Medicare the money it's owed a lot faster. This legislation would accomplish that.

These are just a few of the examples of why the SMART Act is needed. The toll this broken system takes on seniors and the burden it imposes on businesses is unacceptable.

I urge my colleagues to vote for H.R. 1845 to support this commonsense reform, including the IVIG program.

And, Madam Speaker, since this may be the last time I'll have a chance to address you in the chair, I too want to echo the sentiments of so many of our colleagues, to congratulate you on such a distinguished career here in the House.

You did well in representing your constituents back home in Missouri. We'll miss you as a colleague, someone who tried hard to work on finding bipartisan, commonsense solutions to the challenges facing our Nation. And, of course, we wish you all the best in your future endeavors.

I reserve the balance of my time.

Mr. BRADY of Texas. At this time, I yield 2 minutes to the chairman of the Health Subcommittee, a longtime fighter for patients and those on Medicare, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my friend from Texas.

Madam Speaker, I rise today in strong support of H.R. 1845, as amended, the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012.

This legislation would create a 3-year demonstration project to provide up to 4,000 Medicare beneficiaries suffering from primary immunodeficiency diseases with in-home coverage of IVIG. Medicare beneficiaries with PIDD need the biologic IVIG to boost their immune system so they can fight off infection and maintain a high quality of life.

Medicare currently offers comprehensive coverage of IVIG treatments in the physician's office and hospital setting, but not when IVIG is administered in the home. This flawed payment policy encourages Medicare beneficiaries to receive care in the most costly settings.

Under this demonstration project, Medicare part B would cover the home administration costs, including the trained medical professional who administers the biologic, allowing up to 4,000 beneficiaries with PIDD to receive IVIG treatments in their home. Importantly, beneficiaries who receive IVIG

in their home can avoid the risk of infection inherent in alternative treatment settings.

The HHS Secretary would be required to issue a report to Congress detailing the impact this demonstration project had on beneficiary access to care, and whether or not CMS should permanently change its IVIG coverage policy. According to CBO, the costs of this one-time demonstration are fully offset by permanently reforming Medicare's secondary-payer rules as detailed in the SMART Act.

The SMART Act will help ensure that taxpayers will not be stuck with a Medicare bill for incidents caused when another party is liable or negligent. The SMART Act also makes important changes so that the arcane Medicare rules would no longer be an impediment for parties resolving their differences and reaching settlement.

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

Mr. BRADY of Texas. Madam Speaker, I yield another minute to the gentleman from California.

Mr. HERGER. Madam Speaker, we need to protect the Medicare trust funds, and we need to have an efficient, consistent, and clear process to resolve these claims; and the SMART Act does exactly that.

I urge my colleagues to join me in support of this important legislation.

Mr. KIND. Madam Speaker, I want to thank my good friend, the gentleman from California, for his support of H.R. 1845, in particular, the SMART Act, and congratulate him, as well, on his distinguished career since he will be retiring at the end of this session of Congress as well.

At this time I yield as much time as she may consume to the gentlewoman from California (Ms. MATSUI), the principal author of the Medicare IVIG Act.

Ms. MATSUI. I'd like to thank my colleague for yielding.

I also want to say, Madam Speaker, thank you for your many wonderful years of service and our friendship. We'll miss you in this Chamber, and we wish you well.

Madam Speaker, I rise in strong support of H.R. 1845, the Medicare IVIG Access Act. I'd like to thank Congressman BRADY for his hard work and his leadership on this legislation, as well as Congressman KIND for the leadership on the SMART Act provisions of this important legislation.

Primary Immunodeficiency Diseases or, as we call it, PIDDs, is a group of diseases that cause a person's immune system to be unable to function properly. Unlike most of us who are able to fight common infectious diseases, patients with untreated PIDD can become seriously ill from a simple cold virus or even a cut on their arm.

Patients with PIDD are generally treated with intravenous immunoglobulin, or IVIG, a complex drug that provides them a temporary immune system. Every 3–4 weeks, patients receive an IV treatment for about 2–4 hours per treatment. To maintain a healthy immune system, they must have this treatment for the rest of their lives.

People with commercial insurance typically receive care in any of three settings: hospital outpatient departments; a physician's office; or at home, administered by a nurse. For many patients, receiving their care at home is optimal, as it greatly reduces the risk of infection.

However, for Medicare beneficiaries with PIDD, the program pays for home infusion of IVIG but does not cover nursing services and supplies. As you can imagine, a 74-year-old Medicare recipient on a fixed income is not capable of paying the several hundred dollars a month necessary for the nurse to provide IVIG infusions in their homes. As a result, many patients are forced to receive their treatment in a hospital setting, oftentimes increasing the likelihood of infection, pneumonia, and an expensive stay in a hospital billed to Medicare.

Madam Speaker, this does not make sense for the patient or for Medicare, and that's why Congressman BRADY and I introduced the Medicare IVIG Access Act.

Madam Speaker, this legislation is budget-neutral and fully paid for. H.R. 1845 creates a 3-year demonstration project capped at 4,000 patients, in which the nursing services and supplies associated with home infusion of IVIG will be covered for Medicare beneficiaries with PIDD.

I believe that this project will mirror the results of studies of patients with commercial insurance that found increased compliance, fewer infections and overall savings for patients infused at home versus the hospital.

Madam Speaker, patients with rare genetic diseases should not see their access to care diminish when they become eligible for Medicare. H.R. 1845 fixes the gap in Medicare coverage that unfairly restricts patients' access to IVIG and disrupts their continuity of care.

I strongly encourage my colleagues to vote for this critically important legislation.

□ 1350

Mr. BRADY of Texas. Madam Speaker, I am pleased to yield 5 minutes to the lead author and champion of the SMART Act, one of our health care leaders, Mr. MURPHY of Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Madam Speaker, may I add my accolades to your work for the people of Missouri, particularly my ancestors who founded Murphy's Settlement, now Farmington, in your district. You've done them well.

Four years ago, Lorraine Babich of Washington County, Pennsylvania, then age 73, suffered injuries so severe from a car accident that she will never fully recover. After the accident, Lorraine underwent a very difficult surgery. She was transferred to a rehabilitation facility, where she contracted Methicillin-resistant Staphylococcus Aureus, otherwise known as MRSA. Sadly, Lorraine's condition has worsened. She now suffers from dementia and must receive 24/7 care at a nursing home. The physical pain in Lorraine's life is multiplied by the emotional pain of recent years. A year after the accident, Lorraine lost her husband; then, last year, her only child passed away.

Lorraine's story is heartbreaking and tragic, and it's depressing to learn Medicare is working against Lorraine's interests. In the fall of 2010, Lorraine's family and the automobile insurer for the other driver in the accident reached a monetary settlement. The insurer agreed to pay Lorraine's medical bills, and Lorraine would also collect damages. First, Lorraine's health insurer—Medicare—had to be repaid, but the Centers for Medicare and Medicaid Services won't tell Lorraine or the auto insurer how much is owed to the Medicare trust fund. The insurance company wants to reimburse Medicare and provide Lorraine with a settlement, but CMS's complicated bureaucracy is standing in the way.

There are thousands of cases just like Lorraine's in congressional districts across the country. But we now have a chance to fix this problem and make sure Lorraine and her family receive what they are rightfully owed by passing H.R. 1845, which includes a bipartisan bill I introduced with Congressman RON KIND.

Our bill, the Strengthening Medicare and Repaying Taxpayers Act, or the SMART Act, will recoup billions of dollars owed by insurance companies to the Medicare trust fund quickly and eliminate waste within CMS. The SMART Act, which has nearly 140 bipartisan cosponsors and the support of trial lawyers, patient advocates, defense attorneys, and the U.S. Chamber of Commerce, requires that Medicare provide settling parties with accurate information about the total costs of medical bills when the parties announce a settlement is near.

The Congressional Budget Office has looked at our bill and found it will save billions in Medicare. The current Medicare Secondary Payer bureaucracy is causing seniors to have their Social Security checks garnished and their Medicare coverage denied, through no fault of their own. Our bill fixes these issues and ensures bureaucracy does not stand in the way of a settlement.

Right now, insurers are walking away from settlements because of the flaws in the Medicare Secondary Payer statute. When those settlements break down, seniors get nothing and the taxpayers are not repaid. By enacting this legislation, Congress can help Lorraine and thousands of senior citizens who are needlessly suffering because Medicare isn't operating effectively and efficiently.

I want to thank Chairmen UPTON and CAMP, Ranking Members WAXMAN and

LEVIN, and Congressman KIND for their support on this legislation. I want to extend a special thanks to their respective staffs for their hard work, particularly Robert Horne and Brad Grantz. Without them, this legislation wouldn't be moving forward.

This is good government and saves taxpayers' money. I urge its adoption.

Mr. KIND. I yield such time as he may consume to my very good friend, the gentleman from New Jersey, one of the leaders in the Energy and Commerce Committee, Mr. PALLONE.

Mr. PALLONE. I want to thank the gentleman from Wisconsin.

Madam Speaker, I rise to lend my support to H.R. 1845, as amended. This bill combines two pieces of legislation: H.R. 1845, which provides a demonstration for the coverage of home infusion of intravenous immune globulin, or IVIG, and H.R. 1063, which makes improvements to the Medicare Secondary Payer process, or MSP. However, I would like to note my concerns about the process.

Our committee acted on H.R. 1063, and I commend the chairman for his efforts to ensure it was a bipartisan product, but we did not act on the IVIG legislation, which is every bit as important to our Members as the MSP. So it's my hope that in the future we can avoid situations like this.

The Medicare Secondary Payer provisions of this bill will reduce the burdens of the secondary payer process for beneficiaries and other stakeholders. Most importantly, the legislation will do so in a way that ensures that we're also protecting taxpayer dollars and the Medicare trust fund. I do worry, however, that the MSP bill does not include administrative funding for the Centers for Medicare and Medicaid Services, or CMS, to implement these new changes.

One of the primary complaints I hear about MSP is that stakeholders are currently frustrated because the process does not move fast enough. But here we are, legislating new responsibilities on top of an already slow process—with no funding. This will simply burden the agency and make it more difficult to get to resolution on secondary payer cases in a timely fashion. So I hope that at some future date we can provide a reasonable sum to the agency to allow them to be better equipped to speed this process along.

One additional point on MSP: the new process we've established for resolving disputes of claims posted on the Web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note that there should be no ambiguity. This bill does not supplant existing appeals rights.

In addition to MSP changes, this bill also provides for a 3-year demonstration related to IVIG. IVIG is a blood-derived treatment that helps strengthen the immune systems of immune-deficient patients and prevents paralysis in some autoimmune diseases and neuropathies. Currently, Medicare beneficiaries may receive home infusion of IVIG as a part B benefit; however, the equipment, nursing services, and supplies necessary for the home infusion are not reimbursed.

Congresswoman MATSUI has been a clear leader on this issue and it's to her credit that it's included in this package today. She's worked so tirelessly on this IVIG issue, and I'm hopeful that this demonstration project she has championed will both save money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on behalf of these patients.

I also want to thank Chairman UPTON for working on these two issues with us, and I look forward to the next Congress, where, hopefully, we'll find additional areas of common ground to work on.

Mr. KIND. I have no further speakers. I encourage my colleagues to support H.R. 1845, and I yield back the balance of my time.

Mr. BRADY of Texas. I yield myself such time as I may consume.

In closing, I want to thank my counterpart, DORIS MATSUI, for her great work on this issue. I so appreciate the leadership and partnership of Mr. KIND and Mr. MURPHY in combining these two important health care bills in order to both provide safer, more affordable access to care for those with compromised immune deficiencies, as well as finding ways to save money with the important Medicare program and the SMART Act.

I want to thank Andrew Wankum of my staff for his excellent work on this bill, Dan Elling, staff director of the Ways and Means Subcommittee on Health, as well as Jennifer Safavian for her leadership on the Ways and Means Committee. But I especially want to thank my constituent friend, Carol Ann Demaret, the mom of David, for her decades of hard work on behalf of these patients. And I appreciate so much Marcia Boyle, the founder of the Immune Deficiency Foundation, and all those patients who for years have come up here asking for this help and change.

Today, this Congress, Republicans and Democrats alike, join together in providing that help and that access. I urge support for this bill and yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased that we are bringing this bill to the floor today. This bill combines two pieces of legislation, H.R. 1845 which provides a demonstration for the coverage of home infusion of intra venous immune globulin (IVIG) and H.R. 1063, which makes improvements to the Medicare Secondary Payer process.

H.R. 1063 was developed and reported by the Energy and Commerce Committee as a bipartisan effort. I commend Chairman Upton's willingness to work with us to achieve a solution. I believe we have a good balance assembling this package of improvements to the current process.

Under current law, Medicare is a secondary payer to certain group health plans and non-group health plans regardless of state law or plan provisions. These plans include auto or other liability insurance, no-fault insurance, and workers' compensation plans. But even though it is legally a secondary payer, it pays medical claims for Medicare beneficiaries—even if they may have other entities with a legal responsibility—and then recovers its expenditures so seniors and persons with disabilities are able to get the services they need. Then the appropriate claims are settled after the fact. The goal of the Medicare Secondary Payer bill is to reduce the burdens of the secondary payer process for beneficiaries and other stakeholders and help to have timely settlements, but to do so in a way that makes sure we are also protecting taxpayer dollars and the Medicare trust fund.

I do regret that we were unable to include administrative funding for the Centers for Medicare and Medicaid Services (CMS) to implement these new changes. Stakeholders are currently frustrated because the process does not move fast enough; adding new responsibilities on top of an already slow process—with no new funding—is going to burden the agency and make it more difficult to meet the stakeholders' desired time frame for resolution. I hope that at some future date we can provide a reasonable sum to speed this process along.

I would like to clarify one additional point regarding the changes in this bill. The new process we have established for resolving disputes of claims posted on the web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note there should be no ambiguity.

I am also pleased that a bill Congresswoman MATSUI has been a clear leader on is included in this package today. She has worked tirelessly on this IVIG issue, and I am hopeful that this demonstration project she has championed will save both save money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on this issue.

I thank Chairman UPTON for working on these two issues with us, and our colleagues on the Ways and Means Committee who worked to bring these bills to the floor, and I look forward to next Congress where hopefully we will find additional areas of common ground to work on.

Mr. REICHERT. Madam Speaker, I rise today to express my support for H.R. 1845. Title II addresses a set of issues involving the employers and the casualty insurance industry and the Medicare Secondary Payer (MSP) law.

However, this is not the only set of MSP issues that impact workers' compensation that also needs to be addressed. My legislation, H.R. 5284, the Medicare Secondary Payer and Workers' Compensation Settlement Agreement Act, is cosponsored by Representative MIKE THOMPSON and has bipartisan support.

This legislation aims to resolve the delays by the Centers for Medicare and Medicaid Services (CMS) in reviewing workers' compensation settlements to determine the appropriate set-aside amount to be maintained by Medicare beneficiaries to pay for future medical costs in which Medicare may have an interest.

H.R. 5284 creates a system of certainty and allows the workers' compensation settlement process to move forward while eliminating millions of dollars in administrative costs. It will help create clear and consistent standards, currently lacking in the process, to address workers' compensation issues. Most importantly, it will benefit all parties involved—injured workers, employers, insurers and CMS.

I am hopeful that the House of Representatives will be able to move H.R. 5284 towards enactment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 1845, as amended.

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. BRADY of Texas. Madam 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.

□ 1400

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:

H.R. 6672, by the yeas and nays;

H.R. 1845, by the yeas and nays;

House Resolution 668, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6672) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, 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 Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 383, nays 16, not voting 32, as follows:

[Roll No. 633]

YEAS—383

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
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
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
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
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
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
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
Speier
Stearns
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—16

Amash
Broun (GA)
Campbell
Duncan (SC)
Duncan (TN)
Flake
Foxx
Graves (GA)
Harris
Kingston
Labrador
Massie
Poe (TX)
Stutzman
Walsh (IL)
Woodall

NOT VOTING—32

Akin
Baca
Bartlett
Bass (CA)
Berman
Bilbray
Bono Mack
Coffman (CO)
Costello
Dingell
Gonzalez
Green, Al
Hall
Johnson (IL)
King (NY)
Landry
Luján
Lummis
Mack
McKinley
Murphy (CT)
Nunnelee
Paul
Pence
Platts
Reyes
Schmidt
Shuler
Stark
Sullivan
Towns
Young (FL)

□ 1421

Messrs. DUNCAN of Tennessee, KINGSTON, and LABRADOR changed their vote from ''yea'' to ''nay.''

Ms. WILSON of Florida changed her vote from ''nay'' to ''yea.''

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:

Mr. COFFMAN of Colorado. Mr. Speaker, on rollcall No. 633, I was unavoidably detained. Had I been present, I would have voted "yea."

MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 3, not voting 27, as follows:

[Roll No. 634]

YEAS—401

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
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
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
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
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—3

Amash
Foxx
McClintock

NOT VOTING—27

Akin
Baca
Bartlett
Berman
Bilbray
Bono Mack
Costello
Gonzalez
Green, Al
Johnson (IL)
King (NY)
Landry
Luján
Mack
McKinley
Murphy (CT)
Nunnelee
Pascrell
Paul
Pence
Peterson
Platts
Reyes
Shuler
Stark
Sullivan
Towns

□ 1428

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amendment title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.''.

A motion to reconsider was laid on the table.

REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

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 agree to the resolution, as amended.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 398, nays 5, not voting 28, as follows:

[Roll No. 635]

YEAS—398

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
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
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
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
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)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
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
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—5

Amash
Campbell
Hastings (WA)
Markey
McClintock

NOT VOTING—28

Akin
Baca
Bartlett
Berman
Bilbray
Bono Mack
Costello
DeGette
Fleming
Garamendi
Gonzalez
Green, Al
Gutierrez
Johnson (IL)
King (NY)
Landry
Luján
Mack
McKinley
Murphy (CT)
Nunnelee
Pence
Platts
Reyes
Shuler
Stark
Sullivan
Towns

□ 1436

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 633, 634, and 635, I was inadvertently delayed and was not present. Had I been present, I would have voted "yea" on all three votes.

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today, due to unforeseen circumstances, I missed the following votes:

H.R. 6672—To reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes—had I been present, I would have voted "yea."

H.R. 1845—Medicare IVIG Access Act, as amended—had I been present, I would have voted "yea."

H. Res. 668—To refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members—had I been present, I would have voted "yea."

MEDICARE IDENTITY THEFT PREVENTION ACT OF 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1509) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1509

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 ''Medicare Identity Theft Prevention Act of 2012''.

SEC. 2. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(1) by moving clause (x), as added by section 1414(a)(2) of the Patient Protection and Affordable Care Act, 2 ems to the left;

(2) by redesignating clause (x), as added by section 2(a)(1) of the Social Security Number Protection Act of 2010, and clause (xi) as clauses (xi) and (xii), respectively; and

(3) by adding at the end the following new clause:

''(xiii) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a Social Security account number (or derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is not identifiable as a Social Security account number (or derivative thereof).''.

(b) IMPLEMENTATION.—In implementing clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), the Secretary of Health and Human Services shall establish a cost-effective process that involves the least amount of disruption to Medicare beneficiaries and health care providers. The Secretary shall consider implementing a process, similar to the process involving Railroad Retirement Board beneficiaries, under which a Medicare beneficiary identifier which is not a Social Security account number (or derivative thereof) is used external to the Department of Health and Human Services and is convertible over to a Social Security account number (or derivative thereof) for use internal to such Department and the Social Security Administration.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 3 years after the date of the enactment of this Act.

(2) REISSUANCE.—The Secretary—

(A) shall provide for the reissuance of Medicare cards that comply with the requirements of such clause not later than 3 years after the effective date specified by the Secretary under paragraph (1); and

(B) may permit an individual to apply for the reissuance of a Medicare card that complies with such requirements before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(d) FUNDING.—

(1) OFFSET FROM MIF.—Amounts in the Medicare Improvement Fund under section 1898 of the Social Security Act (42 U.S.C. 1395iii) that are available for expenditures from the Fund for services furnished in a fiscal year (through fiscal year 2020) shall be available for transfer to the Centers for Medicare & Medicaid Services Program Management Account as the Secretary of Health and Human Services determines necessary to offset the costs incurred by the Secretary (including costs under the agreement described in paragraph (2)(A)) in such fiscal year (or a previous fiscal year) in implementing clause (xiii) of section 205(c)(2)(C) of such Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), and this section.

(2) AVAILABILITY OF FUNDING FOR THE SOCIAL SECURITY ADMINISTRATION.—

(A) FUNDING UNDER AGREEMENT.—The Commissioner of Social Security and the Secretary of Health and Human Services shall enter into and maintain an agreement which shall—

(i) provide funds to the Commissioner, at scheduled intervals as specified in the agreement, for the full costs of the responsibilities of the Commissioner under this section; and

(ii) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement.

(B) AVAILABILITY OF FUNDS.—Amounts transferred to the Centers for Medicare & Medicaid Services Program Management Account under paragraph (1) shall be available to the Secretary of Health and Human Services to carry out the agreement under subparagraph (A) and the Secretary shall provide funds to the Commissioner as required under such agreement.

(e) ACCOUNTABILITY.—

(1) ACCOUNTING OF EXPENDITURES.—The Secretary of Health and Human Services and the Commissioner of Social Security shall—

(A) keep a detailed accounting of expenditures associated with the implementation of such clause and this section; and

(B) submit a report on such expenditures to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Comptroller General of the United States, on a semi-annual basis, in each of fiscal years 2013 through 2021.

(2) AUDIT.—The Comptroller General shall conduct a semi-annual financial audit of the expenditures of the Department of Health and Human Services and of the Social Security Administration during such fiscal years in implementing such clause and this section. Each such audit shall include an examination of whether funds made available under subsection (d) are used solely for the purpose described in such subsection.

SEC. 3. MEDICARE SMART CARD TECHNOLOGY STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study that examines whether the Medicare program should use smart card technology for Medicare beneficiary cards and for provider membership cards.

(b) DETAILS OF STUDY.—Such study shall include an examination of the following:

(1) Potential levels of provider investment required to use cards with such technology in various care settings.

(2) Systems-related and implementation-related costs to the Medicare program to use such technology.

(3) The extent to which private insurance companies have adopted or considered such technology and their reasons for adoption or non-adoption of such technology.

(4) The extent to which use of cards with such technology would—

(A) reduce the potential for identity theft and other unlawful use of Medicare beneficiary and provider identifying information;

(B) increase the quality of care furnished to Medicare beneficiaries;

(C) improve the accuracy and efficiency in the billing for Medicare items and services furnished by Medicare providers;

(D) reduce waste, fraud, and abuse in the Medicare program; and

(E) impact the ability of Medicare beneficiaries to access services.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this section. Such report may include recommendations regarding the use of smart card technology under the Medicare program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON).

GENERAL LEAVE

Mr. SAM JOHNSON 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 insert extraneous materials in the RECORD.

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

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers legislation that has long been a bipartisan priority of the Committee on Ways and Means, protecting seniors from identity theft. Identity theft is a lasting and devastating crime. Victims spend years having to prove who they are while monitoring credit reports, fending off collection agencies for charges they never made, or the IRS for taxes they don't owe. Some are even picked up by law enforcement for crimes committed by the ID thief using their name. Seniors have every reason to be concerned.

According to the Department of Justice, 8.6 million households experienced identity theft in 2010. Over 1 million of these households are headed by seniors at risk of having their Social Security numbers stolen. Fraud involving government documents accounted for 27 percent of the identity theft complaints in 2011, making it the most common and fastest growing form of identity theft complaint according to the Federal Trade Commission.

Mr. Speaker, we know Americans are told not to carry their Social Security cards in case a wallet or purse is lost or stolen. Yet seniors are told they must carry their Medicare card which displays their Social Security number. Not only does this not make sense; it puts seniors at risk. The largest seniors organization in America agrees. According to AARP:

> All Medicare patients must carry a benefits card that displays their Social Security number. Such easy assess to sensitive information makes the cards a hot target for identity thieves who want to file false claims.

Mr. Speaker, the Medicare Identity Theft Prevention Act of 2012 requires the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, to take action to ensure Social Security numbers no longer are used on Medicare cards. It requires the Secretary to develop a cost-effective way to do that, with as little impact as possible on Medicare beneficiaries and health care providers.

Further, funds from the Medicare Improvement Fund are made available to pay for implementation costs. According to CBO, the costs of this bill are fully offset and would not increase the deficit.

Lastly, the bill directs GAO to conduct a study to determine whether the Medicare program should use smart card technology, an idea advanced by my colleagues, JIM GERLACH of Pennsylvania and EARL BLUMENAUER of Oregon, to prevent waste, fraud, and abuse in the Medicare program.

Members should know this isn't the first time CMS has been directed to act. Starting in 2002, GAO first called for ending the use of Social Security numbers on government documents. Then in 2005, fiscal year 2006, the Labor-HHS bill urged the Secretary to accelerate planning for removing Social Security numbers and asked for a report. And then in 2007, OMB issued a directive to all Federal agencies to develop plans for reducing the use of Social Security numbers. And then in 2008, my colleague LLOYD DOGGETT and I brought a bill to the floor that passed by voice vote to end the use of Social Security numbers on Medicare cards. Most recently, at an August 2012 Ways and Means Committee joint subcommittee hearing, GAO questioned CMS's lack of a serious plan to stop displaying the Social Security number.

While CMS fails to act, both the public and private sectors are working to protect their customers and businesses from identity theft. The Departments of Defense and Veterans Affairs are removing Social Security numbers from their ID and medical cards, and I applaud them for taking that action. Private health insurance and many others ended the use of Social Security numbers on public documents a long time ago. And even CMS knows better. It won't allow insurers in the Medicare Advantage and part D drug benefit programs to use Social Security numbers on their enrollees' cards.

The time to protect our nearly 50 million Americans carrying Medicare cards with their personal information is long overdue. It's high time that Congress passes this commonsense bill. There's no reason why American seniors have to continue to be put at risk of ID theft. We need to act right now, and I urge all of my colleagues to vote ''yes'' and pass the Medicare Identity Theft Prevention Act today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Chairman JOHNSON for his leadership on this, and I concur fully with the remarks he made.

In 2008, I filed this piece of legislation with Chairman JOHNSON's help. At that time, we worked together and passed it through the House, and the Senate failed to act.

□ 1450

And since that time, whether it was under a Republican or Democratic administration, there has not been sufficient priority placed on this by the Centers for Medicare and Medicaid Services to address this question of privacy. It is a serious matter. It clearly requires legislation, and this time, hopefully, the Senate will respond to our bipartisan initiative and get it passed into law.

There are, indeed, about 48 million Americans, seniors, individuals with disabilities, who are carrying in their wallet or purse today something that makes them vulnerable to identity theft, and that something is their Medicare card.

Apart from the Social Security card itself, the Medicare card is the most frequently issued government document that displays a Social Security number, and that practice invites foul play.

It was back in 2007 when the Bush administration, recognizing this danger

by the overuse of Social Security numbers, sent out a directive to Federal agencies to eliminate the use of Social Security numbers and explore alternative identifiers. Despite this directive, Medicare has not yet taken appropriate steps to remove the numbers from Medicare cards.

Although we have bipartisan agreement on the severity of the problem, we also have had bipartisan administrative inaction when it comes to addressing it. Clearly, we need congressional action.

To protect both the savings and the peace of mind of Medicare beneficiaries, this bipartisan legislation would require Medicare to take steps that private companies, the Department of Defense, and the Department of Veterans Affairs have already taken to protect the identities of those that they serve.

Every time that a senior or an individual with disabilities hands over their Medicare card to a health care provider or elsewhere, they are handing over the keys to their financial security. With increasing sophistication by identity thieves, inaction again here is simply unacceptable.

Seniors who have saved, who have built a lifetime of financial security and their reputations are all at stake. Their savings and their credit should not be put needlessly at risk if someone steals a Medicare card or it gets misplaced or left with a provider by mistake.

Medicare should make sure that it does no harm to the financial security and credit rating of those that it serves with health care security. This act will help to ensure that the government better protects our seniors, denying thieves access to this critical data. Inaction would jeopardize in a continuing way the safety of so many.

This legislation, when we previously introduced it, was supported by Consumers Union, the National Committee to Preserve Social Security and Medicare, the Silver Haired Legislature, nationally and in Texas, as well as the Elder Justice Coalition.

Seniors confront many threats to retirement security these days, but this bill will be directed toward one that we can do something about immediately, and that's those who would swindle our seniors.

I urge adoption of the measure, and reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas (Ms. JENKINS), a member of the Committee on Ways and Means.

Ms. JENKINS. I thank the gentleman from Texas for yielding, and would like to commend Chairman JOHNSON and Congressman DOGGETT for their leadership on this legislation.

Mr. Speaker, today there are nearly 50 million Medicare beneficiaries who are told to carry their Medicare cards with them at all times while simultaneously being told not to carry their Social Security card. They are told that carrying their Social Security card in their purse or wallet puts them at risk of identity theft, which is a problem that affects 1 million seniors yearly.

The irony is that the Medicare cards all feature beneficiaries' Social Security numbers prominently. This means that our seniors are in a tight spot. They are at risk of identity theft simply by carrying their Medicare card with them.

I support passage of this bill because it would ensure that a person's Social Security Number is no longer printed on their Medicare card. This bipartisan, commonsense measure will ensure that the 115,000 Medicare enrollees in my district will be safe from identity theft.

Mr. DOGGETT. Mr. Speaker, one addition to this bill from 2008 deals with the question of Medicare fraud. I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the cosponsor of legislation dealing with that and a member of the Ways and Means Health Subcommittee, to discuss this important addition.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I strongly identify with the persistence and the eloquence from Chairman JOHNSON and my friend, Mr. DOGGETT, to deal with this problem of identity theft.

The hearing was a little unnerving. I appreciate the follow-through and, hopefully, something will happen. I identify strongly with the arguments you made on behalf of it.

But I would like to focus, if I could, on one other element because it's directly related. And I see my good friend, Mr. GERLACH, is here on the floor, and I anticipate will be speaking to it as well.

We should be concerned about maybe learning another lesson from the Department of Defense, which, as the chairman mentioned, is already using this for their purposes. Being able to use an opportunity for a Common Access Card for Medicare will have very important application to the area of rampant Medicare fraud.

Sixty billion dollars is the number we have heard in our subcommittee. It could be more, it could be less, but it's a huge sum of money, and it compounds going forward.

Our first concern, however, should be about the quality of care for the senior citizens who receive Medicare. And the Common Access Card, being able to digitally track this information, provides security for these transactions, makes it less likely that there will be mistakes, be able to follow up and follow through.

Second, it will, in fact, help us stop fraud. This is an area that has been relentlessly abused, where people order, there are changes in the order, sometimes orders are actually made that are entirely different than what people had requested.

Having this secure card will enable people to be able to have the security of the transaction, know where it's at, greater accuracy of billing, track mistakes, stop fraud. And I cannot say strongly enough that I think it's important for us to move.

I appreciate the work that was done putting a study over the next 2 years about this provision. But with all due respect, I hope, as this legislation works its way through Congress—and I hope that it is yet enacted while we are still here for the 112th Congress—that we're able to be serious not just about a 2-year study. This is an area in which we ought to be able to implement pilot projects right now across the country.

It would make a difference for the administration. I think there's no question we could come to scale very quickly, help senior citizens and the reliability of their Medicare coverage, reduce fraud, and allow government to track our activities going forward.

There's a lot of talk about the fiscal cliff and the need to save money and the back and forth that's going on here. But this provision that Mr. GERLACH and I are advancing is a simple, commonsense, bipartisan proposal that would help us right now improve service, save money, and improve the reliability of the system.

I would hope that this is the sort of provision that would find favor with our colleagues in the House, and with the administration, working together, we can implement those pilot projects sooner rather than later and have broader application for great, positive effect for Medicare, for the taxpayers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GERLACH), who is a member of the Committee on Ways and Means.

Mr. GERLACH. Mr. Speaker, I want to first acknowledge the hard work and leadership of my colleague on the Ways and Means Committee, Mr. JOHNSON of Texas, as well as our committee chairman, Mr. CAMP of Michigan. Both gentlemen recognize the urgency of finding practical solutions for protecting seniors and taxpayers against easily preventable Medicare waste, fraud and improper payments, and the ever increasing threat of identity theft.

Mr. Speaker, whenever someone in Washington proposes a new idea for shrinking costs and saving precious taxpayer dollars, we usually receive a barrage of questions from folks concerned that they will have to do with less and possibly see services they depend upon curtailed in some way.

This legislation we're considering today contains provisions that would kick-start a critically important process that ultimately may allow Congress to use commonsense technology in cutting an estimated $60 billion a year in improper and fraudulent Medicare payments while making sure seniors enrolled in Medicare receive the care and treatment they have earned.

□ 1500

We're attempting to cut costs without restricting access to care. Specifically, this legislation authorizes a

study by the Government Accountability Office examining the benefits of a proposed pilot program to modernize the Medicare card that almost every senior carries with him or her in a wallet or a pocketbook. Under the proposed pilot program as introduced in legislation by my colleague Congressman BLUMENAUER and myself, as part of the Medicare Common Access Card Act, smart card technology would be used to protect personal information of Medicare participants, prevent phantom billing for procedures that were never performed or products that were never purchased, and speed payments to doctors and hospitals while reducing costly billing errors.

While today's Medicare card provides seniors access to the health care services they need, that small piece of plastic can provide the narrow opening unscrupulous individuals exploit to snatch identities and cheat taxpayers and seniors out of billions of dollars every year.

The U.S. Department of Health and Human Services estimates that waste, fraud, and abuse cost the Medicare program about $60 billion a year. Nearly 10 percent of the entire annual Medicare budget—or approximately $48 billion a year—is lost to improper payments, according to a report issued by the Government Accountability Office. That's a significant amount of human resources and financial resources that are better used helping our seniors pay for hospital visits, prescription drugs, and other vital medical care.

The Department of Defense has issued more than 20 million secure smart cards to authenticate and verify access for access to programs and facilities. To date, the Department of Defense reports that not a single common access card has been counterfeited.

We cannot stop improper payments in the Medicare system until we find a way to know and to verify who is authorized to provide and receive benefits. A comprehensive study is an important first step that will make sure we get the job done right for taxpayers, seniors, doctors, and other health care providers.

Taxpayers and seniors deserve the protection against identity theft and fraud that this legislation would provide, and I urge my colleagues to begin the process of putting in place a simple, low-cost solution for bringing the Medicare card into the 21st century, and I thank the gentleman for leading this effort.

Mr. DOGGETT. I yield 2 minutes to the ranking member of the Health Subcommittee on the Commerce Committee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank my colleague from Texas.

Mr. Speaker, I, like many of my colleagues, am concerned with the problem of identity theft—particularly identity theft from elderly individuals, who can be viewed as easy victims by unscrupulous criminals. I think we all agree that a commonsense step to prevent identity theft and further protect beneficiaries is to remove beneficiary Social Security numbers from their Medicare cards, but it's important to point out that this is not as easy as it would seem at first glance.

Medicare has dozens of claims processing systems, each that will need to be modified to accept a new beneficiary number. Providers, too, will have to ensure their billing systems can accommodate the new numbers. We will need an extensive education campaign to ensure that a new numbering system or the issuance of new cards doesn't simply present a golden opportunity for unscrupulous individuals to find a new way to rip off seniors.

Now, I certainly support the policy goal of H.R. 1509, the Medicare Identity Theft Prevention Act of 2012. This bill provides approximately $300 million to the Secretary of HHS to move forward on removing Social Security numbers from ID cards, yet we do not know whether that amount is sufficient. I'm concerned that if we fail to provide sufficient funding for this task, we may wind up with a programmatic mess, confusion, or even worse. I think we owe it to the Medicare beneficiaries and providers to ensure that this worthy undertaking is done well. In addition, the bill allows for funding of the Social Security Administration's costs but not the costs of the Medicare agency itself, and that's an issue that has to be addressed.

So as we move forward, Mr. Speaker, we must make sure that the funding is sufficient and that both CMS and SSA can equitably access these funds. Beneficiary identity security depends on it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER), also a member on the Ways and Means Committee and chairman on the Subcommittee on Health.

Mr. HERGER. I thank my good friend from Texas.

Mr. Speaker, I rise to speak in strong support of H.R. 1509, which is commonsense, bipartisan legislation that will protect our Nation's seniors.

I do not doubt that many of us have received letters from constituents who have faced problems due to their Social Security number being compromised. Over the years, I've held a number of forums in my northern California district to raise awareness about identity theft and financial scams targeting senior citizens. I've heard complaints from many of these constituents that, while the public increasingly understands the importance of safeguarding personal information, Medicare isn't doing its part. With today's vote, we take the first step towards removing these numbers from the Medicare cards that beneficiaries are encouraged to carry with them at all times. We've heard too many excuses over the years, and it is becoming clear to me that CMS simply isn't interested in protecting seniors and people with disabilities from identity theft. Importantly, this legislation will not increase the deficit.

H.R. 1509 also includes a study to examine the use of smart card technology in the Medicare program. Some technology stakeholders have expressed concerns with the duration of the 2-year study. If GAO is able to complete the study on a more expedited timeframe, I would be happy to work with Congressman GERLACH and the technology community to shorten this deadline as the bill moves through the legislative process.

Given the inaction at CMS on removing Social Security numbers from Medicare cards, it is time for the Congress to lead. It is time to take this long overdue, commonsense approach and protect America's seniors. I urge passage of H.R. 1509.

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

Mr. SAM JOHNSON of Texas. I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee and acting chairman of the Subcommittee on Human Resources.

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act.

With the constant growth of technology and, as an unfortunate result, identity theft, I have received numerous inquiries from my constituents—and in particular, seniors—about what we are doing and the need to protect people from identity theft. Earlier this year, I also held a seminar in my district with seniors about identity theft, and it was very well attended.

In 2010, nearly 7 percent of households were victims of identity theft. Of those households, over 1 million were headed by seniors. Today, nearly 50 million Medicare cards display the Social Security number. Social Security numbers are absolutely one of the most valuable pieces of personal identity that we have, therefore making it a top target for criminals.

For years, the General Accounting Office and the Social Security special inspector general have recommended and asked Congress to remove the Social Security numbers from Medicare cards because it is an unnecessary risk for seniors. That's exactly what this legislation does. It will help prevent seniors from becoming victims of these types of theft and fraud by removing the Social Security number from those Medicare cards.

I'm pleased to be a cosponsor and actively support this legislation. This is common sense. This is bipartisan. There's no reason for delay. We can stop putting seniors at unnecessary risk.

I want to thank, in particular, the subcommittee chairman, Mr. JOHNSON, as well as Congressman DOGGETT for their bipartisan leadership on this effort and bringing it to the floor before the end of the year.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MARCHANT), a member of the Committee on Ways and Means.

Mr. MARCHANT. I rise to support the Medicare Identity Theft Prevention Act of 2012. This is a commonsense, bipartisan bill that would establish cost-effective procedures to help protect the identity of all seniors.

Seniors are a high-risk demographic for identity theft. Identity thieves have targeted seniors in my district in Texas and across the country. This year's Centers for Medicare Services inspector general report found that more than a quarter million Medicare beneficiaries have been potential victims of identity theft.

□ 1510

Most Medicare cards currently use Social Security numbers as the identifier. By removing Social Security numbers from Medicare cards, this bill gives seniors the identity protection that they deserve. Seniors work their entire lives for financial security, and that security should not be jeopardized due to preventable identity theft. Other Federal programs and private insurance plans made similar changes years ago, and Medicare beneficiaries should have the same level of identity protection and security.

I'm proud to support this legislation, and I urge my colleagues to do so.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from Texas, my colleague, Chairman JOHNSON, and I hope the Senate will respond this time to our action.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Thank you, Mr. DOGGETT.

I yield myself such time as I may consume.

Mr. Speaker, despite increasing pressure from this committee and this House, CMS has refused to act to remove Social Security numbers from Medicare cards. If CMS won't act, we must. This commonsense bill is a vital step in protecting our Nation's seniors from identity theft, and we can't afford to put seniors at risk any longer. Medicare beneficiaries want, need, and deserve better. I urge all my colleagues to vote ''yes,'' and I hope the Senate will act immediately to pass this legislation.

I yield back the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act. I applaud Chairman JOHNSON and Representative DOGGETT for introducing this bill and bringing it to the floor.

America's seniors are some of our most valued citizens. They have spent their lives working hard and preparing for their much deserved "golden years." It seems only fitting, then, that we reward their hard work and labor by protecting them. That's our job.

Under current law, Social Security numbers are used as the main component of a Medicare beneficiary's health insurance claim number and are displayed on over 50 million Medicare ID cards. This simply doesn't make sense. It puts each of these 50 million people at heightened risk for identity theft and fraud. We've already seen high rates for this type of crime: in 2010 alone over 8.6 million households were victims of ID theft, including one million seniors. Seniors' social security numbers are especially valuable because they can be used by thieves to obtain employment, benefits, and credit.

The GAO first recommended removing social security numbers from government documents ten years ago. Both the private and public sectors have already taken steps to remove social security numbers from forms of public identification. However, fully aware of the risks posed to seniors, the Centers for Medicare and Medicaid Services has refused to act. Both sides of the aisle agree, this is simply unacceptable.

Therefore, it is clearly time for Congress to take action. I urge my colleagues to support this legislation so that we can better protect our senior citizens.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1509, as amended.

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. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROTECT OUR KIDS ACT OF 2012

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMISSION.

This Act may be cited as the ''Protect our Kids Act of 2012''.

SEC. 2. FINDINGS.

Congress finds that—

(1) deaths from child abuse and neglect are preventable;

(2) deaths from child abuse and neglect are significantly underreported and there is no national standard for reporting such deaths;

(3) according to the Child Maltreatment Report of 2011, in fiscal year 2011, 1,545 children in the United States are reported to have died from child abuse and neglect, and many experts believe that the actual number may be significantly more;

(4) over 42 percent of the number of children in the United States who die from abuse are under the age of 1, and almost 82 percent are under the age of 4;

(5) of the children who died in fiscal year 2011, 70 percent suffered neglect either exclusively or in combination with another maltreatment type and 48 percent suffered physical abuse either exclusively or in combination;

(6) increased understanding of deaths from child abuse and neglect can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect; and

(7) Congress in recent years has taken a number of steps to reduce child fatalities from abuse and neglect, such as—

(A) providing States with flexibility through the Child and Family Services Improvement and Innovation Act of 2011 to operate child welfare demonstration projects to test services focused on preventing abuse and neglect and ensuring that children remain safely in their own homes;

(B) providing funding through the Child and Family Services Improvement Act of 2006 for services and activities to enhance the safety of children who are at risk of being placed in foster care as a result of a parent's substance abuse;

(C) providing funding through the Fostering Connections to Success and Increasing Adoptions Act of 2008 for grants to facilitate activities such as family group decision-making meetings and residential family treatment programs to support parents in caring for their children; and

(D) requiring States through the Child and Family Services Improvement and Innovation Act of 2011 to describe how they will improve the quality of data collected on fatalities from child abuse and neglect.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Child Abuse and Neglect Fatalities (in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(i) 6 shall be appointed by the President;

(ii) 2 shall be appointed by the Speaker of the House of Representatives;

(iii) 1 shall be appointed by the minority leader of the House of Representatives;

(iv) 2 shall be appointed by the majority leader of the Senate; and

(v) 1 shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Each member appointed under subparagraph (A) shall have experience in one or more of the following areas:

(i) child welfare administration;

(ii) child welfare research;

(iii) child development;

(iv) legislation, including legislation involving child welfare matters;

(v) trauma and crisis intervention;

(vi) pediatrics;

(vii) psychology and mental health;

(viii) emergency medicine;

(ix) forensic pathology or medical investigation of injury and fatality;

(x) social work with field experience;

(xi) academia at an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with a focus on one or more of the other areas listed under this subparagraph;

(xii) law enforcement, with experience handling child abuse and neglect matters;

(xiii) civil law, with experience handling child abuse and neglect matters;

(xiv) criminal law, with experience handling child abuse and neglect matters;

(xv) substance abuse treatment;

(xvi) education at an elementary school or secondary school, as those terms are defined

in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(xvii) epidemiology; and

(xviii) computer science or software engineering with a background in interoperability standards.

(C) DIVERSITY OF QUALIFICATIONS.—In making appointments to the Commission under subparagraph (A), the President and the congressional leaders shall make every effort to select individuals whose qualifications are not already represented by other members of the Commission.

(2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 60 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The President shall select a Chairperson for the Commission from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study on the use of child protective services and child welfare services funded under title IV and subtitle A of title XX of the Social Security Act to reduce fatalities from child abuse and neglect.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the effectiveness of the services described in paragraph (1) and best practices in preventing child and youth fatalities that are intentionally caused or that occur due to negligence, neglect, or a failure to exercise proper care;

(B) the effectiveness of Federal, State, and local policies and systems within such services aimed at collecting accurate, uniform data on child fatalities in a coordinated fashion, including the identification of the most and least effective policies and systems in practice;

(C) the current (as of the date of the study) barriers to preventing fatalities from child abuse and neglect, and how to improve efficiency to improve child welfare outcomes;

(D) trends in demographic and other risk factors that are predictive of or correlated with child maltreatment, such as age of the child, child behavior, family structure, parental stress, and poverty;

(E) methods of prioritizing child abuse and neglect prevention within such services for families with the highest need; and

(F) methods of improving data collection and utilization, such as increasing interoperability among State and local and other data systems.

(3) MATERIALS STUDIED.—The Commission shall review—

(A) all current (as of the date of the study) research and documentation, including the National Survey of Child and Adolescent Well-Being and research and recommendations from the Government Accountability Office, to identify lessons, solutions, and needed improvements related to reducing fatalities from child abuse and neglect; and

(B) recommendations from the Advisory Board on Child Abuse and Neglect.

(b) COORDINATION.—The Commission shall provide opportunities for graduate and doctoral students to coordinate research with the Commission.

(c) RECOMMENDATIONS.—The Commission shall—

(1) develop recommendations to reduce fatalities from child abuse and neglect for Federal, State, and local agencies, and private sector and nonprofit organizations, including recommendations to implement a comprehensive national strategy for such purpose; and

(2) develop guidelines for the type of information that should be tracked to improve interventions to prevent fatalities from child abuse and neglect.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date on which a majority of the members of the Commission have been appointed, the Commission shall submit a report to the President and Congress, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) EXTENSION.—The President may extend the date on which the report described in paragraph (1) shall be submitted by an additional 1 year.

(3) ONLINE ACCESS.—The Commission shall make the report under paragraph (1) available on the publicly available Internet Web site of the Department of Health and Human Services.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) LOCATION.—The location of hearings under paragraph (1) shall include—

(A) areas with high fatality rates from child abuse and neglect; and

(B) areas that have shown a decrease in fatalities from child abuse and neglect.

(3) SUBJECT.—The Commission shall hold hearings under paragraph (1)—

(A) to examine the Federal, State, and local policies and available resources that affect fatalities from child abuse and neglect; and

(B) to explore the matters studied under section 4(a)(2).

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—At the discretion of the relevant agency, any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the earlier of—

(1) the 30th day after the date on which the Commission submits its report under section 4(d); or

(2) the date that is 3 years after the initial meeting under section 3(d).

SEC. 8. FEDERAL AGENCY RESPONSE.

Not later than 6 months after the submission of the report required under section 4(d), any Federal agency that is affected by a recommendation described in the report shall submit to Congress a report containing the response of the Federal agency to the recommendation and the plans of the Federal agency to address the recommendation.

SEC. 9. ADJUSTMENT TO THE TANF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) IN GENERAL.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking ''for fiscal years 2011 and 2012'' and all that follows through the end of the paragraph and inserting ''for fiscal years 2013 and 2014 such sums as are necessary for payment to the Fund in a total amount not to exceed $612,000,000 for each fiscal year, of which $2,000,000 shall be reserved for carrying out the activities of the commission established by the Protect our Kids Act of 2012 to reduce fatalities resulting from child abuse and neglect.''

(b) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2013.—Expenditures made pursuant to section 148 of the Continuing Appropriations Resolution, 2013, for fiscal year 2013, shall be charged to the applicable appropriation provided by the amendments made by this section for such fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6655, the Protect Our Kids Act of 2012. As we are too painfully reminded this week by the horrific tragedy in Newtown, Connecticut, for all the good this Nation has done to lift up children, we still have much more work to do. So, Mr. Speaker, before I get into the remarks about the bill I want to extend my heartfelt condolences to the victims and their loved ones struggling, as we all are, to understand this senseless assault on children and their educators.

While Newtown is rightly receiving the Nation's attention, what goes unnoticed far too often is the number of children that die each year in this country as a result of abuse and neglect. Sadly, their deaths often come at the hands of those who should be caring for them the most.

State reports indicate that more than 1,500 children in the U.S. died from abuse or neglect in fiscal year 2010, and research shows that these reports may significantly understate the actual number of these fatalities. Congress should do what it can to prevent these tragedies, which is why this legislation is before us today.

This legislation is the result of careful bipartisan work over the past couple of years. In 2010, I requested that the Government Accountability Office (GAO) review what is known about the circumstances of child deaths and near deaths resulting from abuse and neglect, State approaches to gathering and reporting this information, and what steps the Department of Health and Human Services has taken to support the collection and accurate reporting of this information.

GAO completed its review in July of last year and presented its findings at a Ways and Means Subcommittee on Human Resources hearing that same month. In their report, GAO said many more children die from abuse and neglect than are currently reported. They also reported that government agencies have different definitions of abuse and neglect, and that administrative barriers hinder the sharing of this information across agencies.

Following that hearing, I worked with Congressman DOGGETT—and I thank him for his bipartisan support—the ranking member of the Subcommittee on Human Resources, to develop a legislative proposal to address these issues. Last week, the subcommittee held another hearing to review this proposal. Finally, after almost 2 years of work, we are here on the House floor today to consider and pass this important bill.

This bipartisan legislation will establish a commission charged with developing recommendations to reduce child deaths caused by abuse and neglect. The commission will study a variety of issues, including data on fatalities, prevention methods, and the adequacy of current programs before making their recommendations. Any Federal agency affected by a recommendation of the commission will be required to report within 6 months on how it plans to address the recommendation. Importantly, this legislation is paid for and will not add to our deficit.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote in favor of this bipartisan bill and, in doing so, take an important step toward preventing the tragic deaths of so many of our Nation's children from abuse and neglect.

Mr. Speaker, I yield the remainder of my time to Mr. PAULSEN, the acting chair of the Human Resources Subcommittee, and ask unanimous consent that he be allowed to control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota will control the balance of the time.

There was no objection.

Mr. DOGGETT. My thanks to Chairman CAMP and Chairman PAULSEN, whose leadership has facilitated our consideration of this bill today and the crafting of it into the piece of legislation that it is.

I rise in support of the Protect Our Kids Act, which represents an improved version over legislation that I introduced about a year ago.

We are reminded, as Chairman CAMP indicated, by the tragedy in Connecticut, each family touched by the damage, the deaths of these youngest Americans. In contrast, as with so many families, in our family we share the joy of three little girls. As difficult as it is to conceive of the wrong, the evil that occurred in Connecticut so recently, it is similarly difficult to conceive of how many of our youngest Americans are the subject of abuse and even death.

We, through the Protect Our Kids Act, are seeking to have thoughtful consideration of what steps we can take to protect these most vulnerable children. We're not interested in another commission that just prepares another report that gets filed somewhere; we're interested in action coming from this commission.

The original legislation, which was filed in a way that provided for its consideration in a number of committees, has been, in terms of jurisdiction, narrowed somewhat, but the objectives of the legislation remain as broad as they ever were—to explore every aspect of child abuse leading to child fatalities and to find more bipartisan solutions to addressing that serious matter.

I reflect on the testimony of a witness from Dallas, Madeline McClure, the executive director of the Texas Association for the Protection of Children, who testified before our committee very recently that the estimate of 753,000 children being abused and neglected in America is a conservative one, but that to put it in context, if you filled the Alamodome, the Darrell K. Royal Stadium in Austin, the Hubert Humphrey Metro Dome in Minneapolis, Yankee Stadium, the stadium in Georgia, in Tennessee, Tiger Stadium in Louisiana, the Rose Bowl, the Century Link Fields in Washington State, you would fill those and still not cover all of the children who are subject to abuse and neglect each year in this country. Almost half of those children that are abused are age 4 or under.

Our bill provides an opportunity to take an important step forward in developing a national strategy to protect our most vulnerable children. The commission, appointed by the President and Congress, would develop recommendations to reduce the number of children who die from abuse and neglect.

The commission would bring together a group of experts from around the country in a wide variety of professions to identify prevention efforts. So little of the resources that we focus on abused and neglected children in America today goes to prevention, and that should be an important focus in a broad sense, as well as the collection of good data so that we can adequately compare what's happening and can also understand the best practices that are already underway in many communities across America.

□ 1520

As we listened to experts both in our recent hearing in front of the Subcommittee on Human Resources and last year when we held a hearing, we note the need for what one called an ''accessible blueprint'' for the States to implement better child abuse prevention strategy. That's a blueprint that this commission can provide.

In my home State of Texas, there are groups like Voices for Children San Antonio, CASA, Children's Shelters in San Antonio, Austin and other communities, and TexProtects, that are serving as a voice for the voiceless and trying to prevent child abuse. There are local leaders like Texas State Senator Carlos Uresti, who was the moving force behind the Texas Blue Ribbon Task Force and the Bexar County Task Force on Child Abuse.

The important work that these folks are doing has been a great benefit; but despite it, the fatalities that are stemming from child abuse continue to grow, and they are almost at epidemic proportions in Texas, and in San Antonio in particular. Last year, there were almost 6,000 confirmed cases of child abuse in the San Antonio area in Bexar County, the highest number in Texas, higher than even Houston and Harris County, which has about twice the population.

In the last decade, Texas had over 2,000 children who were killed—who

died—as a result of abuse and neglect. Last year, we had a total in Texas of nearly 66,000 confirmed cases. That's just too much. There is more that we can do and that we must do to protect these youngest Americans.

Child abuse and neglect are not isolated. The children don't just ''bounce back.'' The consequences of abuse and neglect are felt throughout the lifetime and, indeed, often from one generation to another. These conditions can linger for a very long time. The data are clear: among those adults who have experienced the highest level of childhood trauma, these individuals were five times more likely to suffer from alcoholism, nine times more likely to be involved in drug abuse, three times more likely to be clinically depressed, and four times more likely to be addicted to nicotine. Additional research shows a relationship between childhood abuse and the presence of a range of adult diseases.

In the past, this Congress' adoption of expert advice has provided progress in dealing with the issue of child neglect and abuse. We have made some positive changes to the way children are placed into foster care and have elevated child safety as a primary welfare goal for the States. But as evidenced by the statistics, there are gaps in policy. There is much more work to be done to reduce the number of children who die each year in the hands of someone who is supposed to be caring for them.

The Protect Our Kids Act is a significant step in the right direction, and I urge its approval.

I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have an opportunity to improve the way our child welfare system works. We have a chance to learn what is most effective in preventing fatalities from child abuse and neglect. By acting on this bill today, we can make a significant difference in the lives of children who need to be protected.

In a hearing that we held just this last week on the Protect Our Kids Act of 2012, I shared the heartbreaking story of Devin Drake, who is an example of the type of tragedy we hope to prevent through the work of this important commission.

In August of 2011, Devin Drake was a 3-year-old boy living just outside of Minneapolis with his mother and her boyfriend. Child welfare officials had been in contact with the family previously, but this wasn't enough to prevent what happened next. It was on one fateful night that Devin was seriously injured when his mother's boyfriend struck him, knocking him down to the bathroom floor. Devin hit his head hard enough that he had trouble standing up, but neither his mother nor her boyfriend took the time to bring him to the hospital.

His condition worsened the next day; and when he was finally taken to the hospital, it was too late. Doctors reported that Devin had severe head trauma, punctured lungs, and a number of contusions. Four days later, Devin Drake died.

This bill will help to prevent those types of tragedies. This commission created by this bill would review the effectiveness of current child welfare services, it will examine the data we have now about childhood fatalities, and it will study factors that are predictive of child abuse and neglect. And through this work, this commission can provide Congress and others with critical information on how we can improve our child abuse prevention efforts.

I note that while this bill provides some resources for the commission to do its work, thanks to Chairman CAMP and Mr. DOGGETT, they have worked very carefully to ensure that the commission operates within existing social services funding. As a result, this bill does not add to the deficit. This shows how critical this issue is and how bipartisan this issue is, as well.

I urge all my colleagues to support this important legislation and reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, at this time, I would yield 2 minutes to the gentlewoman from California, who is the cochair of the Foster Youth Caucus and who has actively participated in coming to the hearings in our committee because of her great interest in preventing child abuse, Ms. BASS.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of the Protect Our Kids Act. First of all, I want to thank Ranking Member DOGGETT, Chairman CAMP, and Chairman PAULSEN for their leadership and commitment to eliminating child fatalities.

Unfortunately, Federal Government statistics estimate that every day in America approximately 2,000 children are confirmed victims of child abuse and neglect, nearly 700 children are removed from their families and placed in foster care due to child abuse and neglect, and about four children die as a result.

Additionally, in fiscal year 2010 alone, more than 1,500 children in the U.S. died due to maltreatment. Of these, more than 40 percent were under the age of 1 year old, and more than 80 percent were under the age of 4.

These statistics are absolutely unacceptable; and to make matters worse, research has shown that these reports substantially underestimate the number of children who die due to maltreatment.

As a Nation, we have a responsibility to develop effective strategies and solutions to proactively stop this abuse and neglect. When children are removed from their home, they really become our children, and it is our responsibility.

While Congress has enacted a variety of laws regarding child welfare and protection, there is no unified, comprehensive Federal strategy for reducing instances of child abuse and neglect. This bill will ensure that the highest levels of government work together to develop a national strategy to eliminate child abuse and neglect fatalities. By bringing together experts on child development, trauma and crisis intervention, pediatrics, social work, law enforcement, criminal law, and substance abuse treatment, the commission will truly protect our kids.

As the cochair of the Congressional Caucus on Foster Youth, I look forward to continue working with my colleagues to help prevent child abuse, neglect and fatalities. I urge my colleagues to support H.R. 6655.

Mr. PAULSEN. Mr. Speaker, we have no other speakers. I reserve the balance of my time.

Mr. DOGGETT. I would yield myself such time as I may consume.

Mr. Speaker, as Texas District Judge Darlene Byrne, a leader in establishing child protection courts has said:

> Childhood should be a time of innocence and freedom, but it is a sad fact that many children are vulnerable to injury and abuse. Our Nation's children need good leaders to stand up and find creative ways to protect them from harm. The creation of the National Commission to End Child Fatalities is an important step in that direction.

At a hearing, Mr. Speaker, of our Ways and Means Human Resources Subcommittee that we held over a year ago, I expressed hope that we would be able to come together in a bipartisan response. Today, we are doing just that.

As we take this step toward reducing child neglect and abuse, I would like to thank the many children's protection groups that have been so instrumental in providing input and support for this legislation, including the members of the National Coalition to End Child Abuse Deaths; particularly the National Association of Social Workers; the National Center for the Review and Prevention of Child Deaths; the National Children's Alliance; Every Child Matters Education Fund; and, of course, the National District Attorneys Association, as well as individuals like Michael Petit, Teresa Huizar, who testified before our committee, Kim Day, Teri Covington and Joan Zlotnick.

We have a real chance to see this bipartisan legislation become law this very year in the few days that remain. There is similar, bipartisan legislation that was introduced last year at the same time I originally filed the bill that is authored by Senators KERRY and COLLINS.

□ 1530

I'm hopeful that the Senate will see the bipartisan action that we have here today and the commitment we have and will move forward with this improved version of the legislation quickly.

With that, I yield back the balance of my time and give my thanks to Chairman PAULSEN.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Protect Our Kids Act of 2012 will help us prevent child fatalities from abuse and neglect. The commission created by this bill will show us how we can improve on our current efforts, and it will help provide us with the information we need to move forward on this issue.

I urge my colleagues to support the bill today.

I want to thank not only Chairman CAMP, but Ranking Member DOGGETT for his leadership and his passion on this issue.

I urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 6655.

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. PAULSEN. 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.

JAMES M. CARTER AND JUDITH N. KEEP UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6166) to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the ''James M. Carter and Judith N. Keep United States Courthouse,'' 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 California?

There was no objection.

The text of the bill is as follows:

H.R. 6166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 333 West Broadway Street in San Diego, California, shall be known and designated as the ''James M. Carter and Judith N. Keep United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''James M. Carter and Judith N. Keep United States Courthouse''.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to offer my bill, H.R. 6166, for consideration to designate the new courthouse at 333 West Broadway Street in San Diego as the James M. Carter and Judith N. Keep United States Courthouse.

First, I would like to thank Chairman MICA, Ranking Member RAHALL, Subcommittee Chairman DENHAM and Subcommittee Ranking Member NORTON, the Democratic and Republican staff of the Committee, and my colleagues from California who came together to move this legislation honoring two highly deserving judges and human beings.

By way of background, when this iconic new courthouse construction project in downtown San Diego was nearing completion and the time had come to consider a name for the new building, my office sought input from the San Diego legal community to determine a consensus choice.

After considering hundreds of submissions, it became clear that, among many worthy options, San Diegans preferred to honor two former, prominent San Diegan judges—Judge James Carter or Judge Judy Keep.

After reviewing their achievements, I decided that the right thing to do would be to honor both of these individuals—as they were both true trailblazers in the San Diego community.

And reflecting San Diego's widespread support for honoring Judge Carter and Judge Keep my legislation was endorsed by the San Diego City Council, the San Diego County Bar Association, and San Diego's Mayor at the time, Jerry Sanders.

Judge Carter was the moving force behind the creation of the Southern California District.

In response to the tremendous population growth in San Diego after World War II, Judge Carter successfully convinced the Judicial Conference of the United States to create the Southern District—allowing the people of San Diego and its neighboring communities access to the federal court system.

In 1966, after its creation, Judge Carter became the first Chief Judge of the District Court, serving in that position until his appointment to the 9th Circuit Court of Appeals.

Judge Keep was instrumental in opening up the San Diego legal field to women.

Judge Keep graduated from San Diego Law School as its valedictorian—at a time when fewer than 5% of lawyers were women!

She then worked as a Staff Attorney at Defenders, Inc. where she was the first female staff attorney representing indigent criminal defendants in federal court.

In 1980, Judge Keep was nominated to become the first female judge for the District Court of the Southern District of California, and later she became the District Court's first female Chief Judge.

Displaying true dedication to public service, both Judge Carter and Judge Keep worked tirelessly off the bench to better the San Diego community.

Judge Carter founded the Federal Defenders of San Diego and was instrumental in the creation of the University of San Diego Law School.

Former law clerks of Judge Carter remember him as a giant of his time, a man who was revered by the San Diego legal community, and whose service was an example for all those who followed in his footsteps.

Judge Carter even touched the life of one of our colleagues, Senator MIKE CRAPO. Like many law clerks who passed through the judge's chambers, he was in awe of Judge Carter's service and work. And in Senator CRAPO's words, there is "no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter."

Judge Keep was a Chair of both the Task Force on Judicial Wellness and the Conference of Chief District Judges for the 9th Circuit, and she worked with the San Diego Community Foundation and the Armed Forces YMCA.

And, both judges served as role models and mentors to countless young attorneys and judges in San Diego.

A Superior Court judge, who appeared before Judge Keep as a young prosecutor wrote to me:

Judy's presence and words of wisdom shaped my own career and trajectory. Even after her death, her light continues to shine. I keep her picture in my court chambers to remind me everyday of what is important in life and about how to arrive at the best decisions possible.

Judge Carter and Judge Keep served the public with distinction and truly reflected the San Diego legal community's shared values of excellence and integrity.

The new San Diego Courthouse will be a fitting testament to their careers and inspire others in the community to continue to follow their path.

Thank you again for your consideration of this legislation honoring these two trailblazing San Diego public servants.

U.S. SENATE,
Washington, DC, September 16, 2010.

Representative SUSAN DAVIS,
Longworth HOB,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: I recently became aware of your efforts to solicit input on the naming of the new federal courthouse in San Diego, to be opened in 2013. I expect you have been receiving many worthy suggestions from your constituents, and I would like to join those who have suggested to you that the courthouse be named for former federal judge James M. Carter.

Following graduation from Harvard Law School in 1977, I served for a year as law clerk to Judge Carter on the Ninth U.S. Circuit Court of Appeals. I learned a great deal through this experience and came to admire Judge Carter as an outstanding federal judge.

Judge Carter was responsible for the legislation that first created the Southern District of California, and he would go on to become the District's founding Chief Judge. Upon his passing in 1979, the local newspaper editorials hailed him as ''The Dean of the San Diego Judiciary''.

Given the time that has passed since his service, I recognize many of his contemporaries are no longer with us, and the memory of his accomplishments may have faded. As one who did have the honor of working with this fine man, I can think of no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter.

Thanks for your consideration.

Sincerely,

MIKE CRAPO,
U.S. Senator.

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.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 6166.

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

There was no objection.

PAUL BROWN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6633) to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the ''Paul Brown United States Courthouse,'' 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 California?

There was no objection.

The text of the bill is as follows:

H.R. 6633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 101 East Pecan Street in Sherman, Texas, shall be known and designated as the ''Paul Brown United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Paul Brown United States Courthouse''.

Mr. HALL. Mr. Speaker, I rise in support of 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". Judge Brown was an outstanding Federal judge who passed away on November 26 after 21 years of distinguished service. Judge Paul Brown was my good friend, a respected judge, and beloved member of the Sherman, Texas community.

Judge Brown represented the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse were Socrates' four qualities for a good judge—to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and although underage, he was able to get his parents' consent to join the U.S. Navy when World War II broke out. He served on a minesweeper in both the Atlantic and Pacific Theaters and as a part of the occupation forces in Japan. He was discharged as an Electrician's Mate 2nd Class in June 1946.

He returned to his studies and received a law degree in 1950 from the University of Texas before being recalled to active duty in the Korean war. He saw combat aboard a minesweeper which was sunk by mines, and he received an honorable discharge in December 1951.

Judge Brown worked as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger—who would become his mentor, good friend, and eventually fellow colleague on the bench. He served as Assistant U.S. Attorney from 1953 to 1959, and then followed in Judge Steger's footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge and married Frances Morehead, and the two returned home to Sherman, where he practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge's position created for the Eastern District of Texas, and he was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually presided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the Nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal work ethic and judicial integrity were remarkable, and his reputation for punctuality is legendary.

As we near adjournment of the 112th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist. This bill has the support of the Federal judges in the Eastern District, and I ask for your support of H.R. 6633, to designate the United States courthouse in Sherman, Texas, the "Paul Brown United States Courthouse".

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.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6633.

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

There was no objection.

JAMES F. BATTIN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3311) to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse.''

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES F. BATTIN UNITED STATES COURTHOUSE.

(a) IN GENERAL.—

(1) DESIGNATION.—The United States courthouse located at 2601 2nd Avenue North, Billings, Montana, shall be known and designated as the ''James F. Battin United States Courthouse''.

(2) TECHNICAL AMENDMENT.—The ''James F. Battin United States Courthouse'' located at 315 North 26th Street, Billings, Montana, shall no longer be known and designated as the ''James F. Battin United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a)(1) shall be deemed to be a reference to the ''James F. Battin United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DENHAM. 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. 3311.

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

There was no objection.

Mr. DENHAM. Mr. Speaker, I yield myself such time as I may consume.

S. 3311 would designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the James F. Battin United States Courthouse.

Judge Battin received his law degree from George Washington University Law School in 1951. Prior to attending law school during World War II, Judge Battin served in the United States Navy.

Early in his career, Judge Battin practiced law in Washington, D.C., and in Billings, Montana. Later, he served in a number of public service positions, including deputy county attorney for Yellowstone County, Montana, and city attorney in Billings.

In 1958, Judge Battin served as a State representative in Montana, and in 1961 Judge Battin was elected to the U.S. House of Representatives and served as a U.S. Representative from Montana until 1969. In 1969, Judge Battin was appointed by President Nixon to be a judge on the U.S. District Court for the District of Montana. During that time, he served as chief judge from '78 to '90, when he assumed senior status.

Judge Battin's commitment to public service is clear. I believe his dedication to serving this Nation makes it fitting to name this courthouse after him.

I support passage of this legislation and urge my colleagues to do the same.

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

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3311. It's a bill to designate the courthouse in Billings, Montana, as the

James F. Battin United States Courthouse.

As my colleague has so aptly stated, in 1969, President Nixon appointed James Battin to the Federal bench in Billings, Montana, where he continued his 40 years of public service to the citizens of that State. In 1978, Judge Battin was appointed chief judge and served in that position for 12 years. He remained active in judicial affairs until his death in September of 1996.

Prior to his judicial appointment, Judge Battin served, as was mentioned, in the House of Representatives, representing eastern Montana from 1960 to 1969, when he resigned to receive his judicial appointment. While in this Congress, Judge Battin served on the Judiciary Committee, the Foreign Affairs Committee, and the Ways and Means Committee.

Judge Battin was also a World War II Navy veteran, a member of the Montana State Legislature, and also Billings city attorney and general counsel for the Billings planning board.

It is fitting to honor the contributions Judge Battin, a great hero to Montana, has made to public service with the designation of the U.S. courthouse in Billings, Montana, as the James F. Battin United States Courthouse.

I urge support of S. 3311 and urge my colleagues to also support the bill.

I yield back the balance of my time, Mr. Speaker.

Mr. DENHAM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, S. 3311.

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.

□ 1540

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 925) to designate Mt. Andrea Lawrence.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 925

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 ''Mt. Andrea Lawrence Designation Act of 2011''.

SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(1) was born in Rutland County, Vermont, on April 19, 1932, where she developed a lifelong love of winter sports and appreciation for the environment;

(2) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d'Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California;

(3) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing;

(4) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25;

(5) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life;

(6) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra;

(7) served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra;

(8) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake;

(9) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much;

(10) testified in 2008 before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill that was enacted the day before she died;

(11) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren; and

(12) leaves a rich legacy that will continue to benefit present and future generations.

SEC. 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (which is located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as ''Mt. Andrea Lawrence''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to ''Mt. Andrea Lawrence''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 925 will designate an unnamed mountain near Yosemite National Park in California as Mt. Andrea Lawrence in honor of the late Olympic skier and local community leader in that area.

Similar legislation passed the House by voice vote in the last Congress, legislation which was not taken up in the other body. I, once again, urge my colleagues to support this simple bill. Its companion measure in the House, I might add, is authored by our colleague from California (Mr. MCKEON).

With that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The bill designates an unnamed mountain peak at the northern border of the Ansel Adams Wilderness and Yosemite National Park in California as Mt. Andrea Lawrence.

Andrea Lawrence, a former Olympic skier and inductee into the U.S. National Ski Hall of Fame, was a community leader in northern California who worked to protect these special places and communities in the eastern Sierras.

We applaud Senator BOXER and Congressman MCKEON for this legislation, and we support its passage.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I speak in favor of S. 925, to name a peak in the Eastern Sierra in honor of Andrea Mead Lawrence. This legislation is a companion bill to my House version, H.R. 1818. I would like to thank Senator BOXER for working with me to ensure the legacy of a great woman who called the Eastern Sierra home. Let me also express my appreciation to the leaders of the Committee on Natural Resources, Chairman HASTINGS and Ranking Member MARKEY who worked to help bring this legislation to the floor today, as well as Majority Leader CANTOR for allowing this bill to move.

Andrea Mead Lawrence was a remarkable woman. I was honored to know and work with her for the protection of the Eastern Sierra, a cause she championed for much of her life. Born in Rutland County, Vermont on April 19, 1932, she developed a life-long love of winter sports and appreciation for the environment. A skilled skier, she competed in the 1948 Winter Olympics in St. Moritz, Switzerland as well as the 1956 Winter Olympics in Cortina d'Ampezzo, Italy. She also served as the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics in Oslo, Norway, she won two Gold Medals in the Olympic special and giant slalom races. For her significant accomplishments, she was inducted into the U.S. National Ski Hall of Fame in 1958, at the age of 25.

These remarkable achievements at a young age, however, were just the beginning of a life of service to her community and environmental preservation. In 1968, Andrea moved to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California. It was in this special region she spent the rest of her life working to protect the area's natural treasures.

Never one to rest on her accomplishments, she founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra. She served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra. As a member of the Great Basin Air Pollution Control

District, she worked to reduce air pollution caused by the dewatering of Owens Lake. In 2003, she founded the Andrea Lawrence Institute for Mountains and Rivers to protect the environment and the economic vitality of this important region.

In 2008, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill enacted the day before she died on March 31, 2009 at the age of 76. Andrea left a rich legacy of a family of five children and four grandchildren, as well as a distinguished record in skiing. Her tireless efforts have left a better legacy for the people who live and recreate in the Eastern Sierra.

Andrea Mead Lawrence's life philosophy is summed up in her quote "Your life doesn't stop by winning medals. It's only the beginning. And if you have the true Olympic spirit, you have to put it back into the world in meaningful ways." Mr. Speaker, it is very fitting to name Peak 12,240 "Mt. Andrea Lawrence"; both in her honor, and as a visible point of inspiration for future generations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 925.

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. GRIJALVA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

HATCH ACT MODERNIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the ''Hatch Act'', to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2170

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 ''Hatch Act Modernization Act of 2012''.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

''(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.''.

SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting '', or the executive branch of the District of Columbia, or an agency or department thereof'' before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

''(i) a State or political subdivision thereof;

''(ii) the District of Columbia; or

''(iii) a recognized religious, philanthropic, or cultural organization.''.

(c) EXCEPTION OF CERTAIN OFFICERS.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking '''or municipality'' and inserting '', municipality, or the District of Columbia' ''; and

(2) by striking '''or municipal'' and inserting '', municipal, or the District of Columbia' ''.

(d) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting ''(or in the case of the District of Columbia, in the District of Columbia)'' after ''the same State''.

(e) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding ''or'' at the end;

(2) in subparagraph (B), by striking ''or'' at the end;

(3) by striking subparagraph (C); and

(4) by striking ''services;'' and inserting ''services or an individual employed or holding office in the government of the District of Columbia;''.

(f) EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES.—Section 7325(1) of title 5, United States Code, is amended to read as follows:

''(1) the municipality or political subdivision is—

''(A) the District of Columbia;

''(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

''(C) a municipality in which the majority of voters are employed by the Government of the United States; and''.

SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

''§ 7326. Penalties

''An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed $1,000.''.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

The adoption today of S. 2170 will mark an important step in the Oversight and Government Reform Committee's long-term effort to modernize the Hatch Act.

At its best, the Hatch Act keeps partisan politics out of the workplace and prevents those in political power from abusing their authority to advance partisan political causes. At its worst, however, the Hatch Act causes the Federal Government to unnecessarily interfere with the rights of well-qualified candidates to run for local office.

S. 2170 addresses these flaws by easing restrictions on State and local government employees and on employees of the District of Columbia Government who are covered by the Hatch Act. The bill also provides a greater range of penalties, in addition to termination, for those Federal employees who violate the law. S. 2170 will allow more individuals the right to run for public office without violating the Hatch Act.

Under current law, State and local government employees may not run for partisan office if their jobs are connected to Federal funding. For example, in Pennsylvania, a K–9 officer was not allowed to run for a local school board because his partner, a black Labrador, was tied to funding from the Department of Homeland Security. In another case, the U.S. Office of Special Counsel advised an ambulance driver that he would violate the Hatch Act if he ran for county coroner because some of the patients he transported received Medicaid.

In enforcing the Hatch Act, the Office of Special Counsel routinely advises deputy sheriffs they are ineligible to run for sheriff, and the number of

local law enforcement Hatch Act cases has dramatically increased with the influx of Federal dollars to local police departments as a result of the attacks on September 11, 2001. The best candidates for local law enforcement and other positions are often disqualified from participating in local elections. The concern is especially acute in rural areas, where the pool of candidates for elective office is limited by the population.

Congressman LATTA has led the way in championing Hatch Act reform for State and local sheriffs. The National Sheriffs Association has noted that the current law ''severely limits the number of qualified candidates for sheriff.''

The OSC is required by law to intervene in State and local contests hundreds of times a year through formal investigations. The OSC also issues thousands of advisory opinions annually to potential State and local candidates. Approximately 45 percent of the OSC's overall Hatch Act case load, including more than 500 investigations over the past 2 years, involves State and local campaign cases. These cases do not involve any allegations of coercive or abusive political conduct.

Investigating hundreds of State and local campaigns annually is a poor use of the OSC's limited budget, and it creates a burden on States and localities that must respond to these investigations. The U.S. Office of Special Counsel should be spending its limited resources on investigations of waste, fraud, and abuse in the Federal Government. It should not be spent interfering with State and local elections and disqualifying qualified candidates from seeking elective office.

With that, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 2170, the Hatch Act Modernization Act. This needed bill is based on recommendations from the head of the U.S. Office of Special Counsel, Carolyn Lerner. This legislation was introduced by Senator DANIEL AKAKA, along with the ranking member of the Oversight Committee, ELIJAH CUMMINGS. This bill will make three key reforms:

The first reform will allow State and local government workers to run for political office. The Hatch Act prohibits any of these employees from running in a partisan political election if their jobs involve Federal funding. This creates problems for many government workers who are otherwise well qualified to run for local office.

For example, Mr. Jon Greiner had to be fired as police chief of Ogden, Utah, because he ran for a State senate seat and won. Ms. Kristin DiCenso, an Illinois State employee, was prevented from running for court clerk. In response to this barrier, she said, ''I was utterly deflated. It's insanity.''

The second reform would institute a less severe range of penalties for Hatch Act violations. Current law requires employees who violate the Hatch Act to be terminated unless the Merit Systems Protection Board unanimously votes for a lesser penalty. Jon Adler, the president of the Federal Law Enforcement Officers Association, testified that this penalty system is draconian.

The third reform made by this bill is to treat District of Columbia employees like State and local government employees under the Hatch Act.

□ 1550

This is a commonsense change.

In closing, I support the Hatch Act Modernization Act, and I hope that every Member of the House will support this bill so that it can become law.

Mr. Speaker, I ask that we pass the underlying bill, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time I'd like to yield 3 minutes to my friend and colleague, Mr. CHAFFETZ of Utah, a member of the Oversight and Government Reform Committee.

Mr. CHAFFETZ. Mr. Speaker, I thank the gentleman from Texas. I rise in support of S. 2170, the Hatch Act Modernization Act of 2012. I'd also like to thank and commend Ranking Member CUMMINGS and his work with Chairman ISSA for bringing this bill to the floor on a bipartisan and a bicameral basis.

I also want to commend Senator MIKE LEE for his tireless work on this, his concern, particularly on what happened in Utah, and his good work with Senator AKAKA. The bill wouldn't be here today without their good work, and I commend them both for working, again, in a bipartisan way.

I am also a proud cosponsor of H.R. 4152, sponsored by Ranking Member CUMMINGS—I'm glad to come together with him—which is the House companion to S. 2170. S. 2170 makes commonsense, long overdue reforms to the Hatch Act, which became law nearly 75 years ago. While the numerous reforms this legislation includes are all important, I'd like to highlight the critical reform made by section 2 of this bill.

In May of this year, the Oversight and Government Reform Subcommittee with jurisdiction over the Federal workforce held a hearing where members heard of the ongoing problems with the Hatch Act and options for reform. At the hearing, the subcommittee heard from my fellow Utahn Jon Greiner, an individual whose experience with the Hatch Act has become far too common and is the reason why we're here today.

In 2006, Mr. Greiner, while serving as the chief of the Ogden City Utah Police Department, was elected to the Utah State Senate. While this occasion would presumably be joyous, unfortunately for Chief Greiner, it was the beginning of a 5-year legal battle with the Federal entities charged with the enforcing of the Hatch Act. At the end of the long and costly legal battle, Chief Greiner was ultimately found by these Federal entities to have violated the Hatch Act in December 2011. Chief Greiner was not only fired by Ogden City for his violation, but was also banned by the Federal Government from serving as a law enforcement officer in Utah for 18 months.

And what did Chief Greiner do to deserve such punishment? He simply signed a required quarterly report for a Federal technology grant awarded to upgrade the Weber and Morgan County, Utah, emergency dispatch center—a Federal grant that didn't even directly benefit the Ogden City Police Department but, instead, was designed to enhance the dispatch capabilities for the entire county. Chief Greiner didn't receive a cent of the money in his paycheck nor did his department. He was simply the department and city's point of contact after one pen stroke ended an exemplary career of nearly four decades of distinguished public service.

Thankfully, Mr. Speaker, section 2 of S. 2170 will now make it possible for State and local public servants whose job is connected to Federal funding to be able to run for office—while still preventing those who are paid completely by the Federal Government from running for office.

Sadly, Mr. Speaker, Chief Greiner's Hatch Act violation, while absurd, has occurred all over the country. I'm happy to say, after this legislation is passed, it should never, ever happen again. I urge my colleagues to join me in supporting this bipartisan, bicameral piece of legislation.

Again, I thank Chairman ISSA for making this happen and for the work of Ranking Member CUMMINGS.

Mr. CLAY. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Maryland, ELIJAH CUMMINGS, the chief sponsor of the bill.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of the Hatch Act Modernization Act.

Senator AKAKA and I introduced this legislation, along with a number of our distinguished colleagues on both sides of the aisle. The bill incorporates recommendations for reform that the Special Counsel Carolyn Lerner sent to Congress last year. I want to thank Senator AKAKA not only for his work on this bill, but for everything he has done for Federal workers.

I would also like to take a moment to thank my good friend Representative JASON CHAFFETZ, the chairman of the National Security Subcommittee, for his very hard work in support of this legislation, as well as Chairman ISSA for helping to bring this bill to the floor today.

This legislation makes commonsense reforms to the Hatch Act that are much needed. The Hatch Act was passed to ensure that Federal Government employees work on behalf of the American people rather than whatever political party is in power. The law works well most of the time, but it has had some unintended consequences.

Currently, the Hatch Act prohibits State and local government employees from running for partisan political office if they work on programs that receive Federal funding. This can and has led to some unfair and absurd results. For example, Matthew Arlen, a transit officer in Philadelphia, was barred from running for his school board because his canine partner was paid for by a Federal grant. Officer Arlen told The Washington Post:

I was upset because I truly believed I had something to offer my community.

Mr. Speaker, I include in the RECORD a New York Times op-ed by Special Counsel Carolyn Lerner. In her op-ed, Special Counsel Lerner wrote:

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates even when there is no indication of wrongdoing.

This bill will fix that.

The Hatch Act Modernization Act also creates a range of penalties for Hatch Act violations. Currently, the only available penalty for violation of the Hatch Act, no matter how minor the violation, is termination, unless the Merit Systems Protections Board votes unanimously to impose a lesser penalty. Under this legislation, the Board will have the ability to impose a punishment that fits the crime.

This legislation also ensures that the District of Columbia employees are treated similarly to State and local government employees rather than as Federal employees.

The Hatch Act Modernization Act makes reforms that are much needed, that are bipartisan, noncontroversial, and widely supported. I urge my colleagues to support the bill and send it to the President for his signature.

Again, I want to thank all of my colleagues for joining in on this effort to make this commonsense bill law.

[From the New York Times, Oct. 30, 2011]

A LAW MISUSED FOR POLITICAL ENDS

(By Carolyn N. Lerner)

WASHINGTON.—The federal agency I lead, the United States Office of Special Counsel, enforces a law that is broken and needs to be fixed.

The law, the Hatch Act of 1939, was intended to keep improper politics out of the federal workplace. At its best, it prevents people in political power from abusing their positions. It prohibits coercion by a government supervisor—such as pressuring employees to volunteer for or contribute to a campaign—and shields the civil service and the federal workplace from politicking.

But at its worst, the law prevents would-be candidates in state and local races from running because they are in some way, no matter how trivially, tied to a source of federal funds in their professional lives. Our caseload in these matters quintupled to 526 complaints in the 2010 fiscal year, from 98 in 2000. We advised individuals on this law 4,320 times in 2010.

Matthew P. Arlen is a police officer for the Southeastern Pennsylvania Transportation Authority. A Republican, he wanted to run for the school board, but we told him in June he could not because his bomb-sniffing dog is funded through the Department of Homeland Security.

The Port of Albany, in New York, got stimulus funds to rebuild its dock and wharf, so we told Terrence P. Hurley, who is the port's chief financial officer, that he could not run in last month's Democratic primary for the county legislature.

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates, even when there is no indication of wrongdoing. An allegation that a candidate has violated federal law—simply by stepping forward to run—can cast a cloud.

Of course, the would-be candidate could give up his day job. But the day job usually pays the rent, and many of the elective offices being sought pay little or nothing. Forcing people to resign in order to participate in the democratic process is unfair and bad policy.

Sheriffs' offices are especially affected. Since 9/11, federal grants to state and local law enforcement have soared. Deputies are commonly the most knowledgeable and capable potential candidates, but they are ineligible to succeed their bosses because of the influx of federal money.

Anthony C. Nelson is on next month's ballot for sheriff in Lowndes County, Miss. He stepped up after the previous Democratic nominee, an acting police chief, left the race over a Hatch Act problem. Then Mr. Nelson, the head of the local juvenile detention center, was himself accused of violating the act. An investigation by our office found that the center got no federal funding, so he remains on the ballot.

I have sent Congress proposed legislation to fix the Hatch Act by removing restrictions on state and local government workers who want to run for elected office. This would not cost taxpayers anything. It would demonstrate respect for the independence of state and local elections, and would allow qualified candidates to serve their communities as elected officials.

Mr. FARENTHOLD. Mr. Speaker, I'd like to yield 2 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

I rise today in support of the Hatch Act Modernization Act of 2012. I want to applaud Chairman ISSA for the oversight and work he has done on the Hatch Act reform during this Congress and thank him for working with me. I'm particularly pleased that the legislation before us today contains a major piece of my legislation, H.R. 498, the State and Local Law Enforcement Hatch Act Reform Act.

Currently, more than six decades since the enactment of the original Hatch Act, there is virtually no law enforcement agency that does not receive some amount or type of Federal funds. Consequently, almost all State or local law enforcement officers are covered under the Hatch Act and must quit their jobs to run for the office of sheriff. This reality discourages experienced individuals from running for the position and places a serious financial burden on them.

Reform to the current version of the Hatch Act is sorely needed. With the passage of the Hatch Act Modernization Act, we will ensure that citizens have the opportunity to elect the best candidate as their sheriff.

Further reform to the Hatch Act is still needed, but the Hatch Act Modernization Act is a step in the right direction and will do a great deal to make sure that highly qualified men and women are able to run for the office of sheriff or other elected positions.

I want to thank Congressman TIM HOLDEN for his partnership with me in this Congress on my legislation, Hatch Act reform for State and local law enforcement officers, and I look forward to continuing to work on this issue in the upcoming Congress.

Mr. CLAY. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1600

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and for his work in helping to bring this bill to the floor today.

I especially want to thank the ranking member of the Oversight and Government Reform Committee, ELIJAH CUMMINGS, who introduced the Hatch Act Modernization Act of 2012 in the House, and to thank Senator DANIEL AKAKA, who introduced the bill in the Senate.

I want to especially thank Chairman DARRELL ISSA, who held very productive and revealing hearings on the Hatch Act during this session, without which this bill could not have come to the floor today.

And I thank our friends in the Senate, Senators JOSEPH LIEBERMAN and SUSAN COLLINS, who had their own hearings to modernize the Hatch Act, and who supported the provisions of this bill that pertain to the District of Columbia only.

The Hatch Act Modernization Act of 2012 contains two of our longtime priority bills for the district—the District of Columbia Hatch Act Reform Act and the Hatch Act National Capital Region Parity Act—giving D.C. full equality under the Federal Hatch Act.

Our first bill, the District of Columbia Hatch Act Reform Act, which is included in this bill, passed the House in the last Congress but stalled in the Senate. I have been fighting for the bill for most of my term of service in the Congress.

The D.C. Hatch Act Reform Act eliminates discriminatory treatment of the District of Columbia, which, alone among U.S. jurisdictions, still falls under the Federal Hatch Act, as it did before Congress made the District an independent jurisdiction in 1973 able to enact its own local laws.

My provision retains Federal Hatch Act authority concerning prohibited partisan and political activity that applies to every locality upon receipt of Federal funds or functions, and requires the District to enact its own local Hatch Act barring similar local violations. And I'm pleased to say that the District has already done that and is waiting only for passage of this bill and for signing by the President.

Hatch Act violations in the District are rare, but the District needs to be

able to enforce its own Hatch Act to be fully accountable and responsible for local violations, with which only a local objective body would be familiar.

The present treatment of District employees under the Hatch Act, as if these employees of a local government were employees of a Federal agency, has led to confusion for the Office of Special Counsel, or OSC, which enforces the Hatch Act.

In a recent case, an advisory neighborhood commissioner, elected by the people of the District of Columbia, was cited for violations of the Hatch Act when he ran for higher office, even though these commissioners are elected officials under local D.C. law.

Or to cite another absurdity, the District of Columbia will have its first election for a partisan attorney general in 2014. Under current law, the winner of that election would be treated as if he were a Federal employee. That would mean that the person who won the office of attorney general for the District of Columbia would have to resign that office in order to seek reelection in 2018. And this is not what the Federal Hatch Act, let alone a local Hatch Act, would have intended.

As a result of the failure to clear up the confusion between local and Federal jurisdictions, the application of the Hatch Act to D.C. government employees has been inconsistent by the OSC. The present law leaves the OSC with local responsibility when Federal jurisdiction is not indicated. This fix, therefore, is long overdue.

Our second bill, the Hatch Act National Capital Region Parity Act, allows OPM to permit Federal employees who reside in the District to run as independent candidates in local partisan elections. Under the Hatch Act, Federal employees generally may not be candidates in partisan elections.

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

Mr. CLAY. I yield an additional minute to the gentlewoman.

Ms. NORTON. In the 1940s, Congress gave OPM the authority to exempt Federal employees living in towns in Maryland, Virginia, and the immediate vicinity of the District from the Hatch Act's prohibition on Federal employees running in partisan elections, so that towns with a high concentration of Federal employees would not be deprived by having a significant percentage of their residents unable to participate in local affairs.

However, OPM was not given the authority to exempt Federal employees living in D.C. because the city did not have local elections before the Home Rule Act of 1973. The Hatch Act Modernization Act includes these two bills and brings the District one step closer to equal treatment and self-government, and implements these and other commonsense revisions to the Hatch Act.

I applaud the chairman and the ranking member for the entire Act, and I thank them very much that our bills are included.

Mr. FARENTHOLD. Mr. Speaker, I have no other speakers at this time, and continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers on this bill. I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I'd like to take this one final opportunity to urge my colleagues to support the Hatch Act Modernization Act of 2012. We've heard from speakers on both sides of the aisle indicating some of the absurd results that we have seen as a result of this act, none more glaring than the officer whose canine partner, a Labrador named Haynes, was prohibited from running for office.

With that, and all the other examples, I think it's clear we need to support passage of S. 2170.

I see the chairman has asked for some time. If my colleague on the other side of the aisle doesn't object, I would like to yield 2 minutes to the chairman, Mr. ISSA.

Mr. ISSA. Mr. Speaker, I want to thank my colleagues on both sides of the aisle, particularly my friend, Mr. CLAY.

It is not often that we get to come here as a committee and talk about something that, in fact, affects perceived government cronyism and misconduct, a law that protects the American people against politics getting into your government, and then say, but we need to reduce it a little. We need to make it a little tighter.

This is an example where, as many of my colleagues have said, unintended consequences have made a good bill into a bill that stifles the opportunity and legitimate political activity that occurs by people serving in State and local office.

So I join with my colleagues on both sides of the aisle, with my good friend from the District of Columbia, and say this is the time in which we're making small technical changes that make a big difference to our political landscape around the country, and in a good way.

We want to make sure that we have the opportunity to have everyone participate, and I want to thank Members of both parties for bringing this bill. And I want to particularly thank my colleague, Mr. CUMMINGS, for his effort throughout the entire Congress to get us where we are here today.

Mr. FARENTHOLD. I do urge all Members to join me in support of this bill. I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 2170.

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.

PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3564

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 ''Public Interest Declassification Board Reauthorization Act of 2012''.

SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting ''from the date of the appointment.''.

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.''.

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 435 note) is amended by striking ''2012.'' inserting ''2014.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1610

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

S. 3564, the Public Interest Declassification Board Act, reauthorizes the Public Interest Declassification Board, or PIDB, for an additional 2 years. Without congressional action, the PIDB will sunset on December 31, 2012.

The PIDB is an advisory committee tasked with improving and modernizing the process used to classify and declassify government information. The volume of classified information has skyrocketed in recent years, due to the rapid increase in electronic communications, as well as an institutional bias that prefers overclassification as a risk-avoidance strategy. Over classification can unduly hinder much-needed public transparency and the ability to rapidly share information across the government.

The chief goals of the PIDB are to help develop effective modern standards and processes for classification and declassification to address the problems by overclassification and promote the fullest possible public access to national security records through efficient and timely declassification systems. S. 3564 will further the cause of transparency by maintaining an expert advisory group to ensure the executive branch is classifying and declassifying records in a timely and responsible manner.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this important legislation. This bill renews the authorization of the Public Interest Declassification Board. The PIDB is an advisory committee whose purpose is to promote the fullest possible public access to significant national security decisions and activities. The PIDB advises the President on policies related to classification and declassification of national security information. The Board also advises the President on the declassification and release of classified records with historical value. The authorization for the PIDB is set to expire at the end of this month. It is important that we reauthorize the authority for this panel so that their important work is not jeopardized.

Just last month, the PIDB issued a report to the President, titled ''Transforming the Security Classification System.'' The report made a number of recommendations for improving the classification system. The report criticized our current system. It stated:

> We believe the current classification and declassification systems are outdated and incapable of dealing adequately with the large volumes of classified information generated in an era of digital communication and information systems. Overcoming the entrenched practices that no longer serve the purpose of protecting our national security will prove difficult.

Transparency and access to information are essential tools for effective oversight of the executive branch. Outdated systems for managing classified information must be modernized to provide greater public access to information about the Federal Government's policies and activities. Reauthorizing the PIDB is critical to that effort, and I support this bill. I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. FARENTHOLD. As we've heard, this bill promotes bipartisan-supported transparency in the government. I urge my colleagues to support the passage of the Public Interest Declassification Board Reauthorization Act of 2012, S. 3564, 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. FARENTHOLD) that the House suspend the rules and pass the bill, S. 3564.

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. FARENTHOLD. 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.

GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

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 ''Government Employee Accountability Act''.

SEC. 2. SUSPENSION FOR 14 DAYS OR LESS FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

Paragraph (1) of section 7501 of title 5, United States Code, is amended to read as follows:

''(1) 'employee' means—

''(A) an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less; or

''(B) a career appointee in the Senior Executive Service who—

''(i) has completed the probationary period prescribed under section 3393(d); or

''(ii) was covered by the provisions of subchapter II of this chapter immediately before appointment to the Senior Executive Service;''.

SEC. 3. INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

(a) IN GENERAL.—Chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

''§ 7551. Definitions

''For the purposes of this subchapter—

''(1) 'employee' has the meaning given such term in section 7541; and

''(2) 'investigative leave' means a temporary absence without duty for disciplinary reasons, of a period not greater than 90 days.

''§ 7552. Actions covered

''This subchapter applies to investigative leave.

''§ 7553. Cause and procedure

''(a)(1) Under regulations prescribed by the Office of Personnel Management, an agency may place an employee on investigative leave, without loss of pay and without charge to annual or sick leave, only for misconduct, neglect of duty, malfeasance, or misappropriation of funds.

''(2) If an agency determines that such employee's conduct is serious or flagrant, the agency may place such employee on investigative leave under this subchapter without pay.

''(b)(1) At the end of each 45-day period during a period of investigative leave implemented under this section, the relevant agency shall review the investigation into the employee with respect to the misconduct, neglect of duty, malfeasance, or misappropriation of funds.

''(2) Not later than 5 business days after the end of each such 45-day period, the agency shall submit a report describing such review to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(3) At the end of a period of investigative leave implemented under this section, the agency shall—

''(A) remove an employee placed on investigative leave under this section;

''(B) suspend such employee without pay; or

''(C) reinstate or restore such employee to duty.

''(4) The agency may extend the period of investigative leave with respect to an action under this subchapter for an additional period not to exceed 90 days.

''(c) An employee against whom an action covered by this subchapter is proposed is entitled to, before being placed on investigative leave under this section—

''(1) at least 30 days' advance written notice, stating specific reasons for the proposed action, unless—

''(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

''(B) the agency determines that the employee's conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;

''(2) a reasonable time, but not less than 7 days, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

''(3) be represented by an attorney or other representative; and

''(4) a written decision and specific reasons therefor at the earliest practicable date.

''(d) An agency may provide, by regulation, for a hearing which may be in lieu of or in addition to the opportunity to answer provided under subsection (c)(2).

''(e) An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701.

''(f) Copies of the notice of proposed action, the answer of the employee when written, and a summary thereof when made orally, the notice of decision and reasons therefor, and any order effecting an action covered by this subchapter, together with any supporting material, shall be maintained by the agency and shall be furnished to the Merit Systems Protection Board upon its request and to the employee affected upon the employee's request.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended by adding after the item relating to section 7543 the following:

''SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

''7551. Definitions.
''7552. Actions covered.
''7553. Cause and procedure.''.

SEC. 4. SUSPENSION OF SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 7543 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting ''misappropriation of funds,'' after ''malfeasance,''; and

(2) in subsection (b), by amending paragraph (1) to read as follows:

''(1) at least 30 days' advance written notice, stating specific reasons for the proposed action, unless—

''(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

''(B) the agency determines that the employee's conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;''.

SEC. 5. MISAPPROPRIATION OF FUNDS AMENDMENTS.

(a) REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE.—Section 3593 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting ''misappropriation of funds,'' after ''malfeasance,''; and

(2) in subsection (b), by striking ''or malfeasance'' and inserting ''malfeasance, or misappropriation of funds''.

(b) PLACEMENT IN OTHER PERSONNEL SYSTEMS.—Section 3594(a) of title 5, United States Code, is amended by striking ''or malfeasance'' and inserting ''malfeasance, or misappropriation of funds''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

Earlier this year, the Committee on Government Oversight and Reform held a hearing concerning the wasteful spending that occurred during the planning and execution of the General Services Administration 2010 Western Regional Conference. As you may recall, the GSA spent more than $820,000 on a conference originally budgeted at $250,000. The GSA has no triggers or controls in place to stop this flagrant overspending. GSA employees, including Jeff Neely, a career member of the Senior Executive Service, failed to follow GSA policy, Federal procurement law, and basic common sense.

H.R. 6016 helps ensure Senior Executive Service, or SES, employees are held accountable for their actions. It allows an SES employee to be fired for misappropriation of funds and gives the agency head discretion to place an SES on unpaid leave, all while maintaining that employee's existing due process rights.

I'd like to commend my colleague, Mr. KELLY, for his work on this bill, and urge all Members to support its adoption.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the majority for working with us to make additional improvements to H.R. 6016, the Government Employee Accountability Act, as amended. I thank the gentleman, Mr. KELLY from Pennsylvania, who introduced this bill to address an unfortunate instance where a few Senior Executive Service officials at the GSA received a lot of attention regarding their extravagant spending on a Las Vegas conference.

While I fully support the purpose and intent of this legislation to prevent misappropriation and misuse of taxpayer dollars, we need to be careful not to allow the bad actions of a few government employees to take away from the good work that our Federal workers do every day. I have the greatest respect and appreciation for our Federal workers, and I think we all need to be reminded that these men and women devote their professional lives to serving all Americans. This is especially important to note given all the recent legislation attacking these middle class Federal workers' pay and benefits. I believe in the importance of safeguarding taxpayer dollars and holding our public servants accountable. For this reason, I support this bill.

I reserve the balance of my time.

Mr. FARENTHOLD. At this time I yield such time as he may consume to my friend, colleague, and neighbor on the Government Oversight and Reform Committee, the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I do rise today in support of the Government Employee Accountability Act, H.R. 6016, and I thank the gentleman from Texas and the gentleman from Missouri (Mr. CLAY).

As a result of this, I think when we had that hearing last spring, both sides were outraged. I remember Chairman ISSA speaking out very strongly and also Ranking Member CUMMINGS speaking out very strongly. Because we truly are the stewards of the taxpayer money. And what we said at that time was that we're going to get to the bottom of this, and we're going to find out how this happened and why it happened. When I got back to my office, our switchboard was lighting up and people from back home in western Pennsylvania said, Why is this happening?

I stress exactly what you said—we have a lot of wonderful people working very hard for this country, for this government, and we don't want to paint them all with the same brush. But by the same token, when there is some wrongdoing, it is up to us in the Congress to step forward and do things that make sense.

□ 1620

So this is just a commonsense solution to a situation that has to be addressed. I would say that working together, this is a bipartisan effort to make sure that we have great accountability for those taxpayer dollars that are being spent.

This piece of legislation, as it goes forward today—let's make sure that we understand this—these are the senior executives, these are the creme de la creme, these are the top people that we rely on. That Western Region Conference, as Mr. FARENTHOLD pointed out, was $600,000 over budget, and at some point you've got to wonder why. When we asked the GSA, when we asked Ms. Johnson, Why is Mr. Neely on leave with pay, she said, Well, we don't have any mechanism to prevent that from happening; we don't have the tools to do that. So what we said was, let's go back into the regular world, let's go back into commonsense rules and let's give them a tool to use that makes sense for the American people.

So, I applaud what you're saying, Mr. CLAY. It's nice working with you on this. I want to especially thank the committee. We did work very hard on this to come up with something that makes sense for America and makes sense also for the people that work for us. So I thank you.

Mr. CLAY. I continue to reserve.

Mr. FARENTHOLD. At this point, Mr. Speaker, I yield 2 minutes to the chairman of the Transportation and Infrastructure Committee and my colleague on the Government Oversight and Reform Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding. I thank him for his leadership. Particularly, I want to thank Mr. KELLY for his perseverance, his introduction and sponsorship of H.R. 6016, and encourage my colleagues to support that legislation today.

Most often when you hear about scandals in the Federal Government, there's a little bit of a flurry and then not much is done. Mr. KELLY has stepped forward and introduced legislation that will correct one of the most egregious actions against the Federal taxpayer that we've seen.

Our committee, the Transportation Committee, does oversee the General Services Administration. Within that agency, we heard about the conduct of one senior executive employee, the Senior Executive Services, one of the highest levels of administration in our government. That person thumbed his nose in a hot tub at the taxpayers, at the Congress, and at everyone else.

Today, this is taxpayers' revenge. This is a little gift hopefully we can put under the Christmas tree for the taxpayers so that people in those positions will not receive their pay and can be removed from office. We had to change the law—and we will change the law—to make certain that people who are supposed to be good stewards of the taxpayer dollars are held accountable. So I thank everyone in a bipartisan manner in bringing this legislation forward and strongly support its adoption.

Mr. CLAY. At this time I have no further speakers, and I yield back the balance of my time.

Mr. FARENTHOLD. As we have heard from both sides of the aisle, this is a bill designed to prevent the worst kind of overspending, one of the worst examples that we've seen.

I understand Mr. CLAY and agree with his concerns that we cannot violate the due process rights of government employees. We've worked to protect that, but we've also worked very hard to do the job that we were elected to do, and that is to be good stewards of the taxpayers' money. This bill, the Government Employees Accountability Act, H.R. 6016, Mr. KELLY's bill, does just that; and I urge my colleagues to support the bill.

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. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6016, as amended.

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. FARENTHOLD. 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.

NELSON ''MAC'' MACWILLIAMS POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NELSON "MAC" MACWILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Nelson 'Mac' MacWilliams Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. 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. 4062.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4062, introduced by the gentleman from California (Mr. HUNTER), would designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the Nelson ''Mac'' MacWilliams Post Office Building. The bill was introduced on February 16.

Mr. Speaker, Mr. MacWilliams served in the U.S. Navy for 22 years and retired as a Navy chief in 1999. Upon returning to civilian life, he was a small business owner.

Mr. MacWilliams served his community in San Diego in many ways, including with the Ramona Chamber of Commerce. He is responsible for assisting local fire victims and military personnel in Mr. HUNTER's district office. Sadly, nearly a year ago, on December 20, 2011, Mr. MacWilliams passed away. He is remembered fondly by his wife, brother, sons, daughters, and several grandchildren.

Mr. Speaker, Mr. MacWilliams is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4062, to designate the facility of the U.S. Postal Service located at 1444 Main Street in Ramona, California as the Nelson ''Mac'' MacWilliams Post Office Building.

The bill before us was introduced by Representative DUNCAN HUNTER. Nelson MacWilliams graduated from Calverton High School in Huntington, Maryland. Nelson MacWilliams would attend Salisbury State University in Salisbury, Maryland, before enlisting in the U.S. Navy in 1977. Upon his retirement from the Navy, he would begin serving his community in California.

His work with the Ramona Chamber of Commerce would establish him as a respected member within the community. He was called on by Representative HUNTER to help small businesses within the community. His tireless efforts would help local small businesses succeed in cutting bureaucratic red tape.

Mr. Speaker, I urge passage of the underlying measure, and I reserve the balance of my time.

Mr. FARENTHOLD. At this time I'd like to yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman from Texas. And my good friend from Missouri, thank you for your kind words about Mac—Nelson ''Mac'' MacWilliams. See, he passed away about a year ago on December 20, 2011, in an unfortunate car accident that cost him his life on one of the most dangerous roads in San Diego County. He was a dedicated public servant, proud Navy veteran, an all-around great guy to be around.

San Diego is not just the city part where there's the ocean and the beach. There's the back country in San Diego. You have small towns like Ramona where everybody knows each other. There is literally a place called Cheers. It's a bar in Ramona where everybody does know your name. You could find Mac there after work on Sundays.

He was a member of the VFW. Like my friend said, he was in the Navy from 1977 to 1999, where he became a Navy chief. Anybody who knows the Navy or knows the U.S. military, they understand that the Navy runs on its chiefs. The chiefs are the ones that actually get things done, the ones that you look to when you need to cut through the red tape and cut through the bureaucracy.

Mac was also a member of the Veterans of Foreign Wars Post 7783 in Ramona, California. It was because of their request, along with others in Ramona, that I introduced this bill to name the post office in Ramona for Mac.

When the devastating wildfires hit San Diego in 2007, Mac answered the call to service again, working tirelessly helping victims get assistance to rebuild their homes. As we can see from Hurricane Katrina or Hurricane Sandy, when natural disasters happen, the bureaucracy is sometimes hard to get through, but Mac specialized at that as a Navy chief.

□ 1630

He did the same thing working as the executive director of the Ramona, California, Chamber of Commerce for 4 years. In his position, he advocated for businesses and built lasting relationships across the region.

But Mac wasn't a big business guy. He came out of the Navy. The reason he was chosen for that position was because he was great to be with, he knew how to get along with people of differing views and ideologies, and he simply knew how to get things done.

The VFW said in their letter:

> One of Mac's traits was that he was always ''on duty.'' There was never a problem too small which did not dictate 100 percent effort to have it corrected.

In fact, on the day he died, Mac was coming into my office because he was in the middle of some casework for a constituent and didn't want to wait until he got back from Christmas vacation.

At his funeral, one of my constituents and VFW Post member, Dale Smith, described Mac by saying:

> Mac was a gentle, intelligent individual and a ''get-it-done'' kind of guy, no matter what obstacles stood in his way.

He was a proud veteran and public servant who served his country in the Navy and served the people in his community on veterans and military issues. He had a profound impact on his community and deserves recognition for his contributions, and naming the post office for him in the community he did so much for is a fitting way to commemorate his memory.

Mr. CLAY. Mr. Speaker, I have no further speakers. I urge my colleagues to join the entire House in honoring this great American, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I, too, urge my colleagues to support H.R. 4062, the Nelson ''Mac'' MacWilliams Post Office Building naming, and yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4062.

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.

POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the ''Postal Inspector Terry Asbury Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, shall be known and designated as the ''Postal Inspector Terry Asbury Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Postal Inspector Terry Asbury Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I thank the gentleman.

Mr. Speaker, I rise today in support of my legislation, H.R. 6587, to the designate the United States Postal Service facility located at 225 Simi Village Drive in Simi Valley, California, as the Postal Inspector Terry Asbury Post Office Building.

Terry Asbury was born in Superior, Wisconsin, in 1950. Shortly after turning 18, he joined the United States Army and served multiple tours in Vietnam. After being honorably discharged in 1971, Terry began his career in the United States Postal Service. He worked out of the Van Nuys facility, starting as a mail clerk and handler before moving up all the way to U.S. postal inspector in 1986.

On Saturday, January 30, 1990, Inspector Asbury was returning in his vehicle after conducting an investigation in the Los Angeles area when his vehicle was struck head-on by a van towing a boat and a trailer. Four days later, on February 3, he succumbed to his injuries, passing away at the early age of 39.

He was a loving husband and an exceptional person who went out of his way to help others and make the world a better place to live. I cannot see a more fitting way to memorialize a great American and resident of my hometown in Simi Valley, California, than to dedicate this post office in his honor.

Mr. Speaker, I thank Chairman ISSA, Ranking Member CUMMINGS, and the others for allowing me to bring this bill to the floor today in such a quick fashion, and I urge my colleagues to support this legislation.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I'm pleased to join my colleagues in the consideration of H.R. 6587, to designate the facility of the U.S. Postal Service located at 225 Simi Valley Drive in Simi Valley, California, as the Postal Inspector Terry Asbury Post Office Building.

I want to thank Representative GALLEGLY, on November 13, 2012, for introducing this bill. Inspector Asbury diligently served the U.S. Postal Service as postal inspector for 4 years when he was tragically killed while conducting an investigation.

In remembrance of Inspector Asbury for his tireless work and dedication to service, I urge my colleagues to pass this bill.

Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge all the Members to support the passage of H.R. 6587. I can think of no more fitting a way to honor Postal Inspector Asbury than naming this building after him.

I do urge all Members to support passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6587.

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. FARENTHOLD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered 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:

H.R. 6655, by the yeas and nays;

S. 3564, by the yeas and nays;

H.R. 6016, 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.

PROTECT OUR KIDS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect, 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 Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 330, nays 77, not voting 24, as follows:

[Roll No. 636]

YEAS—330

Ackerman	Bass (NH)	Brady (TX)
Adams	Becerra	Braley (IA)
Aderholt	Berg	Brown (FL)
Alexander	Berkley	Buchanan
Altmire	Berman	Bucshon
Amodei	Biggert	Burton (IN)
Andrews	Bilirakis	Butterfield
Austria	Bishop (GA)	Calvert
Bachmann	Bishop (NY)	Camp
Bachus	Black	Canseco
Baldwin	Blumenauer	Cantor
Barber	Bonamici	Capito
Barletta	Bonner	Capps
Barrow	Boren	Capuano
Barton (TX)	Boustany	Carnahan
Bass (CA)	Brady (PA)	Carney

Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Goodlatte
Granger
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hultgren
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—77

Akin
Amash
Benishek
Bishop (UT)
Blackburn
Brooks
Broun (GA)
Buerkle
Burgess
Campbell
Carter
Chabot
Chaffetz
Conaway
Cravaack
Culberson
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Farenthold
Flake
Fleischmann
Fleming
Flores
Foxx
Gardner
Garrett
Gosar
Gowdy
Graves (GA)
Graves (MO)
Harris
Hensarling
Huelskamp
Huizenga (MI)
Hunter
Jordan
Kingston
Labrador
Lamborn
Landry
Lankford
Lummis
Manzullo
Marchant
Massie
McClintock
McHenry
Miller (FL)
Mulvaney
Myrick
Neugebauer
Olson
Palazzo
Paul
Pompeo
Price (GA)
Quayle
Rohrabacher
Rokita
Ross (FL)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Southerland
Stearns
Stutzman
Thornberry
Walsh (IL)
Westmoreland
Woodall
Young (AK)

NOT VOTING—24

Baca
Bartlett
Bilbray
Bono Mack
Boswell
Gingrey (GA)
Gohmert
Gonzalez
Holden
Johnson (IL)
King (IA)
LaTourette
Luján
Mack
McKinley
Murphy (CT)
Nunnelee
Pence
Reyes
Richardson
Scott (VA)
Shuler
Stark
Waxman

□ 1659

Messrs. KINGSTON, MILLER of Florida, HUELSKAMP, GARDNER, GOSAR, HUNTER, GARRETT, SENSENBRENNER, AKIN, MANZULLO, BENISHEK, CRAVAACK, OLSON, BURGESS, SCHILLING, POMPEO, MARCHANT, and ROKITA changed their vote from ''yea'' to ''nay.''

Mr. CANSECO changed his vote from ''nay'' to ''yea.''

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.

PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION 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. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 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. FARENTHOLD) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 21, as follows:

[Roll No. 637]

YEAS—409

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
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)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
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
Ribble
Richardson

Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—1

Young (AK)

NOT VOTING—21

Baca
Bartlett
Bilbray
Bono Mack
Boswell
Cole
Gohmert
Gonzalez
Johnson (IL)
LaTourette
Luján
Mack
McKinley
Mica
Murphy (CT)
Nunnelee
Pence
Reyes
Shuler
Stark
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1706

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.

GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 27, as follows:

[Roll No. 638]

YEAS—402

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
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
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Massie
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
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
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Matsui
Moran

NOT VOTING—27

Baca
Bartlett
Bilbray
Bono Mack
Boswell
Brooks
Burton (IN)
Cantor
Dicks
Gonzalez
Johnson (IL)
LaTourette
Luján
Mack
McKinley
Mica
Murphy (CT)
Nunnelee
Pence
Reyes
Ross (AR)
Shimkus
Shuler
Stark
Turner (NY)
Waxman
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1713

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to make votes the evening of Wednesday, December 19, 2012 due to my attendance of a funeral. Had I been present, I would have voted "yea" on rollcalls 637 and 638.

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.

MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3197) to name the Department of Veterans Affairs medical center in Spokane, Washington, as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, SPOKANE, WASHINGTON.

The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the ''Mann-Grandstaff Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

□ 1720

Mr. MILLER of Florida. I yield myself such time as I may consume.

H.R. 3197 would rename the medical center in Spokane the Mann-Grandstaff Department of Veterans Affairs Medical Center. This legislation would recognize not one but two American heroes, both Medal of Honor recipients: Private First Class Joe Eugene Mann and Platoon Sergeant Bruce Alan Grandstaff. Their story is nothing less than heroic.

Private First Class Mann served in the 101st Infantry Division of the U.S. Army during World War II.

On September 18, 1944, while under heavy fire, he crept into range of the enemy's artillery position and was able to destroy key weaponry. Though wounded four times, he refused medical evacuation in order to remain with and stand guard over his platoon throughout the night. During an attack the next morning, PFC Mann selflessly threw himself on top of a live grenade, sacrificing his own life to save those of his fellow soldiers around him.

He was posthumously awarded the Medal of Honor for his bravery on August 30, 1945.

Platoon Sergeant Grandstaff served in the Eight Infantry Regiment, Fourth Infantry Division during the Vietnam War.

On May 18, 1967, a weapons platoon he was leading came under attack. Though he was under heavy enemy fire from three directions, Platoon Sergeant Grandstaff raced to the aid of several of his fellow soldiers who had been wounded, saving the life of one. Seriously wounded himself and unable to maneuver around the enemy onslaught, he refused medical aid and continued to defend his position fiercely. At one point, he was able to crawl to within ten meters of an enemy machine gun and destroy it with hand grenades, saving countless lives. Platoon Sergeant Grandstaff eventually succumbed to his wounds in the battlefield.

He was also posthumously awarded the Medal of Honor for his bravery on that day.

Together, Private First Class Mann and Platoon Sergeant Grandstaff are examples of the best, the most courageous, and the most giving and selfless parts of the American spirit. To have the VAMC in their home state of Washington bear their names is a proper and befitting honor.

H.R. 3197 has received the unanimous support of Washington's Congressional delegation and major veterans service organizations (VSOs).

Among the many Washington State VSOs who have provided letters of support of this legislation are: the Veterans of Foreign Wars of the United States Department of Washington, the American Legion Department of Washington, the American Veterans (AMVETS) Department of Washington, the American Ex Prisoners of War Department of Washington, the Disabled American Veterans Department of Washington, the Fleet Reserve Association Northwest Region, the Washington State Gold Star Mothers, the Gold Star Wives of America Northwest Region, the Department of Washington Marine Corps League, the Washington State Military Officers Association of America, and the Blue Star Mothers of Washington.

Further, the Congressional Budget Office, in a preliminary cost estimate, has assured me that H.R. 3197 represents only a minimal cost of less than five hundred thousand dollars to the federal Government.

At this time I yield such time as she may consume to the sponsor of this particular piece of legislation, the chairwoman of the Republican Conference, the gentlelady from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 3197, naming the Veterans Affairs Medical Center in Spokane, Washington, after two of our local eastern Washington heroes the Mann-Grandstaff Department of Veteran Affairs Medical Center. Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff are heroes from eastern Washington who gave their last full measure of devotion to our Nation. Both men have been awarded the Medal of Honor for their bravery in World War II and the Vietnam War, respectively.

After graduating from high school in Reardan, Washington, Private First Class Joe E. Mann, like two of his brothers, joined the Army and trained at Fort Lewis in Washington State. Two years after enlisting, PFC Mann was on the front lines in Best, Holland, where his platoon was surrounded. In the face of heavy fire, PFC Mann was able to destroy an ammunition dump and took out numerous enemy troops. Despite being wounded four times, including both arms, PFC Mann refused to be evacuated and instead remained with his platoon and stood guard that evening. The following morning, the enemy attacked, throwing hand grenades as they approached. A grenade landed within a few feet of PFC Mann. Unable to raise his bandaged arms, PFC Mann yelled, Grenade, and threw his body on top of it. Saving his fellow soldiers, PFC Mann died moments after the explosion. For this act of gallantry, PFC Mann was awarded the Congressional Medal of Honor.

Born and raised in Spokane, Washington, Platoon Sergeant Bruce A. Grandstaff graduated from North Central High School in 1952, and enlisted in the Army a few years later. In 1966, he volunteered for duty in Vietnam. On May 18, 1967, Platoon Sergeant Grandstaff was leading a weapons platoon when it came under attack. Despite taking heavy fire from three directions, he raced into the intense fire to aid his men. Surrounded by 700 enemy troops during a 5-hour siege and being wounded in both legs, Platoon Sergeant Grandstaff continued to fight and encourage his men. Realizing that his position was being overrun, he asked for artillery fire on his exact location, knowing full well it would result in his death.

His heroic actions that day immediately saved at least eight of his fellow brethren and saved many others by alerting them of the enemy's bunkered location. At the time of his death, he had already been awarded the Silver Star for courage and valor in battle. For his gallantry that day in May, Platoon Sergeant Grandstaff was posthumously awarded the Congressional Medal of Honor.

Private First Class Mann and Platoon Sergeant Grandstaff are heroes, willing to sacrifice their own lives in order to protect their fellow soldiers. Their selfless advancement of freedom, liberty, justice, and democracy is truly humbling. I am honored to represent the legacy both men left behind for eastern Washington and our Nation.

Mr. Speaker, I urge all of my colleagues to join in honoring these two eastern Washington heroes, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff, and to support H.R. 3197.

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

I rise today to offer my support of H.R. 3197, a bill to name the Department of Veterans Affairs Medical Center in Spokane, Washington, the Mann-Grandstaff Department of Veterans Affairs Medical Center.

Private First Class Joe Mann served with the 101st Airborne division during World War II. He lost his life in the Netherlands, courageously absorbing the blast of a hand grenade with his body to protect those around him while in battle. Later, in 1954, Private First Class Mann received the Medal of Honor.

Platoon Sergeant Bruce Grandstaff also received the Medal of Honor after his death. Having served in Vietnam, Sergeant Grandstaff found his platoon

surrounded by the enemy near the Cambodia border and crawled through the front lines to save his comrades. Despite his wounds, he was able to notify the U.S. helicopters of their location and valiantly called for artillery in order to prevent the enemy from advancing.

Private First Class Mann and Sergeant Grandstaff went above and beyond the call of duty and made the ultimate sacrifice for our Nation. It is most appropriate that the VA Medical Center in Spokane be renamed in honor of these two heroes.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I do also want to thank the sponsor of this legislation, Mrs. MCMORRIS RODGERS. She's the wife of a retired Navy commander, and she herself has proven to be a strong and steadfast advocate for veterans in Washington and around this country.

I also want to say thanks to my good friend, the new ranking member, MIKE MICHAUD, for his leadership in helping to move this legislation to the floor. He's been an active and valuable member of our committee since his first days in Congress almost a decade ago, and he himself has proven himself time and time again a strong voice for America's veterans.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous materials on H.R. 3197.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 3197, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 3197.

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. MICHAUD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

WILLIAM ''BILL'' KLING VA CLINIC

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6443) to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM "BILL" KLING VA CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall be known and designated as the ''William 'Bill' Kling VA Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''William 'Bill' Kling VA Clinic''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us would name the VA community-based outpatient clinic in Sunrise, Florida, the William ''Bill'' Kling VA Clinic. William, better known as Bill, served as a Navy radar technician during the Second World War.

When he moved to Plantation, Florida, in 1973, Bill continued his service—this time as an advocate for his fellow veterans. He spent eight years as Florida's Commissioner of Veterans Affairs and twenty-seven years as the President of the Broward County Veterans Council. Bill was also a proud and active member of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Jewish War Veterans of the United States.

In each of those capacities, he worked tirelessly to ensure that the struggles and triumphs of veterans in Broward County, in Florida, and around the county were properly recognized and respected.

He was instrumental in the opening of a VA CBOC in Oakland Park more than two decades ago and, when that facility became unserviceable, played an active role in relocating it to Sunrise.

Thanks in part to his efforts, the Broward County CBOC reopened in Sunrise in 2008 and has been helping to improve the health and daily lives of Broward County veterans each day since.

Today, the entrance to that ninety-eight thousand square foot clinic bears a plaque dedicated to Bill.

Given the leadership he has unquestionably shown on behalf of his fellow veteran Floridians, it is only proper that that facility should now also bear his name.

H.R. 6443 has received the unanimous support of Florida's Congressional delegation and Florida's major veterans service organizations (VSOs).

Among the VSOs who have provided letters of support in favor of this legislation are: the Vietnam Veterans of America Florida State Council, the American Legion Department of Florida, and the Jewish War Veterans of the United States.

□ 1730

Mr. Speaker, at this time I have no further speakers, but I do want to reserve the balance of my time so the gentleman from Maine can recognize the sponsor of the legislation.

Mr. MICHAUD. Mr. Speaker, I would now like to yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) such time as she may consume.

Ms. WASSERMAN SCHULTZ. I thank the gentleman. I thank both gentlemen.

I rise to offer H.R. 6443, a bill that will designate the Department of Veterans Affairs health clinic located at 9800 West Commercial Boulevard in the city of Sunrise, Florida, as the William ''Bill'' Kling VA Clinic. I offer this bill, along with the entire Florida House delegation, to honor a beloved member of our south Florida veterans' community, William ''Bill'' Kling, who passed away, sadly, on August 6 at age 84.

My deepest appreciation goes out to the Committee on Veterans' Affairs and Chairman MILLER, who is a good friend from the great State of Florida, for supporting this effort and helping it to come to the floor.

Bill was a member of our greatest generation of Americans, serving our Nation as a radar technician for the Navy during World War II. But Bill's service to our Nation was far from over when he returned from war. In fact, it was just beginning.

Bill Kling became a national leader and one of the strongest advocates for our Nation's veterans. He was dedicated to helping generations of veterans as they returned to civilian life. He worked tirelessly to make sure our veterans were getting the benefits they deserved, from education under the GI Bill to quality health care through our VA system.

I'm sure my Florida colleagues will agree that Bill was a force to be reckoned with, ever brightening our congressional doorways, pushing the urgency of the issue at hand.

I know we are all grateful for the remarkable legacy he leaves behind, and he will be sorely missed. In particular, my thoughts and prayers go out to Bill's family, including his children, Marsha Mittentag and Steven Kling.

I had the distinct pleasure, Mr. Speaker, of working with Bill for the last 23 years and have witnessed firsthand the many ways he helped thousands of veterans in Florida. I'm also proud to have called him my friend. For the past 7 years, Bill served as the chair of my Military Academy Nominations Board, where he helped the next generation of military leaders realize their dream of serving the country they love.

For 8 years he served on the Florida Commission on Veterans' Affairs, and for the past 27 years, as you've heard, he was the president of the Broward

County Veterans Council. He also led the Jewish War Veterans and was a member of the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans.

The list of superlatives for Bill is long and shows him as the great American that he was. Bill was inducted into the Broward Senior Hall of Fame, received the Humanitarian of the Year award from the Dolphin Democrats, and changed the scope of veterans' services in south Florida.

In particular, he helped bring the Alexander ''Sandy'' Nininger Veterans' Nursing Home to Pembroke Pines in 2001 and worked with other veterans to create the South Florida National Cemetery in Palm Beach in 2007.

One of Bill's greatest accomplishments and lasting legacies was ensuring that veterans would have easy access to quality medical care. Bill noticed that too often veterans in Broward County had to travel too far to go to a VA facility to get the care they needed. With that in mind, he helped open the Oakland Park VA outpatient clinic more than two decades ago. When the building the clinic occupied began deteriorating, Bill worked to open a brand new facility. Even though this effort took years, Bill kept a smile on his face and kept working to overcome every obstacle because that's just how Bill Kling operated.

So in 2008, a new 98,000-square-foot clinic opened in Sunrise, and fittingly on Bill's birthday. I think it's fair to say that without Bill Kling this wonderful center that serves thousands of our veterans each year might not exist.

With that in mind, my good friend and colleague, Congressman TED DEUTCH, and I and the rest of the delegation offer this legislation today which will rename the Broward outpatient clinic as the William ''Bill'' Kling VA Clinic. This is such a fitting way to memorialize and thank Bill Kling. With passage of this bill, every veteran who walks through the doors of the Broward VA Clinic will know the name of the man who did so much for so many.

Mr. Speaker, I urge my colleagues to support passage of this legislation so we may pay tribute to a great American, William ''Bill'' Kling.

Mr. MILLER of Florida. I am grateful to my good friend from Florida (Ms. WASSERMAN SCHULTZ) for bringing this legislation to the floor and honoring such a fine gentleman. I also again want to thank the ranking member for helping us work so quickly to bring this legislation to the floor.

I would also note that, in closing, a preliminary cost estimate provided by CBO, H.R. 6443 represents only a minimal cost to the Federal Government.

With that, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I now would yield 3 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank my friend from Maine.

I rise today and urge unanimous support for H.R. 6443, to designate the Department of Veterans Affairs facility in Sunrise as the Bill Kling VA Clinic.

Naming this clinic after Bill Kling is more than a way to honor the memory of a great man. It's a most fitting way to acknowledge one of Bill's greatest accomplishments as a tireless advocate for south Florida's veterans.

Because of Bill Kling, Florida's veterans are better cared for. Year after year he fought for the benefits that our veterans so rightfully earned during their service, including education under the GI Bill and health care through the VA.

His achievements were many, but it was the opening of the clinic in Sunrise that Bill was the most proud of. He had previously assisted with the establishment of an outpatient clinic in Oakland Park. As the years passed and the facility was no longer suitable to care for the veterans, he started on what would be a 13-year project of establishing a new facility. After years of obstacles, the clinic opened in 2008 on his birthday. He commented at the time that the fight was not for a building, the fight was for better health care for our veterans. Now, thanks to Bill Kling and thanks to his vision, veterans in south Florida have a local VA health care facility available to them. The veterans from the west side of the county are able to receive medical assistance without the burden of having to travel long distances.

I urge my colleagues to join me in renaming this clinic in his honor. Every veteran cared for in this clinic is part of Bill's lasting legacy. I'm humbled to remember him today not just as a community leader but as a friend. I commend Congresswoman WASSERMAN SCHULTZ, my good friend and colleague, for her introduction of this bill and her comments honoring the memory of Mr. Kling. He truly was caring and compassionate, a loyal person and a loyal friend. He made everyone who crossed his path feel as though they were the most special person he knew.

Finally, Mr. Speaker, when we announced the legislation to rename this facility at the facility there were some veterans standing out in front waiting to go in. They asked what the hubbub was about, and they asked why all the TV cameras, and I explained to them who Bill Kling was and why this was being done. They were grateful for the opportunity to know, and now veterans just like those veterans, when they walk through the front door, will learn not only about Bill Kling but will learn of his example as a veteran for continuing to work hard every single day for his fellow veterans. What a great honor we're bestowing on his family by honoring his memory in this way.

Again, I urge my colleagues to unanimously support H.R. 6443, honoring this late, great American.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer my support of H.R. 6443, a bill to designate a Department of Veterans Affairs facility in Sunrise, Florida, as the ''William 'Bill' Kling VA Clinic.''

Mr. Kling was a World War II veteran, having served as a radar technician in the United States Navy.

He went on to serve as a staunch advocate for the veterans of Florida, including: 27 years as President of the Broward County Veterans Council, 8 years as Florida's Commissioner of Veterans Affairs, and Memberships with The American Legion, Veterans of Foreign Wars, Jewish War Veterans and Disabled American Veterans.

Mr. Kling fought for greater access to healthcare for his fellow veterans, which after 13 years of advocacy, led to the opening of this facility in Sunrise in 2008.

Moreover, Mr. Kling was also a key player in the opening of the South Florida National Cemetery in 2007 and the State Veterans Nursing Home in Pembroke Pines in 2001.

While Mr. Kling is no longer with us, his tireless advocacy on behalf of our Nation's veterans lives makes him the perfect candidate for the naming of the VA clinic in Sunrise.

Before yielding back my time, I'd also like to thank Chairman MILLER and your entire staff for working with the minority staff to bring these two bills before the House. But I also want to thank you for your friendship and your guidance over the years as we both served on the Veterans' Affairs Committee. I look forward to my new role as the ranking member of the Veterans' Affairs Committee and look forward to working with you and your staff as well.

I want to thank you for your strong advocacy for our veterans. That's one of the reasons why I think we work very well together—we have a common goal, a common purpose to help our veterans and their families out. So I want to thank you and look forward to working with you in the upcoming Congress as well as the remainder of this Congress.

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

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend and add any extraneous material for H.R. 6443.

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

There was no objection.

Mr. MILLER of Florida. I appreciate the kind remarks by my good friend, the ranking member of the Veterans' Affairs Committee. I once again encourage all Members to support this 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 Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6443.

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. MICHAUD. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1740

HOUR OF MEETING ON TOMORROW

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

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

There was no objection.

REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the ''Representative Curtis B. Inabinett, Sr. Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, shall be known and designated as the ''Representative Curtis B. Inabinett, Sr. Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Representative Curtis B. Inabinett, Sr. Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume and ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6379.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, H.R. 6379, introduced by the gentleman from South Carolina (Mr. CLYBURN), would designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the Representative Curtis B. Inabinett, Sr. Post Office. This bill was introduced on September 12.

Mr. Speaker, Mr. Inabinett is a longstanding and faithful citizen of South Carolina. He was born there in 1931 and attended grade school, college, and graduate school in the State. Later, he taught at Baptist High School in Charleston County and was appointed to the Charleston County Election Commission. He became the mayor of Ravenel, South Carolina, and joined the South Carolina House of Representatives where he served until 2001.

Mr. Speaker, Representative Inabinett is a worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in a bipartisan way in the consideration of H.R. 6379 to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the Representative Curtis B. Inabinett, Sr. Post Office.

I am pleased to yield 5 minutes to the distinguished assistant Democratic leader, Congressman CLYBURN from the great State of South Carolina, for as much time as he may consume.

Mr. CLYBURN. Mr. Speaker, I thank the gentlelady from New York for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 6379, naming the post office in Ravenel, South Carolina, after Representative Curtis B. Inabinett, Sr.

I want to thank my colleagues in the South Carolina congressional delegation for their support of this bill.

Curtis Inabinett was born in Islandton, South Carolina, to Cornelius Benjamin Inabinett and Eula Lee Stephens-Inabinett. When Curtis was 11, his father passed away, leaving Curtis, as the oldest of 11 siblings, to shoulder the responsibility of helping to manage the family farm and look after his younger brothers and sisters.

Curtis attended South Carolina State College, and after several years in the United States Army, he became a teacher at Baptist Hill High School in Charleston County, South Carolina, where he taught for 13 years. He then became the principal of R D Schroder Middle School, a position he held until his retirement in 1989.

His commitment to public service went beyond his passion for education. He and I got started in politics around the same time when he was appointed as the first African American on the Charleston County Election Commission. Later, Curtis would win a seat on the Ravenel Town Council, and in 1982, he became the first African American mayor of Ravenel.

In 1991, Curtis was elected to the South Carolina House of Representatives. He retired from the State house in 2000. Following the 2001 settlement of a redistricting lawsuit, Curtis became one of three African Americans who won seats on the Charleston County Council, where he served until 2011.

Throughout his tenure representing his hometown of Ravenel, whether as its mayor, its State representative, or on the county council, Curtis has been a fierce advocate for the needs of his community. He has broken down barriers throughout his life, and I'm sure the town of Ravenel will be proud to be the home of the Representative Curtis B. Inabinett, Sr. Post Office.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, as the gentleman from South Carolina has so eloquently put it, this is a fine, fine gentleman, well deserving of having this postal facility named after him. I urge all Members to support passage of H.R. 6379 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6379.

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. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SIDNEY ''SID'' SANDERS MCMATH POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIDNEY "SID" SANDERS MCMATH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, shall be known and designated as the ''Sidney 'Sid' Sanders McMath Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to

be a reference to the ''Sidney 'Sid' Sanders McMath Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1750

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, H.R. 3869, introduced by the gentleman from Arkansas (Mr. GRIFFIN), would designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the Sidney ''Sid'' Sanders McMath Post Office Building. The bill was introduced on February 1 and was reported from the Government Oversight and Reform Committee on February 7.

Mr. Speaker, Sid McMath was a prosecuting attorney, a decorated United States Marine officer, and the 34th Governor of the great State of Arkansas. As a Marine officer, he received the Legion of Merit Silver Star for his heroic leadership during World War II. As Governor, McMath championed several infrastructure improvements to benefit his State. This included the paving of primary roads and expanding rural electrification.

McMath unfortunately died in his home in Little Rock, Arkansas, on Saturday, October 4, 2003. He was given a full military funeral by the U.S. Marine Corps Honor Guard.

Mr. Speaker, Mr. McMath is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

With that, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3869, to designate the facility of the U.S. Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the ''Sidney 'Sid' Sanders McMath Post Office Building.''

The bill before us was introduced by Representative TIM GRIFFIN on February 1, 2012. In accordance with committee requirements, H.R. 3869 is cosponsored by all members of the Arkansas delegation and was reported out of the Oversight Committee by unanimous consent on June 27, 2012.

As a former two-term Governor for Arkansas, Sidney Sanders McMath started his career as an enlisted officer with the U.S. Marine Corps. Having fought in the battle for the Solomon Islands in World War II, Mr. McMath would earn the rank of lieutenant colonel for his courageous efforts in the war. When he retired from the U.S. Marine Corps, his rank was major general.

A decorated war hero, McMath would return to his hometown of Hot Springs in time to be elected as a local prosecutor. Earning a reputation as a reformer, he worked tirelessly to rid the local government of corruption. His noble actions and hard work would carry him to victory in the 1948 election to become Governor of Arkansas. Leading the way as a reformist in all manners, McMath fought for civil rights for African Americans and modernized the Arkansas transportation infrastructure.

His hard work and determination have cemented his legacy in Arkansas's history. To commemorate Sidney ''Sid'' Sanders McMath, I ask that we pass the measure before us, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time, I would like to yield as much time as he may consume to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of H.R. 3869. This bill would designate the facility of the United States Post Office located at 600 East Capitol Avenue in Little Rock as the Sidney ''Sid'' Sanders McMath Post Office Building.

Sid McMath is one of Arkansas's finest sons, and he dedicated his life to serving Arkansas and our country. He was the 34th Governor of Arkansas and served as a U.S. Marine in World War II. He received the Silver Star for his valor during the Battle of Piva Forks.

Sid McMath was born in Columbia County, Arkansas, on June 14, 1912. In high school, he was a skilled boxer and won the State Golden Gloves title. He worked his way through college at the University of Arkansas by waiting tables, washing dishes, and fighting in exhibition boxing matches. After college, he served as a United States Marine during World War II where he distinguished himself in combat and earned the Silver Star and the Legion of Merit.

In 1948, Sid McMath was elected as the 34th Governor of Arkansas, serving from 1949 to 1953. As Governor, he was a staunch advocate for civil rights, fighting to uphold voting rights for all Americans and working to abolish the poll tax.

After serving as Governor, he continued his service to his Nation as a member of the Marine Corps Reserve, rising to the rank of major general. In 1967, he founded the Marine Corps Junior ROTC at Catholic High School for Boys in Little Rock. Many of the cadets known as ''Sid's Kids'' have followed his example by serving our country.

Governor McMath passed away in 2003 at the age of 91 in Little Rock. His autobiography, ''Promises Kept,'' was posthumously awarded the Arkansas Historical Association's highest accolade, the John G. Ragsdale Prize.

Today we honor Sid McMath's dedication and service to his State and Nation by installing a permanent marker of his contribution to Arkansas and America. His example is one all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join with Representative GRIFFIN in urging all of our Members to support this bill in the naming of the Sidney ''Sid'' Sanders McMath Post Office Building, 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. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3869.

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. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ELIZABETH L. KINNUNEN POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the ''Elizabeth L. Kinnunen Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIZABETH L. KINNUNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, shall be known and designated as the ''Elizabeth L. Kinnunen Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Elizabeth L. Kinnunen Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material to the RECORD regarding H.R. 3378.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3378, introduced by the gentleman from Michigan (Mr. BENISHEK), would designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

This bill was introduced November 4, 2011, and reported from the Government Oversight and Reform Committee on February 7, 2012.

Mr. Speaker, Elizabeth Kinnunen was a strong pillar of her community in Munising, Michigan. She and her husband, Oscar, operated a boarding house in Marquette, Michigan, and together they raised 11 children. Two of their sons fought bravely for their country and tragically gave their lives. Her son Eiso was killed in action during World War II. Her son Raymond was killed during the Korean war.

□ 1800

Mr. Speaker, Mrs. Kinnunen is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

As a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

The bill before us was introduced by my colleague DAN BENISHEK on November 4, 2011. In accordance with committee requirements, H.R. 3378 is cosponsored by all members of the Michigan delegation, and it was reported out of the Oversight Committee by a voice vote on February 7, 2012.

Elizabeth Kinnunen has a very special place in America's heart due to her personal sacrifice for our country. Mrs. Kinnunen is what we call a ''double gold star mother.'' Her son Eiso was killed in action during the Battle of the Bulge in World War II. Unfortunately, years later, her son Raymond was killed during the Korean War, while a third son, Reino, served in West Germany during the same war. No mother should have to lose two sons to war; but her family sacrifice will forever be part of history, and I ask that we pass this bill with no reservation.

I reserve the balance of my time.

Mr. FARENTHOLD. I yield as much time as he may consume to my distinguished colleague from the State of Michigan (Mr. BENISHEK).

Mr. BENISHEK. Thanks to the gentleman from Texas.

Mr. Speaker, I come to the floor today to urge my colleagues to support my legislation, H.R. 3378, a bill to name the post office building in Munising, Michigan, after the late Mrs. Elizabeth Kinnunen.

Mrs. Kinnunen's story is like that of many people's from northern Michigan and all across this Nation. It's a story of an immigrant who came to this country in the hopes of a better life and left America a better place. Mrs. Kinnunen came to our country from Finland in 1903. She married Oscar Kinnunen in 1909. They had 11 children, and like parents do all across this country, they worked hard all of their lives to ensure that their children would have a shot at the American Dream.

Mr. and Mrs. Kinnunen operated a boarding house in Marquette, Michigan. They provided warm beds to many timber and mining workers in Marquette County. Eventually, they moved to Munising, Michigan, where Oscar worked for the paper company and Elizabeth worked as a local cook. Mrs. Kinnunen was a faithful member of the Messiah Lutheran Church in Munising.

Mrs. Kinnunen's life was marked by tragedy. Two of her sons, Eiso and Raymond, were both killed in war while defending the freedoms we cherish so much. Eiso was killed in action during the Battle of the Bulge in 1945, and Raymond lost his life in the Korean War in 1952. We will never know the devastating grief their family must have suffered after such an enormous loss. We will also never be able to fathom the somber dignity Mrs. Kinnunen must have felt—in the words of President Lincoln—to have laid so costly a sacrifice upon the altar of freedom.

Mrs. Elizabeth Kinnunen died on April 5, 1974, at the age of 81. She is not famous. Her name does not grace history books; but Mrs. Kinnunen's life—the hard work she did, the family she raised, the terrible sacrifices she endured—is a small but important part of this long story that we call the United States. It is the countless lives like hers that has made this country the greatest Nation in the world. Naming this post office in her honor is a thoughtful and lasting way for the community of Munising to celebrate her life and accomplishments.

I urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. FARENTHOLD. I urge all Members to support the passage of H.R. 3378, 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. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3378.

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. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

CECIL E. BOLT POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the ''Cecil E. Bolt Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CECIL E. BOLT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, shall be known and designated as the ''Cecil E. Bolt Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Cecil E. Bolt Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I respectfully ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4389, introduced by the gentleman from California (Mr. COSTA), would designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the Cecil E. Bolt Post Office. This bill was introduced on April 18, and it was reported out favorably from the Committee on Oversight and Government Reform on June 27.

Mr. Speaker, Cecil Bolt was drafted into the Army just prior to the start of

World War II. He was assigned to the 75th Artillery Unit in the Aleutian Islands in Alaska. After the war, Mr. Bolt returned to Fowler, California, and was appointed postmaster in 1947. He was known for his friendly service, especially when delivering packages on Christmas Eve, which is something at this time of the year we can all appreciate. Sadly, Mr. Bolt passed away on February 9, 2007, but he is fondly remembered by many family members and friends.

Mr. Speaker, Mr. Bolt is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4389, which was introduced by my good friend and colleague to whom I now yield such time as he may consume, the gentleman from the great State of California, Representative JIM COSTA.

Mr. COSTA. Mr. Speaker, I rise in support of H.R. 4389, and I thank the gentlelady from New York for yielding me the time to speak on behalf of the naming of this post office in Fowler, California, on behalf of Cecil E. Bolt, who was the postmaster there for many, many years.

Today is a great day for the city of Fowler and for its community and the city council, which over a year ago overwhelmingly came to me and asked that we dedicate and name—appropriately so—the post office at Fowler, California, on behalf of a postmaster who served the city and the community so well for so many years.

Fowler is a wonderful community in my district of over 5,000 people, one not unlike many communities that we have throughout the country—with a high school and with generations of families that have lived there for years. As a matter of fact, the mother of one of our colleagues, Congresswoman JACKIE SPEIER, was born in Fowler, California.

Today, we name the post office after Cecil E. Bolt. He was born and raised in Idaho, but like many, came to California. After graduating from college, Mr. Bolt moved to Fowler in 1939. Just prior to World War II, he was drafted into the U.S. Army, and as was noted, he was assigned to the 75th Artillery Unit in Alaska.

□ 1810

Cecil Bolt was part of, as Tom Brokaw wrote, America's Greatest Generation. In 1942, he married the love of his life, Naomi Opal Gourley, and together they raised two loving daughters: Dorothy Jane and Kathy Jean.

After the war, Bolt returned to Fowler and was appointed the postmaster, a position he held for 27 years. Known for his dedication and friendly demeanor, many times he would personally deliver packages, and not just during the Christmas season but throughout the year because of course everybody knew Cecil. His decades of public service extended far beyond the walls of the post office, which centered as a hub of activity for the community.

Cecil volunteered every day for more than 17 years at the Marshall Elementary School, where his service helped shape a generation of young people. He was also a faithful and active member of the Presbyterian Church of Fowler, where he also served as a Sunday school teacher and a Kids Club volunteer. For his service, he received Fowler's ''Citizen of the Year'' award in 1969 and the ''Silent Servant of the Year'' award in 2004.

Sadly, after years and years of service, Cecil Bolt passed away in 2007. Those in the city of Fowler who knew him were undoubtedly better off thanks to the good service of Postmaster Bolt.

So in conclusion, Mr. Speaker, the city of Fowler and its county council and the overwhelming support of citizens of the city and students who wrote in postcards ask that we do this in his honor without reservation—recognize the post office in the city of Fowler to be named after Postmaster Cecil E. Bolt in dedication to his family and the community of Fowler as well as the United States Postal Service.

Mr. FARENTHOLD. Having no other speakers at this time, I continue to reserve the balance of my time.

Mrs. MALONEY. Having no further speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4389, the Cecil E. Bolt Post Office. I urge all Members to join me in support of this bill.

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. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4389.

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. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, shall be known and designated as the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Kenneth M. Ballard Memorial Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6260, introduced by the gentlelady from California (Ms. ESHOO) would designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the ''Lieutenant Kenneth M. Ballard Memorial Post Office.'' This bill was introduced August 1 and reported favorably from the Committee on Oversight and Government Reform.

Lieutenant Ballard committed his entire adult life to serving his country. Upon graduating from Mountain View High School in 1995, Mr. Ballard enlisted in the Army. During his military career, he served in Germany, Bosnia, Macedonia, and Iraq. Sadly, Lieutenant Ballard was killed in 2004 while deployed in Iraq. I'm truly grateful for the brave and heroic service of Lieutenant Ballard and for all those who serve and defend our Nation every day.

Mr. Speaker, Lieutenant Ballard is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in support of H.R.

6260, a bill to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

The bill before us was first introduced by my good friend and colleague, Representative ANNA ESHOO from the great State of California, and I yield her such time as she may consume.

Ms. ESHOO. Mr. Speaker, I thank my colleague and good friend and classmate Mrs. MALONEY from New York, and I thank our colleague from Texas for his very kind and generous remarks about the designation of the United States post office in Mountain View, California, in my district, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

A Mountain View native, Ken Ballard joined the Army at the age of 18. He comes from a distinguished family that have given a long line of military service to our country. He attended basic training at Fort Knox, Kentucky. He went on to bravely serve our Nation in Germany, Bosnia, Macedonia, and Iraq.

On April 3, 2004, Lieutenant Ballard's battalion, the 2nd Battalion, 37th Regiment, 1st Armored Division turned in their weapons and began preparing to return home. The very next day, violence broke out in Baghdad, and shortly thereafter, Lieutenant Ballard's tour was unexpectedly extended for an additional 120 days.

Less than 2 months later, on May 20, 2004, after 9 years of service, Lieutenant Ballard was killed in Najaf, Iraq, by accidental discharge of the M–240 weapon on his vehicle. He was a recipient of the Purple Heart and three Bronze Stars, two with valor device.

Lieutenant Ballard was a true American hero, and his ultimate sacrifice deserves our formal recognition of gratitude, which is what we are doing here today. In paying tribute to him and his service, the House will not only honor his sacrifice, but also that of every brave American who dons a uniform in defense of our Nation each and every day. So many have given their lives so that we may live ours freely, and each deserves our gratitude, our respect, and our remembrance.

I want to thank the city council of Mountain View, California, for their support of this effort, and I want to pay tribute to Lieutenant Ballard's mother, Karen Meredith, for her unswerving advocacy on behalf of her son that the truth would be documented and put forward, and of course her support in the renaming of the post office of his hometown after him.

So I urge my colleagues to vote for this legislation. I thank everyone on a bipartisan basis that has been involved in this.

□ 1820

Mr. FARENTHOLD. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I join my colleague and compliment her on her very moving tribute, not only to her constituent but to all the men and women who serve our great Nation.

Mr. Speaker, I thank my colleagues on both sides of the aisle for their support of this renaming in honor of a true American hero. And noting that I have no additional speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join the gentlelady from California and the gentlelady from New York in support of this legislation honoring Lieutenant Kenneth M. Ballard, naming the post office the Lieutenant Kenneth M. Ballard Memorial Post Office, and urge my colleagues to enthusiastically support H.R. 6260.

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. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6260.

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. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RELATING TO THE DEATH OF THE HONORABLE DANIEL K. INOUYE, A SENATOR FROM THE STATE OF HAWAII

Ms. HIRONO. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 839

Resolved, That the House of Representatives—

(1) receives with profound sorrow the news of the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii;

(2) authorizes the Speaker to appoint such Members as he may designate to serve with members of the Senate as a committee to represent the House in attendance at the funeral of the Senator;

(3) directs the Clerk to communicate this resolution to the Senate and transmit a copy to the family of the Senator; and

(4) when it adjourns today, does so as a further mark of respect to the memory of the Senator.

The SPEAKER pro tempore. The gentlewoman from Hawaii is recognized for 1 hour.

Ms. HIRONO. Mr. Speaker, earlier this week, my State of Hawaii and our Nation lost a truly great man, Senator Daniel K. Inouye. He began serving our country when he was only 17 years old, joining the Army after the attack on Pearl Harbor.

At that time, many questioned the patriotism of people who looked like him, but for Senator Inouye that was precisely why he joined the service. He was a true patriot. He loved this country and was willing to do whatever he could to defend it. In fact, he lost his arm charging a series of machine gun nests on a hill on San Terenzo, Italy, on April 21, 1945. His heroic actions rightly earned him the Medal of Honor.

He was the embodiment of the Greatest Generation: courage, sacrifice, humility, and love of country. It's why the commitment to serve and protect those who fight for our country has always been one he took personally. It's why he always stood up for the ideals of freedom and justice that our country is founded upon, because he saw firsthand what happens when we don't. And it's why he was always proud to stand up for our heritage in Hawaii.

The truth is, Senator Inouye deeply loved our beautiful State of Hawaii. Half a century ago, he had a vision of the Hawaii we inherit from him today. Over his many decades of service, he displayed a builder's skill, pouring the foundation of the modern and vibrant Hawaii that is his legacy. And so the greatest tribute we can pay Senator Inouye is to acquire his vision, apply his skills, and build on the remarkable foundation he laid for us, from strengthening our schools and university to building our roads and bridges.

And just today, our State marked another milestone led by Senator Inouye. We signed a full funding grant agreement with the U.S. Government for our Oahu rail project. This was a project championed by Senator Inouye through many years, through many ups and downs.

The Senator saw the future of Hawaii often before others did; and when he saw something that was going to better the lives of the people in Hawaii, he always fought for it. This is probably one of the things he will be remembered for the most, his tenacity in fighting for the people of Hawaii and for doing what is right.

And while he may have been a fierce competitor, he was always a gentle spirit. In a Washington that, at times, is so torn apart by partisanship, Dan Inouye always worked to defuse that situation and bring us together. He understood that words mattered as much as actions, and he always worked to elevate the debate.

And he stood by his friends, no matter their political stripes. It's why we've all heard from people on both sides of the aisle, and some who are speaking today, who are so saddened by his death by what our country lost this week.

I received a message from our good friend and brother, ENI FALEOMAVAEGA from American Samoa. He is traveling overseas and asked that I mention his deep condolences to the people of Hawaii.

Eni, like so many, calls Senator Inouye a mentor. He taught us all lessons we'll never forget. Simply put, Senator Inouye was an extraordinary

person, a giant in the Senate, who accomplished so much for the people of Hawaii and our Nation. It is now up to us to carry on that work, to realize his vision, to draw upon his strength, his strength of purpose and strength of character, to do what is right.

I know the people of Hawaii join me today in pledging to do just that.

Aloha, Senator INOUYE.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 839.

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

There was no objection.

Ms. HIRONO. I would now like to yield as much time as he consumes to my colleague from the Commonwealth of the Northern Marianas, KILILI SABLAN.

Mr. SABLAN. Thank you very much.

Mr. Speaker, I'd also like to express my deepest condolences to the people of Hawaii for their loss of a great Senator and a great American. I would not be here today standing in the well of the House if not for Senator Daniel K. Inouye.

This beloved leader did so much for many Americans, for so many people of the Pacific, as we are hearing tonight. He touched the lives of so many individuals, including my own life.

In 1986, Senator Inouye gave me the opportunity to work as a Fellow in his office here at the Capitol. Senator Inouye had established a program to bring young men and women from the Pacific Islands to Washington to learn about Congress and the United States Government. We came from American Samoa and from the Northern Mariana Islands, my home.

What an opportunity Senator Inouye gave us. What an eye-opening experience to see Congress at work. What an education to watch up close this distinguished man of the Senate, by turns dignified, gracious, good humored, principled, quiet and when called to defend the forgotten, fierce, fierce and formidable. I was inspired.

□ 1830

Seeing what an elected official could be, what he could do to bring justice to this world, I dared to dream of one day doing the same. The Northern Mariana Islands did not even have a seat in Congress in 1986. That did not happen until 23 years later. But throughout those 23 years, I held that dream deep in my heart, the dream that Senator Daniel Inouye planted that some day I could represent my people as I had seen him represent the people of Hawaii and America.

I will admit that dream did not always burn brightly. There were times when I did not tend the flame. But when the day came that Congress granted a seat to the people of the Northern Mariana Islands, that flame roared to life. That inspiration that Daniel K. Inouye had lit in my heart, fed by the ideals that he had instilled in me those many years ago, the ideal that we're all equals in this great country, as citizens and as individuals, and that, against all odds, we can overcome poverty, we can overcome prejudice, we can overcome terrible, terrible, physical injury and survive stronger than ever. We can survive and prevail if we believe in the inherent decency and goodness of America, as Senator Daniel K. Inouye believed—if we are not afraid to dream.

And so I dreamt, inspired by this man, aided by the opportunity he once gave to me. And tonight, Mr. Speaker, I stand here in the well of this hallowed Chamber to say thank you to Daniel K. Inouye.

Thank you, Senator Inouye, for showing me the way here. Thank you, sir, for showing us all what it means to be a true Member of Congress. Thank you, and good night. Rest well. We shall always remember you.

Ms. HIRONO. Mr. Speaker, I now yield such time as he may consume to my good friend from Alaska, Congressman DON YOUNG.

Mr. YOUNG of Alaska. I thank the good lady for yielding.

This is a solemn moment. The gentleman from the Mariana Islands just gave a presentation. I would like to think Senator Inouye and I played a role in making sure he could stand on this floor and give that presentation.

Danny Inouye, the Senator from Hawaii—actually, he was the third Senator from Alaska. And excuse me, Danny, for saying this; I don't want to call you Senator at this time, but just Danny. He was always able to reach across the aisle and solve problems of the noncontiguous States with my friend, Senator Stevens. Hand-in-hand, two veterans. One lost an arm and one flew 36 missions over the Hump. Together, they were one, they were brothers, and they said that so many times—brothers in arms, brothers in supporting two noncontiguous States, brothers in solving problems for people across the aisle.

I didn't serve with Danny, but I knew him well because he was a friend of my people, the Alaska Natives. In fact, we had him 2 years ago at the AFN convention speaking to the need and necessity for the Hawaiian Natives to be recognized as the Alaskan Natives were.

He was an icon—a person that could work together. And he was—think about this—a young man that was Japanese. He was not in an internment camp. He volunteered for the America that he loved. He loved and served and lost, but he always won. He always won. But he did that by reaching the one arm he had left in his hand and shaking that hand and saying, Let's do it together. Let's work together. Let's not have the animosity, the rancor that's occurring today.

In fact, when I think about it a moment, I think, Danny, God bless you. You're in heaven. Hawaii is better off. Alaska is better off. But if we don't change our ways, you would be terribly disappointed. You would not be happy the way things are happening in this Congress, including the United States Senate.

And so, Danny, I will tell you one thing. You have Alaskans—especially my wife, my children, and my grandchildren—that thank you for the efforts you put forth to take the aboriginal people and bring them into the mainstream of life, with the help of Senator Ted Stevens.

So God bless you, Danny, Senator from Hawaii, and the third Senator for the State of Alaska.

Ms. HIRONO. Mr. Speaker, I yield such time as she may consume to my friend from California, Congresswoman DORIS MATSUI.

Ms. MATSUI. I would like to thank my friend, the gentlelady from Hawaii, for organizing this time for all of us to honor Daniel Inouye.

It's with heavy heart that I rise here today in support of this resolution honoring the late Senator Inouye. On December 17, our country lost a beloved leader, an American hero, and a man I was honored to call my friend.

Rising to become the most senior Member of the United States Senate, Senator Inouye will be remembered, not only for his distinguished record as a legislator, but also for his heroism on the battlefield. Senator Inouye served his country on the battlefields of Europe during World War II and earned the Nation's highest honor for military valor, the Medal of Honor.

As a soldier, Senator Inouye fought for the lives of American citizens back home to protect his fellow servicemen and also for the ideals our country stands for: equality, justice, and freedom. When he joined politics, the only thing that changed was his battlefield.

Senator Inouye was a giant in Congress who demonstrated his strong love for his country and belief in American ideals with every action he took. He was a man who stood by his convictions and fought for what he believed and was never afraid to reach across the aisle and look for bipartisan solutions to some of our Nation's most pressing problems. And while his presence was certainly strongly felt here in the Capitol, he remained accessible to and was loved, not only by his constituents in Hawaii, but across this country.

When I put the word out to my California constituents that Senator Inouye had passed away and that Congress had lost one of its greatest leaders, I received an outpouring of comments from my constituents expressing their sorrow and sharing stories of ways that Senator Inouye had touched their lives. Even in my district of Sacramento, California, Senator Inouye was well known, well respected, and well loved.

As the highest serving Asian American in our country's history, Senator Inouye was a true inspiration to the Asian American community.

As a Member of Congress, my late husband, Bob Matsui, worked closely with Senator Inouye on the movement for Japanese American redress and reparations. Together with colleagues, they helped secure a formal government apology for innocent Japanese Americans who were victims of one of our country's darkest moments.

It will be impossible to find a stronger voice for our Nation's veterans than Senator Inouye. He was instrumental in getting the Congressional Gold Medal awarded to several military units from World War II, units composed almost entirely of persons of Japanese ancestry who exhibited exceptional bravery on the battlefield while their own families were in interment camps here at home.

Earlier this year, I worked closely with Senator Inouye to ensure that the Congressional Gold Medal toured the country so everyone could have the opportunity to learn about the bravery and heroism of these veterans.

□ 1840

This is the type of man Senator Inouye was. He was a man who, up to the very end, worked tirelessly to bring recognition to those who deserve it the most.

Senator Inouye devoted his life to serving his country. He was an inspiration and a role model—a real role model—an example of what every public servant should strive to be.

My thoughts and prayers are with his wife, Irene, his son Ken, and their family, and especially to his granddaughter Maggie, whom we will make sure hears about the stories of her great-grandfather.

On a personal level, when my husband passed away some 8 years ago, I recall how generous and sincere Dan Inouye was towards me and my family during those difficult days. I know this is a difficult time, but it is my sincere hope that there is some comfort in knowing that his legacy of remarkable service and dedication to our country, his love of country, will live on for generations to come. He was truly a giant.

Ms. HIRONO. I would now like to yield such time as she may consume to my friend from California (Ms. CHU).

Ms. CHU. Earlier this week, our country lost a valiant war hero and one of the greatest statesmen of our time with the passing of Senator Daniel K. Inouye.

Senator Inouye was an inspirational leader and a true American patriot in every sense of the word. In fact, it's hard to think of the State of Hawaii without Daniel Inouye. Since the moment Hawaii gained statehood in 1959 he has represented the Aloha State in Congress and ensured that Hawaii and others in the Pacific region have access to resources and facilities that many on the continental U.S. take for granted.

Even though he was labeled an enemy alien during World War II, he made the decision to enlist in the Japanese American ''Go for Broke'' 442nd regimental combat team. He fought bravely, even as thousands of Japanese Americans were unjustly placed in internment camps at home. In one terrible battle in Italy, he led an assault against a heavily defended ridge. Germans shot at him with machine guns, destroying his right arm. Despite that, he was still able to destroy the German bunker. His bravery earned him the Medal of Honor and the Congressional Gold Medal, and for that alone he will always be remembered as a true American hero.

But Senator Inouye's service to our country extends far beyond World War II. He was a trailblazer in politics when there were few Asian Americans. He rose through the ranks, becoming the chairman of the powerful Senate Appropriations Committee and the President pro tem of the U.S. Senate, and became our highest-ranking Asian American politician. He broke barriers and paved the way for countless Asian American and Pacific Islanders in public service. In my role as chair of the Congressional Asian Pacific American Caucus, I truly valued his guidance as a founder and longtime executive board member of our caucus. He was a tireless advocate for both the people of Hawaii and the broader Asian American and Pacific Islander community.

All of us who had the honor to know and learn from him will dearly miss his leadership and the honor and integrity that he brought to the job. My heart goes out to his wife, Irene Inouye, his son, Daniel Ken Inouye, Jr., and the many family, friends, colleagues, and constituents for their tremendous loss.

So aloha, Senator Inouye. Thank you for your lifetime of service. While your passing has left us with a great void, we know that your legacy will continue to live on in the many accomplishments you leave behind and in the generations you've inspired through your service to our country.

Ms. HIRONO. Mr. Speaker, I now yield such time as she may consume to my friend and colleague from Hawaii, Congresswoman HANABUSA.

Ms. HANABUSA. Thank you to my colleague from Hawaii for doing this.

Mr. Speaker, I rise today in support of House Resolution 839, which relates to the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii. I know that as the most senior Member of the United States Senate, as the Appropriations chair, and as a true war hero, Senator Inouye will be remembered in Washington, in Hawaii, and across the Nation. Tomorrow, he will be given one of the highest honors of anyone in this country, and that is to be able to lie in state in this Capitol. But for me, the passing strikes deeper because he was also my mentor and a dear friend.

I had the honor of having lunch with Senator Inouye just before he went into the hospital, and we discussed many things. Know that his love and concern for Hawaii and for America never wavered. He never stopped thinking about how things could be made better, who we could help, and what we could accomplish. He was, of course, a force to be reckoned with, and as I said at the time I just couldn't think about Hawaii without Senator Inouye.

Since his passing, statements like the Congressman from Alaska just said about the Senator being their third Senator has been made by other Congressmen to me as well, so you know that his impact was felt very deeply throughout this country.

As long as Hawaii has been a State, Dan Inouye served us in Washington—''us'' meaning the people of Hawaii. For most people in Hawaii, he was always there, as dependable as the sunrise, yet he was never proud, never acted as though he was better than the people he represented.

I can tell you from personal experience that it is just impossible to be an elected official in Hawaii without being in awe of Daniel K. Inouye, someone who served so long, accomplished so much, and yet made it seem so effortless.

Hawaii was and is a grassroots State. You need to get out there with the people, share their activities, eat their food—now, that's really critical—laugh at their jokes. And there was Dan Inouye, the war hero, recipient of the Medal of Honor, U.S. Senator, an iconic force in Hawaii's history and politics, and he just fit right in. Us, the people of Hawaii, we can spot a phony a mile away, but we loved him because we knew he was the real thing. He was genuine.

So here was the most senior Member of the Senate, chair of the Appropriations Committee, President pro temp, and third in line to the succession to the Presidency, but in his heart he was no different than that kid growing up in territorial Hawaii, not wearing shoes until he got to high school—by the way, not wearing shoes we called going ''hadashi'' in Hawaii—who volunteered just out of high school to serve his country in war. I think that's why, when he ran for reelection, his bumper stickers didn't say Senator Inouye, or Daniel K. Inouye, it just said Dan.

I still remember his political poster when I began to recognize political posters, solid black with Dan, his signature, in yellow. Simple, yet strong, as he was. I didn't know at that time the significance of the colors. Those were the colors of his alma mater, McKinley High School, again, a statement that he never forgot where he came from.

For me, knowing Dan Inouye and learning from him, that down-to-earth nature was a very special thing. When he shared his insights about serving the people who elected us and doing what is right for Hawaii and America, I knew it was coming from his heart. Not just that what he was doing was

advising to show the true love for the people he served, but also that he was sharing these insights with me because he cared enough about me to pass on the lessons.

□ 1850

He genuinely wanted me to do better. Quietly, with that great smile and that beautiful, resonant voice, he gave that gift of his experience and his wisdom. He was a man of such accomplishment and power who was also unbelievably generous of himself.

I will never forget that gift from my friend, Dan Inouye. For the next few days, as we say good-bye to a genuine hero, a champion of Hawaii, a political icon, I hope, Mr. Speaker, you will join us in remembering a wonderful man and pass this resolution so that we may all say, ''Aloha, Dan, mahalo, and thank you.''

Ms. HIRONO. I now yield such time as he may consume to my good friend from California, Congressman MIKE HONDA.

Mr. HONDA. Thank you, Madam Chair.

I, too, rise today with a heavy heart to honor and to remember Senator Dan Inouye.

On December 17, 2012, the State of Hawaii, our Nation, the Asian American and Pacific Islander community and all champions of social justice and change lost our polaris, our guiding light, our guiding star—Senator Daniel K. Inouye. I'm deeply saddened by the passing of my dear friend who has been a hero to us all, his ohana.

From his service on the battlefields of World War II—we mentioned a Medal of Honor—to the Senate floor, in serving the Aloha State in Congress since it achieved statehood in 1959 and rising to become the highest ranking Asian Pacific Islander in our Nation's history, his impact on our lives and our community is immeasurable and unparalleled.

The Senator has had a deep sense and reflected a deep sense of dignity in spite of any kinds of situations that may surround him, a quiet calm of strength even in the battlefields to the Halls of Congress.

We know that during the time of Watergate, he was slighted and insulted through a racial slur, but he did not exchange one for another. He just reflected his quiet strength and dignity by not responding at all. The rest of the country did for him. And as he went through the Watergate process, he showed that he could serve and deal with justice with an even hand. And with that, he showed that this country can deal with all kinds of problems that it faces.

As chairman of the Senate Appropriations Committee, Senator Inouye worked across the aisle to ensure that the needs of the people of Hawaii and the sovereign rights of native Hawaiians and other indigenous people, as our friend, DON YOUNG, had mentioned, as well as the AA-PI communities, were priorities of this government.

During the seventies and eighties, Senator Inouye played a critical role in making sure that this country understood its behavior towards the Japanese Americans on the mainland and in Hawaii. There was an effort to secure an apology, a recognition of the wrongdoings, and also move forward with the idea of reparations, but it didn't seem as if they were making much progress. He wisely said to leadership of this movement, Perhaps we need to do a study and a commission to educate and inform the rest of the Members of this body to understand what it is that we are fighting for. And so came about the World War II Commission on Internment. And through the commission study and their gathering information across this country and listening to testimony, from people who were aged to the people who were younger, securing information validating the position of those who were seeking an apology from this government came the conclusion and the final decision to move forward with the bill, my bill, 442, to rescind Executive Orders 9022 and 9044, and also to make sure that this country understood the reasons for the incarceration and internment of Japanese Americans in this country during 1942.

The conclusion of that commission reflected the wisdom of Senator Inouye. The conclusion of the commission said the reason why internment happened to Americans of Japanese descent was because of war hysteria, racial prejudice, and the failure—the failure—of political leadership. And to that, it's been always a reminder for me when I listened to him and I watched him work that he would never, ever allow the lack of failure of political leadership in this country to ever fall—not on his watch.

Since 1959 when I graduated from high school, I reflected back now, today, of how young he was then and how he stood his ground and guided Alaska and this country through his life and his dedication to public service.

So, Senator Inouye proved to be a very devoted husband and a father. I extend my sincerest condolences to the entire Inouye family.

Senator Inouye's passing may mark an end of an era, I would say, but I would declare and say that his work will continue to impact this country in terms of a continuous attention to ohana and to the rights of all people, including aboriginal folks.

He once stated in his fight to protect the Filipino World War II veterans, he said about them, he said that heroes should never be forgotten or ignored. And he always continued to make sure that those who serve this country were not to be forgotten or ignored.

So, we, as a grateful Nation, will never, ever forget the Senator from Hawaii, a war hero, a servant through his military service, and a servant through his service in the Halls of Congress.

So I say to him ''Aloha, mahalo.''

Ms. HIRONO. Mr. Speaker, I want to thank all of my colleagues who came to the floor tonight to share their experiences and thoughts about Senator Inouye, as well as all my other colleagues who express their condolences to Irene Hirano Inouye, his wife; his son, Ken; his daughter-in-law; his granddaughter, Maggie; and all those who have expressed and shared their experiences with Senator Inouye.

This is a man who touched so many lives, not just in Hawaii, but all across the country. And we all know at this point what a great Senator he was and all of the good works that he did, but at a time like this, we often hear from just individuals who want to share their very human stories about individual kindnesses that he showed. In fact, one of my colleagues today said, Did you know that I was at a function where it was raining, and he held an umbrella over my head with his one good arm for an hour? Or how much he cared about the Hansen's disease patients in Kalaupapa, and he invited them to Oahu to meet with the Secretary of Transportation, Ray LaHood, so that the Secretary could hear from these residents who often did not get to travel very much, who could share with the Secretary their own concerns and to ask for his help, and they were helped.

So it is always a human dimension to what Senator Inouye did that always struck me, and he did so in a very quiet way. So we honor him, we thank him, and his last word before he passed on was, ''Aloha.''

Senator, we bid you aloha. We love you. Aloha.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of this resolution allowing Members of Congress to honor the life of a great American hero and a friend to us all. I want to thank my good friends from Hawaii, Ms. HIRONO and Ms. HANABUSA, for their leadership in introducing this resolution.

We have lost a father, a hero, and a true friend. There is no doubt Senator Daniel K. Inouye was a strong advocate for the people of Hawaii but he was also instrumental in helping the people of American Samoa and all our Territories and neighbors in the Pacific. The Samoan people recognized the Senator's passion for the people of the Pacific especially American Samoa by bestowing him the esteemed chief title, Fofoga o Samoa-meaning, the Voice of Samoa.

On the Hill, Fofoga o Samoa Senator Inouye was a giant. He was greatly respected not only for his service as a Senator but, importantly, his patience and unique ability to work with both sides of the aisle for many years. Being a Territory and having a small population, it is very difficult to move legislation without having any representation or support in the Senate, and Fofoga o Samoa Senator Inouye was always there for American Samoa. He was also a fighter for the rights of Native Hawaiians, ensuring veterans received their benefits, and was a pioneer for all Asian and Pacific Americans.

I remember in early 1990 when I accompanied the Senator on a Congressional Delegation he led on a Pacific tour that included my District. It was an honor and a privilege accompanying him on this tour because it showed me his deep understanding and care for all of the people in the Pacific. Just as he was a boy that was born and raised in a Territory (Hawaii), he felt it was the right thing to do to help our Territories. This was just a small sample of the Senator's leadership and diligence in recognizing the importance of helping our Territories and the Freely Associated States.

As a former member of the 442nd 100th Battalion, I can only thank the Senator and his comrades for their service and 'Go For Broke' attitude which has laid the path for many of the Samoan sons and daughters to serve in our great military force. I am forever grateful for the Senator's service to our nation and for his love and compassion for the people of American Samoa.

Let us pray that the Lord comfort those who have lost an amazing leader who has touched each and every one of our lives.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in reflection and remembrance of the life of Senator Daniel Inouye.

I was deeply saddened to hear of the loss of Senator Daniel Inouye on Monday; his passing marks the end of an era for the people of Hawaii, for the United States Senate and Congress, and for the country. A public servant from start to finish, Daniel Inouye has left a shining, indelible mark on history that will inspire Americans for generations to come.

His story is simply incredible. Daniel was a medical volunteer during the Pearl Harbor attacks in 1941. Even though the U.S. Army banned people of Japanese descent from enlisting, and even though Executive Order 9066 authorized the internment of roughly 110,000 Japanese Americans, Daniel Inouye found it within himself to be an American patriot.

Soon after the ban on enlistment was lifted, he abandoned his Pre-Med studies at the University of Hawaii and enlisted in the U.S. Army in 1943. He was a war hero in the truest sense of the term, earning a Medal of Honor for his actions on the battlefields of World War II before his state was even admitted to the union.

Daniel Inouye was a Lieutenant and Platoon Leader on the battlefield in Tuscany, Italy in April 1945. Even after being shot in the stomach by German machine gun fire, he refused medical treatment and still managed to find the courage to destroy 2 machine gun nests. Nearly losing consciousness from blood loss, he heroically charged a 3rd machine gun nest before having his right arm severed by a German grenade. Somehow, even after these grave injuries, Daniel Inouye still found a way to toss a grenade that destroyed the 3rd bunker.

He remained a proud member of the military until his honorable discharge as a Captain in 1947. He was Hawaii's first Representative in the House, a source of great pride to all Members, past and present.

As Hawaii's first Congressman and, subsequently, as a nine-term Senator, Daniel Inouye embodied the spirit of 'aloha' in his work. Serving as Chairman of the Appropriations Committee, he worked to strengthen our national security and help veterans access the benefits they've earned.

He was a consistent champion for the interests of Hawaii's people. I am grateful for the opportunity to have worked with Senator Inouye, and my thoughts are with his family and with the people of his beloved Hawaii, who will always remember him for his leadership and his courage. As a Senator, he never forgot his military roots, and has always been a voice for veterans.

Senator Inouye was a patriarch of Hawaii, and all Hawaiians will long remember his unyielding devotion to the economic vitality, progress, and success of his beloved home state. His fellow Americans will long remember his leadership in protecting our men and women in uniform, strengthening our national security, reaching across the aisle, and investing in a future of prosperity for all.

By his actions, he stood firm for the independence of the Congress, the strength of our democracy, and the values of the American people.

I want to extend my condolences to his entire family as they mourn the loss of a great man.

When asked recently how he wanted to be remembered, Daniel said, quite humbly, "I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did OK." I think that I speak for us all when I say that this was quite an understatement for a man who accomplished so much and sacrificed so much for this country. And so with heavy hearts, we bid "aloha" to Senator Daniel Inouye—a man whose chapter in American history will live on.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1900

RECOGNIZING DEPARTING MEMBERS OF THE MASSACHUSETTS DELEGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MARKEY. Mr. Speaker, I rise this evening to honor two great Members of the Massachusetts delegation who are departing. The first, JOHN OLVER.

JOHN OLVER is a public service powerhouse, a transportation titan inside of this institution. He has a Ph.D. in science; but as he came to this institution, he became a scientist who became a statesman, and we were honored to have him in our delegation and in this Chamber. He was an avid outdoorsman, but he was ahead of his time in bringing attention to this Chamber for our consideration of the impacts of climate change, the need to protect our natural environment, the need to raise science as it affected the planet.

He arrived in Congress in 1991. His service on the Appropriations Committee helped rebuild our country's infrastructure and resulted in critical investments in transportation. At the same time, he was always an incredible advocate for his constituents, for their industries, and for the way of life of western Massachusetts.

He was a very special Member of this institution. He began his career in the Massachusetts State Legislature. He has dedicated the largest portion of his life to serving the public, to serving ordinary citizens; and he is going to be sorely missed. He made a huge difference in the lives of the people of Massachusetts and our country. And I just want to say that from our entire delegation and from the entire Congress, he is definitely going to be someone who is irreplaceable in this institution.

At this point, I would like to reserve the balance of my time and to recognize the gentleman from western Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I want to thank Mr. MARKEY for allowing me to participate in this Special Order tonight and to speak of two very valued Members of the Massachusetts congressional delegation and to speak of two Members who have had a profound influence on not just the politics of Massachusetts, but the important policies of Massachusetts.

Some years ago, George W. Bush, President Bush, said to me at a St. Patrick's day luncheon with some humor, Hey, Rich, how am I doing in Massachusetts? And I said, Mr. President, I don't think you're doing that great in Massachusetts right now, with some laughter. He said to me in a very candid observation, I want to tell you something. I always liked running against you guys from Massachusetts and tangling with you guys from Massachusetts, he said, because I always felt I was matching up against the best in America.

I thought that was pretty interesting for a conservative President to talk about the Massachusetts congressional delegation, and I think that the two members who are departing from this delegation are part of the high skill of two very good legislators. That's a skill that is not today held in the regard that it once was, the skill of the really good legislator, individuals who painstakingly know where the commas have to go, know when paragraphs have to end, and to make sure that sentences don't run on so that the intention of the legislation is honored. We all cheer on the final product, but many people dislike having to view the process that gets us there.

In the case of Congressman FRANK, he always had this reputation for being the great and universal outsider in politics, but his success came from the fact that he mastered the skill of the insider in this institution. He knew when enough was enough and it was the best deal you were going to get. After he made full advocacy for the plan that he offered and desired, he also knew that you needed 218 votes, or in his committee, he wanted to put the face of bipartisanship on the actual bill.

So Republican legislators in this institution, members of the Banking Committee would always say to me, Geez, BARNEY FRANK is one capable guy, because he was looking for the compromise as the path forward. You could talk to him about the complications of capital ratios, you could talk to him about the Federal Reserve Board, and you could talk to him about world issues; but at the same time, he unfailingly made it home to march in all of those parades, to attend functions for people who had been with him in elected office for four decades, to make those phone calls that you have to make. And he understood, once again, that in this institution the opinions of America and the emotions of America play out. Sometimes you get a good deal, and other days you don't quite get the deal that you wanted.

Before anybody in public life was advocating for gay rights, BARNEY FRANK was in the forefront. BARNEY FRANK was in the forefront on women's rights, and he was a great scholar, student, and participant in the civil rights struggles of our times.

Both these legislators are, interestingly enough, in my mind, principled individuals, children of the New Deal who believed that government plays a positive role in the lives of the American family. Not because government draws a conclusion on where we end up necessarily in life, but they both believe fervently in the idea that government ensured that everybody could get to the starting line for the race.

In the case of JOHN OLVER, Ray LaHood said to me one night at dinner—and Ray has been a fast friend. For those of us who are interested in transportation in western Massachusetts and indeed central Massachusetts, Ray LaHood said to me, You know, JOHN OLVER is one smart guy. He said, The meetings in his office can go on for a long time, but I've got to tell you, he really understands transportation theory and he understands transportation implementation.

A couple of the great things that we were able to participate in—because in western Massachusetts we always use the argument that people don't pay enough attention to our part of the State—but it was the small things like extending broadband access into the hill towns of western Massachusetts, improving rail transportation from New Haven, to Hartford, to Springfield, and on to Vermont. And in the case of JOHN OLVER, he was very helpful to me when I asked him in the transportation legislation to make sure that my congressional district and constituency were able to secure the funding that we desired. That's an important part of the legislator's life.

I also think that what was interesting about JOHN and BARNEY, they're believers. In a time when the public often says that the elected embrace superficial positions only to seek and curry the favor of the public, one of the two important things about these two guys is they were happy to tell you they disagreed with you. In fact, as the two of them got older, they were enthusiastic about telling you they disagreed with you. Oftentimes, when you walk into a room where the audience might be one that only wants you to say what they want you to say, these two would go into the room and say what they thought was on their minds, conclusions that they had drawn after long service in this institution and in the Massachusetts Legislature.

□ 1910

I also will tell you, based upon the point that I raised at the beginning of my comments, that we need to return in this institution to the skill of the legislator. It's the same skill that the jeweler looks at a diamond with. It's the same ambition that takes people to Pulitzer Prizes. It's the athlete in the gym who spends his time preparing for the Olympics. We need to honor that skill because it's often outside of the glare of the public, and when those in the public do see it, they're uncomfortable with it. It's the give and take of legislative life that made these two very good to work with.

I'll say this about the two of them as well—and they might not like it—that there were times when we needed something that they might not quite have been in agreement with; and after you got a little bit of their irritation, they generally included what it was that you wanted.

So it was an honor to serve with them, and I hope that we haven't heard the last of either JOHN OLVER or BARNEY FRANK. They've been very important to this institution and to America.

Mr. MARKEY. I thank the gentleman so much.

I would now like to recognize the gentleman from Massachusetts, MIKE CAPUANO.

Mr. CAPUANO. I thank the gentleman for yielding.

I generally don't do a whole lot of work on this stuff, but I've known these two gentlemen a long time. I met them both in 1976 when I was in law school and had the good fortune of getting a work study job at the statehouse. They were both there already. They were both already well recognized and influential at the statehouse; and I will tell you, from the day I met them, I started learning from both of them.

I want to be very clear. I want to echo everything RICHARD NEAL said. I hold public service up in high regard, and I know that everybody in the Mass delegation does as well. These two gentlemen not only have served in Congress; they've served at the State level, and they were both educators. They didn't do this because that's what they could do. One has a Ph.D. from MIT. The other has a law degree from Harvard. Either one of them could have done anything he wanted to do and been well compensated in doing it, and they could have had much more comfortable lives in never having read their names in the newspapers as bad people on different occasions. The fact is that they gave of themselves right from the beginning as young men. They didn't go out and make $1 million and then come in.

I think it's an amazing thing because, for those of us who have followed a similar path, the first several years of doing public service, no matter what you're doing, are not lucrative—they're usually a difficult struggle—and then to stick to it for as long as they did. Between the two of them, if you add up not just the years they served in elective office—because elective office is only one way to give back to the public—but if you add to that the years they served as staff members or teachers and if you add that together, combined, we're talking 100 years, guys.

I'm sorry, between the two of you, it's 100 years of public service to the Commonwealth of Massachusetts. That's something that's amazing.

As I said, I started learning from them both at the statehouse. It didn't stop. I moved beyond the statehouse. JOHN was still there. BARNEY had moved to Congress. I kept learning from them. I'll be honest, in my job at the statehouse, I went on to become a full-time employee.

You know it, but most people listening don't know it.

In Massachusetts, most of the committees are joint committees—house and senate. I was on a joint committee payroll, but everybody knew that I worked for the house. JOHN happened to be the senate chairman of the committee I worked for, and since Massachusetts is such an overwhelmingly Democratic State, my job was, really, to do everything I could to stick it to JOHN OLVER on behalf of the house and get everything we wanted and not what the senate wanted. It was kind of funny because, now that I'm in Congress, it's amazing in that those fights were really nothing more than just the epitome of family fights. They were nothing compared to the fights we have here that are based on deep philosophical differences of opinion.

Even then, I loved working with JOHN because, as RICHIE said, I remember once we were at 2½ and we traveled in the State, arguing against the limitations of local rights. JOHN went on for about 20, 30 minutes at some hearing about the evils of this particular proposition. Everybody was kind of getting tired and moving on.

JOHN broke and said, I'm awfully sorry that I'm kind of running on about this issue, but you have to understand that I'm a college professor. I think in 50-minute blocks.

Then he went right back in and did the other 20 minutes. I don't know if he convinced anybody, but he made me laugh the whole time because he knew who he was; he knew what he was; and he knew the subject better.

When I got to Congress, my first assignment, per one of my many friends

and mentors, Joe Moakley, was Financial Services. BARNEY was already there. I can't tell you how much I learned from him. We share a philosophical view, as I think most of the delegation does, particularly in the matters of financial services. Housing is a passion of mine. It has been for a long time, as it was for BARNEY. The truth is that it really became incredibly easy for me. I was able to cut a step back on the details of a lot of the major housing policy because BARNEY was such a champion, and I was able to focus on some of the holes that I saw in some of the policies that maybe some of the other Members of this Congress didn't see.

That's true about many, many things—of the financial services bill. BARNEY just carried that bill like you can't believe. It allowed me the opportunity to not worry about the big stuff because BARNEY was going to take care of it. I got to focus on some of the smaller details that we got engaged in. I learned so much from him as a member of the Financial Services Committee.

I hope I can be one-tenth as successful as you have been, BARNEY, in bringing people together but in not forgetting who and what we are and who and what we believe in.

Then I got on the Transportation Committee. JOHN, by that time, was already the cardinal of the Transportation Subcommittee and Appropriations. It's true. I thought I knew a fair amount about transportation. I'm kind of one of those guys who thinks, Don't tell me about my district. Nobody knows my district better than I do. I know the needs. I work with them. That's one of the reasons I'm such a vocal and public proponent of earmarks, because no one knows my congressional district better than I do except JOHN OLVER when it came to transportation matters.

I've got to tell you, JOHN, it made me angry a couple of times when you came up and you told me things about my district's transportation needs. You were right and I hadn't realized. I was like, Oh, geez. He got me again.

I can't tell you how many times I've worked with him to try to improve transportation policy for my district but, in turn, for the Commonwealth and, in turn, for the country. So I just wanted to come up tonight to thank both of them for their service on behalf of the general public, but also on a personal matter.

Both of you have been guiding lights for me. I have learned a lot from both of you—different approaches, similar philosophies, different personalities, different attitudes. I'm a little different than both of you on some things, but I'm alike on some things as well. I will tell you that, as a lifelong resident of Massachusetts, I am proud that you served us. I am proud that I've had the opportunity to work with you before Congress and in Congress; and I will tell you that I am proud to call you both colleagues and friends. Thank you very much.

Mr. MARKEY. I thank the gentleman for his comments, and I turn to recognize the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. I thank my colleague for yielding.

I had the privilege of serving with these two gentlemen, not only in Congress but in the Massachusetts Legislature. I remember being elected and serving at the age of 24, and my seat was right in front of BARNEY FRANK's seat in the legislature at the time. Now, at that time, we had 240 legislators. Very few people had legislative aides. Truly, you were on your own: you were your own speechwriter; you were your own researcher; you did your own negotiations. So to have BARNEY FRANK behind me in the give and take of everything when there were issues on the floor and when we were talking was amazing. I can't even tell you what I learned about being a lawmaker and a legislator, of putting deals together and negotiating.

We also worked in the legislative study group at the time, and I learned an important lesson that is, sadly, not utilized at the State or Federal level these days, that of how to work in coalitions effectively, because a lot of us were real progressives, and the legislature at the time wasn't particularly noted for that. I learned from people like BARNEY that, if you work together, they're going to need your vote sometime, and we could work together as a group and be effective. I learned at that stage that you can be effective at any level of the legislature if you become skilled and if you become tenacious. He inherited this.

I had the good fortune of also getting to know his mother, Elsie. Now, she was very active with the Mass Association of Older Americans, and she was terrific. She was passionate, knowledgeable, effective, and I can see where he got a lot of his skills.

□ 1920

But one of the things that impressed me also was the fact that in his time working as the chief executive for the late mayor Kevin White in Boston, he had the opportunity to really be there at the executive level. And I could see that reflect in his legislating, and I could see it today because he knew from the legislative side how important it was to do things to empower people on the executive side and how they could work in tandem. I know he took from that experience the fact that there are no sacred cows. When you're in that position in a big city and you're doing things you have to do, you're not always taking the most popular stands, but you're taking tough stands against different groups. And he had no sacred cows and he was willing to speak up when necessary.

I think people in this Chamber know as well that when he took the floor then, just like when he takes the floor now, you don't want to be the other person on the other side of that debating. But even in the din of a noisy House, something that's similar to both branches, when he would get up, everyone would get quiet. They wanted to listen. They were really interested in the intellectual and the humorous sides of the debate that they were about to see.

During that time as well, we would have our votes up on the board. I can tell you this: at a time when you were in the distinct minority on the issue of gender rights, discrimination, discrimination against some sexual orientation, on issues of basic fairness and progressive, those lights were always on the right side, whether in the majority, the winning side or the losing side. Times have changed things. Decades have changed how the public feels about many of these positions, and now they're popular. But at that time they weren't, but he was resolute.

You know, I also look back at some of the differences during that period of time. Back then BARNEY would have no time to shine his shoes. Or he would have holes in his shoes, and maybe his suit looked like it hadn't seen the cleaners—ever. But I remember his campaign slogans at the time. They said: Neatness isn't everything, vote for BARNEY FRANK.

And I've seen an amazing transformation now that I'm going to have the privilege, as he has had, to represent the city of New Bedford, of BARNEY around in Joseph Abboud suits, tailor-made, American-made, by the way, and I've seen that transformation as well.

But I've got some big shoes to fill down there. He is beloved in that area. As much as he is dealing with the intricacies of something like Dodd-Frank, many of the other things he's done representing city issues, he is by far the most popular elected official that the fishermen in the New Bedford area in the southeastern Massachusetts area have ever seen. His loyalty to them is probably only eclipsed by their loyalty to him. He knows so much about fish that I don't know if I'll ever catch up or ever have the opportunity, but it's amazing how complex that issue is as well.

But I will say this. Of all of the actions he's taken during his time in public life, I might dare to say what I think one of his most proudest actions would be, not just what people would think, working with fishing or Dodd-Frank, but I think it was really his marriage to Jim. He has told me how important that was to do while he was a Member of Congress, again showing leadership by action on an issue. And I was just so happy to be at that wedding and to see that union, that marriage, and I was very pleased to see the happiness and the love that was there at that time. My only regret is that his mother wasn't there to see it as well because she would have been so proud.

One thing you'll never say about BARNEY FRANK or JOHN OLVER, I don't

think there was ever a TV ad, an attack ad, that had one of those weather vane issues. You know, where you changed your position on this and you changed your position on something else, on an important issue. They were both resolute. And I had the opportunity to serve with JOHN briefly in the Senate in Massachusetts. Interestingly enough, when he was chairman of taxation in the Senate, I was his successor as chairman of taxation in the Massachusetts Senate. When I had that position, I started going through the reports and the research documents, and I knew that they just weren't done by researchers, that they had his thumb prints and his intellectual abilities all over them. I must tell you, if I started going back through those things a few decades ago, I probably wouldn't be through them now.

I remember on the floor of the House when JOHN would be carrying a bill to the floor, how people didn't really question anything he had to say. But it's interesting enough, when you go for questions, I seldom saw people go up to JOHN with questions on that legislation because all of us didn't want to know that much about whatever he was talking about. But JOHN had that same sense, strong sense of fairness, a protector of civil rights, a protector of equality, and one of the leaders of our time in understanding about the importance of the environment and the way we treat it.

He was a champion for western Massachusetts, not just with the infrastructure that's there, but when you thought of our colleges out there and the kind of infrastructure that gives people the opportunity for a good life and to advance in life, JOHN OLVER's fingerprints were all over that. He took that same attention to detail he had in the Massachusetts legislature and used it in Appropriations to great effect.

So with JOHN and BARNEY, I wish them both well. They deserve it, and they will continue to be productive, helping our State and helping the people in our State in other capacities.

Mr. MARKEY. I thank the gentleman, and I now yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank Mr. MARKEY for recognizing me at this point in time for the Special Order. You know, we did a little research so I wouldn't just stand up here, because I know JOHN and BARNEY are sticklers for detail. So we did a little research. We found a Special Order of some time ago when BARNEY FRANK, Congressman FRANK, came down to the floor basically to chastise one of the colleagues who had made a false claim during their Special Order. What BARNEY had to say at that point:

Special Orders are a time when Members can fairly freely say things without fear of contradiction because there's generally no one there. And as you listen to many of the Special Orders, there is a very good reason why no one is here: no one ought to pay a lot of attention to them.

Well, BARNEY and JOHN, today people ought to pay attention to what we are saying during this particular Special Order because you have both served the Commonwealth of Massachusetts and the United States for a long period of time, ably, and in a way that nobody should forget and everybody should want to talk about and recount. There's a lot of years between the two of you.

JOHN, 40 years in total, over 20 of them here in the United States House of Representatives. But I remember knowing you well before you knew me. Back when JOHN OLVER was a senator in the State of Massachusetts, as a young student at the time, I had the responsibility of janitorial services and cleaning up that State house. And I can remember going into his office. He was always busy, always had people in there, still working late into the night. But we were going around emptying barrels and vacuuming rugs, and he was always generous and kind to us at that point in time, but I noted how busy he was getting detail, and that never changed.

When I later had the opportunity to come here to the House of Representatives and be a colleague of JOHN's, just as others have recounted before me, he is meticulous in his detail, knowledgeable about every subject matter upon which he spoke or upon which he acted, and he added so much. It would be unfair, after over 20 years, to say that JOHN OLVER had a specialty in just one area because like every Member, you have to know a lot about a lot of different subjects and work very well with your staff to make sure that you have all of the information that you need. And JOHN was a leader and knowledgeable in a number of different areas. What he did for his part of the State will not be forgotten anytime soon by people there, whether it's getting designated an actual heritage area for his region, and so much more, but we will remember him for the work he did, particularly with appropriations on transportation matters.

□ 1930

And my district will remember JOHN for the work he did because, as RICHIE noted, and BILL before me, he oftentimes knew exactly what your district needed and knew how to help you get it. And so I can go to various parts of my district now, JOHN, and see projects that are there because of your help, because of your knowledge of what went on and your focus and persistence in making sure that they were funded.

Most recently was the city of Amesbury, which opened up a transportation center, which also houses its veterans office and its Council on Aging. And I mentioned to those folks who were there the work that you had done in helping us do that. They are all incredibly grateful, as are so many other people throughout my district and the districts of all of our colleagues here, for the work that you did and the time you spent on our districts' needs, as well as taking care of your district's needs. So I want to thank you for that and share the appreciation of all the people in my district.

Now, up until a couple of weeks ago, BARNEY's office was around the corner from mine, and so oftentimes we would have a steady stream of BARNEY visitors who found their way in there. If BARNEY could see them in the district, he wondered why they were taking up his time down here when he was busy doing things like the Dodd-Frank bill, fishing bills and other things of that nature, so they'd all come over and wander into my office.

But the fact of the matter is that BARNEY always was intensely involved with the matters that he was dealing with here. It reminded me of something else he said on the floor one time. He said that, when he was talking about one of our beloved former colleagues, Joe Moakley, he said that—what was true about Joe was, I think, also true about him. He said Joe Moakley was a great stereotype breaker. And BARNEY, you've been a great stereotype breaker as well in so many different areas it's countless on that.

But you said:

One of the things that we suffer from in this country is the assumption that if we are A, we cannot be B; if we are X, we cannot be Y.

You said Joe Moakley showed us that that could be and what it could be, and you have done the same.

BARNEY's been about one of the most fierce debaters down here. Used to be before I got to Congress, whenever I saw something going on in the House, I would always be anxious if BARNEY was up there, and I would watch other colleagues who might be in a colloquy with him sort of wince because they knew if they had misspoken or spoken out of line or out of turn they were going to get a comeuppance on that that they deserved, but done in a way that always had either good biting sarcasm or wit to drive it home on that basis.

You've been one of the most intense Members, and I say that in a good way, when you believe on the issues that were there, but always pragmatic enough to know the art of the deal. And RICHIE spoke to that, RICHIE NEAL when he discussed things on the floor here.

It's important in this legislative body to not be so ideologically extreme that you cannot, at some point, make a compromise, not on your principles, but on other matters so that we can get the business of this House done. BARNEY Frank and JOHN OLVER always had that in mind, always knew how to treat their colleagues with respect, and always knew how to drive to a bargain that would represent all of their values, make sure that they weren't compromising their principles, but make sure that the business of this country

and the things that were important in their district and their State got done. Both of you deserve a great deal of credit, and we can only hope that this House finds its way back to those days, when the majority of this body finds all of that necessary and possible to do.

On a personal note, as BILL mentioned, Patrice and I were thrilled when BARNEY and Jim got married; another way of showing that you can be a leader at times.

I just recently saw a program on Cheryl Wright, a country western singer; and if anybody got a chance to see it, she went through how difficult it was for her to come out. And I was moved by that show because it reminded of what it must have been for BARNEY and for anybody else in public life to have to come out—not knowing what the reaction of your own family or your friends or their colleagues or anybody in public is going to think about that—and take the risk to do it. And that is certainly one thing that this body and this country will always remember.

Whether it was our fishermen, the gay, lesbian and transgender community, so many Massachusetts residents are going to remember BARNEY Frank for all that he did, as they are going to remember JOHN OLVER on that. We're going to miss both of you fellows down here.

And JOHN, we wish you and Rose only the best in your future. I know you're going to keep busy in so many ways that you can.

And BARNEY, you and Jim are going to be busy, but not too busy, I hope, to come and share some dinners with Patrice and me.

The one nice part about that is BARNEY was never bashful about telling Patrice she could make what she made last time, that was just fine, but he and Jim weren't going to be doing the cooking.

So good luck to both of you, and thank you for letting us share your comradeship and be colleagues of yours. Thanks for all that you've done for the country and the Commonwealth and your districts.

Mr. MARKEY. We thank the gentleman from Salem.

I recognize the gentlewoman from Lowell, Ms. TSONGAS.

Ms. TSONGAS. Thank you, Mr. MARKEY.

It's great to be here, although a sad moment as well because we are losing—not truly losing, but no longer serving on a daily basis with—two remarkable colleagues with whom it has been my privilege to serve for 5 years. They are distinguished legislators, as we're hearing, but they're also great friends.

BARNEY FRANK has been a family friend for many years. In fact, my sister-in-law, Thaleia Tsongas Schlesinger, was BARNEY's press secretary in his first race for Congress.

And I was so proud to receive his support when I first got the seat 5 years ago. He commented at the time that he was responsible for defeating the last woman who had served from Massachusetts, and he wanted to help elect the next woman who was seeking to serve for Massachusetts. It had been 25 years.

And BARNEY, as we've heard, really has been a legend in everything he's done. I watched him from afar. I was quite young when he was working with Kevin White. We knew who he was because, even at that young age, he was very colorful and very able and recognized as being so extraordinarily bright and always witty, as a State legislator as well. In here we see it and have heard about it over and over again.

Soon after getting here 5 years ago, maybe a year into it, you know, we struggled with the collapse of Wall Street. And I remember thinking that we were so fortunate to have BARNEY Frank in a place where his expertise, his commitment to learning, brought such great value to what we sought to do in order to stop the free fall, while protecting American citizens and the American economy. And it really was a moment where one was reminded that as much as we talk about term limits and the need to be reinvigorated and bring new people in, there is tremendous value in people who have been here a while, who have mastered the material and who know quickly how to respond in an emergency, which that moment most certainly was. And it's something I take with me, that we need to have a balance. But we were fortunate to have BARNEY Frank in the position as chairman of Financial Services, as he was at that moment.

And we've heard and will never forget the tremendous work he has done on civil rights and gender equality. I often think that, as we come to Washington and we seek to make a difference, we're really like a little feather in a stream. We can make a little difference here and there, but BARNEY Frank has improved the lives of millions of Americans across this country with his work on gender equality.

And, again, I will never forget, as the Employment Nondiscrimination Act passed this House for the first time, did not go anywhere in the Senate, but, again, a remarkable testament to BARNEY's commitment and extraordinary personal courage as he has fought for these issues for so many years.

And I have to congratulate him on falling in love with and marrying a gentleman from my district, Jim Ready. It's been a wonderful thing. But I think the best thing of all was that he came from Tewksbury, Massachusetts, now JOHN's district.

JOHN OLVER, I think of JOHN as a gentleman of the House. He's so thoughtful, so knowledgeable, so quiet, but so committed. And I've been happy to inherit a certain part of his district; although, I know that his constituents there will miss him forever. And I think, as an example of how generous a man he is, how hard he worked as we made our way into these new communities, how hard he worked for me and Congressman MCGOVERN to make sure that we were introduced in a way that positioned us well to move on and become representatives of those communities.

So I'm happy to inherit them, but again, I know I have such big shoes to fill, and I see it in particular in all his work. He has been the cardinal on the transportation side of the Appropriations Committee, the tremendous work he's done to bring resources to some communities that really will benefit from them.

But it is not just about the resources. The Fitchburg rail lane is not just about a rail line. It is about the future of a community connecting the central part of Massachusetts into the Boston area, improving the lives, the economic opportunities of the people who live and work there. So again, a remarkable legislator who I know I will miss.

I went to an event that was hosted by his many, many staff members. He was beloved by his staff. And also attending were a number of people who, over the years, had made their way into JOHN's office to talk about some particular funding that they were seeking. And across the board, everyone said how well prepared they had to be because, invariably, he knew more than they knew and would have a question for them that they could not answer.

□ 1940

I have to say I had the very same experience with him as I made my way into his office.

So, remarkable legislators, people who have done so much good for our country, so much good for our Commonwealth, and who do so much. For those who wonder about the quality of those of us who serve here, I think we can only be proud. They have only elevated the stature of this most remarkable institution and that which we all seek, which is to be a Member of Congress, and do so in a way that is intelligent, with great integrity. None of us will have the wit, though, of BARNEY FRANK.

Mr. MARKEY. I thank the gentlelady, and I yield to the gentleman from Worcester, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the dean of our delegation for yielding me the time.

Let me just say that it is a real privilege to serve in the Massachusetts delegation. I think some of the most colorful and effective political personalities have come from Massachusetts. And I'm proud to be part of this delegation. But I'm particularly proud to be part of a delegation that includes JOHN OLVER and BARNEY FRANK. My new district includes many of the towns and cities that JOHN OLVER has represented over the years. As I've gotten to know these communities, I've gotten to realize how much love the people of these cities and towns have for JOHN OLVER, how much they appreciate his incredible work. And I have also come to appreciate all that he has done: transportation and infrastructure projects; new

quality, affordable housing; protection of open space; daycare centers; support for colleges and universities. And I can go on and on and on.

As NIKI TSONGAS pointed out, his intellect is unequaled. Sometimes it's a little bit intimidating. I'm afraid to ask JOHN OLVER a question because I don't want to know that much. Nonetheless, there is nobody who knows more detail about every single project in every single community in his district than JOHN OLVER.

JOHN's a quiet man, but he's a determined man. He's someone with deep, strong convictions and someone who has a spine of steel. He cares about people halfway down the block and he cares about people halfway around the world. I had the unique experience of engaging in civil disobedience with JOHN not once but twice, protesting the genocide in Darfur. And we shared time in a cell together on two different occasions. A lot of people wouldn't expect JOHN to be involved in that type of protest. But he was there. He was there because he thought it was important. And he thought it was important that the world know that people are watching what was happening in Darfur and in the Sudan. He's taught me a lot, and I value his friendship very much. I'm going to be his new Congressman, so I expect I will hear from him on a regular basis.

As for BARNEY, I will miss him, like everyone here, very, very much. When I was an aide to Joe Moakley in the early 1980s, no matter who Joe Moakley was meeting with, he had the TV on, watching the proceedings on C–SPAN. But when BARNEY came to the floor, he'd tell everybody to be quiet, shut up, and listen. This is going to be good. And he would increase the volume and everybody would sit there and watch BARNEY FRANK in action.

There is no one I enjoy and there is no one I think most of my colleagues enjoy seeing debate on the floor than BARNEY FRANK. And I would say that there is probably no one the Republicans fear more during debate than BARNEY FRANK. He has the ability to be able to make the most important points but also maintain a sense of humor. It has been one of the reasons why he's been so effective.

I have had the good fortune of sharing communities with BARNEY over the years. We represented the city of Fall River together. And I think it's important for people to know that in addition to being this national leader, BARNEY FRANK is also a very effective bread-and-butter, nuts-and-bolts politician who cared very, very deeply about every single issue that occurred in his district, whether it was an economic development initiative, whether it was a bridge or a road, whether it was helping a veteran get his medals from World War II or helping Mrs. O'Leary find her lost Social Security check, or becoming the champion of fishermen on the east coast. He immersed himself in these issues, and he was an unbelievably powerful spokesperson for all these issues.

But BARNEY is not only, in my opinion, a great Member of Congress. He's also a very, very good man. Look at the causes that he has championed. We've heard about his efforts on behalf of LGBT rights, civil rights, human rights, affordable housing, a voice for working families, reining in the excesses of these financial institutions on Wall Street. But for me, what I have admired about him is that he has been a steadfast and unequal voice on behalf of poor people in this country. I regret very much that so much of what goes on here in Washington neglects paying attention to the very least among us. And BARNEY has been out there, even though it's unfashionable, talking about the need for affordable housing for people who are poor, making sure that people have enough eat, making sure that people get what they need so they can have ladders of opportunity to succeed. And I'm going to miss his voice on those issues in particular. Because, to me, they're so important. I happen to believe if government stands for anything, it ought to stand for the most vulnerable in this country.

So, BARNEY, thank you. One other thing. My mother wants you to run for Senate. She told you that at the airport. She wanted me to tell you that again. But I will close by saying that it is with great affection and love and friendship and so much respect that I stand here tonight to pay tribute to two people who I think are giants in this institution: JOHN OLVER and BARNEY FRANK.

I thank the dean for yielding me the time.

Mr. MARKEY. I thank the gentleman.

I yield such time as she may consume to the leader of the Democratic Party, the gentlelady from San Francisco, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

Tonight, we come to the floor to pay tribute to two people—BARNEY FRANK and JOHN OLVER—who, in many ways, could not be more different. They are the same in this respect: they have made important marks on the Congress of the United States. What is special about them is that they are so different. But in their shared values, in their effectiveness, their knowledge of the issues and their ability to persuade our colleagues to join them in a vote, they share that talent, especially those values representing Massachusetts in the Congress.

I had the privilege of serving with JOHN OLVER on the Appropriations Committee. So I saw firsthand and very close up his extraordinary mastery of the facts and the substance before us and his political astuteness to find a way to get the job done as a chairman and ranking member of an important subcommittee of Appropriations, Transportation, better known as THUD. He's a cardinal on that committee. That's what they call them. So as a cardinal, he commanded a great deal of respect from our colleagues, though that came easy to us because, as I say, we knew him well, his values and his judgment.

I want to point out one thing in particular, and that is he always had an interest in promoting or empowering women, whether it was in the Congress or in the country or in the world. There were some early conversations I had with him about human rights violations against women—against anyone—but his concern was deep and knowledgeable. In Congress, he was supportive of advancing women into positions of power here. I can speak of that firsthand. And also for women in the country. His wife is an academic, as he is. Having served in this Congress all this time, you can still be considered that—an intellectual. Again, he always knew of what he spoke. He brought great passion, judgment, and deliberativeness. He was very deliberative in getting a job done.

□ 1950

So it was an honor to call him ''colleague.'' He brought a special contribution to the Congress. Thank you, Congressman JOHN OLVER, for your leadership, for your friendship.

Again, sitting there next to BARNEY FRANK, who is a phenomenon, a force of nature, somebody very special to all of us; unique in terms of his incredible intellect and, in some people's opinion, great humor—his and mine, for two. To serve with him is really an experience. We learned from him not only every time he spoke, because he spoke with such wisdom and knowledge of the subject, but also we learned from him how to get his attention, hold it—but not too long—and move on with whatever idea we had in mind.

I had the occasion when I came to Congress the first time to call BARNEY and say, I'm so offended by what is going on on the floor. They're saying terrible things about people there who are in need, and the rhetoric went on and on and on and on.

When I got to the end of it, he said, Why are you calling me?

I said, Well, I want to know, what are we going to do about it?

He said, What are you going to do about it? And next time you call me, just get right to the point right from the start.

Well, that was very good advice. Now when I speak, I say, BARNEY, subject, problem, action needed, timing. And now we've gotten along great for decades. As one of my friends, John Burton, would say, he just wanted to know if you enjoyed the movie; he didn't want to know if you had butter on your popcorn. Just spare me the extra information that was not needed by him.

So I first basked in his aura at the Banking Committee, where he was a leader on the Housing Subcommittee. We had that in common, representing Boston and San Francisco, two cities

with the high cost of housing and knowing that we had to meet the needs of people who could not afford that high cost. So that respect for people's need to have the dignity of a home, no matter what their economic situation was, was, again, his commitment, as others have mentioned, to those at the lower place on the economic scale. So housing, affordability of it, the stock of it, the housing opportunities for people with HIV and AIDS, all of those kinds of issues. As you can imagine, he had the full view of it all in a way to get the job done.

Discrimination—everybody has talked about it this evening, but it's a very transformative thing to see BARNEY talk about discrimination, how it affected him, could have affected him in his life, and how he didn't want that risk to be taken by other young people who might have had some questions about their sexuality and the rest.

I remember when we were doing the hate crimes bill, fully inclusive hate crimes bill. It was really a very important bill that some people would have to take a political risk to vote for in their districts. When BARNEY came to the Caucus and spoke about it, he said, I'm the chairman of the Financial Services Committee. Important leaders of the financial community beat a path to my door. They want to hear what I think on subjects and tell me what they think. But I wasn't always the chairman of the Financial Services Committee. I was once a 16-year-old boy who had questions. I identify with those little boys now, those young people now, and that's why this was important. It was following the Matthew Shepard murder and all that that implied.

But for him to have the generosity of spirit to share his innermost thoughts about his own life and how that instructed him to act, it was almost a moral imperative for him to act. He had a special responsibility, because of his own personal experience, to act. And Members just responded to him. He spoke to them in a very personal way. They responded to him in a very personal way, and we passed something very, very important for our country and discrimination.

I remember the first time we passed the amendment to repeal Don't Ask, Don't Tell. Oh, my gosh, it was so exciting. It was so exciting. So I went up to BARNEY after the vote and I said, BARNEY, you're making history today.

He said, Yes, because we repealed Don't Ask, Don't Tell.

I said, No.

Because we did this amendment on the Defense authorization bill?

I said, No, not because of that. That's history, yes, but we're making history because today you're going to vote for your first Defense authorization bill which has funding for the war in Iraq and Afghanistan.

So, in any event, knowing that we had a greater good, a separate issue to deal with and people were waiting to see how Congress would act, he of course made history by not only voting for an amendment to repeal Don't Ask, Don't Tell, but for the Defense authorization bill. Many like-minded and thinking and voting people who follow BARNEY's lead followed him down that path so that a bill would pass.

But it just goes over and over again. It's the consumer, protecting the taxpayer, protecting the consumer; the bill, Dodd-Frank, of such magnitude and scope, having such important implications for, again, protecting Main Street. He was masterful, not just because he was protecting the consumer, but because he understood the balance that was necessary in the legislation. That was really a mark of his leadership all along. He always respected the views of all stakeholders and any initiative that was put forward.

I see by the walking around of the dean of the Massachusetts delegation that time may be short, so I will reduce my remarks. But I did want to make sure people knew what an important force he was in providing affordable housing in our country, ending discrimination in every possible way—I just named two—in the fight against HIV and AIDS, in protecting the consumer and the taxpayer, and Dodd-Frank.

I know that any of us who were at his wedding and any of us who danced with him at his wedding know that that was a special privilege indeed not shared by many, but a compliment indeed.

He will be very missed. He will be missed for his intellect. Every time he spoke, we learned. He will be missed for his intellect. He will be missed for his parliamentary prowess. He was a master of parliamentary procedure and, I think, revelled in playing that role on the floor of the House.

Again, always values based, loved his district, proud of the State of Massachusetts, and, really, a national figure that will go down in history as one of the greats to have ever served in the House of Representatives.

Flamboyant—he's given me fashion advice, which is interesting getting fashion advice from BARNEY FRANK. But I valued that. If he took the trouble or had the thought to make the point that I should give away a particular article of clothing because—not known for his sartorial splendor, nonetheless, if he made a point about it, he knew that there was some truth to whatever view he was expounding.

So with that, I'm honored to join the Massachusetts delegation to sing the praises of two great leaders as they're different in terms of style, but significant, both of them, in their contribution to our country: Congressman—otherwise known as Chairman—JOHN OLVER, the cardinal from the Appropriations Committee, and Chairman BARNEY FRANK, it's an honor to serve with you, a privilege to call you friend. Thank you for your service to our country.

Mr. MARKEY. I thank the gentlelady.

I yield myself such time as may remain in the hour. Since my time is about to expire, I would ask if it were possible for the gentleman from Indiana to be able to yield 5 minutes to me as the opening part of his Special Order.

Mr. BURTON of Indiana. Madam Speaker, the gentleman, the old man, or the dean, as they call him, of the Massachusetts delegation, has asked if we would give him some of our 1-hour time, and I would like to ask unanimous consent that we give him—how much time do you need? Five minutes? An additional 5 minutes.

The SPEAKER pro tempore (Ms. HAYWORTH). The gentleman's request cannot be entertained. The gentleman has 1 minute remaining. Then the gentleman from Indiana will be recognized, at which point he could yield time.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. If BARNEY FRANK were down here, none of this would have happened in terms of the understanding of the parliamentary procedure. He was up there trying to grab the imaginary microphone so he could clarify the parliamentary situation.

□ 2000

I will conclude this part just by saying, again, that JOHN OLVER has been for us just an invaluable colleague. He taught all of us so much about our own districts. The other Members have mentioned it, but when he sat down with us talking about transportation, he explained our own districts to us in terms of what was possible and what was needed.

On climate change, I've talked to him over 20 years about the issue. He was on this issue in the early 1990s and probably understood it even before then. He is that smart. He is that visionary in terms of the issues that are central not just to Massachusetts but to our planet. And it has been my great honor to have served with you, JOHN, and to have called you my friend and my colleague over all of these years. We all thank you so much for what you have done for us and done for the country.

Thank you. Thank you so much.

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

MY FAREWELL MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Madam Speaker, I yield 5 minutes to my colleague from Massachusetts.

Mr. MARKEY. I thank the gentleman very much.

Now, on BARNEY Frank, BARNEY Frank is at the same time the smartest Member and the wittiest Member of

the United States Congress. That is quite a double to be able to pull off. He has a nuclear power plant for a brain. There is absolutely nothing that he cannot recall when he needs it here in this legislative process.

Now, over his career, he is usually right, but too soon for many people to be able to accept. That is how far ahead he was on so many of the issues which we worked on here in the House of Representatives. His political philosophy is, if you want to negotiate, he wants peace. He would love to negotiate with you. He knows that he will out-negotiate you. But if you want political war, he enjoys that, too, because he does not see it as a sprint but as a marathon heading towards that day when the truth will ultimately prevail.

When he was in the State legislature, when I served with him, when we had monumental battles on whether or not to reinstitute the death penalty in Massachusetts, whether or not we were going to have a black senate seat in Massachusetts, it was BARNEY Frank who led the efforts to sustain the veto that would make sure that our State would still be the leader in progressive causes.

Here in Congress, the debate on NATO burden sharing, the way BARNEY would frame it for people is, we helped these people, it's now late into the last century and into this century, and we can't any longer take from the poor people's programs in this country in order to, in fact, pay for the defense of Europe. It was time for Europe to pick up their own fair share of the burden. The same thing was true with fighting for fishermen. The same thing was true with issue after issue out here on the House floor.

Dodd-Frank, which was debated right here on the House floor, the same place where Abe Lincoln was trying to get the votes to abolish slavery, same seats, BARNEY Frank led the effort to create the new financial services constitution for the 21st century in not just the United States but on the whole planet. And there were some provisions that were so important, that is, creating a Consumer Protection Bureau, that they would rather have ELIZABETH WARREN as a Senator than have her be the head of the Consumer Protection Bureau inside of Dodd-Frank, and that's just a small part of the totality of that bill.

BARNEY's message always was to stand up and have courage. Stand up for what's right, even if you don't win early. He has been a parliamentary and a substantive cop on the beat walking around here on the House floor, using the microphone as his nightstick in order to make sure that nothing happened here that was wrong would go uncommented upon so that people would know what should have been happening.

Back in the Massachusetts legislature in the early seventies, the mid-1970s, BARNEY decided to make amendments on gay rights. Discrimination was rampant, but no one was raising the issue across the country. And so we started to have votes in the Massachusetts legislature. BARNEY was on the losing side. He knew he would lose early on. But, ultimately, those defeats led to the victories which we talk about today. Out here on the House floor, BARNEY was the lead opponent of the Defense of Marriage Act. He knew that even if he was on the wrong side, he was going to stand up and make sure that everyone else knew ultimately what the right side would look like.

There was one day I was standing right here at this microphone, and I was talking about oil subsidies that I felt were unjustified, and I said:

> Giving a subsidy to an oil company recording record profits would be like subsidizing a fish to swim or a bird to fly. You just don't have to do it.

I was feeling quite good about myself. I finished, and I just walked over here, and BARNEY stood up and came over to me, and he said, you know, you didn't finish that. And I said, finish what? Well, the whole stanza:

> Fish gotta swim and birds gotta fly.
> I'm gonna love that man till the day I die.

That man is Jim Ready, and BARNEY is now married to him.

It's because of his efforts in making it possible to change the culture in our country that BARNEY is going to love that man until the day he dies. But it took a lot of courage, and it took a lot of foresight to know that that day would arrive.

So, yeah, and NANCY PELOSI said it—the Mount Rushmore of Massachusetts: Congressmen Tip O'Neill, Joe Moakley, and BARNEY FRANK. He's going down in history. And we all know it. On so many different fronts, he changed the way America thinks. And it's quite a gift that he had and that he gave to the country.

So for both of them, it has been just an enormous privilege for all of us to serve with you, and I think everyone on both sides of the aisle knows that there was greatness in our delegation and that it was an honor, JOHN and BARNEY, to have been able to serve with you for all of these years. Thank you all so much.

Mr. BURTON of Indiana. Madam Speaker, let me just follow up on what was just said and say that BARNEY Frank and I have had a lot of differences over the years, but we've also found times when we could work together. In fact, we even cosponsored a bill one time.

So BARNEY and your colleague, I wish you both the very best, and hopefully we will run into each other along the road in the future.

Madam Speaker, let me just make a couple of comments to my two colleagues who are going to follow me on this Special Order. They have told me if I talk too long they're going to hit me in the head with a ball bat, so I'm not going to talk too long tonight. But I do want to say a couple of things.

First of all, let me start off by saying that Daniel Inouye, Senator Inouye, I never met, but I read in the paper many years ago the exploits of Daniel Inouye when he was in the military. A Japanese young man whose family was put in a camp during World War II, and he volunteered to go into the military. He became an outstanding member of the military. In Italy there were exploits that he performed that won him the Congressional Medal of Honor. And you don't get that unless you are really an extraordinary human being.

□ 2010

He took out an enemy position, a German position, when he was hit again and again and again. He lost one of his arms, and he just kept going. I wish he were still here today. I called him on the phone when I found out about that, and I told him I had never met him, but I wanted him to know that there were Members of the House who really thought he was an extraordinary man. And he was, and I'm sure he's going to be missed.

I've been here 30 years, and I'm retiring at the end of this term. I thought I ought to have at least a little bit of a swan song, maybe 5 or 10 minutes where I could talk to my colleagues a little bit about what's happened over the 30 years.

When I first came here, I was a very young man, and I knew everything. You couldn't tell me anything. Now that I've been here 30 years, I realize I didn't know much of anything, and I probably know less now than I did then. In fact, I just found there were a couple of things I missed along the boat with the Parliamentarian.

There are a couple of things I would like to comment about, and that is we have 435 Members in this House and 100 Members in the Senate. We start working with each other and we work together, but we really don't know much about each other. I don't know much about your background, Madam Speaker. I don't know much about my colleagues' background. We work together, and we don't know whether we were poor, rich, well educated, or uneducated; and we work together.

The thing that really has bothered me as the years have gone by is that I see things happen to my colleagues about whom I know very little, and it bothers me. One of the leaders on the Democrat side of the aisle lost his wife a few years ago, and it wasn't for several months that I even knew about it. I've had a number of my colleagues who've lost their kids, who have gone through all kinds of tragedies in their families, and I think many of my colleagues don't know much about it. We just go on, and we continue to have the vitriolic conversations and debates that we have, and we don't realize that we haven't walked in the other guy's shoes very much.

I thought tonight I would just maybe take a minute or two—and I'm sure that most of my colleagues are out

doing something else, but maybe they'll get a chance to hear what I'm saying tonight. But whether we're Democrats or Republicans, liberals or conservatives, we ought to think about the other guy and the other gal who's working so hard to get their points across and who may be going through tragedies that we don't even understand or can't even imagine. We need to think about walking in their shoes just a little bit before we're so critical.

Time goes by so fast. I've been here 30 years, and I can remember the first day I walked up the steps of the Capitol with my family and the television camera was following me. I thought, man, this is going to last forever. I thought my kids would be with me forever, my staff would be with me forever, and my wife would be with me forever. She passed away about 11 years ago. Fortunately, I have another wonderful wife. But you go through all these tragedies, and it goes by so fast and you just don't realize it. And you don't take the time to smell the roses until you're just a little bit older and have missed so much.

If I were saying something to my colleagues tonight, I would say, Do your very best and explain yourself the very best that you can, but realize that the other guy who has a different point of view than you really believes most of the time in what he's doing, and we ought to be a little more tolerant and don't criticize him too much until you've had a chance to walk in his shoes.

According to General Patton in the movie ''Patton,'' he said, All glory is fleeting. It's true. I see these young guys come in who are like me and these young ladies come in, and they're going to whip the world; they're going to change this world overnight. I try to talk to them in an elderly, fatherly way, I guess you would say. I'd say, Have you ever been around the Capital and looked at all the statues? And they'll say, I've looked at a few of them. I'll say, Have you ever seen some of pictures around here? They'll look and they'll say, Oh, yeah, we've seen them. I'll say, Do you know who they are? And they'll say, Well, no. I'll say, Well, they were Speakers of the House and Vice Presidents and Presidents of the United States, and you don't know who they are. And they'll say, That's right. I say, Remember this. You think you're going to be remembered. You're going to do your best, but you're just going to be a footnote in history, one line in a history book. So don't take yourself so seriously. Do the best you can, and fight for the things in which you believe, and stick by your principles. But don't go around thinking that you float on air and that you're something special because you're just another Congressman. We've had about 12,000 Congressmen and Senators in our history, and you're going to be one of them. It's an honor to be able to be numbered among those; but remember, there were Ceasars who ruled the world, and you don't even know who they are. So be a little more realistic when you start thinking about how important you might be because, really, all glory is fleeting.

I want to read to you something here, a couple of poems. Bear with me for just a minute. The first poem is called ''A Bag of Tools'':

Isn't it strange how princes and kings,
and clowns that caper in sawdust rings,
and common people, like you and me,
are builders for eternity?
Each is given a bag of tools;
a shapeless mass; a book of rules.
And each must make, ere life is flown,
a stumbling block or a steppingstone.

I hope my colleagues will all try to make their lives a steppingstone.

I want to talk about a guy that served not in this Chamber, but another Chamber. He was a House Member. I'll tell you a little bit about him, and it's in a poem. It says:

A squalid village set in wintry mud.
A hub-deep ox-cart slowly groans and squeaks.
A horseman hails and halts. He shifts his cud
And speaks:
''Well, did you hear? Tom Lincoln's wife today.
The devil's luck for folk as poor as they.
Poor Tom! Poor Nance!
Poor young one! Born without a chance!
A baby in that God-forsaken den,
That worse than cattle-pen!
Well, what are they but cattle? Cattle? Tut!
A critter is beef, hide and tallow, but
Who'd swap one for the critters of that hut?
White trash! Small fry!
Whose only instinct is to multiply!
They're good at that,
And so, today, God wot! Another brat!
A squawking, squalling, red-faced good-for-naught
Spilled on the world, heaven only knows for what.
Better if he were black,
For then he'd have a shirt upon his back
And something in his belly as he grows.
More than he is like to have, as I suppose.
Yet there be those
Who claim 'equality' for this new brat,
And that damned democrat
Who squats today where Washington once sat,
He'd have it that this Lincoln cub might be
Of even value in the world with you and me!
Yes, Jefferson, Tom Jefferson, who but he?
Who even hints that black men should be free.
That feather-headed fool would tell you, maybe
A president might lie in this new baby!
In this new squawker born without a rag
To hide himself! Good God, it makes me gag!
This human-spawn
Born for a world to wipe its feet upon
A few years hence, but now
More helpless than the litter of a sow,
And—oh, well! Send the women-folks to Nance.''
''Poor little devil! Born without a chance!''

Then I want to say to my colleagues one more thing, and then I'll stop. This is when you speak on the floor. I hope my colleagues will get a chance to read this because it's really important:

Drop a pebble in the water: just a splash, and it is gone;
But there's half-a-hundred ripples circling on and on and on,
Spreading, spreading from the center, flowing on out to the sea,
And there is no way of telling where the end is going to be.
Drop a pebble in the water: in a minute you forget,
But there's little waves a-flowing, and there's ripples circling yet,
And those little waves a-flowing to a great big wave have grown;
You've disturbed a mighty river just by dropping in a stone.
Drop an unkind word, or careless: in a minute it is gone;
But there's half-a-hundred ripples circling on and on and on.
They keep spreading, spreading, spreading from the center as they go,
And there is no way to stop them, once you've started them to flow.
Drop an unkind word, or careless: in a minute you forget;
But there's little waves a-flowing and there's ripples circling yet.
And perhaps in some sad heart a mighty wave of tears you've stirred,
And disturbed one who was happy, ere you dropped that unkind word.
Drop a word of cheer and kindness: just a flash and it is gone;
But there's half-a-hundred ripples circling on and on and on,
Bearing hope and joy and comfort on each splashing, dashing wave,
Till you wouldn't believe the volume of the one kind word you gave.
Drop a word of cheer and kindness: in a minute you forget;
But there's gladness still a-swelling, and there's joy circling yet.
And you've rolled a wave of comfort whose sweet music can be heard
Over miles and miles of water, just by dropping one kind word.

□ 2020

So, if I were talking to my colleagues tonight, I'd say to think about your colleagues and their families and the troubles that they have and the heartache they're feeling, and to think about the words that you're saying to them and the kind of attitude that you're creating in your colleagues and their families by the things you're saying. Fight for the things you believe in, but remember, there's another human being over there who can be helped or hurt just by what you're saying on the floor of the House of Representatives or in the United States Senate.

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

WHAT CAN YOU SAY?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 40 minutes as the designee of the majority leader.

Mr. FORTENBERRY. Thank you, Madam Speaker.

Before my colleague DAN BURTON leaves the Chamber, I just want to say thank you. Thank you for your thoughtful reflections here.

I should tell the Speaker, as well as everyone who might be watching, that we were teasing you a moment ago because you said you were only going to speak for 10 minutes, and I said, DAN BURTON, you've never spoken for 10 minutes in your life. You're going to go a lot longer than that.

You held it to about 10, and your words were not only precise but deeply thoughtful and meaningful, and I think they're an outstanding tribute to you in leaving this body. I want to thank you for your personal friendship to me and for your words of admonition to the rest of us to try to be a little bit kinder, a little bit gentler.

I think it's important for people to know—and you alluded to it—that, over a decade ago, your own wife died. The caregiver for your wife, as she had cancer, was Samia, who became your friend and who became a friend of your family's, and your own children encouraged you to, perhaps, pursue a relationship with her, and now she is your lovely wife. It has been a pleasure to see you so happy in these last years of public service, but we really appreciate your dedication and passion to serving this Nation. So thank you so much.

Madam Speaker, I would like to turn to another topic now. I sat in my office last night, looking at the pictures of the precious little children who were killed in Connecticut last Friday. What can you say? My heart breaks for them and their parents and for the people of Newtown. I looked at the picture of little Caroline Previdi, one of the 6-year-old children who died. I'm sure she was a happy child, full of life's potential just like my own little Caroline, who just turned 7 a few days ago. What can you say? It's unthinkable that a person would kill innocent little children with such cravenness and violence. These children's Christmas presents are still under the tree. Their moms and dads are still looking at them.

In this town where we pride ourselves on rhetorical flourish, precision of thought, and volume of words, what can you say? What can you do other than stand in solidarity, in spirit, with the grieving families, and perhaps—just perhaps—hug those you love a little bit tighter?

Now the Sandy Hook Elementary School tragedy is sparking a national debate about how and why this happened and about how it might have been prevented. That debate is understandable and needs to happen. In the coming weeks, Congress will be called on to react. Questions have already arisen about guns and school safety and emergency preparedness. But these concerns and debates may bypass altogether some of the deeper, more difficult issues involved, like what we grappled with after the tragic shootings of the young people at Columbine High School and on the Virginia Tech campus.

What we must do is be honest. Yes, there were guns involved. Yes, there are issues of school safety. Yes, there was a collapse of mental health intervention. But I have not heard a significant discussion of the broader cultural context in which this and other tragedies have happened.

All of these tragedies happened against a backdrop of a culture that increasingly devalues and degrades human life. Graphic acts of violence and inhumanity pervade popular culture, entertainment, and other venues that vie for our attention. In flipping through the channels recently, I saw on a ''Law and Order'' show, ironically, a man shot in an elevator and the blood splashing on his attorney. Seconds later, we move on to the next scene or to the next commercial without consequence.

We are supposedly entertained by this, and of course the producer gets the profit, but who really pays? Society grows increasingly numb to the increasing levels of wanton brutality, cruelty, and indignity, all celebrated for profit. Perhaps most of us can shake it off or just turn it off, but what happens when a person of limited stability sees these images over and over again? We preach tolerance for one another, but we fill our culture with grotesque and inhuman depictions and expect that there will not be consequences.

Madam Speaker, I am sure there are any number of Ph.D.s out there who will somehow refute that there is a correlation between this aggressive assault of images constantly before us and the recurring violence that is all around us. Instead, we want simple answers and quick fixes, and then we'll just move on.

I suggest that we look inward to regain a deeper understanding of what it means to be in community, in a common bond with neighbors, where persons are not in isolation, where check mechanisms are so ordinary that persons are not simply roaming around, disconnected from communities of concern, family life, mental health treatment, or swift enforcement action, whatever is needed. A single and simple policy response from Washington cannot fix this. We all want to have a more caring and supportive society, but the fragmentation of family, civic, and our Nation's community life lends itself to isolation, anger and, for some, even despair.

Let's be clear: this tragedy is the result of a deeply disturbed person who committed unspeakable crimes. That is where the blame rests. But perhaps an outcome deserving of these children who died is that we all take some responsibility for the degradation of culture—what we think about, the way we conduct ourselves—and perhaps strive for that which is noble, for that which is good, and for that which is just.

Madam Speaker, I yield back the balance of my time.

MY DAYS IN CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 32 minutes as the designee of the majority leader.

Mr. BARTLETT. Thank you, Madam Speaker.

I would like to echo the concerns of my colleague. We are changed, we are affected by what we see, by what we hear, by what we listen to, by what we watch. You cannot swim in a sea of violence and not be affected by it. I know we have a Constitution and an amendment which guarantees freedom of speech, but you don't have a right to do what is wrong, and it is wrong that our entertainment media is placing before, particularly our impressionable young people, these unending scenes of violence in these video games.

□ 2030

You know the unbridled expression of when one right infringes on another, we limit that right. You do have a right of freedom of speech; but still, you can't yell ''fire, fire'' in a crowded theater if there is no fire because people could get hurt in trying to get out. That same philosophy, I think, would permit us to limit the kinds of entertainment and violence that pervade our society.

I know there are many factors as to what caused this tragedy, but certainly this could be one of them, particularly to people who don't have all of the faculties that the average of us have for contending with changes in our environment.

I would like also to refer back to comments that my good friend DAN BURTON made that so little is known about us here. We kind of appear here, Madam Speaker, almost as if we were the products of spontaneous generation and there we are in front of the microphone and a million, a million and a half people out there are watching us. Just who are we? So I thought I would spend just a moment doing what I probably should have done 20 years ago and kind of introduce myself.

I was born in 1926. If you are doing some quick math, yes, that means I'm in my 87th year. Our family hardly knew that there was a Great Depression. We were just as poor before the Depression as we were during the Depression.

I was the first member of my immediate family to graduate from college. I wanted to be a medical missionary, and so I was studying theology and I was taking science courses so that I could go to med school. And I had a really, really good science teacher, and I took all of the courses he offered and enough more so that when I graduated from college, I not only had a degree, a major in the Bible and a minor in homiletics—that's a degree in theology—I also had a major in biology and a minor in chemistry. And I had decided not to go to medical school, and I wanted to go into the ministry; but I was 21 years old and I looked 17 and I wasn't married, and you don't have a big, immediate, bright future in the missionary looking 17 and not being married and so they advised me to occupy myself until I got older and got married.

And so I went to graduate school, and I got a master's and a doctorate and

committed myself to being a very serious basic researcher. I taught medical school for 4 years. I worked at the National Institutes of Health. I went to a lot of professional scientific meetings. I have about 50 papers in the basic scientific literature.

And then I had kind of a strange twist to my career when I went as a basic researcher to the School of Aviation Medicine at Pensacola, Florida. They had some problems that I thought I could solve. I was a farm boy. I live on a farm now; I've always lived on a farm. You kind of learn to make do. I thought I could fix some of the problems they had. That resulted in the awards of 19 military patents as a result of fixing some of those problems that they had.

That started a career of working 20 years for the military. I should mention that I returned to my basic first love and that was teaching, and I taught for another 20 years. Also, my wife and I ran a home construction business. Congressman BEN CARDIN said ROSCOE was green before it was cool to be green. I was building solar houses back in the late seventies and early eighties and selling them for, I remember, as much as 17 percent interest.

Then I was retired for 5 years, and I ran for Congress. I tell you, there's nothing I have done that has given me the fulfillment and the satisfaction as serving the constituents of the 6th Congressional District of Maryland. For 20 consecutive elections, 10 primaries and 10 general elections, they returned me to the Congress. I want to thank my constituents very much for that vote of confidence. That was really largely due to the fact that I had such an incredible staff that did a really good job of making me look good in spite of all of my limitations and frailties.

Most of my commitment in the Congress has been in the Armed Services Committee. You can only have one chairmanship here. And for the last dozen years or so, those chairmanships have been in Armed Services. I shared leadership of one of those subcommittees, the one that has responsibility for the Navy and the Marine Corps, with my good friend Gene Taylor from Mississippi. I was his chair for 4 years and then he was my chair when we changed leadership here in the Congress for 2 years. We are term limited on our side of the aisle, so I had to leave that subcommittee.

But while I was there, Gene and I changed the course of our Navy for the future. In the future, all of our major surface combatants will be nuclear. It didn't make any sense to us that our aircraft carriers, which are nuclear and fueled for 30 years, cannot function without their escort ships that are fueled for about 5 to 7 days. And if there are no tankers out there to refuel them, our aircraft carriers cannot function. That didn't seem to make any sense to us, and so we pushed and finally got it through. Our future Navy major surface combatants are going to be nuclear.

We also had responsibility for the Marine Corps, as I mentioned, and the IEDs and MRAPs; and I was honored to work with my friend, Gene Taylor, and we shepherded the MRAPs and its development—$47 billion. It saved a lot of lives in the most asymmetric war in the history of the world.

I thought I might spend the few moments that remain kind of looking back at those times I've come to the floor. I came here to talk about four different things in Special Orders, and I thought I might spend just a few moments talking about those things.

I probably got more calls in our office about a talk that I have given here probably four or five times. I called it ''What Made America Great.'' What I was trying to do was to go back and look at our history, to refute two big lies that are out there in our land. One of those is that our Founding Fathers were largely atheist and deist and they wanted to set up a country that was devoid of religion.

If you look at our history books, of course, that isn't true. What I did in that talk was simply go back to our Founding Fathers and look at their statements. I went back to our early Congress and looked at what they did, like buying 20,000 copies of the Bible to give out to our early constituents; like sending, paying for missionaries to go to the American Indians for 100 years. Our Congress did that.

And then I looked at our Supreme Court. Until they made that big decision about three-fourths through the history of our young country, they were devoutly supportive of religion. A case came to the Supreme Court about using the Bible in schools, and they said: Why shouldn't you use the Bible in our schools? Where else can you find so clear a definition of what is right and what is wrong?

And then I went to our schools and the ''McGuffey Reader.'' Some of our schools went back to that because we were graduating kids from college who couldn't read their own diploma. And so in desperation, they looked at, gee, what did work when our kids graduated from school and could read. The ''McGuffey Reader'' was one of those. He makes no apology. He quoted more often from the Bible than any other source.

One of our Founding Fathers was Benjamin Franklin, and some others, like Thomas Jefferson, were said to be deists. Now, what is a deist? A deist is someone who believes there is a God. They believe He created you, but He also set in motion some laws, and don't bother praying to Him because your destiny is going to be determined by how you relate to those laws.

I'm going to give a quote, not an exact quote, but pretty close to what Benjamin Franklin said, and let you decide if you think he was a deist or not. It was in Philadelphia. The Constitutional Convention was deadlocked. They might not get a Constitution. Benjamin Franklin, I believe, was the oldest member of that delegation, probably the most respected Governor of Pennsylvania.

□ 2040

And he rose to speak, and this is what he said:

> I'm an old man. I've lived a long time. And the longer live the more certain I am that God controls in the affairs of men. If a sparrow cannot fall to the ground without His notice, can a nation rise without His aid?

And then he went on to say:

> I move that, henceforth, we begin each of our meetings with prayer.

That started a precedent. I know that the 10 Commandments are coming down from the walls of the courthouse, and I know the nativity scene is disappearing from the public square. You still see it here, ''In God We Trust.'' And we begin each of our meetings here with prayer, and they do the same thing in the Senate on the other side of this building.

We've probably got more responses in our office to that talk, what made America great, and it's easy to refute those two great lies. Our Founding Fathers were Christians. They wanted to set up a Christian nation, and that First Amendment is very simple, very simple.

You know, they came here, most of our Founding Fathers came here to escape two tyrannies: the tyranny of the church and the tyranny of the crown. If you think about it, they all came from countries that had a king or an emperor, and so there was the tyranny of the crown.

If you also think about it, there was a state church. In England, it was the Episcopal Church; on the continent, it was the Roman Church. And those churches could and did oppress other religions, so they came here and they didn't want that to happen in their country.

And so they said something very simple and very straightforward, that they'd make no law respecting an establishment of religion. The state cannot establish a religion; otherwise, leave men free to worship as they please.

I have no idea how that's gotten warped into this idea that you can't be religious, that government has to be totally separated from religion.

By the way, that clause is in the Constitution. The separation of church and state, it's in the Constitution of the USSR. It's not in our Constitution.

Well, the second thing I came here to the floor to talk about when the debate was raging was the ethical embryonic stem cell procurement. Remember when George Bush came to office, there was a lot of research in stem cells, and we'd been using adult stem cells, but experts in the area—and I'm probably the only Member of Congress who has had a degree in advanced embryology, and so I knew a little bit about embryonic stem cells. And the experts all believed that there ought to be more usefulness of embryonic stem cells than

adult stem cells simply because they're totipotent; they will develop into anything and everything the body needed. An adult stem cell that's already kind of differentiated, you're somewhat limited in what you can do with it.

But to get these embryonic stem cells, they were destroying the embryo. Now, every year there's something like 40,000 embryos that are just discarded because the owners don't want them anymore and they won't pay for keeping them. They're frozen in liquid nitrogen, and so they're discarded.

And the argument was you can take one of these discarded embryos, it's going to be discarded anyhow, and you can crush it and you can get the stem cells from it. But before you do that, you look at it under the microscope, and there you see it, living tissue. Gee, that might be the next Albert Einstein.

When you're talking about them collectively, 40,000, it's easy just to say they're going to be discarded; when you're looking at that one under your microscope, a unique human being if you just give it the chance to be implanted and to grow in the womb.

But I knew that we could get cells from these early embryos and not hurt the embryo. How did I know that? How was I so sure of that? Well, you can take half the cells from an early embryo and it goes on to develop a perfectly good child, infant. How do I know that? Because the other half of those cells went on to produce another perfectly good twin.

In every case of twins that you see, identical twins that you see, half of the cells were taken from the embryo, and the other half went on—the Chairman of the President's Commission on Ethical Embryonic Stem Cells was an identical twin, and I asked him if he felt any less of a person because he was only half a person, because he's only half the embryonic cell. It's a perfectly silly question, of course. But then he said, Gee, that is a silly question, isn't it?

And I said, But that's what people are saying; if you are going to take a cell or two from an early embryo, somehow it's going to be less of a person when it develops.

I worked 5 years, nearly 6 years with the White House, with the Council of Catholic Bishops, with the right-to-life community, and we developed a bill that was passed unanimously in the Senate, and it failed on a technicality in the House. It came up on suspension. It got way more than half the votes, but not two-thirds of the vote.

So Bush gave it the effect of law because he supported it by making it an executive order. And the first executive order of this administration, the hand had hardly come off the Bible when our new President reversed that executive order. Had it become law—

And people ask me what was the greatest disappointment of my 20 years, and that was that my bill passed unanimously by the Senate couldn't have become law because it would still be because you would have to overcome a veto, and we would not have two-thirds of the votes to do that.

Well, a third thing that I came here to the floor to talk about was electromagnetic pulse. I had no idea when I first learned about this, but I called my friend Tom Clancy, because I knew that he had written a book where this was a scenario in his book, and he does really good research. So I asked him about EMP. He said, If you read my book, you know all that I know about it. Let me refer you to the smartest man hired by the U.S. Government.

That's a tall order because we hire a lot of people, but in his view, that was a Dr. Lowell Wood from Lawrence Livermore. And this was pre-cell phone days. Remember the pagers?

I paged Lowell Wood. He was supposed to be in California, Lawrence Livermore. Went up to the satellite and down, and he was within Washington and he got it, and within an hour he was sitting in my office.

Well, an electromagnetic pulse, we have only one brief experience with it in our country, and that was in 1962 in Johnston Island and the Starfish Prime, the only time we ever detonated a weapon above the atmosphere and we had no idea what would happen. It produced an electromagnetic pulse that caused a lot of disturbances in Hawaii, which was about 800 miles away.

The Soviets had a lot more experience than we. They actually developed, designed—we designed but never built them—an enhanced EMP weapon, a single, large nuclear—oh, I shouldn't say that because it doesn't have to be a large bomb because it could be a relatively small bomb that is EMP-enhanced.

A single appropriate bomb detonated 300 miles high over Nebraska or Iowa would blanket our whole country, and if the EMP radon was robust enough, it would essentially fry all of our microelectronics. The grid would be down for a year or more, and your car wouldn't run. And there have been a couple of books written on that subject. One I would recommend that's an easy read and a very well-researched book—and I commend Newt Gingrich, he brought the author to my office, and he mentioned this on the campaign trail.

Thank you, Newt.

This is Bill Forstchen's book called ''One Second After.''

I came to my office one day and there was a big book on my desk and there was a handwritten note in it. It was from a Dr. Lowrie. He was retired, a Ph.D. electrical engineer in his hospital room recovering from cardiac surgery, and he was surfing the television and he happened on C–SPAN and I was giving one of the half dozen talks that I've given on EMP, and he listened to it and got turned on and did a lot of research and wrote a book, about 700 pages.

I didn't think I could read a novel that long. It was so captivating. I read it, and it's called ''The Satan Legacy.'' The Satan was a big SS–18. It was one of the Soviet missiles with 10 nuclear warheads. And the story had one of them missing when they transferred from the Ukraine to Russia.

Now we know that several other things could also bring down the grid.

Oh, by the way, as a result of my work on EMP, we now have a permanent EMP task force in the Pentagon looking at our preparedness militarily. We have the EMP Commission, which functioned for four terms, that is 8 years. They have written classified and unclassified reports, and I would recommend that you get one of their unclassified reports.

But now there are several other things that could also bring down the grid. One of those is cyber. This is a whole new warfare that we've been in, and we hardly knew about it, but there it was raging. An appropriate cyberattack could bring down our grid.

And something that will bring down the grid—this is not an if, this is a when—and that's a giant solar storm. The only question is when will the next one come. And if we are not prepared for it—and we are not now—and if we do not prepare for it, it will bring down the grid.

And McClelland, the top person in that part of FERC, sat in my office and said that the grid would be down for a year and a half to 2 years.

□ 2050

That's a very long time to hold your breath. And there's another thing that could bring down the grid, and that is a terrorist attack. If you knew what the important substations were and you know which insulators to take out, it wouldn't take more than a dozen or so people with a .22 rifle.

Now why, when the grid goes down, can't you bring it back up? That's because in all of these instances, there's going to be surges of electricity that blow the major transformers. They simply won't melt down. We have a few spares, but a very inadequate number of spares. We don't make them in our country. You just order them. There's none available to order, by the way. You order one and they will build it for you. And it takes a year, year-and-a-half to 2 years to build one. And we don't build them in our country.

So I'm pleased that my efforts—which I started here on the floor talking about EMP—have resulted in a recognition that this is something we really need to deal with.

There's a fourth thing that I came to the floor to talk about, and I will spend the last few minutes of our time here together this evening talking about that, and that is energy. I have been to the floor, I think, 52 times; and most of those times I came here, I talked for a full hour. I was talking about not just energy generically, but a specific type of energy, and that is liquid fuels. Because when you're talking about energy, we really do have to separate liquid fuels from the other major carrier

of energy. It's not energy. It's the way you carry energy. That's electricity.

We shouldn't have any deficit of electricity with more nuclear power plants. Yes, they are safe. We've never lost a person operating them. With more wind machines, with more solar, with more micro-hydro, with more true geothermal, we need another word for these heat pumps that are looking not at the zero cold and trying to heat that up. It's like trying to make it colder to heat your house up in the wintertime or trying to heat up hot air to make your house cooler in the summertime.

If you're looking at 56 degrees here, that's a whole lot more efficient. We call that geothermal. We've got to have another word for that, because true geothermal is tapping into the molten core of the Earth. That, for all practical purposes, is infinite and will be there for a very, very long time. With these sources, we can produce all the electricity that we would like to produce, but that is not true of liquid fuels. They are finite.

One of the first people to recognize that—and he was for several years a pariah and then he became an icon—his name was M. King Hubbert. He gave what I think will be recognized as the most important speech of the last century. I believe that speech was the 8th day of May in 1956. And he gave that speech in San Antonio, Texas. He was an oil geologist. He gave it to a group of oil people.

As you look back in your history books, you will find that at that time we were king of oil. We produced more oil. We used more oil. We're still doing that. We're using more oil than anybody else. And we sold more oil and exported more oil than any other country in the world. And M. King Hubbert told them something that was just audacious and seemingly ridiculous. He said, Notwithstanding the fact that we are so big in oil today, in just 14 years the United States will reach its maximum oil production. And no matter what you do after that, oil production in the United States will go down.

How can he make that kind of a prediction? He made it because when he looked at an individual oil field, he saw that the exploitation of that field produced kind of a bell curve. Sometimes a little distorted bell curve, but kind of a bell curve. When you first started pumping, it really came out. And then you reached a peak and then it was harder and harder to get it out until finally it tailed off and you'd gotten all you could out of the well.

So he rationalized that if he could add up all the little fields in the United States, he could get all the little bell curves and you get one big bell curve. When he did that, it reached its maximum in 1970. And so he made that prediction in 1956. Right on schedule, in 1970, we reached our maximum oil production. And no matter what we've done since then, like building more oil wells in all the rest of the world put together, for instance, today we produce about half the oil we produced in 1956.

The second speech—and I don't know if these two men even knew each other—was given by Hyman Rickover just about a year later. It was the 14th day of May, 1957. It was a speech given in St. Paul, Minnesota. And you can pull this one up. It was lost until a few years ago. Just Google for Rickover and energy speech and it will come up. I think you will agree with me that it was probably the most insightful speech in the last century.

And in it he noted that oil is finite. He said in the 8,000—I didn't think it was that long; those are his numbers—in the 8,000-year recorded history of man, the age of oil will be but a blip. We're behaving as if it's going to be forever. He called it this ''Golden Age.'' Please, please Google for Rickover and energy speech and pull it up. I think you'll be fascinated by the speech.

One of the things he said in it was how long it lasts is important in only one regard: the longer it lasts, the more time we'll have to plan an orderly transition to other sources of energy. That's not quite what we're doing. And I'm not sure that he would agree that drill, baby, drill is an orderly transition to other sources of energy.

I have just two charts of the probably hundred-or-more charts that I've used from time to time in talking about this subject—and the subject is peak oil.

Let me show you these two charts. This is a chart that ends in 2008, and it has the oil production followed by the two major entities in the world that have the most credibility in this—the EIA, the Energy Information Administration, and the IEA, the International Energy Association, which is a creature of the OECD in Europe. And these were their two curves. You see they're leveling out up there. The headline was: ''Peak Oil: Are We There Yet?''

And I want to show you another chart. And you can not find these curves anymore. They were kind of disquieting, and they're taken down from the Web site. These are the curves put up by the IEA, International Energy Association. Here we're following the production of oil. You can go back here—way, way back for hundreds of years. Every time we needed more, we could produce more oil.

The different colors here, natural gas, liquids on top—they have that growing. That will grow. Nonconventional oil, that's from the oil shales. That's growing. That will grow. The dark red there really should be a part of the blue down here. It's just enhanced oil recovery, squeezing a little more out of the fields we're pumping from, like putting live steam down there and CO_2 and so forth to force it out. This is the fields we're now pumping, and they're admitting that we're reaching peak oil, plateau here, because they have them tailing off.

Now, this chart was done in 2008, and the one below it was done in 2010. I'll come to that in just a moment.

In order to keep the total liquids going up, you notice what they've done is projected two huge fields here, that by 2030 they said a fourth of all the liquids we're getting, only a fourth of it will come from the fields we're now pumping, that three-fourths of it will come from something else. And half of the total is going to be from fields that we're not getting anything from now. That's a pretty tall order.

Then, in 2010 they did this other curve down here, and they have reversed the two on top here. And different colors. But they're the same thing. And they've included the dark red here down with the oil fields that we're now pumping. And notice this goes to 2035. Up here, by the way, they were going to peak at 112 million barrels a day. Now we're stuck at 84 million billion barrels for 5 years. They have it going up to 112. Two years later, reality is setting in. Now it goes up to only 96. And they go out 5 years further to 2035. Notice the precipitous drop-off in the fields that we're now pumping.

Now, we have some irrational exuberance, as Alan Greenspan would define it, in our country about our ability to get some additional gas and oil out of things like the Marcellus shales and the fields out in the West by horizontal drilling and fracking; and these are represented in these two curves here. I think that one can say, in analyzing history, with considerable confidence that these two wedges here will not occur. By the way it's 600,000. It sounds like a lot, doesn't it? 600,000 barrels.

□ 2100

We use 84 million barrels a day. In 11 or 12 days, we—the world—use a billion barrels of oil. So if we're getting 600,000 from the Bakken oil fields out in the West, that's almost literally a drop in the bucket, isn't it?

I'd just like to close, this last chance probably that I have to come and chat with you here on the floor. It's been a huge honor to represent 660,000 people in the First District of Maryland, to come here to the Congress to talk to maybe a million, a million and a half people listening to us out there. Thank you, constituents, for this honor. Thank you for listening.

I yield back the balance of my time.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 30 minutes.

Mrs. CHRISTENSEN. I thank the Democratic leader and leadership for giving us the opportunity to come to the floor as the Congressional Black Caucus. Perhaps some other Members may be joining us.

We wanted to just add our word of sympathy and condolences to the families in Newtown, Connecticut. We will all grieve for a very, very long time, and rightly so, the loss of the 20 innocent little children and seven adults

who lost their lives in an utterly senseless and horrific act of violence.

The people of the Virgin Islands, like the rest of our Nation—and indeed the world—mourn the loss of the 27 people gunned down in Newtown, Connecticut, last week. Our thoughts and prayers are with their families and the entire town and they will continue to be for a very long time. Our hearts especially go out to them throughout what we know will be an extremely difficult Christmas season.

The President and many others have reminded us that we have been here far too many times even in just this year. As he said at the ecumenical service a few evenings ago, it's time to act. It's not enough to sympathize with the families who lost loved ones. We have to take action to protect our children and to protect all our citizens. To that extent, I've signed on to the Large Capacity Ammunition Feeding Device Act, sponsored by Congresswomen MCCARTHY and DEGETTE, which would prohibit the transfer or import of large-capacity ammunition feeding devices manufactured before the date of enactment, as well as four or five other bills sponsored by Congresswomen MALONEY and MCCARTHY, Congressman PERLMUTTER, and others, to improve background checks, to slow the trafficking of guns, and to keep them out of the hands of individuals who should not have them; as well as the PROMISE Act, which is a prevention bill.

I'm joined this evening by Congresswoman YVETTE CLARKE of Brooklyn, New York, who has long been an advocate for ending the gun violence in our communities and providing the kinds of assistance, both in intervention and prevention, that we need in so many communities around this country. She has been a leader on so many issues, and I'd like to yield her such time as she might consume.

Ms. CLARKE of New York. I thank my colleague for yielding.

Madam Speaker, I've joined my colleague, Dr. DONNA CHRISTENSEN, Representative of the Virgin Islands, here tonight in remembrance of the 20 first-grade children and six educators who were mercilessly gunned down last Friday at the Sandy Hook Elementary School, innocent victims of senseless gun violence.

To the families, educators, and the community of Newtown, Connecticut, on behalf of the people of the 11th Congressional District of Brooklyn, New York, I wish to express my most profound and deepest condolences.

I believe, like so many across this Nation, that the families of these victims, the families of children in every community in the United States, have some very important questions for Members of Congress. I also believe that as their representatives we have an obligation to provide them with answers.

Question: Why? Why have we allowed our communities around this Nation, from a supermarket in Tucson, Arizona to a movie theater in Aurora, Colorado, to a shopping mall in Oregon, to an elementary school in Newtown, Connecticut, to the streets of Brooklyn, New York, why have we been so reluctant in protecting them? Why have we left them unprotected, vulnerable to gun violence, death, and the terror that such actions inflict?

Who will speak for the people whose lives were cut short, struck down, maimed and traumatized for life? When will we realize that these incidents are not inevitable, that we have the ability to prevent gun violence and an obligation to do everything in our power to make gun violence a thing of the past? The answer to these questions will define this generation of Members of Congress. Our answers will determine the future of our civil society.

Americans have the right to demand answers from this Congress. We have the authority to keep the guns away from the streets of our cities and towns. In the 11th Congressional District which I represent in New York City, the New York City Police Department reported 274 victims from 226 incidents involving gun violence, and that was in two neighborhoods in the district that I represent. The majority of these crimes were registered in just two communities; 274 victims from 226 incidents. Now, fortunately, not everyone perished in these instances, but one incident of death is one too many. The repercussions of the trauma that comes from those who witness these incidents, who dodge the bullets in our communities, is immeasurable.

We have the authority to focus our efforts on penalties for gun trafficking and unlawful sales of firearms. We have the authority to prevent the retail sale of assault weapons and high-capacity magazines or clips that are designed for military combat use. We have the ability to register handguns and micro stamp munitions to trace ownership and origin. We have the authority; we only need to have the courage to act.

The Newtown tragedy has highlighted a vexing issue that we as Americans must address. It is imperative that we set aside our differences in the 113th Congress to pass legislation that will increase accountability among gun vendors and owners, support local law enforcement to stem the tide of gun trafficking across our Nation, reduce the number of illegal guns on our streets, and remove access to high-powered militarized weapons and ammunition which have no place in our communities.

Madam Speaker, this is not a Republican problem, it is not a Democrat problem. This is an American problem, and this is a problem we must have the courage to address.

I want to thank my colleague for yielding. As I drove up to the Capitol for this Special Order this evening, I reflected on the flags waving at half-mast over the Capitol, an indication of the deep grief and sorrow that our Nation faces at this time. I think to my own community, where I've attended far too many funerals of families that have been devastated by the heinous act of gun violence.

□ 2110

I think about a former colleague of mine. As a member of the New York City Council, I unfortunately count myself among the victims who witnessed my own city council colleague being gunned down before us. And so, what we need to understand is that while these incidents may seem remote from many families, the implications of what can happen in our communities extend beyond what we may hear in the news but affect tens of thousands who may not have been the immediate or intended target of gun violence but have been a witness, have been family members, community members, that have a love and a care for the lost one who were taken senselessly and needlessly. Let us muster up the courage to act. I yield back.

Mrs. CHRISTENSEN. Thank you, Congresswoman CLARKE, for joining us. Again, thank you for your leadership, and thank you for those words that you have uttered on behalf of our communities and the community of Newtown and children and our citizens across this country.

Flags are flying at half-mast across this country. I know whenever I would drive at home last weekend, and I would see them, our thoughts and our hearts went out to the people of Newtown because we knew that that was why they were that way. Like my colleague, I recall going to funerals with my children, something that I never had to do, funerals of their friends.

In his column just a few days ago, Nicholas Kristof quoted David Hemenway, a public health specialist at Harvard, who reported that children 5 to 14 in America are 13 times more likely to be murdered with guns as children in other industrialized countries. And that ought to be a call of action to all of us.

He wrote, and I agree:

> Let's treat firearms rationally as the center of a public health crisis, a public health crisis that claims one life every 20 minutes.

If only for the sake of our children, we have to act and really need to begin with renewing the ban on assault weapons.

The homicide rate in the United States is 6.9 points higher than rates in 22 other populous, high-income countries combined. This gives me great pause when I think that the homicide rate in our neighboring Puerto Rico is more than four times higher than that of the U.S., and the Virgin Islands' rate is even higher than that compared to the United States overall. The last reported in Puerto Rico was 36.2 per 100,000, and the Virgin Islands is closer to 60. We, Puerto Rico, and the Virgin Islands have pleaded for more Federal help. And we can begin by passing the assault ban next year and the other related bills.

The United States has the highest rate of gun ownership in the world, an average of 88 per 100 people. I understand that the next highest is Yemen, somewhere around 56 per 100 people. But the rate of gun ownership doesn't always directly relate to the number of homicides. Honduras, with the most homicides by firearm at 68.43 per 100,000 has only 6.2 firearms per 100 people compared to our 88, while Finland, which has a relatively high one, 45.3 guns per 100 people, only reports about 19 per 100,000 homicides by firearms.

So while we must do what is required to reduce guns in our community, assault weapons in particular in this country, there's much more work that has to be done.

As Attorney General Holder said earlier this week, and I'm quoting him here:

> As a nation, I think we have to ask ourselves some hard questions. We need to discuss who we are as a nation, talk about the freedoms that we have, the rights that we have, and how those might be used in a responsible way.

I recently wrote to my fellow Virgin Islanders, as we looked at ours being one of the highest homicide rates in the Nation, I also think we need to go further in examining what we have been doing or what we have not been doing in our territory and across our Nation that has created an atmosphere where gun violence is escalating to a frightening and totally unacceptable level, and where in many districts, gun violence has turned, in my district, has turned against law enforcement. Six officers have been injured by gunfire this year in the Virgin Islands, and one, Colvin Georges, died as a result of his injuries. And communities across this country are experiencing the same thing.

I know that many feel that guns are needed for their and their families' protection. But reports show that keeping a firearm in the home increases the risk of homicide by a factor of three. And on the whole, guns are more likely to raise the risk of injury than confer protection.

The killings in Newtown, Aurora, and other places are horrific mass killings by disturbed people, and we need to find a way to prevent them from getting access to any kind of firearm. But gun violence is happening every week in neighborhoods across our country, and these, too, demand our attention, including gang-related gun violence. Gang violence is a growing epidemic across this country. Congress has to work toward passing and funding legislation like the Youth Promise Act, which helps communities facing the greatest youth gang and crime challenges to develop a comprehensive response to youth violence through a coordinated prevention and intervention response.

To go back to where we are in the United States compared to other countries, data compiled by the United Nations' Office on Drugs and Crime confirms Americans are living with greater risk of gun-related death than are residents of other developed countries. From 2007 to 2009, the U.S. averaged 10,987 homicides per year by firearm compared with an average of 182 in Germany, 75 in Spain and 47 in the United Kingdom. Mexico, though, averaged about 5,980 annual homicides, still half of ours, by firearm during that same period. Colombia was higher.

Roseanna Ander, executive director of the University of Chicago Crime Lab, has said that the U.S. is an outlier in lethal violence among developed countries. Other countries have similar rates of rape and battery, Ander said, but because so much American violence includes guns, the rate of death is so much higher.

The steady gun violence leaves especially young blacks and Latino men particularly vulnerable and more likely to die in a shooting, Federal data shows. In each year from 2006 to 2010, homicide was the leading cause of death for African American males ages 15 to 24, more than the next nine causes of death combined, according to data from the Centers for Disease Control and Prevention.

Persistent gun violence is part of a complex cycle born of poverty and residential segregation, as is poor health and substandard education, which all are related to the poverty and the persistent gun violence, challenges that the Nation has yet to truly face and address.

That's what Sampson said, and I agree. And he also said:

> Guns are readily available. Gun violence thrives, in part, because exposure to violence makes children more likely to engage in violence themselves. It makes them have difficulty learning and, therefore, climbing the economic ladder.

So we can make a big difference. But to make that difference, we have to have the political will. We have to be able to stand up to the NRA, which has gone silent in the face of this tragedy, and other organizations that have blocked us from doing what we know in our hearts is the right thing to do.

It is our responsibility, as Congresswoman CLARKE said, to do what we must to protect our children and to protect our other citizens. President Obama has set up a task force which will be headed by Vice President JOE BIDEN. He is calling on us to ban military-style assault weapons, to ensure that background checks are there for all gun purchases, and to make access to mental health services at least as easy as it is to access guns.

□ 2120

I would hope that we would not see the partisanship or the brinksmanship that we're seeing right now on this fiscal cliff issue, and that we'll all work with our Vice President and our President to truly memorialize the children that are being laid to rest this week and not have them be martyrs to our inaction.

With that, Madam Speaker, I would love to yield to our Congressman from Louisiana. I'm sure that he will add a lot to this discussion.

I talked about the fact that African-American and Latino males have high rates of death due to gun violence, and one report that goes back to 2004 rates Louisiana as number two.

So I'll yield such time as he may consume to the gentleman from Louisiana, CEDRIC RICHMOND.

Mr. RICHMOND. I thank the gentlelady from the Virgin Islands for yielding and commend her on her passion as a physician and someone who has taken an oath to preserve life and to make sure that people can live out their years in a meaningful way and die of natural causes.

I will just say that I'm from Louisiana, which our motto is we are the sportsman's paradise. We like to fish and we like to hunt. We like to have a fishing pole and we like to have a gun. The difference is that the guns we use and the guns that sportsmen use are rifles, and you don't need high-capacity magazines in order to hunt deer, to hunt dove, to hunt ducks, to hunt rabbit. You just don't do that.

I rise tonight in support of my colleagues because, especially in our urban cities, we are losing far too many of our children, our fathers, our mothers, our sisters, and our brothers to gun violence. And every once in a while, we'll have an event that will shake the confidence of our country and make us take a step back and rationally look at our gun laws in this country and say, Wait, we've done far too much. We've expanded the Second Amendment too far. The Founders of the Constitution, when the Second Amendment was crafted, had no idea that we would have AK–47s with clips that can hold 50 rounds.

I can just tell you about an incident in La Place, Louisiana, about 6 months ago where a gentleman was denied benefits at an office and decided he was going to his car and he was going to go back inside. One of those Good Samaritans, an older lady, called the police and said there was a man armoring up in his car. State police and our sheriffs responded to it and found the man in his car. When they found him, he had more ammunition in his trunk than State police and our sheriffs put together. He had an AK–47, another rifle, and so much ammunition.

But the scary part to that story, and why this Good Samaritan was so key, is when they arrested him, they went to his apartment and he had a suicide note there in his trailer. He had every intention of making sure that he could go in there and kill as many people as he could, even if it meant him dying. When the thugs and the criminals have more guns and more ammunition than our first responders, then we have a problem.

In urban cities, when our kids have better access to guns than textbooks, then we're a country that went wrong.

We're not talking about every American's basic right to bear arms, because that is sacred, it's in our Constitution, and I believe in it. But when we start talking about assault weapons with high-capacity magazines, we're talking about weapons of mass destruction.

If you look at Newtown, if you look at Aurora and you look around our country at the incidents that have happened, these are not incidents where one or two people lose their life. If we tally the number of people in the United States that die because of gun violence, if another country entered our soil and did that to us, we would declare war and we would go out and find those people responsible. But here in the United States, we have taken the Second Amendment to protect things that are just indefensible.

I will join with my colleagues, and I will say, when I was in the Louisiana State Legislature, I authored, every year I was there, an assault weapons ban, a bill to close the gun show loopholes, to have a gun registry. I'm not suggesting here today that we do everything I did in the State legislature, because some things went very far, but what I am challenging America to do is to challenge the NRA, the liberals, the gun control lobby, whatever you want to call them. We should all come together in the name of the citizens of the United States that we've lost and have an adult conversation about can we do better, because we can.

We don't need clips that allow people to take out a whole neighborhood. We don't need guns that you can shoot through police vests and through the police car door and through their shield and hit their body sold in our sporting good stores in this country.

At some point, we have to come together. We can't just come together and pray and mourn. People are tired of mourning, and people are not fed up, but people have given up on prayer. When you see incidents when you have to bury your children—when you drop a child off at school you expect to go there that afternoon and pick them up and talk about what they learned today and do they need help with their homework, you never imagine that you're going to go there and find your child deceased with multiple gunshot wounds because of assault rifles with high-capacity clips.

We are the United States of America, always in search of a more perfect Union. We can do better, we have to do better.

I will close with my own little paraphrase from a song, and it's to the Members of Congress. We had an incident that shed light on this earlier in our term in which our colleague was a victim of gun violence.

We should be careful of what we do, because the life we save may be our own.

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND.

The three of us have been here on behalf of the Congressional Black Caucus to add our voices to those across our Nation who are mourning the loss of those who were killed last week in Newtown.

The gentleman said more access to guns than schoolbooks. It's really true. There's more access to guns in most communities than schoolbooks and computers for many children; more access to guns than to decent housing; more access to guns than a decent job; more access to guns than quality health care, especially mental health care.

So, colleagues on both sides of the aisle, we need to act, and we need to act in the name of those beautiful first graders and all of those across this country who have been lost to gun violence over the years. I hope that we will take that kind of action.

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

WISDOM THROUGH PRAYER

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. Madam Speaker, first I think it's important to let the people of Connecticut who have suffered so and lost loved ones know that they will continue to be in our thoughts and prayers. It is such a difficult time, and they need our support. It is a difficult time. I think so often when we look for wisdom in different places, I believe what Proverbs said, Solomon should have known:

> The fear of the Lord is the beginning of wisdom.

In the early days of our country, people sought wisdom through prayer. The Constitutional Convention, when they could not reach an agreement after nearly 5 weeks, 80-year-old Ben Franklin stood up and the contentiousness stopped.

□ 2130

Someone wrote that George Washington looked like he had a very much relieved look on his face. 80-year-old Ben Franklin was overweight, suffering not only from gout but from arthritis, had a cane, had to have help getting up and down sometimes; but his mind was still brilliant. That's when he pointed out why we have not once thought of humbly applying to the Father of lights to illuminate our understanding. We have his whole recorded speech because he recorded it. He wrote it in his own handwriting. Madison was taking notes, but we have Ben Franklin's speech, and it has provided such solace to me.

He pointed out to his friends that there were times when every one of them could remember back during the Revolution when they asked God for specific things and God answered their prayers. That was all part of the Constitutional Convention, and he said these words:

> Our prayers, sir, were heard, and they were graciously answered. If a sparrow cannot fall to the ground without His notice, is it possible an empire could rise without His aid? We have been assured, sir, in the sacred writings that, unless the Lord build the house, they labor in vain that build it.

Then he went on. He said:

> I also firmly believe, without His concurring aid, we shall succeed in our political building no better than the builders of Babel: We shall be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

Then he went on to make a motion that just as they had during the Revolution with the Continental Congress that this Constitutional Convention Congress should begin every day with prayer.

So he made the motion and there was great discussion; but unlike the Revolutionary days, they didn't have money. This was a Constitutional Convention that had just convened. These people came together to write a Constitution. They didn't have money as a body. They had no chaplain. They couldn't afford to hire a chaplain, and they figured only with an independent chaplain that they could agree on could they have somebody come in and lead each day with prayer as they had during the Revolution. So that was put off until such time as they could hire a chaplain, which happened as soon as we became a Nation and the Constitution was ratified.

But Randolph from Virginia followed up Ben Franklin's motion. He said, Okay. Basically, they're saying we don't have money to hire a chaplain, but one thing we can do: Here we are at the end of June 1787. We're about to celebrate our country's birthday again, our anniversary; so why don't we just agree to all go to church together—listen to the same pastor, hear the same sermon, worship God all together as a Constitutional Convention? They all went to the Reformed-Calvinistic Church, and the pastor apparently did an excellent job because, when they came back, there was a new spirit. They had their disagreements, but there was a spirit of cooperation.

I heard some of the comments of my friends earlier across the aisle, and I know their hearts. I know DONNA CHRISTENSEN has been extremely gracious to me, personally. Good people. Good people with the best of intentions. I think the world of JOE LIEBERMAN. I was visiting with him on Sunday morning of his ideas to have a commission come together and not just jump quickly to some politically correct solution. Let's do the right thing by America, not a knee-jerk, which like the assault weapon ban did nothing. In fact, Columbine occurred during the middle of the so-called ''assault weapon ban.'' Every gun is an assault weapon.

The machetes in Rwanda—the worst genocide that we know of in human history. 800,000 or so with machetes? Of course, we know during World War II that the genocide wasn't just 800,000,

that it was millions—6 million Jews. They were killed by all kinds of means. So we need to be smart about the way we deal with this issue of mass murders and violence in our society, and everything should be on the table.

As we continue to remember the loved ones of those who were victims of the tragedy at Newtown, Connecticut, things go on here in this town. This body tomorrow, we've been alerted, will vote on what's being called ''Plan B.'' Plan A was to try to reach an agreement with the President. From my experience as an attorney, I've negotiated small deals, multimillion-dollar deals. I was a district judge, a chief justice, a certified mediator. I don't know if there is anybody else in the congressional body who has been through the training and process of becoming an international arbitrator. I have a lot of experience in negotiating from all sides when you see Speaker BOEHNER go beyond what anybody I'm aware of and our conference really wanted him to do initially.

He said, Okay. We will come up with $800 billion of revenue, Mr. President, because that's where you had gotten up to. $800 billion is what you were demanding before, so we'll cut to the chase. We'll just quit negotiating, and we'll give you what you want—$800 billion in new revenue.

The President responded by saying, No, no, no, no. Now I'm at $1.6 trillion. Now that you're at $800 billion, I'm at $1.6 trillion of new revenue wanting.

What most people who really look at our problem in this town realize is that it really isn't a tax problem, that it's a spending problem. When we went from the Speaker Pelosi-Harry Reid budget of 2008 that ended on September 30 of 2008, I heard no one that year complain that the Federal Government is not spending enough money. We were spending more money than we had then. Yet in January of '09, after President Obama comes in and the Speaker is PELOSI and the majority leader in the Senate is HARRY REID, we began spending about $1.6 trillion more than we had coming in. We had 2.3 or so trillion dollars coming in in Federal revenue, and we were spending about $1.6 trillion more than that?

That's one of the reasons 2 weeks ago I couldn't believe that we were voting to eliminate the use of the word ''lunatic,'' because it seems to me only a lunatic body would come up with the idea of, gee, we're in financial trouble; let's spend more than $1 trillion more than we have coming in. That's financially irresponsible.

As my friend RANDY NEUGEBAUER pointed out again this week: A vote over taxes that doesn't deal with the massive spending is a vote to defer taxes in order to let our children and grandchildren and future generations pay the tax because we don't have the moral consistency to take care of our own debts. We're going to lay it on future generations.

So, in seeking wisdom, it's part of my belief that you pray; you seek wise counsel and read scripture. In doing that, I find as an old history major—I went to Texas A&M. I knew I was going into the Army for 4 years. I loved history, so why not major in history? You learn so much from history. I thought I remembered these words, and I was able to find them. So, Madam Speaker, I want to finish the evening tonight with these words. These are brilliant words.

□ 2140

These are words of wisdom from a man named JOHN BOEHNER. This is an article. It's basically a transcript that was done by Major Garrett, October 25, 2010. This was 8 days before the 2010 election, which turned out to be the largest conservative-wave election in American history. So I will just read basically the transcript. It's an article, but it's really a transcript. It says that Representative JOHN BOEHNER is interviewed in his Capitol Hill office March 10, 2010, but the article is dated October 25, 2010.

The National Journal representative said:

About 3 weeks before the 1994 elections, I asked you if House Republicans were ready to win the majority and ready to govern the House. You said then that sometimes the wave takes you into power whether you're ready or not. It did then. It may now. What is similar to you about the 1994 cycle? And more important, are you ready to lead now and will you lead differently if you win?

Minority Leader BOEHNER said:

Well, all kinds of things have changed, and there are a lot of differences. But maybe the biggest thing that's different now is near 10 percent unemployment. I mean, we're going to have to start making tough choices on spending to give our economy a chance to start moving and creating jobs again. As for me personally, you know I had a front row seat to what worked and what didn't in 1994. And I like to think that I learned a thing or two.

National Journal:

If you become Speaker, you will be the first since Tom Foley to have previously chaired a committee. (Foley chaired the Agriculture Committee.) How will your past as chairman and legislator with many bills—No Child Left Behind chief among them—influence your approach to allowing committees to set the agenda and give signals instead of receive them from leadership?

Minority Leader BOEHNER said:

We need to stop writing bills in the Speaker's office and let Members of Congress be legislators again. Too often in the House right now we don't have legislators, we just have voters. Under Speaker PELOSI, 430 out of 435 Members are just here to vote and raise money. That's it. That's not right. We were each elected to uphold the Constitution and represent 600,000-odd people in our districts. We need to open this place up, let some air in. We have nothing to fear from letting the House work its will. Nothing to fear from the battle of ideas. That starts with committees. The result will be more scrutiny and better legislation.

The National Journal:

Related to this it has often been said by those closest to you that you respect and admire and believe in regular order. What does that mean to you and how much institutional value do you place on placing regular order at the center of House procedures and House reforms?

Minority Leader BOEHNER:

Yes, I do, absolutely. The House is the body closest to the people. That's by design. We're the crucible, the testing ground for new ideas and new policies, and the institutions of the House that have grown up over 200 years of trial and error are the best way to test those ideas and policies. We don't need five Members sitting behind a closed door writing a bill like they did with the stimulus or ObamaCare. It's nuts.

National Journal:

If you are Speaker, will you ever bring a bill to the floor that hasn't been true to the 3-day rule?

Minority Leader BOEHNER:

No.

National Journal:

That's it? Just no?

Minority Leader BOEHNER:

Right. I can see a scenario like right after 9/11 when we would have to act immediately in a true national emergency, I guess, maybe, but this is a serious commitment. I know it's going to be a pain in the neck, but we're going to do it.

National Journal:

Enough about procedure. How worried are you about facing a government shutdown fight with President Obama over cutting spending as much as the Pledge to America promises?

Minority Leader BOEHNER:

Look, Major, our goal is to cut the size of government, not to shut it down. If we take the majority, the President is going to have to realize that he can't keep ignoring the American people. They're out there looking at what the President and PELOSI and HARRY REID are doing, and they're shouting ''stop'' at the top of their lungs. We're going to listen to them, and the President better, too.

National Journal:

Deputy Whip ERIC CANTOR has virtually ruled out a government shutdown. Do you rule it out as a negotiating tactic or as a possible outcome of a budget disagreement?

Minority Leader BOEHNER:

I've said the same thing as ERIC. Our goal is to make government smaller, not to shut it down. JEB HENSARLING has a bill that would prevent a government shutdown in the event of a budget standoff. We're going to stay focused on doing what the American people want, and what they want is less spending.

National Journal:

Do you anticipate a resolution of the Bush tax cut issue or a lengthy congressional issue in the lame duck session? Or are you girding your Members to deal with both issues as soon as the 111th Congress convenes?

Minority Leader BOEHNER:

Hell, I don't think we need to wait until after the election. Let's come back right now and stop this tax hike and cut spending. That's what we put in the pledge that we want to do right now.

National Journal:

A reauthorization of the highway bill is due in the next Congress. Will you, as the GOP leadership, support any increase in the Federal gasoline tax to finance additional road, bridge or highway construction?

Minority Leader BOEHNER:

I've never supported a tax increase of any kind.

National Journal:

Will you extend into the 111th Congress the current House GOP moratorium on earmarks? Related to that, if you win the majority, will you seek any change to the Appropriations Committee's professional staff or other reforms to signal that, in your words, ''business as usual'' is over when it comes to discretionary spending?

Minority Leader BOEHNER:

Look, I've always had a no earmarks policy. I helped get the conference into a place where we have a current moratorium. And I think it's perfectly clear that going back to business as usual is not an option. That's the case with earmarking specifically, and with spending in general. Change is never easy, but change is necessary. It's what the American people are demanding of us.

National Journal:

You've said you are open to having spending-cut legislation come to the House floor each week or, at a minimum, regularly. How do you intend for this to work?

Minority Leader BOEHNER:

Well, I think a model for that particular proposal may be the YouCut project that ERIC and the other members of our economic recovery solutions group have been doing all year. They've got a ton of specific cuts, chosen by the American people in an online poll. I also said in my speech in September at AEI that I think we need to look at breaking up all these massive spending bills—break them into smaller bills that are more conducive to scrutiny and debate. We said in the pledge that we need to set up a process that makes it easier to cut spending. In my mind that means, among other things, if a Member has an amendment that would cut spending, it should get a vote. Period.

□ 2150

Skipping down.

National Journal:

How much longer do you envision staying in Congress? And, related to that, did you learn anything valuable from the speakership of NANCY PELOSI?

Minority Leader BOEHNER:

Hell, I've already stayed here a lot longer than I ever thought I would. We'll see. I think the current majority has reinforced what I already knew. You can't run this place, at least not well, by shutting out the American people, shutting out the other party, and even shutting out your own members. You can twist arms and crack heads and cut deals for a while, but it just won't work in the long term.

Madam Speaker, with that, I yield back the balance of my time.

APPOINTMENT AS MEMBER TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following individual on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014:

Mr. Larry Wortzel, Williamsburg, Virginia.

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 9 o'clock and 52 minutes p.m.), the House stood in recess.

□ 2220

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 10 o'clock and 20 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–707) on the resolution (H. Res. 840) providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 66, APPROVING RENEWAL OF IMPORT RESTRICTIONS AGAINST BURMA, AND PROVIDING FOR CONSIDERATION OF H.R. 6684, SPENDING REDUCTION ACT OF 2012

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–708) on the resolution (H. Res. 841) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MICA (at the request of Mr. CANTOR) for today after 5 p.m. on account of attending a funeral.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 285. An act for the relief of Sopuruchi Chukwueke.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 19, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 6116. To amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

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 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.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), under its previous order and pursuant to House Resolution 839, the House adjourned until tomorrow, Thursday, December 20, 2012, at noon, as a further mark of respect to the memory of the late Honorable Daniel K. Inouye.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8836. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MB Docket No.: 99-25; MB Docket No. 07-172. RM 11338] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-160, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8838. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-147, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8839. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-151, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8840. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of two gyroscopes and one accelerometer, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8841. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Red Bull Flugtag Miami, Biscayne Bay; Miami, FL [Docket No.: USCG-2012-0728] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL [Docket No.: USCG-2012-0452] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Atlantic Intracoastal Waterway; Emerald Isle, NC [Docket No.: USCG-2012-0812] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana [Docket No.: USCG-2012-0904] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Newport River, Morehead City, NC [Docket No.: USCG-2012-0628] (RIN: 1625-AA09) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DeStefano Wedding Fireworks Display, Patchogue Bay, Patchogue, NY [Docket Number: USCG-2012-0571] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cruise Ships, Santa Barbara Harbor, Santa Barbara, California [Docket Number: USCG-2011-0906] (RIN: 1625-AA87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway; Oak Island, NC [Docket Number: USCG-2012-0811] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL [Docket No.: USCG-2012-0721] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana [Docket No.: USCG-2012-0904] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; James River, Kingsmill Resort, Williamsburg, VA [Docket No.: USCG-2012-0931] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Schuylkill River, Philadelphia, PA [Docket No.: USCG-2012-0625] (RIN: 1625-AA09) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; USCGC WILLIAM FLORES Commissioning Ceremony, Ybor Channel; Tampa, FL [Docket No.: USCG-2012-0885] (RIN: 1625-AA87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Large Cruise Ships; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0; New Orleans, LA [Docket Number: USCG-2010-0012] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alliance Road Bridge Demolition; Black Warrior River, Locust Fork; Birmingham, AL [Docket Number: USCG-2012-0902] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida: Committee on Veterans' Affairs. Fourth Quarter Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112–706). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 840. Resolution providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 112–707). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 841. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction (Rept. 112–708). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PASCRELL (for himself, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. PALLONE, Ms. DELAURO, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GARRETT, Mr. LANCE, Mr. GRIMM, Mr. RUNYAN, Mr. TURNER of New York, Mrs. LOWEY, Mr. ISRAEL, Mr. REED, Mr. ENGEL, Mr. TOWNS, Mr. SIRES, Mr. HIGGINS, Mr. ANDREWS, Mr. COURTNEY, Mr. LANGEVIN, Mr. ACKERMAN, Mr. PAYNE, and Mr. HOLT):

H.R. 6683. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for damages relating to Hurricane Sandy, and for other purposes; to the Committee on Ways and Means.

By Mr. CANTOR:

H.R. 6684. A bill to provide for spending reduction; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, 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. ENGEL:

H.R. 6685. A bill to protect the Nation's law enforcement officers by banning the FiveseveN Pistol and 5.7 x 28mm SS190, SS192, SS195LF, SS196, and SS197 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 6686. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. NEAL):

H.R. 6687. A bill to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines; to the Committee on Ways and Means.

By Mr. JORDAN (for himself, Mr. MULVANEY, Mr. SCALISE, Mr. GARRETT, Mr. FLORES, Mr. BROUN of Georgia, Mr. WALBERG, Mrs. HARTZLER, Mr. STUTZMAN, Mr. OLSON, Mr. LUETKEMEYER, Mr. GRIFFIN of Arkansas, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. PEARCE, Mr. GRAVES of Georgia, Mr. HUELSKAMP, Mr. GIBBS, Mr. FLEMING, Mrs. MYRICK, Mr. PRICE of Georgia, Mrs. BLACKBURN, and Mr. SCHWEIKERT):

H.R. 6688. A bill to extend tax relief for all Americans, to replace the defense sequester scheduled to take effect on January 2, 2013,

with responsible reductions in direct and other spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 6689. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the South Sacramento County Agriculture and Habitat Lands Water Recycling Project in Sacramento County, California; to the Committee on Natural Resources.

By Mr. OLSON:

H. Res. 836. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress; considered and agreed to.

By Ms. HIRONO (for herself, Ms. HANABUSA, Mr. DICKS, Mr. YOUNG of Alaska, Mr. DONNELLY of Indiana, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. HONDA, Mr. SABLAN, Ms. CHU, Mr. FALEOMAVAEGA, Ms. MATSUI, Mr. MURPHY of Connecticut, Mr. PERLMUTTER, Ms. MCCOLLUM, Mr. CHANDLER, Mr. COURTNEY, Ms. ESHOO, Mr. ELLISON, Mr. NADLER, Mr. FARR, Mr. RAHALL, Mr. RANGEL, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. BOSWELL, Mrs. CAPPS, Mrs. LOWEY, Mr. MARKEY, Mr. HOYER, Mr. HEINRICH, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Ms. CLARKE of New York, and Mr. GARAMENDI):

H. Res. 837. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; to the Committee on House Administration.

By Mr. SMITH of New Jersey:

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should seek to amend Article 22 of the Statute of the International Court of Justice to move the seat of the Court from the Netherlands; to the Committee on Foreign Affairs.

By Ms. HIRONO:

H. Res. 839. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; considered and agreed to.

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. PASCRELL:

H.R. 6683.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CANTOR:

H.R. 6684.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1,3, and 18 and Article I, Section 9, Clause 7 of the United Stases Constitution.

By Mr. ENGEL:

H.R. 6685.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Ms. ESHOO:

H.R. 6686.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, the General Welfare Clause

By Mr. GERLACH:

H.R. 6687.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. JORDAN:

H.R. 6688.

Congress has the power to enact this legislation pursuant to the following:

The Constitution (specifically Article 1, Section 8, Clause 1) grants Congress the power to lay and collect taxes, duties, imposts, and excises under certain conditions. Congress has previously utilized this grant of authority—broadened by the 16th Amendment to include taxation on income—and therefore existing law in this area would not be expanded by this bill. The legislation continues current tax policy in some cases (requiring no additional expansion of power) or limits and repeals current utilization of power by the Congress (also requiring no additional Constitutional Authority beyond what currently exists).

Congress has similarly utilized the constitutional power to withdraw funds from the treasury (affirmed in Article 1, Section 9, Clause 7) so long as the funds are spent on a constitutionally appropriate power; if Congress has authority to fund what it currently does fund, then it also has the power to limit the amount that it appropriates to these ends. Additionally, this legislation repeals or reduces the funding for various federal programs and repeals certain requirements imposed by federal legislation and agencies, many of which have a questionable basis in the constitutional powers of Congress. By reducing or repealing these programs and regulations, this legislation is acting on the affirmation in the 10th Amendment that ''powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' This legislation would more closely align the federal government with both the letter and spirit of the Constitution in the ways stated above.

By Ms. MATSUI:

H.R. 6689.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 263: Ms. EDWARDS.

H.R. 493: Mr. TERRY.

H.R. 1063: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1426: Ms. SCHWARTZ.

H.R. 1802: Mr. CALVERT.

H.R. 1867: Mr. BUTTERFIELD.

H.R. 2256: Mr. SHERMAN and Ms. LORETTA SANCHEZ of California.

H.R. 2721: Mr. MCGOVERN.

H.R. 2775: Ms. BROWN of Florida.

H.R. 2969: Mr. VAN HOLLEN.

H.R. 3627: Mr. VAN HOLLEN.

H.R. 3769: Mr. MICHAUD.

H.R. 4077: Mr. STIVERS.

H.R. 4103: Mr. SHERMAN.

H.R. 4122: Mr. COHEN and Mr. PRICE of North Carolina.

H.R. 6385: Mrs. BACHMANN.

H.R. 6398: Mr. MARCHANT.

H.R. 6439: Mr. GRIFFIN of Arkansas.

H.R. 6446: Mr. STIVERS and Mr. TIBERI.

H.R. 6511: Mr. AUSTIN SCOTT of Georgia.

H.R. 6655: Mr. RANGEL, Mr. PASCRELL, Ms. BASS of California, Mr. LARSON of Connecticut, Mr. BERG, Mr. NEAL, Mr. MARCHANT, Mr. TIBERI, and Mr. REICHERT.

H. Con. Res. 143: Mr. MILLER of Florida, Ms. JACKSON LEE of Texas, Mr. HINCHEY, and Mr. PALAZZO.

H. Res. 734: Mr. CONYERS.

H. Res. 824: Mr. GERLACH and Mr. HARRIS.

H. Res. 834: Mr. CANSECO, Mrs. LOWEY, Mr. GERLACH, Mr. MCCAUL, Mr. WAXMAN, Ms. CASTOR of Florida, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. PETERS, Mr. SCHWEIKERT, Mr. STIVERS, Mr. REED, Mr. POSEY, Mr. FINCHER, Mr. DIAZ-BALART, Mrs. MYRICK, Mr. CASSIDY, Ms. BUERKLE, Mr. FRANKS of Arizona, Ms. CHU, Mr. BACA, Mr. JOHNSON of Ohio, Mr. PEARCE, Mr. WOMACK, Mr. OLSON, Mrs. MCCARTHY of New York, Mr. MARKEY, Mr. COSTA, Mr. DOLD, and Mr. PAULSEN.