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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, who changes not, thank You for Your mercies ever changing, ever new. Teach us to be thankful for the changing faces of nature and the blessings every season brings. As we are grateful for the warmth of spring, so may we be joyful when winter comes and the harvest is past. Through days of warmth or chill, through hours of happiness or adversity, may we walk with You as with a friend known of old. Today, use the Members of this body for Your glory. Purge them of all that makes for discord, that in unity they may be prepared for Your service.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business for an hour. The Republicans will control the first half, the majority the final half. Following that morning business, the Senate will resume consideration of the motion to proceed to the repeal of Big Oil tax subsidies legislation. This will be postcloture.

At 12:30 p.m. today, the Senate will recess to accommodate the weekly caucus meetings. Senators are reminded that the official photograph of the 112th Congress will take place at 2:15 p.m. today in the Chamber.

MEASURE PLACED ON THE CALENDAR—S. 2237

Mr. REID. Mr. President, I understand S. 2237 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this piece of legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

OIL AND GAS SUBSIDIES

Mr. REID. Mr. President, the Senate yesterday took the first step toward repealing wasteful taxpayer subsidies to oil and gas companies. I was pleased my Republican colleagues joined Senate Democrats to move this debate forward.

The country deserves to hear the truth about double dipping—double dipping—by oil companies. They take taxpayer money with one hand and raise gas prices with the other hand. There has never been a more perfect illustration of this than what has happened recently. The country deserves to hear the truth about these oil companies.

But do not be fooled by last night's bipartisan vote. Senate Republicans would never, ever side with American taxpayers against Big Oil. It is against their nature. It is against their political philosophy, as indicated by the numerous votes they have taken against this. They proved it yesterday with rhetoric. They proved exactly what I have said. They proved it last year with nearly a party-line vote against legislation to hold back handouts to oil companies that were making record profits then.

The records have been broken. There is a handful of those oil companies—one handful—that last year made $137 billion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Despite this rhetoric of the Republicans, Americans understand it will take more than a bumper-sticker slogan to stop the pain at the pump. We have to reduce the Nation's reliance on foreign oil. But we cannot drill our way to energy independence. We are doing better. We have done so well during the Obama years. Every year he has been President, production has gone up and the use of oil has gone down.

We must continue looking for responsible new domestic oil sources. But we must also invest in the clean energy technologies of tomorrow to create good jobs for today.

Repealing almost $24 billion in wasteful subsidies to oil companies would pay for these clean energy investments—with money left over to do something about the deficit.

America has less than 2 percent of the oil reserves in the world but consumes more than 20 percent of the world's oil supply each year. So drilling on American soil alone will not solve our reliance on foreign oil.

Last year America used a lower percentage of foreign oil than at any time in almost two decades, thanks to President Obama's policies. Domestic oil production, I repeat, has increased every year during the Obama administration. Meanwhile, American dependence on foreign oil has decreased each year. Yet prices at the pump have continued to rise.

Here is why. For every penny the price at the pump goes up, the major oil companies—there are five of them—make an additional $200 million in profits each quarter. So let's say that again. For every penny you pay extra at the gas pump, these five oil companies make $200 million.

Well, it does not take a lot of math to understand that gas prices have risen 62 cents this year, so take $200 million times 62 and you have a huge amount of billions of dollars. Every time a penny is added to your purchase of a gallon of gas, oil companies make $200 million. So—62 cents—they have made billions this year.

Last year they raked in $137 billion in profits, and they are on pace for another record-breaking year of astronomical profits. So it is beyond ridiculous when Republicans argue oil companies need billions in taxpayer subsidies each year.

Middle-class families are struggling. Oil companies that last year raked in $261,000 a minute, 24 hours a day, 365 days of the year, are not struggling.

Mr. President, listen to this again. Oil companies last year raked in $261,000 a minute, 24 hours a day, no weekends off, no holidays. They did it 365 days of the year. They are not struggling at all and that, of course, is a gross understatement. That is why this matter is now before the Senate.

IRAN SANCTIONS

Mr. REID. On another topic that is extremely important, Mr. President, I have talked about how obvious it is America needs to reduce its reliance on foreign oil. But if anyone needs another reason, just look at the regimes that benefit from the global addiction to oil.

For example, Iran. Iran uses profits from global oil sales to support its terrorism around the world, its nuclear weapons program. So it is critical the Senate act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel, and ultimately jeopardizing U.S. national security.

This country is so fortunate to have the person who is leading the Central Intelligence Agency: GEN David Petraeus. I had the good fortune yesterday to spend an hour with him. He is a good man. He understands what is going on in the world.

We must be vigilant, as we are, about what is going on in Iran. I repeat, we must act now—and act quickly—to further tighten sanctions against Iran. These sanctions are a key tool as we work to stop them from obtaining nuclear weapons, threatening Israel and further terrorizing other parts of the world.

The only way to get sanctions in place now is to take up a bipartisan bill that passed unanimously out of the Senate Banking Committee. I would like and I am going to move to this. My staff has alerted the Republican leader I am going to ask consent soon to move forward on this unanimously reported bill out of the Banking Committee.

Unfortunately, I have been told my Republican colleagues will object to moving forward with these new sanctions because they want to offer additional amendments. I have Democrats who want to offer additional amendments also, but we do not have the time to slow down passage of this legislation.

Let's move to the next step. When we put this away, we are not going to be finished with Iran. There are a number of Democrats, I repeat, who also wish to offer amendments to this bill, but in an effort to get sanctions in place now, Democrats have agreed to streamline the process and refrain from offering their amendments.

We cannot afford to slow down the process. Passing this bill now will help prevent Iran from acquiring a nuclear weapon. And that is a goal on which we should all agree.

RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RACIAL PROFILING

Mr. CARDIN. Mr. President, I rise today to discuss the tragic death of Trayvon Martin and the larger issue of racial profiling. On Monday I spoke about this issue at the Center for Urban Families in Baltimore. Joining me were representatives from various faith and civil rights groups in Baltimore, as well as graduates from the center's program.

This weekend we saw numerous rallies take place across the United States, including rallies called Million Hoodie Marches where individuals wore hoodies in solidarity with Trayvon Martin.

I was touched by what President Obama said on Friday about this case. He said:

> If I had a son, he'd look like Trayvon. And I think every parent in America should be able to understand why it is absolutely imperative that we investigate every aspect of this. I think all of us have to do some soul searching to figure out how something like this happened.

That is why I am so pleased that the Justice Department, under the supervision of Attorney General Eric Holder, has announced an investigation into the avoidable shooting death of Trayvon Martin on February 26, 2012. As we all know from the news, an unarmed Martin, 17, was shot in Sanford, FL, on his way home from a convenience store by a neighborhood watch volunteer.

I am pleased that the Civil Rights Division of the Justice Department will join the Federal Bureau of Investigation in investigating the tragic, avoidable shooting death of Trayvon Martin. In particular, I also support the Justice Department's decision to send the Community Relations Service to Sanford to help defuse tensions while the investigation is being conducted.

I join all Americans in wanting a full and complete investigation into the shooting death of Trayvon Martin to ensure that justice is served. There are many questions we need the Justice Department to answer. One is whether Trayvon was the victim of a hate crime by Zimmerman. One is whether

Trayvon was a victim of racial profiling by the police. In other words, was Trayvon targeted by Mr. Zimmerman because he was Black? Was Trayvon treated differently by local law enforcement in their shooting investigation because he was Black and the aggressor was White? Would the police have acted differently with a White victim and a Black aggressor?

The Department of Justice has the authority to investigate the potential hate crime as well as whether this is a pattern or practice of misconduct by local law enforcement in terms of applying the law equally to all citizens and not discriminating on the basis of race. Tom Perez is the Assistant Attorney General of the Civil Rights Division of the Department of Justice. I want to make sure we have both Federal and State investigations that ultimately prosecute offenders to the fullest extent of the law as well as make any needed policy changes, particularly to local police practices and procedures.

Trayvon's tragic death also leads to a discussion of the broader issue of racial profiling. I have called for putting an end to racial profiling, a practice that singles out individuals based on race or other protected categories. In October of last year, I introduced legislation—the End Racial Profiling Act, S. 1670—that would protect minority communities by prohibiting the use of racial profiling by law enforcement officials.

The bill would prohibit State and local law enforcement officials from using race as a factor in criminal investigations, including in ''deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure.''

The bill would mandate training and provide grants on racial-profiling issues and data collection by local and State law enforcement.

Finally, the bill would condition the receipt of Federal funds by State and local law enforcement on two grounds. First, under this bill, State and local law enforcement would have to ''maintain adequate policies and procedures designed to eliminate racial profiling.'' Second, they must ''eliminate any existing practices that permit or encourage racial profiling.''

The legislation I introduced is supported by the NAACP, the ACLU, the Rights Working Group, the Leadership Conference on Civil and Human Rights, and numerous other organizations. I look forward to the April 18 advocacy day these civil rights groups are planning on Capitol Hill to lobby on racial-profiling issues and raise awareness about this issue and the legislation I have introduced.

Racial profiling is bad policy. Given the state of our budgets, it also diverts scarce resources from real law enforcement. Law enforcement officials nationwide already have tight budgets. The more resources spent on investigating individuals solely because of their race or religion, the fewer resources we have to actually deal with illegal behavior.

Racial profiling has no place in modern law enforcement. The vast majority of our law enforcement officers who put their lives on the line every day handle their job with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can and should still take steps to prohibit racial profiling and finally root out its use.

The 14th amendment to the U.S. Constitution guarantees equal protection of the law to all Americans. Racial profiling is important to that principle and should be ended once and for all. As the late Senator Kennedy often said, ''Civil rights is the great unfinished business of America.'' Let's continue to fight here to make sure we truly have equal justice under law and equal protection of law as guaranteed by our Constitution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

HEALTH CARE

Mr. CORKER. Mr. President, today I rise to speak about the subject our Nation is focused on as the Supreme Court takes up some of the constitutional provisions of the health care law that was passed a couple of years ago in this body.

Obviously, the courts will decide whether the law that was passed is constitutional. There are a number of challenges. That will take place by the end of June, according to what we hear.

Secondly, there is an election process underway where the candidates running for the Republican nomination have talked about the things they will do in the event they are elected as it relates to the health care bill.

I want to talk about the fact that regardless of the Supreme Court and regardless of what may happen in the electoral process, I have yet to meet a person on either side of the aisle—and maybe today will be the first time—who believes this bill can work as it was passed. What that leads me to say is that regardless of what happens, I think most of us are aware that the financial data that was used to put together this bill is flawed, and the fact that it is flawed, it will not work over the longer haul.

For the same reasons I railed against the highway bill for breaking the Budget Control Act we just put in place last August, I voted against this bill—the fact that we used 10 years' worth of revenues and 6 years' worth of costs, which greatly exacerbates the problem in the outyears; the fact that we took $529 billion in savings from Medicare to create this problem and yet left behind the issue we deal with in this body almost every year and a half, which is the sustainable growth rate that we deal with with physicians; and then, thirdly, the fact that we placed an unfunded mandate on States.

The State of Tennessee has actually been highly progressive as it relates to health care. In the State of Tennessee, dealing with citizens who are in need, we created a program called TennCare. It went through lots of problems but over the last several years has been functioning in a stable way. But what this bill did was mandate to the State of Tennessee that in order to keep the Medicaid funding that funds TennCare, the State has to, on its own accord, match Federal grants with over $1.1 billion in costs. So from 2014 to 2019, what this bill does is mandate that the State of Tennessee use $1.1 billion of its own resources to expand the Medicaid Program to meet the needs this bill has put in place.

This is the point of my being on the floor here today. Again, I do not know of anybody here who believes this bill will cost only what was laid out as we debated. As a matter of fact, we have had so many people—the McKenzie Group and others—who have laid out how many private companies in our country will basically get rid of their health care and put people out on the public exchange. And the cost of that is going to be tremendous.

Our own former Governor, a Democrat, who has spent a lot of his lifetime in health care on health care issues, projected that the State of Tennessee, if it decided that it wanted to put its own employees out on the public exchange, could save $160 million—by putting its employees away from its own health care plan and out on the exchanges. Obviously, I doubt that is something States are going to do. But his point is this: In a free market system, people are going to respond based on what is best for their company and what is best for their employees.

If you look at the subsidy levels that this bill lays out—up to 400 percent of poverty—they are massive subsidies. We are talking about people who are earning over $78,000 a year. So when you look at the subsidies this bill has put in place, what employers are going to quickly find, especially because we put a subsidy in place on the one hand and on the other hand, because this bill lays out the type of coverage companies have to have in place—there are attributes that cause those costs to rise, and we have already seen that happening throughout our private sector; I think that is undeniable—what is going to happen is the companies are going to say: We would be better off paying the $2,000 penalty. Our employees get these massive subsidies, by the way, that are paid for by all taxpayers in America.

What that means is that there are going to be far more people on these public exchanges than ever were anticipated when this bill was being put in place.

My point is that the bill, when it was being constructed, used 10 years' worth of revenues and 6 years' worth of cost, and that made it neutral. Anybody can see that in the outyears that is obviously going to create a tremendous

problem, a fiscal problem for this government, for our country. But the problem is that when it was laid out, the amount of people who were then thought would go on the plan was much lower than is actually going to be the case.

Again, I think what you are going to see throughout our Nation, if this bill stays in place as it is, is a massive exodus by private employers from the health care business. What that is going to do is put them on these public exchanges with the subsidies, and, in fact, what it is going to do is drive up the cost even more than people ever anticipated.

So this is my point. There is going to be a Supreme Court judgment this June. None of us knows what it is going to be. We have pundits on the left who say they are confident the bill is going to stay in place. We have pundits on the right who say they are confident, constitutionally, it is going to be overturned. We will have an election in November that may change the course of history as it relates to this bill.

Even if those two events have no effect on this bill, I wish to come back to my base premise, which is that there is no possible way this bill is going to work as it was laid out during the debate. There is no way the projections that were laid out as to what the cost of this bill is going to be are going to be what the actual costs are.

What I say is, regardless, this body is going to be pressed with replacing this legislation with something that makes common sense. There was actually a lot of bipartisanship, prior to us passing this piece of legislation, about what those commonsense measures should be. We ended up instead with something that was far more sweeping, something most Americans find offensive, something that, no question, will cause this Nation tremendous fiscal distress.

My point is, yes, we are going to be watching this June as the Supreme Court rules. Yes, we are going to pay attention to the elections in November. Regardless of those outcomes, it is my belief this body will have to come together and put into place a different piece of health care legislation that actually fits the times and the American people and allows the freedom of choice the people are accustomed to and is built on premises that will cause our country to be fiscally sound. I stand ready to work with people on both sides of the aisle when that time comes to make that happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the harsh realities of the health care reform law are coming home to roost.

My State is bracing for the impact of the so-called affordable care act.

Under the health care reform law, enrollment under an expanded Medicaid Program is projected to increase in my State of Mississippi by as much as 44 percent in 2014. Thousands of people will be forced onto the Medicaid rolls. The legislature in my state is wrestling with serious budget pressures from the cost of the Medicaid Program.

Mississippi has the highest Federal matching assistance percentage in the country at approximately 75 percent. But over the course of the next 10 years, our State match requirement will increase by $127 million each year for a total of $1.3 billion by the year 2020. Our State's budget can't handle that burden. Other States are facing similar constraints.

The affordable care act is essentially taking aim at State governments. The maintenance-of-effort requirements for the Medicaid Program are particularly restrictive. They inhibit a State's ability to spend taxpayer money wisely, and they ignore the inherent problems within the Medicaid Program. Mississippi faces the prospect of expending all of its resources keeping up with an unfunded mandate that increases its dependency on the Federal Government, while being forced to cut other important services, such as education.

In addition, physician services cannot keep up with the demands of an expanded Medicaid population. This law does nothing to address the decreasing physician participation rates and quality-of-care issues that are rampant in the Medicaid Program.

Another charge to States in these difficult fiscal times is the creation of health insurance exchanges. My State's efforts to develop an exchange began well before the affordable care act was enacted, and the State is on track to set up a health insurance exchange by the January 2014 deadline. We are committed to creating an exchange that can serve Mississippians well, but the state needs flexibility in order to do that. The Mississippi Department of Insurance is working to avoid defaulting to a federally-run exchange, but bureaucratic red tape threatens to hinder their progress. I am concerned that the deadlines put forth in the affordable care act are unrealistic due to the amount of time and resources that are required for such a large project.

These are just a few of the problems the affordable care act poses for my State and others as well. It is proving to be an increasingly expensive statute that is making health care more costly for individuals, businesses, and State governments. It is my hope that relief can be found at the Supreme Court to avoid the potentially devastating impact of this law.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to speak in morning business for up to, or perhaps 1 or 2 minutes over, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. ROCKEFELLER. Mr. President, this week there is plenty of drama unfolding at the Supreme Court, the stately building across the street from where we now stand. The Justices are deliberating inside the building. There is a lot of shouting and clamoring outside. That is to be expected. But I am here today to encourage all of us to pause for a minute and to step back from the hype and think about what the broader health care reform means to so many Americans, not just the citizens the Presiding Officer and I represent but Americans across this country.

I do think, because I believe strongly that the rhetoric surrounding the issues has become so polarizing, many people routinely overlook the profound ways the law has already made life better to so many Americans. Let's remember why we started down this path of health reform at all.

Let me say for the record this is a path that has been well trodden over the years by both Democrats and Republicans—in fact, over the last century—but we had never managed to enact meaningful reform in our system. Yes, we added on some extraordinary things such as Medicare, Social Security, and Medicaid, but reform of the system we had not done. So we rejoiced in what happened in the mid-1960s, but that doesn't help us in terms of the overall disposition of the system.

When we renewed this debate about how to fairly make sure everyone in the country could get the health care they needed, we actually, at the time as we started, had 46 million uninsured Americans. To be uninsured is not pleasant; it is a fearful condition. Employers had been dropping coverage for a decade due to skyrocketing health care costs. People were losing their jobs and with them their coverage. Even those who had coverage were being saddled with horrendous bills, and they were thrust into bankruptcy even though many of them thought they had coverage that was protecting them financially. They did not, but they thought they did.

Some of those with preexisting conditions could not get back into the system at any cost whatsoever. Preexisting conditions are something people have—tens and tens of millions of Americans have those.

Americans thought our system was broken and unfair, and they thought it was time to finally achieve our shared goal of access to care and a more affordable system. That was sensible.

Let's start by looking at part of the law that protects those with preexisting conditions. As I just mentioned, there are about 133 million Americans, individual Americans, who live every day with chronic illnesses—or they fail to live—because of chronic illnesses.

What happens to them when insurance companies refuse to cover their illnesses even while the insurance companies are collecting premiums from them? That is called rescission. It is a dirty trick the insurance companies have been doing to us in America for years. This law stops that.

Before health reform, millions of Americans, including children, could be denied the health care they needed due to a preexisting condition. They might have had asthma. I had asthma until I was 12 years old. I wasn't worried about insurance, I gather, or maybe I didn't get sick, but anyway I couldn't have gotten insurance in those days because I had a preexisting condition.

If a woman has a C-section, she has a preexisting condition. If someone has acne, that person can have a preexisting condition. If people have almost anything, they can have a preexisting condition if the insurance company says they do, so they just cut them off. It is called rescission. They cut them off even though they are paying premiums. That is unfair.

I want to talk about what this has meant to real people every day. It means people have lived in fear of losing their employer-sponsored coverage or even leaving a job to start their own business for fear that they could not get coverage. It meant if somebody did get coverage, the insurance company could just carve out their condition. In other words, they could just get rid of them, dump them.

What is the practical implication of this insurance company abuse? Consider this: People could get coverage if they had cancer, but the cancer would not be covered. Not good. And the preexisting condition doesn't have to be as complex as cancer. Insurance companies could deny coverage for something as simple as allergies.

Before health reform, insurance companies could even deny coverage to a woman if she was a victim of domestic violence and had to be treated. That is unimaginably cruel, but it was a fact.

That is no more. Under the health reform law preexisting conditions will no longer be a barrier to quality affordable health care. That is over. They cannot do it. It is against the law—the law which so many are trying to repeal.

Is there anyone here who would like to go back to the old days, those good old days when individuals, including millions of children, were punished for things they couldn't possibly control? They were subject to devastating medical costs without the benefit of insurance—or their families were. I don't think people would want to go back there, but, of course, that is what will happen if we abandon all of this.

Let's talk now about another piece of this great effort that also is often overlooked, and it is the coverage of young adults under the age of 26. I know that is a particular matter the Presiding Officer likes about this bill.

In the past, many young adults in my State and everywhere have gone without health insurance as they made their way into the world after graduation. That is a ticklish time. Most of these young adults are not slackers, as they have sometimes been called. Many simply start out in low-wage or part-time jobs that typically do not offer health coverage. Because they were over the age of 18, and therefore technically adults, they were not able to maintain coverage under their parents' health insurance plan.

This meant many young adults would forfeit basic things such as checkups or put off seeing a doctor when they had health problems in the hope it would go away. But that is no way to live, particularly not when 15 percent of young Americans suffer from a chronic health condition such as depression or diabetes—yes, that young—and not when a staggering 76 percent of uninsured adults report not getting needed care because of cost.

Before health reform young adults represented one-third of our Nation's uninsured population. People always think of young people as healthy. Not so. They take risks. They end up in the emergency room often. Think about how many young adults and their families are so much in a better position. Why is that? That is because the law now allows young adults, with no coverage of their own, to pay premiums and to stay on their parents' health insurance policy up to their 26th birthday. This applies even if they no longer live at home, if they are no longer a student or they are no longer dependents on their parents' tax returns. In other words, they have coverage up to the age of 26.

As a result, over 2.5 million young adults gained coverage they did not have before—that is a fact today—including more than 16,000 young adults in West Virginia. Those families have the peace of mind that their families will be financially protected should an injury or an illness occur.

It is important to know that young people suffer a lot of mental health conditions, maybe a little bit more than the rest of the population. We don't think about that because they are young and therefore always ebullient. No, they are young and often troubled, trying to figure out what life holds for them. These conditions cause them problems, they need insurance, and they can get it.

So right off the bat, parents such as Sam Hickman from West Virginia are able to get young adult coverage. Isn't our country a better place—it would seem to me—when people have the security of knowing they are covered in case of illness or injury. To me, it just makes sense; maybe more important, to the people it brings peace of mind.

It is not all. The law provides access to free preventive health services and easier primary care, as well as increased financial assistance for students through new scholarships and loan repayment programs to build a stronger health care workforce. That is a major part of this bill.

In West Virginia, as the Presiding Officer knows, and all across the country, particularly in rural areas, we have a shortage of various kinds of necessary physicians and health care providers. In fact, one of my favorite parts of this law is the significant new financial incentives it creates to encourage young adults to go into primary care—dentistry, pediatrics, nursing, and mental health—to precisely address those shortages. It is in the bill.

Doesn't it make sense, given the shortage of skilled health care professionals in this country, to make it easier for young people to get into those well-paying stable jobs?

Health care job growth continues to be a major stabilizing factor in our economy. Creating additional jobs in our local communities is something many in this body have fought for in all kinds of ways—tax credits and plans and all kinds of things—but in the meantime, health reform tackles that problem too, just inexorably. Health care jobs continue to grow year after year, most of them private, obviously.

Just look at the numbers from the month of February of this year. The health care sector once again led the Nation's job growth last month, adding about 49,000 jobs, which was about the same as the month before. Health care is the economic engine—in fact, it kind of undergirds our economy. It is silent, it is relentless, and it will not stop because health care is something people cannot walk away from—the receiving of or the providing for.

Another important group helped by health care reform is our Nation's seniors, starting with lowering the cost of their Medicare prescription drug coverage. That is very important in West Virginia, as the Presiding Officer knows. Thanks to the new health care law almost 40,000 people with Medicare in West Virginia received a $250 rebate—they have already got it—to help cover the cost of their prescription drugs when they hit that famous doughnut hole in 2010. I will not bother to explain that.

In 2011, more than 36,000 West Virginians with Medicare received a 50-percent discount on their covered brand-name prescription drugs when they hit the doughnut hole. That is called very good news. Then we go on to close the doughnut hole entirely.

This discount I am talking of resulted in an average savings of $653 per person and a total savings of over $23.5 million in our State of West Virginia. By 2020, the law will close the doughnut hole completely, and I think that is rather sensational news for seniors.

Closing the doughnut hole is not all this law does for seniors. Under the new law, seniors can receive recommended preventive services. We talk about that all the time, and we always think it is not in a bill. Preventive services such as flu shots, diabetes screening, as well as new annual wellness visits—all things seniors should do but often decline to do because of lack of access or thinking they have to pay for it and they don't have the money. So now they can get all of these screenings for diabetes and flu shots and all kinds of other things for free. So far, more than 32.5 million seniors nationwide have already received one or more free preventive services, including the new, as I indicated, annual wellness visit, which is a very good idea for any person.

In 2011 more than 230,000 people with Medicare in West Virginia received free preventive services such as mammograms, colonoscopies, or a free annual wellness visit with a doctor, and 54 million Americans with private health insurance gained preventive service coverage with no cost sharing, including 300,000 people in the State of West Virginia.

The new law also provides new grants and incentives to improve health care coordination and quality, as well as a new office, the Federal Coordinated Health Care Office. We have to have that. I kind of wish we didn't have to, but we do because it is a new science. This is trying to get away from the health care system as usual, so we do have that one little addition, sort of managing care for seniors and managing care for individuals with disabilities and, importantly, eligible for both Medicare and Medicaid. Those, obviously, are known as our dual-eligibles: those who are poor enough to be on Medicaid and old enough to be on Medicare, so they can't afford life, so to speak. They need help and they need health care, and under this bill they get that. There are about 8, 9, 10, 11 million of them in this country.

Many doctors, many hospitals, and many other providers are taking advantage of the new options to help them work better as teams to provide the highest quality care possible. That is called coordinated care. It is new, it is important, and it is going to be really helpful. That is good news because many chronic illnesses can be prevented or managed better through this coordinated care. It means doctors actually talk to each other.

The way it is now, when a patient gets an x ray taken by a dentist or by somebody else, the patient has to carry the x ray with them—if they can manage to get their hands on it—to go see another doctor, as opposed to a system, such as telemedicine, which has the technology to shoot the information over the Internet so the next doctor already has it, so he or some of his people are thinking about what they are going to do next. It is so important to talk to each other, but we don't. Doctors and hospitals often operate as if in a vacuum, sort of taking it on a case-by-case basis. That is bad for patients.

The health care law also helps stop fraud with tougher screening procedures and stronger penalties and new technology. New technology can catch all kinds of things. Thanks in part to these efforts, we recovered $4.1 billion in taxpayer dollars in 2011. That was last year. The second year's recovery hit this recordbreaking level also. West Virginia tax dollars should not go to pay for criminals who are defrauding the system, and the administration is cracking down on this. Believe it or not, it is.

And I am not done. In just over 18 months, a new competitive health insurance marketplace called an exchange—which has everybody nervous for no reason at all; it is great news—will be up and running in West Virginia and all across the country where individuals and small businesses can shop for coverage in the private health insurance market. This is not government; it is all private. An estimated 180,000 West Virginians will be eligible for $687 million in premium tax credits to help cover the cost of private health insurance in the year 2014 when the exchanges start.

Families all over the country will finally have more power when it comes to buying health insurance that works for them—having more power is a big deal if you are trying to shop for health insurance—thanks to a clear, transparent summary of benefits. Yes, you actually get to see the choices from which you can pick. You have a list of all the services they are going to provide. It is required by law. They can't cheat. They can't just say: Oh, we will take care of you. Sign up with us. We are a big insurance company.

So they get the transparent summary of benefits and coverage that will let them compare benefits on an apples-to-apples basis, which will come standard with every single private insurance plan, which will be what makes up the exchanges. They will go through that, and they will pick out what best suits them.

In fact, it is quite telling that this little-known provision I have just talked about is the single most popular one in the entire law. I didn't know that. Eighty-four percent of Americans think that is really good. They like the idea of being able to choose what they are going to get in health care coverage. The insurance companies, of course, hate it and have been fighting with everything they have, but we have been beating it back, Mr. President, as you would expect me to do.

What that tells me is that people are frustrated and fed up with the confusing information they have been getting from their health insurance companies, and they are tired of guessing games about what is actually covered. They have a right to know, and now they can. So I look forward to September of this year when every insurance company finally has to come clean about what benefits are actually covered and the products they are selling. It will be there in black and white. They can read it, and families will obviously have much more purchasing power in their hands.

What is wrong with that?

While opponents have gotten used to talking about how the law costs too much, in fact, it has great provisions that will not only improve the quality of care but also save hundreds of billions of dollars—yes, that is true—for example, the average $2,500 discount thousands of West Virginia small businesses received last December as a result of the medical loss ratio rule. That was what followed the public option. Everybody so loved the public option. They thought it was wonderful. The only problem is that it could not get votes from the Finance Committee, so it could not come down here and we could not do anything about it, so we invented the medical loss ratio. It is totally understandable, right? The question is, How does it work? Does it help people? And it does because it says that health insurance companies are required to spend at least 80 percent of small businesses' and 85 percent of large businesses' health insurance premium dollars on actual medical care—not on administration, not on marble pillars, not on CEO salaries and all of that. They have 20 percent or 15 percent to do all of that. But if they fail to do that, they have to rebate to the consumer, to the patient who has been paying the premiums, the fact that they have not been abiding by this 80 percent or 85 percent law, and that is probably going to be several billions of dollars—at the very least, hundreds and hundreds of millions, and that is kind of like billions—and it starts this year. I am delighted.

Now, the Independent Payment Advisory Board, or IPAB, is another example. IPAB is not well understood and therefore not well received. What is not understood is generally not well received. That doesn't mean it is not good. IPAB will be made up of smart doctors, nurses, and other health care experts who will figure out ways to improve the quality of Medicare services and make sure the Medicare trust fund stays strong. And IPAB is legally forbidden in this law—which the folks across the street are now considering—from recommending cuts to Medicare benefits or in any way increasing cost sharing on the part of Medicare recipients. That is in the law—cannot cut benefits, no cost sharing.

Yet the House just last week rallied behind an effort to repeal IPAB. They didn't know what it was or they had really bad dreams about what it was, so they repealed it and felt better. The House vote is a good example of what happens when special interest wins and seniors lose.

The Independent Payment Advisory Board was created to protect Medicare for seniors by improving the quality of

Medicare services and by extending the life of Medicare for years to come. Instead of making Medicare better, House Republicans want to decimate the program and force seniors to pay much more and give private health insurance companies and other special interests the authority to raid the Medicare trust fund, which they will do in order to pad their bottom line, which they would love to do. This would take us exactly in the wrong direction. Every single senior in America should be outraged.

You can even get simple things like better information about private health insurance by just going to the Web site healthcare.gov. The information is out there to help people shop for better coverage today.

There is so much more that has already happened and more to come, such as the nearly $70 million in grants West Virginia has already received for things like community health centers. We put aside $10 billion in the bill for maybe up to 1,000 new rural health care clinics across America. As the Presiding Officer knows, in places such as Lincoln County in West Virginia, people don't want to go to hospitals, but they will go to clinics happily because they are on the first floor, tend to be in buildings that used to be stores or whatever, and they get good medical care right there.

In closing, why would we want to throw this law out the window knowing just these facts? Think about it. The reforms here are the most significant reforms in health care in several generations. It is an effort that 50 years from now history will record the same way we do Social Security or Medicare Programs—as an essential part of the implicit promise to care for its citizens, to allow people to age with dignity, and to find ways to make our society a better place.

So as we mark the 2-year anniversary of the health care reform law becoming the law of the land—and the folks across the street will decide if that stands up or not, but I think they will—I, for one, am proud of my role in its passage and grateful that Congress came together on such a historic issue.

I thank the Presiding Officer.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX SUBSIDIES REPEAL

Mr. KYL. Mr. President, I will address the bill that will be before us later today.

The title of the bill is ''Repeal Big Oil Tax Subsidies Act.'' I think that title begs the question: What is a tax subsidy? Most Americans would define a tax subsidy as a payment of cash, such as through a tax credit, from the government to a particular industry. Does this bill address subsidies? The answer is, absolutely. But instead of repealing tax subsidies, it actually creates more of them.

Under this bill, the government would subsidize particular industries or activities through a host of tax credits. These subsidies range from tax credits for energy-efficient homes, alternative fuel vehicles, plug-in electric vehicles, cellulosic biofuels, wind energy production, biodiesel and renewable diesel, and the list goes on and on. In other words, the Tax Code would be providing special tax breaks for specific industries, and the one thing that is common to all these is that they are the so-called green energies. They are the ones that would receive the special tax treatment, to the tune of $12 billion. There are even direct cash grants from the Treasury Department for industries that invest in green energy so companies don't have to worry about whether they have a tax liability to take advantage—direct cash grants. These are clearly subsidies aimed at particular industries, the very thing the President himself has said we should avoid if we want a simpler Tax Code with lower rates that doesn't pick winners and losers.

So, yes, this bill deals with tax subsidies. It creates a bunch of them, and they are in a very specific area—$12 billion worth.

What about oil and gas? It turns out there are no special tax provisions for oil and gas. There is no special oil and gas loophole or giveaway, as somebody called it. Oil and gas companies use the same IRS Code other kinds of companies use. They pay taxes under those provisions. They get deductions or credits under some other of those provisions but nothing that doesn't apply to other industries the same way. In fact, what this bill does is to take away the rights of oil and gas companies under some of these provisions and leave those provisions intact for others. In other words, it discriminates against specific companies within a specific industry.

There are four particular areas. The first is section 199 of the Tax Code. This is the basic code under which all producers—people who manufacture things, who produce things—are allowed to take what is called a manufacturing deduction of 9 percent, except we have already discriminated against the oil companies. They can only take a deduction of 6 percent, but it is the same for the other industries; otherwise, it is 9 percent. But this bill would eliminate that deduction altogether for the larger oil and gas companies—the so-called integrated companies—but not for other domestic producers. So it is discriminatory twice over. Remarkably, therefore, companies such as the Venezuelan company, CITGO—a large oil and gas producer—could continue to take the deduction, but U.S.-based companies could not.

How is that for double discrimination. First, all other companies in the country get to deduct 9 percent, big oil companies only get to deduct 6 percent, and this bill would eliminate that deduction for some of the American oil producers.

How about intangible drilling costs. This is part of the so-called R&D—or research and development—tax treatment. Research and development is something many businesses do, and when they do it, they get to deduct those costs as against their tax liability. For the oil and gas industry, the research and development is called intangible drilling costs. Those are part of the R&D exploration for energy.

Again, the oil companies are actually already discriminated against; whereas, other businesses can expense 100 percent of these R&D costs; large oil and gas companies, as I have said, can only expense 70 percent. So they are already being discriminated against, to some extent. This bill would further discriminate against them by eliminating the expensing altogether. In other words, whereas most companies can expense 100 percent and smaller oil and gas companies could still expense 100 percent, these larger companies could no longer expense any of it. Their current-year deduction would be gone.

The third area is for businesses that have operations abroad that pay both taxes and royalties. They are called dual capacity companies. There are a lot of dual capacity kinds of businesses. Oil and gas is one of them because they pay both taxes and royalties; casino operators are another, to give another example. In order to prevent double taxation for American companies that pay both foreign taxes and American taxes—and obviously they are competing against companies that only pay taxes once—in order to mitigate that, every American company, whether it is an oil company or any other kind of company, is allowed to take a foreign tax credit for foreign taxes paid. So whatever their American tax liability is, they get to take a credit against that for what they have already paid to another country in tax liability there.

If they owe $100 in taxes and they have already paid Great Britain $70 in taxes, then they get to take a credit of that $70 against the $100 American liability. That is the way it works for all businesses abroad, including the dual capacity taxpayers.

This bill would eliminate part of the foreign tax credit for the large integrated oil and gas companies; therefore, putting our companies at a severe disadvantage with other oil and gas

companies doing business around the world. Of course, oil and gas business is all around the world. They go where the oil or the gas is and extract it and then ship it to the user. Why would we deliberately give foreign competitors an even greater advantage in foreign markets than they already enjoy? As I said, this bill singles out oil and gas companies and would not extend the same discriminatory treatment to other dual capacity taxpayers such as, as I mentioned before, casinos. Again, it is a double discrimination against oil and gas companies.

Finally, we have what is called percentage depletion. Every company, including oil and gas companies, that extracts minerals from the Earth or other substances from the Earth is allowed to use the percentage depletion method for calculating their taxes. But, again, for the last 30 years, the large integrated oil and gas companies can't do it. So they are already prohibited from using this method. This bill repeals it again, so we are going to repeal something that has already been repealed. I guess that is OK. It is not necessary. I guess it is a way to further kick somebody in the rear end if we don't like them.

The question is, therefore, why should we be doing this to oil and gas companies? The Wall Street Journal pointed out in a recent editorial—by the way, the title is ''Big Oil, Bigger Taxes''—that the oil and gas industry is subsidizing the government, not the other way around. Because of the amount of taxes oil companies pay—far more than other companies—they are actually subsidizing the U.S. Government. Oil and gas companies paid almost $36 billion in taxes in 2009 alone. That is just one industry—the oil and gas companies—$36 billion. According to American Petroleum Institute figures, oil and gas companies had an average effective tax rate of 41 percent in 2010 and paid more in total taxes than any other industry.

For those folks who somehow suggest oil and gas is getting some big break, that they are not paying their fair share in taxes, this evidence clearly refutes that. We will remember the President's Buffet rule: Everybody should pay at least 30 percent in taxes. Oil and gas companies already pay at the rate of 41 percent, so it is not as if they are getting off with some kind of special break.

Generally, our Tax Code allows companies to recover their expenses. It allows businesses, including oil and gas businesses, to recover their costs of doing business. As I said before, the oil and gas industry is already discriminated against. They can't recover all their costs. Under section 199, for example, other companies get to deduct 9 percent; they can only deduct 6 percent. This bill would also remove provisions that allow them to expense. So the code which already treats them the same or worse than other industries would now treat them substantially worse.

Yes, of course, oil and gas companies have profits and, in some cases, they are large profits. But they are large in scale—their businesses are large in scale—because they have to be in order to compete. It costs billions of dollars just to invest in one oil rig out in the Gulf of Mexico, for example. According to industry estimates, it costs between $1.3 billion and $5.7 billion to produce oil in one deepwater platform in the Gulf of Mexico. Think about it: If someone is making $200 a year, obviously, they can't do that. It takes companies that make an enormous amount of money to spend $5 billion on one oil platform to try to find oil and gas. Don't we want companies such as that to find oil and gas so we can get more of it on the market so we don't have to pay as much when we try to fill our car at the pump?

What would happen if we used the Tax Code to further penalize oil and gas companies with these massive tax increases? Does anybody think the costs aren't going to be passed on?

According to the Congressional Research Service, tax increases such as the ones in the bill ''would make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence.''

Everybody talks about reducing the price of gas at the pump and reducing U.S. dependence. What these tax increases would do is to further that dependence and increase the prices at the pump. This isn't like shooting ourselves in the foot; it is like shooting ourselves in the head. Why would we do this? We would have less domestic energy production. Obviously, taxing an activity more means we will get less of it.

How about jobs? The oil and gas industry supports more than 9 million American jobs. The American Petroleum Institute estimates that 1 million new jobs could be created in the next 7 years if punitive new tax increases and unnecessary new regulations are avoided. We desperately need to create jobs. These are good American jobs. Why would we want to destroy jobs by imposing an unfair tax on an industry which is producing something we desperately need?

Foreign oil companies, such as those based in Russia and China and Venezuela, would have an even greater competitive advantage over American companies in these overseas markets if we impose these taxes on American companies.

Finally, we would hurt tens of millions of Americans who invest in these companies through pension funds, retirement accounts, and mutual funds. In other words, this bill would eliminate tax provisions that are not giveaways or subsidies to producers in the United States in order to pay for tax subsidies that would be given to specially chosen industries—so-called green industries. In the process, we would get higher fuel prices for consumers, less domestic oil and gas production, more dependence on foreign oil, fewer jobs, less American competitiveness, and less retirement saving. This does not sound like a deal worth making.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, here we go again. Once again, Washington is doing its old familiar song and dance: pushing another measure that is big on talking points but very light on solutions.

The truth is, the measure we are debating will not help anyone struggling with rising gas prices. It is past time for Congress to get to work on solving our Nation's most pressing issues.

Nevadans have already been hit hard by this economic downturn. Gas prices are only making a tough situation worse. Congress should do everything within its power to provide relief to Americans who are already struggling to make ends meet.

In Las Vegas, the average price of gas is $3.93 a gallon. Up north in Reno, gas prices are already more than $4 a gallon. In the rural town of Elko, the local newspaper recently reported that gas prices have increased by 48 cents in the last month.

I received a text message recently from a prominent businessman in my State. He wrote:

> Regular gas at $4.56 per gallon in southern California—beginning to really affect our businesses.

This is an issue Congress has ignored for far too long. Instead of addressing gas prices, my colleagues on the other side of the aisle are retreating to failed policy in hopes of distracting Americans from the dramatic price and rise of prices at the pump. They are merely following the lead of this administration, whose own Secretary of Energy statements before Congress indicated that their overall energy goal is not to lower gas prices.

Unfortunately, my colleagues fail to understand what the American people have understood all along; that is, to have a healthy economy, we need affordable energy. Developing domestic energy resources and building the infrastructure to get it to market will not only create jobs, but it will bring more energy resources to market.

Nevada still has the unfortunate distinction of leading the Nation in both unemployment and foreclosures. Whether you live in the vast expanse of rural Nevada or in urban Las Vegas, high gasoline prices disproportionately impact my home State.

The current state of our economy and the rising gas prices represent an extreme blow to many sectors of Nevada's economy, tourism in particular. Tourism and the jobs dependent on that industry will be further devastated as gas prices increase at a time when Nevadans are hurting most.

Additionally, Nevada is roughly 110,000 square miles. High gas prices mean more vacant hotel rooms. It

means more empty restaurants. It means more closed small businesses. Many of my constituents must travel great distances to work or for basic goods and services. At a time when middle-class families across Nevada have already been forced to tighten their belts, the last thing they need is to feel the squeeze of higher gas prices.

In Nevada we need jobs, not policies that make job creation more difficult. I believe continuing to develop renewable and alternative sources is important to Nevada for the clean energy and job creation it brings. The development of renewable energy is something I have long advocated. However, our Nation must have a diverse energy strategy.

A truly comprehensive approach to our domestic energy security will create jobs and improve our economy. We must develop all of our resources, and I would argue that the positive impact increased domestic production would have on our economy in terms of jobs and revenue would actually facilitate the development of the technologies of the future.

There is no doubt alternative sources of energy are our future. While we work to develop and perfect those technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem; that is, supply and demand.

What concerns me is we are not debating a bill that today provides solutions. Today's debate is about a bill that is merely two failed policies repackaged as a political stunt. Congress should not double down on failed stimulus programs that have put Nevadans out of work and have done little to salvage our economy. Americans do not want more political gimmicks. They want solutions. What Congress needs to focus on are policies that will lower gas prices for Americans and fuel job creation.

For this reason, I have authored an amendment to this legislation that is truly a compromise containing solutions to the issues we are facing today. My amendment, the Gas Price Relief Act, would relieve gas prices at the pump, increase domestic energy production, and close tax loopholes.

Under the Gas Price Relief Act, every American who drives a car will reap the benefit of tax relief. My legislation closes tax loopholes for the major integrated oil companies and cuts the gas tax while ensuring revenue is still being delivered to the highway trust fund.

My amendment also provides for domestic energy production and infrastructure, which will create jobs and at the same time increase supply. It is truly a commonsense ''all of the above'' strategy to provide for the development of our domestic energy resources in order to meet our energy needs.

It is imperative Washington takes on our Nation's most pressing issues, not simply instigate partisan fights. Washington should not continue to play politics with America's paychecks. The longer Congress delays making tough decisions the more people in Nevada and across our Nation suffer.

In my home State of Nevada, gas prices have more than doubled since 2009. Higher energy costs impact every aspect of life: from the cost of food and clothing to virtually every good and service on which we rely.

Expanding domestic energy production, improving our energy infrastructure, and passing savings along to the American people are the right objectives to meet our Nation's immediate and future energy needs.

Let's move beyond the partisan fights of today and start producing the results Nevadans and all Americans are asking for.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAUL. Mr. President, I rise today to discuss gas prices. Gas prices have doubled under this President, so today this body will consider new legislation which the other side, I assume, thinks will make the situation better. But their solution is to raise taxes on oil companies—raise taxes by $25 billion.

Any of you who have a business know when we raise taxes on a business, it simply is a cost to doing business. When your costs increase for making your product, what do you do? You charge your consumer more.

So I am not sure what person is advising the other side, but I do not quite understand how raising $25 billion worth of cost on the oil industry is going to help gas prices. In fact, I think it is going to send gas prices even higher.

Some on the other side say: Oh, this is a matter of fairness; everybody needs to pay their fair share. Well, oil companies actually pay $86 million a day in taxes. In the last 10 years the oil companies have paid over $100 billion in taxes. And the people who say, well, we must punish them; they are making too much money; let's punish them, well, the oil companies employ 9.2 million people. They are 8 percent of our GDP. Do we want to punish the people who are creating jobs, the people who are trying to make us energy independent in our country? It makes absolutely no sense.

Some will argue, well, we need to make the Tax Code fair, and the oil companies have special exemptions. Well, guess what. These exemptions and business deductions apply to other businesses. But they just want to take them away from one of our successful industries. It seems to me, if an industry is successful and creates 9.2 million jobs, instead of punishing them we should want to encourage them. I would think we would want to say to the oil companies: What obstacles are there to you making more money and hiring more people? Instead they say: No, we must punish them. We must tax them more to make things fair.

This whole debate about fairness is so misguided and it has gotten out of hand. The rich in our society do pay the vast majority of our taxes. Do not let them tell you otherwise. Those who make over $200,000 a year pay 70 percent of the income tax. Those who make more than $70,000 a year pay about 96 percent of the income tax. And 47 percent of our public do not pay an income tax. So those who are saying the rich are not paying their fair share are trying to use envy and class warfare to get people stirred up. But it makes absolutely no sense.

We as a society need to glorify those who make a profit and those who employ people. We need to encourage more business in this country. The oil companies employ 9.2 million people. We do not need to heap punishment on them. We need to give them encouragement to employ more people.

I will have two amendments to this bill that I think would actually make it better. While the President talks about people not paying their fair share, he is actually giving more than their fair share to his friends. I do not think the government should be used as a loan agency to give money to contributors. This is unseemly. I think the conflict of interest is undeniable.

We have companies such as Solyndra. This is a company that received $500 million of your money and went bankrupt. It just so happened that the owner of the company is the 20th richest man in the United States and a big donor of the President. It just so happens that this company, Solyndra, the person who approved their loan was related, was the husband, of a woman who worked for Solyndra.

Another company, a company called BrightSource out of Massachusetts, is owned by a member of the Kennedy family. They got $1.8 billion. Guess who approved their loan. A guy who used to work for the Kennedys who is now in President Obama's administration. It does not pass the smell test. What we have is crony capitalism or crony governmentalism where the government is picking out their friends and giving money to their friends.

So we come here today to raise taxes on Big Oil. Meanwhile, we are giving money to millionaires and billionaires, and it does not seem right that your tax dollars should be sent to companies simply because they were big contributors.

Another company, Fisker Karma, got $500 million supposedly to make an electric car in the United States. Guess where they are making it. In Finland. We sent money to Solyndra through international banks, through the Ex-

Im Bank. We sent money to First Solar through the Ex-Im Bank. Do you know what their money was for? Their money was given to them so they could buy their own products. The company bought a subsidiary in Canada. We gave money to the company in the United States and let them buy their own products with your money. It makes absolutely no sense. So I have two proposals.

One amendment to this bill would say. Look, if you think some companies are getting unfair deductions, let's get rid of all deductions. Let's just have a flat tax. Let's make the corporate income tax 17 percent. Currently it is 35 percent.

So if we want to encourage business, if we want to encourage employment, lower taxes; do not raise taxes. Canada has an income tax for their corporations of 17 percent. Most of Europe is in the low 20s, and we are at 35 percent. We wonder why we cannot get business started in this country. We wonder why there is billions, even trillions of dollars, left overseas that will not come home because we want to charge them a 35-percent tax when it comes home.

Our bill would also say: If you have already paid taxes overseas once, you do not have to pay again when you come home. So a 17-percent flat tax. We would see a boom in this country like we have not seen in a generation. We would see millions of jobs being created if we would just learn the basic facts of economics. If we punish a company, we will have less jobs. If we encourage a company by giving them more tax breaks, we will have more jobs. Taxes are a cost.

If this bill passes, not only will our gas prices continue to rise—they have already doubled—but we will see our gas prices going through the roof. But then again there are people in this administration who do not even drive a car. They do not understand the price of gas because they do not have to drive a car. Someone picks them up in a limousine. The thing is, they need to go to the pump. They need to see how much we are spending on gas. They need to see what they are doing to this country and what they are doing to the job market.

I have a second amendment to this bill that would take all of this money, all of these loans they are giving to their buddies—the Solyndra loans, the Fisker Karma loans, the First Solar loan—all of this money that is being dispensed to people who are large contributors of the President, we would take that loan program and eliminate it. When we eliminate that loan program, we would save nearly $30 billion. The GAO has said as much as $6 billion is at risk for loss now. If we were to eliminate that money, we could put half toward the debt and then put half toward rebuilding our infrastructure.

The President says he wants to rebuild our bridges. He came to my State. I stood on a bridge with him and said I would help. But the way to help is by not passing out dollars to friends that are being lost by the billions of dollars. We cannot simply create the money; let's find the money.

So I propose to end the Department of Energy loans and take that money, put half of it against the debt, and put half of that into repairing or replacing our bridges. This is how government should work. We should pick priorities. There is not an unlimited amount of money. So let's take it from an area where it is prone to corruption and where it is prone to a conflict of interest—these alternative energy loans that seem to be going mostly to the President's friends and political campaign contributors, let's take that money and use it to repair the bridges and to pay down the debt. This is what responsible government should do. But what we are doing in this body, what will happen in the next 24 hours as we discuss this bill is—and everybody in America needs to be very clear about this—when they go to the gas pump and pay more every day for gasoline, they need to realize where the responsibility lies.

The responsibility lies with those who are running up the debt, and as we pay for the debt we print new money. So gas prices rising means the value of the dollar is shrinking. That is why prices are rising. We need to realize who is to blame for the gas prices. It is those who are running up the debt. But we also have to realize it is even worse than that. It is not just the running up of the debt, we have to realize these people today now want to add $25 billion to the gas prices. That is what happens.

When we raise the taxes on the oil companies we will add $25 billion in taxes, but we will increase their cost by $25 billion. Any business that sells products simply passes that on to the consumer.

So what we are here about—and they should retitle their bill—since they are willing to, by this legislation, increase gas prices, it should be called ''the bill to raise your gas prices.''

So what I would ask this body to do is to consider two amendments that would actually lower the debt and take money away from crony capitalism and another one that would reform the Tax Code to eliminate deductions and discrepancies within the Tax Code, but to do it by lowering the tax rate, flattening the tax rate, and allowing businesses to succeed in our country.

It gets down to whom do you want to represent you in Washington, DC? Do you want a party that basically wants to punish business, those who are creating jobs, or do you want a party that wants to encourage business?

We are in the midst of a great recession. Until we understand this fundamental fact, we are not going to recover as a nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the chair.

The Senate, at 12:43 p.m., recessed until 2:43 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REPEAL BIG OIL TAX SUBSIDIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2204, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Mr. REID. Mr. President, I ask unanimous consent the time until 3:30 today be equally divided between the two leaders or their designees; that at 3:30 p.m. today the Senate adopt the motion to proceed to S. 2204, and then the Senate vote on the motion to invoke cloture on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under ''Morning Business.'')

Mr. NELSON of Florida.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, what we are seeing in the Senate this week is exhibit A in what the American people just don't like about Congress. Gas prices have more than doubled under President Obama and the Democratic control of the Senate. This is an issue that affects every single American and drives up the cost of everything from commuting to groceries.

What is the Democratic response? Well, it is legislation that even they admit won't do a thing to lower the price of gas at the pump. We have seven Democratic Senators on record saying this bill doesn't do a thing to lower gas prices. One of them has actually called it laughable. Yet that is what they are proposing here this week

at a time when gas prices are at a national average of nearly $4 a gallon. This is what passes for a response to high gas prices for Washington Democrats—a bill that does nothing about it. I cannot think of a better way to illustrate how totally out of touch and irresponsible the Democratic majority has become.

Look, Democrats know they have to say something about this issue, so what they are doing is taking a page out of the President's playbook and blaming somebody else. That is what this entire exercise is about—blaming somebody else—and, frankly, the American people are tired of it.

If Democrats don't want to do anything to lower gas prices, just go ahead and admit it. If Senate Democrats don't have any interest in lowering gas prices, then just say so, but don't waste the public's time by using the Senate floor to talk up a piece of legislation the only purpose of which is to convince people that you do. If the President doesn't want the Keystone Pipeline, why doesn't he just admit it? But don't insult the public by showing up for a ribbon cutting—for one part of it that you had nothing to do with while lobbying against the most important part at the same time.

Americans are tired of the political games and double-talk on this issue. They are tired of the constant campaign. They sent us here to actually fix problems, not to avoid them, and on this issue there is a lot we could be doing to make things a whole lot better. So Republicans are happy to use this opportunity to talk about some of those things. Who knows. Maybe more Democrats will decide it is long past time they joined us in actually supporting and approving some of these proposals. But we are never going to solve the problems we face if Democrats insist on using the Senate to make some political point instead of actually making a difference in the lives of working Americans at a moment of urgency like this. And we are certainly not going to make a difference if we keep sort of flitting from one issue to another.

We are now hearing that the Democrats want to move off this tax-hike legislation—maybe it didn't make the intended political point as forcefully as they wanted—to move on to postal reform. Evidently, the Senate schedule is driven not by the needs of the public but by the Democrats' perceived political needs, which seem to change from minute to minute around here.

I would suggest that the Democrats learn to prioritize. Let's stick with one thing and actually do something. As I said, there is much we could do to address gas prices. Why don't we stick with that? This is something that matters to every American. Postal reform is important, but we all know nothing is going to get done on it until after we return from the Easter recess anyway. Let's make that the pending business when we return and put first things first.

We were sent here to solve problems, not avoid them, and the refusal to come together on commonsense solutions such as the ones we are proposing on gas prices is precisely the kind of thing people detest about Washington, and they are perfectly right to do so. So I would suggest that our friends on the other side rethink this strategy of theirs and join us. Why don't we just try doing the right thing.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that I be allowed to speak for 2 minutes, Senator BOXER for 8 minutes, and then Senator MURKOWSKI for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Ms. KLOBUCHAR. Mr. President, I rise today to stress the critical infrastructure needs across our Nation and urge the House of Representatives to act quickly and pass the surface transportation reauthorization bill that we passed in the Senate with an overwhelming bipartisan vote. The fact is that we have neglected the roads, bridges, and mass transit that millions of Americans rely on for far too long. I know that. A bridge collapsed just a few blocks from my house. It wasn't just a bridge, it was an 8-lane highway, and 13 people died and dozens of cars were submerged in the river. A bridge just doesn't fall down in America—well, it did that day—and I am committed to passing this highway bill. This bill is important for jobs, and it is important for drivers who sit in congestion. Americans spend a collective 4.2 billion hours a year stuck in traffic at a cost to the economy of $78.2 billion.

So what is the solution? Pass this highway bill. It reduces the number of highway programs from over 100 down to around 30, defines clear national goals for our transportation policy, and it streamlines environmental permitting.

I spoke to 75 highway contractors today, and they are ready to go. They want this bill to pass. Companies such as Caterpillar, which employs 750 people at its road-paving equipment facility in Minnesota—I visited that company in August. Caterpillars' employees are the kinds of people who are out there on the front lines of American industry. They want to build these roads and are the ones who are building the products when we talk about ''Made in America.''

With the short construction season for winter States such as Minnesota—my friend from California may not quite have the same situation—we cannot delay, delay, delay on this highway bill. We cannot stop these construction projects in their tracks.

It is time to pass the Senate highway bill. It has bipartisan support, with 74 out of 100 Senators voting for this bill. I ask that the House of Representatives quickly pass this bill and get this done without delay. It means jobs, it means safety, and it means a future for America.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to thank my friend from Minnesota. Her leadership when she was on the Environment and Public Works Commission was amazing. We miss her leadership there. She is working so hard on other committees, but she still carries in her heart the great understanding that if anything is bipartisan around here, it is the highway bill and the transportation programs. We proved it here. So I thank the Senator.

I wish to talk a little bit about Big Oil and this crying about Big Oil by my Republican friends here, and then I am going to segue to the battle to pass a transportation bill and the 3 million jobs that hang in the balance.

First, I have to say that I listened very hard to the Republican leader, Senator MCCONNELL, talk about what a useless thing it is to try to say to Big Oil, which has had these big subsidies for so long, decade after decade, starting when they were young companies—what a terrible thing it would be to take away those subsidies, billions of dollars, when they are making multibillion dollars and they are robbing us at the pump, pocketing the profit. We would like to see that money be used for alternative fuels, for energy-efficient cars so that we don't have to worry so much if the price of gas goes up a penny. If we are getting 50 to 60 miles to a gallon—I drive a hybrid car, and I don't visit the gas station that often because we get about 50 miles to the gallon, so the shocks that come with the increase in gas are a little bit muted.

But here is the story. Americans have made sacrifices. They are paying more at the pump. They are told by Big Oil: We are so sorry that Americans have to pay more at the pump because there is instability in the world. Americans have to pay more at the pump because our refineries are down, and we are really sorry.

What they don't say is that they are exporting the oil they find in America to other countries. What they don't tell us is that they are pocketing the profits we are paying for. They are pocketing the profits. In 2010 the five biggest oil companies made $80 billion among them. In 2011 they made $140 billion among them. So no one can stand here—not even the esteemed Republican leader—and tell me that Big Oil is making sacrifices just like ordinary Americans. The people who are running away with our money that we are paying at the pump are Big Oil and the speculators on Wall Street who are playing around with the instability in the Middle East on commodity futures trading.

So if you want to do something, let's take away those subsidies from these big oil companies that are making life miserable for the American people. But, no, our friends on the other side put up a fight, and they cite a couple of folks on our side who agree with them because they come from big oil States. I understand that. Let's stand up for the American people.

Another way we can stand up for the American people is to speak with one voice and ask the House to take up the Senate bipartisan Transportation bill that passed this Senate overwhelmingly. The clock is ticking toward a shutdown, and extensions are dangerous. So my story on the Transportation bill is a beautiful story of compromise, working together here in the Senate, and a very ugly story about what the House is doing, which is dithering around, playing with fire. And I am telling everyone that extensions are death by a thousand cuts. They think they can just send over an extension and feel they have done their job.

Well, let me say that what we found out today from the American Association of State Highway and Transportation Officials, AASHTO—these are folks who are on the ground in our States. Today I spoke to the departments of transportation from North Carolina, Nevada, Maryland, and Michigan. I think most people know I represent California, and I will be back with all of the details. Senator FEINSTEIN is talking to the transportation officials today. But the reason I am talking about these four States is because they have already calculated the job losses that have already begun because the House is dithering and will not pass our bipartisan Transportation bill.

North Carolina, which is not a blue State—I spoke to Gene Conti, the secretary of the North Carolina Department of Transportation today, and what he said was that he has delayed the remaining 2012 project awards, which total $1.2 billion in projects and employ 41,000 people.

The House is right down the hall. I had the honor of serving there. I hope they are hearing this while they debate an extension. An extension of this program is not benign. An extension of this program is damaging. An extension of this program means job losses—41,000 in North Carolina.

I spoke with Scott Rawlins today, who is the deputy director and chief engineer of the Nevada Department of Transportation. He said he is holding up advertising for federally funded projects until there is a reauthorization bill committing Federal funds. He is required to slow down the development of future projects. He will not execute consultant agreements without reauthorization. And right now, today, AASHTO, the American Association of State Highway and Transportation Officials, tells me that 4,000 jobs are at risk in Nevada.

What the Nevada people tell me is that in the good old days when they were in a boom, the State could come forward and take these extensions in stride. They had the funding to frontload their projects and not worry about the Federal reimbursement. They thought that reimbursement would come. A, they are very worried about reimbursement, and B, because of the recession that has hit some of our States very hard because of the construction slowdown in housing, they do not have the funds to fast-forward any of these projects.

So North Carolina has 41,000 jobs at risk, and Nevada has 4,000 jobs at risk.

I spoke to Caitlin Rayman in Maryland. She talked about the uncertainty, and she went into four or five different things she is trying to do now that she cannot do. It is because the House is dithering and they won't take up the bipartisan Senate bill and pass it. So 4,000 jobs are at risk in Maryland because projects are being delayed.

I spoke to the director in Michigan, Kirk Steudle. He said several large construction projects have to be delayed.

The PRESIDING OFFICER. The Senator has consumed 8 minutes.

Mrs. BOXER. I ask unanimous consent for 30 more seconds, and then I will turn it over to my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So in Michigan it is the same story: 3,500 jobs.

So I am saying to the House today—and I encourage my colleagues to—and I know the Senator from New Hampshire is here and she is going to speak a little bit later about this—come to the floor with stories about their States.

These extensions are dangerous and they will lose jobs. Tell the House to pass the bipartisan Senate bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Mr. President. This is a good discussion on the floor today. I join with my colleague from California in urging that the House move to the Transportation bill. But that is not why I rise this afternoon.

I wish to speak on the legislation that is before us. This is the Menendez proposal to raise taxes—raise taxes on American energy companies and I think inevitably prices to American consumers. It has been described as something else, but I suggest to my colleagues any effort to increase taxes on the energy companies that are providing a resource to us is nothing more than a tax on our energy companies. As we tax those energy companies, it is sure not going to make them produce things that are more affordable, more abundant. In fact, it will have the resultant effect: to impact prices to American consumers negatively.

This legislation before us is not a new idea. This is something we have seen before. I think the numerous times we have rejected it leads me to the conclusion that it still remains a bad idea. It is a messaging bill that has failed over and over, and I think it deserves to see that same fate again.

This very Congress, just a little less than a year ago, rejected this same tax hike. Anybody who is curious to see what it is we did back then just needs to look up vote No. 72, which was back in May of last year, just to see how all 100 Members of the Senate voted.

Some have accused Republicans of using this opportunity, when gas prices are high, to push our cause, if you will, for increased supply and that somehow we welcome the aspect of higher gasoline prices. It was actually the President himself who said some see a political opportunity to call for greater domestic energy production.

With oil sitting at over $100 a barrel, I think we all recognize there is impact out there. But I can tell my colleagues for a fact that my constituents don't view this as a political opportunity.

I get a weekly summary of what is happening with gas prices around my State. Right now the average price of a gallon of unleaded in the United States is just a little shy of $4. Well, in my hometown of Anchorage, we are paying $4.14. In Juneau, which is our State capital, we are paying $4.24. In Barrow, the top of the world, they are at $5.75. Bethel is paying $6.33. They long for the day they could be paying closer to $4. We are so far beyond the national average, they don't view higher gasoline prices as any kind of a political opportunity. What they are asking for is that they do more. In fact, there is an imperative that we in Congress do more to address prices.

I believe there is no question—there is no question—that we can bring additional resources on line, that we can bring several million additional barrels of American resources to market. There is no question but what it would do. It is going to help to create jobs. We know that for a fact. It will absolutely generate revenues. It will better insulate our Nation from the instability we have with the global price markets. We know that is what is happening right now. Every time Iran is mentioned, everything gets a little shaky out there.

We know so much of this is due, in effect, to the fact that there is little spare capacity in the global markets. So let's look closer to home. What do we have closer to home?

The President has suggested time and time again we only have 2 percent of the world's reserves. Well, in fact, this myth about the U.S. oil scarcity is just exactly that. We talk about proven reserves. In fact, it is a much smaller piece of the pie: 20.6 billion barrels of proved reserves. But what needs to be understood and, unfortunately, doesn't make a good bumper sticker is that we have, as a nation, demonstrated incredible national reserves: 5.6 billion barrels of technically recoverable resources. We don't even count the 800-

plus billion barrels of oil shale that are out there.

So one asks the question: Why are we not going after the rest of the pyramid, the part in blue. So much of what we are facing is that so much of this is put off-limits. It is not accessible, and it is not accessible because of our government policies.

I recognize there is more to it when it comes to an energy policy than just drilling, just increased domestic production. But it must be part of the solution, and it must be a significant part of the solution if we are going to talk about true North American energy independence. We must do more when it comes to conservation and efficiency. We need to build out toward the renewable energy sources of the future. If we want to have a bumper sticker, it is, ''Find More, Use Less.'' It is pretty simple.

The chart lets us know we truly can find more here. But what we are facing with the Menendez bill that is in front of us takes us in a completely different direction. What the President and the Democratic leadership are proposing cannot by its own definition reduce our gas prices. If anything, we are just going to see them pushed higher, and my constituents back home just can't afford to see them pushed higher when they are paying above $5, above $6 per gallon at the pump.

We know pretty basic economic principles are at play. Taxing something does not make it cheaper and more abundant. We know from past experience. Due to a failed experiment with the windfall profits tax that harmed domestic fuel production and collected far fewer revenues than what was expected, we know this is taking us in the wrong direction.

Again, our problem is high fuel prices and their effect on average Americans. I have yet to hear anyone explain to me how raising taxes is going to lower prices. Even when we look at the subsidies that are extended in the Menendez bill, not even half of these are related to the transportation fuels.

The first section in his bill is extension of credit for energy-efficient existing homes. Well, I am all for that, but tell me how this ties in somehow to our Transportation bills. In terms of costs, it is even more unbalanced. So I am left at a loss to understand how permanent tax increases for oil and gas producers, in exchange for another year of subsidies for efficiency and renewable energy, is going to make any kind of a meaningful difference. It kind of says to the American people: Well, that $4 you are paying at the pump, too bad about that. But how about a government-subsidized dishwasher? That just doesn't work.

Some will also come here to argue that increasing taxes will have no effect on production. In response to that, I ask unanimous consent to have printed in the RECORD at this point two news stories from last week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Oilgram News, Mar. 22, 2012]

UK OFFERS NEW TAX BREAKS FOR REMOTE FIELDS

(By Robert Perkins, Jillian Ambrose, and Nathan Richardson)

LONDON.—The UK government March 21 pledged new tax breaks to boost the development of some remote, deepwater fields and remove doubts over offshore decommissioning costs as part of a package of measures to support the country's declining oil and gas industry.

Presenting his 2012 budget to Parliament, UK Finance Minister George Osborne said the government would create new tax breaks worth GBP3 billion ($4.75 billion) to cover large and deepwater fields off the west of the remote Shetland Islands in the Atlantic margin.

''We are introducing new allowances . . . for large and deep fields to open up West of Shetland, the last area of the basin left to be developed. A huge boost for investment in the North Sea,'' Osborne told Parliament.

The area to the west of the Shetland Islands is still largely underdeveloped and could contain up to 20% of the UK's remaining gas reserves, according to the government.

The government said it also plans to increase existing tax breaks for developing small fields and promised support for investment in existing fields and infrastructure.

As expected, Osborne also said the government plans to enter into contracts with oil companies over future decommissioning tax relief, helping to end the uncertainty over the massive costs of decommissioning old oil and gas production infrastructure in the North Sea.

UK oil producers applauded the decommissioning move, estimating it could spur an extra GBP40 billion of new investment in UK waters and result in the recovery of an additional 1.7 billion barrels of oil and gas equivalent ''over time.''

''We see today's action by the Treasury as a turning point for the UK's oil and gas industry—toward a more stable future fostered by constructive collaboration between the government and industry to ensure that the recovery of the country's oil and gas resource is maximized,'' UK offshore operators association Oil & Gas UK head Malcolm Webb said in a statement.

The new tax moves could result in further investment of over GBP10 billion and the production of ''hundreds of millions of barrels'' of oil and gas, the association said.

The tax measures, which were widely anticipated, extend an olive branch to an industry that has placed some of the blame for last year's record 18% decline in UK oil and gas output on a tax hike in the governments 2011 budget.

Last year, the UK government unveiled a surprise tax increase on offshore producers in a bid to tap the higher earnings of oil companies due to rising oil prices.

UK offshore operators said the move, which took an extra $3.2 billion out of oil companies' pockets last year, would damage confidence in the UK oil industry and hamper investment plans.

Under the decommissioning initiative, the government said it plans to introduce legislation in 2013 giving it the authority to sign contracts with oil companies operating in the UK to provide assurance on the relief they will receive when decommissioning assets.

The government said it would consult further on the details of the new contracts in the coming months.

''Confirmation that the government intends to enter into contractual agreements on tax relief for decommissioning costs improves the fiscal stability of the UK Continental Shelf, while the targeted incentives for particular types of fields will go some way in increasing the attractiveness of areas currently starved of investment,'' Derek Leith, the head of oil and gas taxation at Ernst & Young, said in a statement.

The UK oil industry has been lobbying the government over the need for greater certainty around future decommissioning costs for some years.

In 2010, UK industry body Decom North Sea estimated the total cost of decommissioning the UK's oil and gas production assets had risen to around $46 billion.

Under the contractual arrangement, every North Sea participant would sign a contract with the government guaranteeing that, if decommissioning tax relief falls below 50% in the future, the government would pay back the difference.

Currently, new North Sea entrants might have to post security of as much as 150% of its share of the expected decommissioning costs.

If the industry were confident that the 50% tax relief on costs now available would continue into the future, the new entrant could post a lower security, effectively only 75% of the expected costs.

However, the industry has not yet been prepared to accept securities at the lower rate because there is uncertainty over whether tax relief would continue in future governments.

In steps to mitigate the tax hike impact on North Sea operators last year, the UK government said it would consider introducing a new category of oil or gas field which would qualify for field tax allowances.

It said, however, tax relief for decommissioning spending will be restricted to the existing 20% rate to avoid accelerated decommissioning.

In addition to decommissioning costs, UK oil and gas players also have been talking to the government on allowances to boost specific projects, or categories, where investment is marginal.

In 2009, the UK introduced a new field allowance for small fields and challenging HPHT—or high-pressure, high-temperature—and heavy oil fields, providing them an allowances to offset against tax, reducing the rate of tax paid once in production.

In January 2010, the allowance was extended to remote, deepwater gas fields to the west of Shetland.

Osborne said the government also plans to increase the allowance for small fields to GBP150 million, introduce legislation this year to support investment in existing ''brown fields'' and continue to look at further allowances for HPHT fields.

In documents supporting its 2012 budget, the finance ministry said it expects its tax revenues from the oil and gas industry to slip by 14% in the 2012–13 tax year as declining production levels in the North Sea offset higher expected oil prices.

Oil prices are expected to average $118/b in the coming tax year, up from $111/b in the 2011–12 period, the ministry said without saying if the estimate is based on Brent or WTI crude futures.

Including a record 20% slump in gas production in 2011 due to weak demand and a warmer than average winter, total oil and gas output slumped 18% on the year. Over the previous five years, the UK's mature North Sea fields had seen decline rates average 6%.

UK oil production peaked at about 2.6 million b/d in 1999 and gas output peaked in 2000. The UK became a net importer of both commodities in 2006 and 2004 respectively.

[From the Wall Street Journal, Mar. 21, 2012]

U.K. PLANS OIL SECTOR TAX RELIEF

(By Alexis Flynn)

LONDON.—Oil and gas firms operating in the U.K. North Sea will be guaranteed tax relief for the costs of retiring old rigs and platform and be given fresh tax allowances totaling £3.5 billion ($5.55 billion) for harder-to-access deep water fields.

The move comes as the U.K. seeks to spur renewed investment in its energy sector, Chancellor of the Exchequer George Osborne said Wednesday in his annual budget speech to lawmakers.

The measure ends months of uncertainty among the region's oil producers and comes after intense talks between government and industry over possible measures to aid investment in the North Sea.

The move extends an olive branch to the industry, which was incensed by a surprise hike in the windfall tax on oil and gas profits last year. A record 18% decline in oil and gas production in 2011 was blamed in part on the tax increase.

Mr. Osborne said Wednesday the government will sign contracts with companies such as Premier Oil and Apache Corp. guaranteeing tax relief for the lifetime of a project. The ironclad government assurance on decommissioning could pave the way for at least £17 billion of new investment over the life of the North Sea basin, said Mr. Osborne.

In addition, it will provide tax allowances for companies investing in fields located in the deeper waters west of the Shetland Islands that are much harder to reach and require greater amounts of capital investment.

Mr. Osborne said the fresh allowances for this harder-to-reach exploration and production would total some £3.5 billion.

Under current rules, the government covers between half and three-quarters of the costs of dismantling old fields by making them tax deductible, but there are fears among many companies—and the banks that lend to them—that these rules could change.

An entire production facility needs to be removed once a reservoir has been exhausted, with its wells plugged and the site returned to as natural a state as possible. The process is expensive and complicated, and poses a number of environmental and safety challenges.

Decom North Sea, a nonprofit organization jointly funded by the industry and the government, expects the cost of decommissioning efforts to reach about £30 billion by 2040.

The issue is particularly acute for the smaller independent firms that are leading much of the next wave of investment in the North Sea, wringing out the last drops of oil from many of the older fields that were sold off by majors like Exxon Mobil Corp. and BP PLC.

These companies have been hamstrung by the legal requirement to provide security, usually letters of credit or large cash deposits, against future decommissioning costs. A tougher economic environment means these companies are finding their access to capital restricted and lenders less willing to issue letters of credit against a backdrop of fiscal uncertainty and declining North Sea production.

Ms. MURKOWSKI. Mr. President, these are news stories, not editorials. One is from Platts Energy; the other is from the Wall Street Journal. Both detail an announcement from the British Government that it is going to reverse its own taxes on the oil companies.

Last year, England decided to do essentially what is being proposed with the Menendez bill. They were responding to high oil prices, and so they moved to increase taxes on the industry. Well, the result is not going to come as a surprise. When the government made it less economical to produce oil by hiking their tax rates, companies stopped producing and they were making their investments elsewhere.

In the years since Great Britain imposed its tax hikes, its production decline has tripled from 6 percent to 18 percent. Let me repeat that. In the year since Great Britain imposed tax increases on oil producers, production decline accelerated from 6 percent a year to 18 percent a year. Now Britain is in the process of doing an absolute about face. They are likely going to offer $5.5 billion in tax relief to the oil companies to try to bring the production back.

I am sure some here would refer to that tax cut as a subsidy and ignore the inconvenient fact that higher tax levels lead to lower production. They don't lead to cheaper fuel; they lead to lower production. Yet even in the face of high fuel prices and compelling empirical evidence, the proposal in front of us is going to take us down the exact same path that Great Britain went down last year. It would make the clear mistake of driving production away when I think we need it most. The outcome in England just helps prove this is a seriously defective idea and a dangerous one. So we just need to look at what has happened across the pond.

If the Senate were really serious about addressing gasoline prices, we would be taking long-overdue steps.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Ms. MURKOWSKI. Mr. President, I don't see anyone in the queue, if I may have another minute to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. If we are really serious in the Senate about what we are doing in terms of increasing our long-overdue requirement to up our oil resources, our oil production and supply, we know how. We have opportunities from our neighbors to the north in Canada with the Keystone Pipeline. We clearly have opportunities in Alaska from the Outer Continental Shelf, from the Rocky Mountain West. We still import about half of our oil supply and about half of that is from OPEC.

One last chart, if I may. Right now, about 47 percent is OPEC; non-OPEC is 53 percent. If we were to add to our mix in this country what we could get from Keystone, which is the middle pie, but look where we would be as a nation. If we were to plus up our activity with domestic production, bring on Keystone, and with our existing resources, our imports from OPEC are reduced to a minimal amount. We talk about North American energy independence, and we truly could be in that position where we are not vulnerable—not vulnerable to the volatility of the markets, not vulnerable to the volatility that comes from OPEC setting the prices as they do, not in a situation where we are spending millions and billions of dollars to import a resource we need but that we have as a nation.

I can't fathom why the Congress would want to drain our economy by raising taxes on the very businesses that help minimize our foreign dependence, help create good-paying jobs for our families, and truly help to make a difference to Americans around the country in the long run.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to yield in just 2 minutes because I know Senator SANDERS is here. I really feel I need to respond because it is very important to note that under the leadership of President Obama—for decades we did not drill as much as we have drilled now. We have more wells pumping than at any time in recent memory. I think it is an important point.

Of course, we are not going to drill off the coast of some of our precious areas because we have to support the fishing industry, we have to support the recreation industry, the tourism industry. But all this argument about drill, baby, drill and we will solve everything does not work because we threaten jobs when we go to certain areas that are pristine and very important sources of economic income for our States. Plus, if you ask my colleagues on the other side, they will not support keeping the oil in America—they will not—and we are exporting more oil than we ever have before.

So this thing gets very interesting when we look at it. Still, in all, the big oil companies—as we all make our sacrifices at the pump—are bringing in record, record, record profits. They ask us to make sacrifices because there is instability in the world, but they are pocketing those increases. Yet our Republican friends cry bitter tears because we want to suggest that subsidies they got decades ago—kept on undisturbed billions of dollars—we would like to see those funds go into making it easier for America's families to be able to buy more fuel-efficient cars, to be able to find alternative fuels, et cetera, et cetera.

When I come back to the floor after this discussion on the postal reform, I am going to talk more about the highway bill. The House is about to vote on a 60-day extension. Let me tell you, that is dangerous. I hope colleagues over there will not do that because, I have to tell you, every day we extend the highway trust fund for a short period of time, we lose jobs, and we need certainty.

I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Vermont.

POSTAL SERVICE REFORM

Mr. SANDERS. Mr. President, later this afternoon—actually, in a fairly short while—we are going to be voting on whether to proceed with the Postal Service reform bill, and I hope we vote yes. I hope we have a strong bipartisan vote to go forward. I will tell you why.

About 9 or 10 months ago, the Postmaster General came up with a proposal for the Postal Service. In my view, that proposal from the Postmaster General is an unmitigated disaster for our country and especially for rural America.

This is what his original proposal outlined: What he proposed was the shutting down of more than 3,600 mostly rural post offices. If one lives in a rural State such as mine, one knows how important rural post offices are, and their function is beyond being just a post office. In many small communities throughout this country, post offices are the center of the town. It is where people come together. It is what develops a sense of community. In some cases, it is what that small rural town is all about. If we shut down that rural post office, in some instances we are literally shutting down that town.

We should also understand, in the midst of the serious financial problems facing the Postal Service, shutting down 3,600 mostly rural post offices would save the Postal Service one-quarter of 1 percent of their budget. So the original plan—which has since been modified—was to shut down 3,600 rural post offices, and I would suggest whether one is a conservative Republican or a progressive Independent, that is not good for their State, not good for America.

In addition, the Postmaster General's original proposal talked about shutting down some 220 mail processing facilities all over this country. That is approximately one-half of the mail processing plants. If he did that, that would end overnight delivery standards for first-class mail.

At a time when the Postal Service is facing extreme competition from e-mail and the Internet, in my view, the last thing we would want to do is to slow down mail service. I think I speak for many Members of the Senate who say, if we move in that direction, making mail delivery slower, we are beginning the death spiral for the Postal Service. Many businesses, many consumers will be saying: Sorry, I am going to look elsewhere to get my packages, get my mail delivered.

Furthermore, the original proposal from the Postmaster General was to shut down Saturday mail delivery and, in the process, reduce the workforce of the Postal Service—in the midst of the worst recession since the Great Depression—by over 200,000 jobs.

Senators LIEBERMAN and CARPER, Senators COLLINS and SCOTT BROWN, the ranking members of the committees, came together and put together a bill which was significantly better than what the Postmaster General had proposed, no question about it.

Some of us felt the Lieberman-Carper-Collins-Brown bill did not go far enough, and we have been working with the chairmen of the committees to try to improve that bill, and I think we have made some success. I think if we look at the managers' amendment, we will see stronger guarantees to make sure we are not shutting down rural post offices all over America; that if we shut down processing plants, it will be a significantly smaller number than was originally proposed, and that also we would maintain strong mail delivery standards—if not as strong as I would like, at least stronger than what the Postmaster General originally proposed.

Here is my fear: The Postmaster General is raring to go. If he perceives and the board of postal commissioners perceive the Congress cannot act, they are going to go forward and bring forth a proposal which will not be as strong in protecting post offices and workers and the American people as we can do. So what we managed to do back in December was get a 5-month moratorium to prevent the shutting down of rural post offices and processing plants. That expires on May 15.

I think it is terribly important we begin the process, we vote to proceed within the next hour, we bring that bill to the floor, there is an open process by which people, including myself, will bring forth amendments to make the bill even stronger than it is right now.

I would point out to my colleagues, in terms of the financial problems facing the Postal Service, clearly, they have to deal with the serious problem, the very real problem that first-class mail has gone down very significantly, being replaced by e-mail. There is no question that is a real, legitimate problem.

But what is not a legitimate problem is that the Postal Service uniquely in America—not in local governments, State governments, Federal agencies or the private sector—the Postal Service alone is being asked to put $5.5 billion every single year into their future retiree health benefits program. According to the inspector general of the U.S. Postal Service, given the fact there is some $44 billion in that fund already, with interest rates accruing, we do not need to put more money into that fund. There is widespread agreement the Postal Service has overpaid into the Federal Employees Retirement System some $10 billion or $11 billion; into the Civil Service Retirement System, at least a couple billion dollars and perhaps a lot more.

The bottom line is this: If we are serious about protecting rural America, if we are serious about protecting 3,600 rural post offices, if we believe the post office must continue being an important part of what America is about—so important to our economy and to small businesses—and we do not want to delay mail service, slow down mail service, we do not want to shut down half of the mail processing plants in this country, I think it is important we begin that debate and vote for cloture.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge our colleagues to vote for cloture to proceed to the Postal Service bill. I will speak very briefly.

This a great American institution, right there from the founding of our country. In fact, it is in the Constitution to provide post offices. It is an institution that is today in trouble. Last year, it lost almost $10 billion. Why? Part of it is the economic recession, but the real explanation is that mail volume has dropped 21 percent in the last 5 years, and mostly that is because people are using the Internet and e-mail instead of traditional mail. Yet the Postal Service not only itself provides a great service, but it facilitates various sectors of our economy that employ 7 million people—mailers, mail order catalogs, and the like.

Our committee, when confronted with this crisis—and the statement from Postmaster General Donahoe that if nothing was done, he would have to begin curtailing operations sometime this year because he would essentially run out of enough money to operate the Postal Service as it is—tried to get together and work on a balanced program. We reported out a bipartisan bill. Some people said it was too much; some people said it was too little. We think it was just about right.

There has been a lot of dialog with Senator SANDERS and others, people on both sides of the aisle. When we take this up—and I sure hope it is ''when'' and not ''if'' because I do not know how we could just turn away from this problem and essentially say to the Postmaster: We are not going to provide you any help; you are going to have to handle this. What he is going to do is close a lot of post offices, in my opinion, close a lot of mail processing facilities, raise prices to the extent he can under existing law.

This is a balanced program. It creates some protections for small and rural post offices before they can be closed. It creates new standards in the delivery of mail so the Postmaster will, in his wisdom, be able to thin out employment at some of the mail processing facilities, perhaps close some of them but nowhere near what he wanted to do earlier.

The Postmaster asked us for authority to go from 6 days of delivery of mail to 5 days of delivery of most mail, and we essentially said: You may have to do that, Mr. Postmaster, but do not do it for 2 years. See if the other things we are authorizing you to do enable you to get the Postal Service back in fiscal balance. But if not, after the 2 years, with the process we ordained, they will have to go to 5 days of delivery.

Here is the bottom line: We are trying everything we can to save this great institution. It is not a relic. It is

a fundamental part of the modern economy, and it has some great resources. First is its presence all over the country. One of the things we are doing—we worked on this with Senator SANDERS and others—in the substitute, we will create an advisory commission, a new commission which will be charged with the responsibility of not only reviewing the operations of the Postal Service to make sure it is being managed and run most efficiently but for looking for a new business model, for new ways to use the great assets of the Postal Service—one, that it is all over the country in the post offices; and, two, that no one else can cover the last mile of delivery to everybody's house or business in the country regardless of where you live, including the iconic burros that help deliver the mail in the Grand Canyon and the mailmen on snowshoes who deliver it in rural parts of Alaska. Right now, FedEx, UPS, and others use that service of the last mile to complete their delivery to their customers.

We want to see if we can figure out how the Postal Service can make more money so it can stay alive. This is a great American institution which I believe has a great future, but it is not going to have it unless we help.

So here we are challenged again. Are we going to fall into ideological rigidity or partisan conflict and let this great institution slide and fall into a deep crisis or are we going to work together, as I believe our committee has, to present a bipartisan solution which will guarantee, in a very different time in American history, that the post office—the U.S. Postal Service—can play as vital a role as it has throughout all the rest of our history.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the motion to proceed to S. 2204 is agreed to.

UNANIMOUS CONSENT REQUEST—S. 2204

Mr. REID. Mr. President, I ask unanimous consent that if cloture is invoked on the motion to proceed to S. 1789, which is the postal reform bill, and the motion to proceed is later adopted, the Senate resume consideration of S. 2204, which is the Repeal Big Oil Subsidies Act, at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, I share the majority leader's view that we ought to turn to the postal reform bill. What I intend to do is to ask that we modify the consent that the majority leader just offered—modify his request so that on Monday, April 16, we proceed to the consideration of S. 1769, the postal reform bill.

That would give us an opportunity to further debate and discuss the Menendez proposal, which we just invoked cloture on yesterday, for the remainder of the week. So I object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I think most people know I worked here as a police officer for most of the time I was going to law school. I also worked for a period of time in the post office. I am not an expert on the post office, but I know the importance of post offices.

I know what is going to happen in the State of Nevada if we do not make some arrangement to help the Postal Service survive. Scores of small post offices in Nevada will go out of business. There will be distribution centers that may not exist after a few months. So I wish to get to the postal bill as much as anyone in this Chamber, having worked for the Postal Service, through the House Post Office.

I wish to move to the postal bill. But I am not going to be forced into doing it at a time that may not work out just right for our schedule; that is, the Senate. So I will move to that shortly after the recess as quickly as I can, but I am not going to agree to a specific time.

I object to the modification.

The PRESIDING OFFICER. The request of the initial modification is objected to.

Mr. MCCONNELL. Mr. President, I object to the initial request.

The PRESIDING OFFICER. Objection is heard to the initial request.

21ST CENTURY POSTAL SERVICE ACT OF 2011

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 296, S. 1789, the 21st Century Postal Service Act.

Harry Reid, Thomas R. Carper, Sherrod Brown, Mark Begich, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Patty Murray, Charles E. Schumer, Mark L. Pryor.

POSTAL REFORM

Mr. DURBIN. Mr. President, there is no question the Postal Service faces serious challenges, and it needs to work with Congress and the American people to address them.

There are some who say that the Postal Service can cut its way out of its financial hole.

The plan put forth by the Postmaster General would do just that. It would have a heavy impact on my State, with at least 8 processing facility closures and perhaps more than 250 post office closures. Under that plan, mail from Springfield—the State capital—would be shipped all the way to St. Louis, just to come back to Springfield once again.

And these facilities are key hubs of commerce throughout the State.

Take Quincy, IL, for example. The Postal Service had already studied Quincy for consolidation in 2009. At that time, the Postal Service found that the facility in Quincy was efficient and closing it would not create new efficiencies. Despite that finding, the Postmaster General decided to press ahead with the closure of the Quincy facility this year. The facts are in Quincy's favor, but it seems that the Postal Service only wants to cut its way to death.

This bill is about jobs too. The Postal Service employs more than 30,000 people in my State, from clerks, to drivers, to postmasters, to letter carriers, and so many more. These are not high-paying jobs, they are not glamorous. These are middle-class jobs that support the world's best postal delivery network. Nationwide, the Postal Service employs more than half a million people. Millions more in this country are employed in businesses that depend on the Postal Service.

Given the wide-reaching impact of the Postal Service, it is clear to me that cutting to the bone is the wrong approach. It will lead to a death spiral and the eventual end of the Postal Service as we know it.

The Postal Service must grow and reform its way into 21st century competitiveness. This bill is a first step toward achieving that goal. Brought to the floor under the leadership of Senators LIEBERMAN and COLLINS, this bill begins the process of addressing some of the serious challenges facing the Postal Service. This will help USPS reduce long-term costs, increase efficiency, and grow into a 21st century service provider. I think these steps can be taken while maintaining a world-class level of service.

There is no question there will be some short-term and long-term pain associated with reforming the Postal Service. Without tough choices, I can assure you there will be bankruptcy and the demise of the Postal Service.

I believe that measured steps now, though painful, are worthwhile to preserve and improve the Postal Service for generations to come.

I urge my colleagues to join me in voting for cloture on the motion to proceed to this important legislation.

And I look forward to an open and honest debate and to working with my colleagues to strengthen the bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1789, a bill to improve, sustain, and transform the United States Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. KIRK), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay.''

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Moran	Wyden

NAYS—46

Alexander	Enzi	Mikulski
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Baucus	Heller	Portman
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Cardin	Johanns	Rockefeller
Chambliss	Johnson (WI)	Rubio
Coats	Kyl	Shelby
Coburn	Lee	Thune
Cochran	Lugar	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Wicker
Crapo	McConnell	
DeMint	Merkley	

NOT VOTING—3

Hatch	Kirk	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I enter a motion to reconsider the vote on which cloture was not invoked on the motion to proceed to Calendar No. 296, S. 1789.

The PRESIDING OFFICER. The motion is entered.

REPEAL BIG OIL TAX SUBSIDIES ACT

Mr. REID. Would the Chair be kind enough to announce the pending business?

The PRESIDING OFFICER. S. 2204 is the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2204) to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1968

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1968.

The amendment is as follows:

At the end, add the following:
This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1969 TO AMENDMENT NO. 1968

Mr. REID. I have a second-degree amendment that has also been filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1969 to amendment No. 1968.

The amendment is as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

MOTION TO COMMIT WITH AMENDMENT NO. 1970

Mr. REID. I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Finance with instructions to report back forthwith with an amendment numbered 1970.

The amendment is as follows:

At the end, add the following:
This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1971

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1971 to the instructions on the motion to commit S. 2204 to the Committee on Finance.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1972 TO AMENDMENT NO. 1971

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment No. 1972 to amendment No. 1971.

The amendment is as follows:

In the amendment, strike ''4 days'' and insert ''5 days''.

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Jeff Merkley, Patrick J. Leahy, Michael F. Bennet, John F. Kerry, Al Franken, Tom Udall, Jeanne Shaheen, Bill Nelson, Daniel K. Akaka, Claire McCaskill, Christopher A. Coons, Jack Reed, Richard Blumenthal.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 339, the Paying a Fair Share Act, which is S. 2230.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to Proceed to S. 2230, a bill to reduce the deficit by proposing a minimum effective tax rate for high-income taxpayers.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION ACT

Mr. COONS. Madam President, I rise today to address a simple but important issue about what our path forward is to building a stronger and safer America. I was deeply frustrated to hear earlier today that the Transportation bill, which was passed by an overwhelming bipartisan consensus in this Chamber, has gone over to the House and they cannot find a way forward to respond to this bill from us or find any clarity or certainty about whether to simply take up, debate, amend, or consider and enact, hopefully, our bill from the Senate or ask for short-term extensions of 30, 60, or 90 days.

Madam President, as you know as a former Governor and as I know as a former county executive, when investing in work as important as bridges and highways and roads that make infrastructure, transportation, and a reliable and predictable future for our economy possible, nothing is more important than certainty. Financing major highway projects, buying major pieces of equipment, and hiring the crews to do the work are exactly the sorts of things where certainty is critical.

I have a simple question to our friends in the other Chamber, which is when will they take up this bill that passed this Chamber by such an overwhelming margin and when will they take seriously the broad bipartisan input from every imaginable group in support of this.

I was active in my previous elected role as county executive with the National Association of Counties, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, and the AFL–CIO. All have weighed in. In fact, if I remember correctly, the U.S. Chamber of Commerce wrote every single office at the Senate in support of this legislation, calling for specific action that both the Congress and administration could take right now to support job growth and economic productivity without adding to the deficit.

This bill came out of the committee after remarkable work by Senator BOXER of California and Senator INHOFE of Oklahoma, two Senators who are widely viewed as being at the opposite ends of our political spectrum here in this Chamber.

When I go home to Delaware, I hear folks say over and over again: Why can't you work together? Why can't you iron out your differences and put America on a clearer, straighter track toward a stronger recovery?

Well, this is exactly the sort of bill that will accomplish that end. A 2-year reauthorization, a $109 billion bill that in my small State of Delaware would create 6,700 jobs now hangs in the balance. It will expire at the end of this month. Rather than take up and consider and hopefully pass this bill, folks in the other Chamber—and frankly, sadly, largely folks on the other side of the partisan aisle here—are refusing to do so and will instead take a short-term chip shot of an extension.

I simply wanted to say, if I might, that certainty is something I respect from my years in the private sector. Certainty is something I hear from the other side of the aisle in the other Chamber all the time. And this is a moment when certainty can be served by the House taking up and passing the Senate-passed bill.

Mr. BEGICH. Will my friend from Delaware yield for a question?

Mr. COONS. Absolutely. I yield to the Senator from Alaska.

Mr. BEGICH. The Senator was a county executive; I was a mayor of a community. We had to deal with the real-life aftermath of what happens around here, especially when it comes to these extensions. I know in my city, when I saw these extensions from that end of the table, we always had to stop projects, slow them down, didn't have the money to finish them, winter shutdown. All it did was add costs, decrease the capacity of roads, and literally take projects off the list.

In his community, the Senator had to deal with this probably like I had to. Did the Senator have the same kind of impact where you had to tell contractors: I am sorry, we don't have the money because the Federal Government has not done their job that they said they would do 20-some times before and never completed it? Is that a similar situation?

Mr. COONS. Madam President, the Senator from Alaska is absolutely right. In my county, we didn't do roads, our State does the roads, but we did sewers, and heavy capital investments in infrastructure would cost our little county tens of millions of dollars. We would be on a project, off a project, on a project, off a project. We were fortunate that our county in good times had enough money in reserve that we could go ahead and authorize the bond issue and authorize the project. But as the economy turned and as our balance sheet got tougher, we had to wait, we had to put things on hold, and we had to put off key projects.

I know the good Senator from Alaska, as a former mayor of Anchorage, also saw that happen in transportation. Is that not the case, that certainty was an enormous challenge when the Senator was relying on a Federal partner who was unreliable?

Mr. BEGICH. Absolutely, I say to the Senator from Delaware. In Alaska, I chaired the Metropolitan Planning Organization, the MPO, which had this money that would come from this legislation. It would come to us, and if they delayed it here or they had these crazy continuations because for some reason they could not get their work done—and now we are seeing that on the House side. They have had months to work on this. I think they actually banked that we would not work together here, Democrats and Republicans, and get something done. We actually did, and a pretty significant piece of legislation about transportation infrastructure that is crumbling in this country got 74 votes, bipartisan, from all spectra of political persuasions. I think they banked that we would fail, but we didn't. There were five weeks of work and a lot of compromise because we know what the impacts are on the street if we don't do this.

Back home, if the House doesn't take action on a very reasonable bill, a bipartisan bill, what will happen in Alaska is that some of these projects will de-obligate, or not obligate the funds, which means they will delay them. That means the contractors who expected to do work this summer will not. And in Alaska, because we are a winter climate—a lot of Northern States have a similar situation—the plant that provides the asphalt closes usually the first part of October. So you have a window that shrinks very rapidly. If you are not careful, the net result is that you have no projects and you pay more, which means that the delay the House side is doing is going to cost taxpayers more money and there will be less jobs. In Alaska we have 18,000 jobs at risk. And at the end of the day, again, you get less product, fewer roads.

I can only assume the experience I have here matches the Senator's State government that worked with the county when he was county executive; it is the same thing they had to go through, as the Senator explained on his water and sewer projects. But, as he said, times are different. You can't supplement it with local money, the way it used to be, because we don't have it.

The economy is struggling and starting to come back. But here we are at a moment when the economy is moving in the right direction, and what are we doing? The House over there is just waiting. I think that is not the example we are looking for but what we are doing and what we are suffering through.

Mr. COONS. What strikes me most about this, Madam President, and to the good Senator from Alaska, is that of all the sectors in the entire American economy—at least in my home State—that have suffered since the financial collapse of 2008, construction was hit the hardest. We already knew that we were far behind in investment. We have tens of thousands of bridges that are out of compliance with basic engineering standards. Half of our roads are below the standards we would expect from a modern economy. This is money that can and should be invested in putting people to work in construction, which has suffered from the highest unemployment. It has the support from the Chamber of Commerce to the AFL–CIO, where we wrestled through

the tough processes here over several weeks, and we have a strongly bipartisan bill sitting and ready to go.

There are other things we debate in this Chamber that will maybe create jobs, maybe won't. There is no question—even those who have the strongest concerns about the Federal role in our economy cannot disagree that Federal highway projects put people to work, strengthen our economy, and make us more competitive. This bill is ready to go. Why you would not take it up and enact it today, I cannot imagine.

To the good Senator from Alaska, I might say Alaska may have a shorter summer season than we do, but if you have 18,000 jobs at risk, I can only imagine the kinds of calls the Senator is getting from his home State, as I am getting from my State, urging that the House of Representatives take up this strong and bipartisan bill and pass it so we can all move forward and create some real jobs.

Mr. BEGICH. The Senator and I have the same situation he has described: Yes, we are getting those calls and they are not just—people say this is a union thing. No, it is union, nonunion, chamber, environmentalists, neighborhoods, community councils. It is everybody you can imagine because these are real jobs, about real people, about real communities.

Over there I think they think it is some theory that if they delay it, nothing will happen. They are wrong because the Senator and I have lived on that other side and had to live with the consequences of inaction. This is one of those bills where there is bipartisan support, all the groups out there from all walks of life support it, and everyday people understand it.

When I was back in Anchorage getting some gas at the gas station, someone came up and they asked me, because why? We are about to start our season in the bidding process because you have to take 30, 60, 90 days to get the bids out and then you actually have to construct. I think sometimes in the House they think it is some fantasy land that whatever they do has no effect. This does. I think the Senator said it very clearly, and I appreciate being allowed to ask a few questions and comment here. But it seems the most ridiculous thing to have Alaskans telling me every day to work together, create bipartisan legislation, whatever it might be. Here is one we have done successfully and now we are ready. But over there they are playing politics. They have now tried twice to do something this week and they still cannot get it moving.

I would encourage those on the other side to move forward on the bipartisan bill that the Senate has passed when I know they were banking we would not pass it. We did it; we did our work. The American people are waiting for these jobs, the contractor community is ready, and the communities are ready. It is time to move forward.

I thank the Senator and the Presiding Officer for allowing me to ask a few questions and give a little commentary.

Mr. COONS. I thank the Senator from Alaska. As we both know from our former roles, when you have a short-term extension, there are costs. It means that folks getting mobilized, getting organized, getting ready—you have to pull them back. When the State coffers, the county coffers, the municipal coffers don't have the ability to float and put in place the Federal funds they are waiting for, it means projects get canceled, people lose their jobs, opportunity and optimism that were moving forward get pulled back.

We have folks in this Chamber and the other, former Governors, former mayors, former county executives, former business leaders, who know the importance of a strong and reliable Federal partnership in strengthening infrastructure in this country.

I congratulate Senator BOXER and Senator INHOFE for working together so well to craft a tough, strong, capable bipartisan bill, and it is my plea that the Members of the other Chamber will promptly take it up, consider it, and pass it so we can get America back to work.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before they leave the floor, I thank Senator COONS and Senator BEGICH and Senator SHAHEEN for the very important words they gave today on behalf of the House taking up and passing the bipartisan Senate Transportation bill. It is interesting to know we also have the senior Senator from Alaska, Senator MURKOWSKI, speaking out in favor of the House picking up and passing the Senate bipartisan bill. I also served as a county supervisor a long time ago, but I think we all understand that what we do here makes a difference.

This is one Nation under God, indivisible. There cannot be a circumstance where one State puts their own funding from their State into highways but the State next door does nothing. They cannot have commerce. That is why I thought Dwight Eisenhower, when he was a Republican President in the 1950s, said it well. He was a logistics expert. He is the one who started the National Highway System. He knew from his experience in war that you have to move goods and people. He also knew, in his role as President, that in order to have a strong economy, we have to do the same thing here at home.

For me to see this House dither as they are doing—they are dithering on a bill. All they have to do is take up the bipartisan bill. For goodness sake, they have three-quarters of the Senate to support it, and all we need is 218 votes. When I served in the House for 10 years, what did I learn? You needed 218 votes. Tip O'Neill never cared where he got his votes, he just got the votes for the American people. So I have written letters to Speaker BOEHNER and Leader CANTOR, and I have begged them to please work with us on this bill, and all we get back are statements from their staff, saying: Well, we are going to do it our way. As Congresswoman PELOSI, the Democratic leader, said today: When you say my way or the highway about the highway bill, you don't get much done.

I also wanted to thank Senator KLOBUCHAR. She also held office at the State level. She was a district attorney, and she understands what happens when the Federal Government, State government, local government, all work together for jobs, and that is what this bill is about.

So I am going to call today on the House to immediately take up and pass the bipartisan Boxer-Inhofe bill. I am going to ask them to abandon their goal of a series of extensions.

When someone goes to buy a house, they need a mortgage. Maybe it will be a 10-year mortgage, 15-, 20-, or a 30-year mortgage. If the banker looked at them and said, We can only give you a mortgage for 30 or 60 days, it would be very difficult, to put it mildly. It is disruptive. You don't know how to plan, you don't know what it is going to cost, you don't know if you are ever going to get the money for the house. So the House, by taking up these extensions, has to understand the impact.

Today I called a press conference to let the press know what the impact is of these extensions. The extension means job losses. We started to put together a list that is coming to us from the States of job losses already happening in the field because of the lack of action by the House. I spoke to the Secretary of Transportation in North Carolina today. He has delayed the remaining 2012 projects totaling $1.2 billion that would employ 41,000 people. So 41,000 people do not have work, as we speak today, because the House is dithering and not passing the bipartisan Senate Transportation bill.

I spoke to the officials in Nevada. As we speak, thousands of jobs have been lost there because the House is considering an extension instead of passing a bill such as our bill.

I spoke to the officials in Maryland. Same thing, thousands of jobs. I spoke to the officials in Michigan. Same thing. Right now we are putting together a list from all across the country of job losses in all of our States as a result of the House failing to take up and pass the bipartisan Senate bill. What more bipartisanship do they need than to have 75 Senators support the bill? One of them was absent due to a funeral. So we have 74 votes for it and 22 against it. What more do they want?

Anyone watching the Senate today sees how paralyzed we are. We have not been able to do a thing. There are filibusters on fixing the post offices. There are filibusters on making sure that Big

Oil doesn't keep ripping off consumers at the pump. Filibuster, filibuster, filibuster, filibuster. But we were able to get over all of that and pass a transportation bill. Why wouldn't the House be thrilled about that? Why wouldn't the House embrace what we did? Why would the House instead stand up again today and say, We are going to have a 60-day extension. Guess what. They pulled it. They are not having a vote on that today because of the uproar it is creating in the States and on the House floor. The House has not delivered on its promise for a bill. All the leadership does is complain about our bill.

Today—I couldn't believe it—Chairman MICA said this bill is not paid for. Senator BAUCUS, Senator THUNE, and others worked across party lines to pay for our bill. It is 100 percent paid for. And guess what it does. It protects 1.9 million jobs and creates another million. That is what our bill does. So they are pulling this vote. They are pulling this vote today. Good. I am glad they are pulling this vote because they ought to instead pass the bipartisan Senate Transportation bill.

I want to tell you a story about what is actually happening out there in the economy. If we do nothing, 1.9 million jobs are gone on March 31. If we do an extension, then you have death by a thousand cuts, a proportion of these jobs is lost, and it keeps getting worse with every extension. So it is the end of these jobs, a slow torturous end of these jobs.

I want to show how many unemployed construction workers there are—1.4 million. Why is that? When the unemployment rate is 8.3 percent, the unemployment rate among construction workers is 17.1 percent. Why is that? Because we were having a very tough housing crisis, and we are not out of it yet. So all of these workers who were building houses now were hoping to be able to build highways, build freeways, and fix bridges. And our bill does that. Our bill will take these people and put them to work. We could get this unemployment rate down to 400,000 because we will take a million off this with the expansion of the TIFIA Program, which stands for Transportation Infrastructure Finance and Innovation Act, which gives the money upfront for cities and States and gets projects built faster.

I want to show you what it would look like if you put every unemployed construction worker into a football stadium. This is a Super Bowl stadium, and it is filled. Imagine each and every one of these seats is filled by an unemployed construction worker, and then close your eyes and imagine 13 more stadiums for a total of 14 stadiums. Fourteen stadiums full of unemployed construction workers, that is what we are facing. Yet, the House will not take up and pass the bipartisan Transportation bill. They are flirting with extensions, which is the end of these jobs, but slower and more excruciating.

We talked about jobs, but we have to talk about businesses. These jobs are private sector jobs, and these businesses—over 11,000 of them—are construction companies that would be adversely impacted.

I met with business owners. One man was teary eyed. He said, Senator, I have had to lay off 1,000 people because of the indecision here, because of the constant extensions we have had on the highway bill. We need your bill now. I said I understood. He said, I cannot look at another worker. He said, Extensions are like living hand to mouth. It doesn't work.

If you know, again, that all you are going to get is 90 days' worth of Federal funding, how can you let a contract for a year? No one is going to go out and let a contract for 90 days for a big program that lasts for a year or a year-and-a-half of construction. So we just have to remember we are not just talking about workers; we are talking about the businesses that support those workers.

I am going to show my colleagues a series of editorials. They have run in red States. They have run in blue States. They have run in purple States.

I am going to make a statement, and I am going to stand by it: Everyone in America gets this except the House of Representatives. Everyone in America gets this except the Republicans in the House of Representatives, save a few of them who are courageous. Four of them have broken off—one of them from the Presiding Officer's home State, two of them from Illinois, and one of them from North Carolina. They said: We stand with those who say take up and pass the Senate bipartisan bill. Good for them for showing that kind of courage.

I say to my colleagues now, it is a quarter to 5 in the evening. If any of them are tuning in to this discussion, listen to what these newspapers are saying: ''House should pass transportation bill.''

The No. 1 priority for the House of Representatives should be passing a bipartisan transportation bill—as the Senate already has done on a 74–22 vote. . . .

The Senate has done its job. . . . House Speaker Boehner should drop the notion of passing an extreme Republican-only House bill and do as the Senate did—craft a bipartisan bill that can pass both Houses.

This is in the Fresno Bee. It is in the reddest part of California. Trust me when I say that. I know. It is the reddest part of California, and they are asking the House to pass the Senate bill.

Then we have, in Michigan, the Detroit News: ''Congressional Waffling Hurts State Roads.''

The U.S. Senate . . . has approved a bipartisan plan. While imperfect, it's better than another reprise of an outmoded transportation act that already has been extended eight times. . . . The disarray hardly gives States the kind of revenue certainty they need to get from a Federal plan, but if Boehner and House Members can't agree on their own plan, they would probably be wise to take what is politically possible and pass it. Pass the Senate bill.

Newspapers all over the country—look at this one: ''Road to Compromise.'' One would think the House would embrace this. What are the American people telling us? We are viewed—we in the Congress—as fighting constantly. Our approval rating is 10 percent. I don't know who represents that 10 percent, but it is probably the Presiding Officer's family, my family, and the family of my colleague from Missouri.

Why is that? We can't work together. We proved today on two bills that we can't get together. But we proved a couple of weeks ago, after 5 weeks of debate, we could do it on the Transportation bill.

When Senator INHOFE and I agree, my goodness, that is a day. We don't agree on so many things, believe me. We are struggling over anything that has the word ''environment'' in it. He is fighting to overturn the EPA clean air rules, and I am fighting him to keep them. He doesn't want that much oversight on nuclear accidents; I want more oversight. He says I don't do enough oversight on things he wants oversight on. Listen, we argue. We respect each other. We like each other. We disagree with each other. But on this we came together. What more does BOEHNER want? What more does CANTOR want?

Speaker BOEHNER is putting at risk 55,000 jobs in Ohio, and Leader CANTOR is putting at risk 40,000 jobs in Virginia. Don't they care about the businesses and the workers there?

This headline says the ''Road to Compromise.'' This is the Ohio Akron Beacon, from the heartland:

On Wednesday, 74 Senators, Republicans and Democrats, joined together in a real accomplishment. They approved a two-year bill. . . . The timing couldn't be better. . . . What will the House do? It should take the cue of the Senate and quickly approve the legislation that won bipartisan support.

It couldn't be more clear. That is Ohio.

I will tell my colleagues I have never seen such an array of newspapers from all over the country.

This one is the Chicago Sun-Times: ''For a Better Commute, Pass Transportation Bill.''

The Senate just delivered a gift to the House: A bipartisan transportation bill at a time when America really could use a lift. Here's hoping the House Republicans don't mess it up. . . .

Well, hope against hope. So far, I feel very worried—very, very worried. The whole program expires on Friday and all they can come up with is extensions, and then they don't even have the votes for that. How bad would it be for them to give me a call, give Senator INHOFE a call, and say: We are going to come over and sit down and bring the bipartisan leadership of the committee—there are four of them—bring the bipartisan leadership of the Senate, and let's hammer out something.

What is happening over there? Speaker BOEHNER is the Speaker of the House not Speaker of the Republicans. He needs to work with the Democrats. I don't expect they will love each other, my goodness. We don't expect miracles, but we should expect them to work together.

I remember fondly my days in the House with Tip O'Neill and Bob Michel. Couldn't have better friends. Did they agree on everything? No. Did they work on everything? Yes. I remember those days. I was a whip at a certain point in the House, and they used to call us together and we would come back and say: There are 25 Democrats who can't vote for this Democratic bill. You know what Tip O'Neill would do? He would say: Fine, I will call Bob Michel and see if he has 25 votes for me. They saw that they might have had 20 and they didn't have 25 and they had to compromise the bill. And they did it. That is why I decided I loved legislating.

I loved working on this bill with my friend Senator INHOFE. I loved working with my staff and his staff. Our staffs became almost like family. I would encourage Speaker BOEHNER to take a page out of this book.

I see the Senator from Louisiana on the Senate floor. He and I go at it on a number of issues. We work together. We even put on this bill the Restore Act—a bipartisan piece of legislation that is going to make sure the gulf can rebuild and get paid back for the suffering that went on there. Did California get a lot out of that? No. But the country will get a lot out of that because the gulf is a region we care about. It is where we get a lot of our energy. It is where we get a lot of our seafood. We need to work together.

So Senator VITTER and I don't agree on a lot of subjects, and we go at it pretty hard in the committee. But on this we agreed.

So let's look at a few others, and then I will yield the floor after we go through the rest of these.

''Highway Bill Would Boost Stability.'' This is Mississippi. This is one of the reddest States in the Union. I beg Speaker BOEHNER to open his ears and hear me:

> A two-year, $109 billion highway bill that passed the U.S. Senate this week buoys the hope of interest groups like roadbuilders and the travel industry that the House can be prodded by the Senators' action to pass its own bill before a March 31 expiration date. . . .
>
> This bill has no earmarks. . . .
>
> Mississippi could derive major benefits.

I am just saying, when we have editorials from Mississippi for a bill, we know it is a bipartisan bill.

Let's take a look at some others: ''A Solid Transportation Bill.'' This comes from Oregon, the Register Guard, an editorial:

> By an impressive bipartisan vote of 74 to 22, the Senate on Wednesday passed a two-year blueprint for transportation. The House should move quickly to approve the Senate measure. If a transportation bill is not approved and signed into law by April 1, the government will lose its ability to pay for Federal transportation projects.

So now we have Mississippi, Oregon, Illinois, and Ohio. I don't remember all that I read.

''Bipartisanship in Senate Moves Transportation Bill.'' This is Oklahoma, another deeply red State:

> With rare bipartisanship, the U.S. Senate on Wednesday passed a much-needed and much-delayed national transportation bill that could create jobs and fund road projects. . . .
>
> The country's infrastructure has been ignored for too long and is in dire straits. This is an important and necessary extension of the transportation bill. It will make needed improvements to our infrastructure, and it is a real job-creator. . . .

I am telling my colleagues that I am buoyed by these editorials because these editorials from Republican papers and Democratic papers are nonpartisan. They are all urging us to act.

''Transportation Funding Held Hostage in the House.'' Fort Worth Star-Telegram, Texas—another red State:

> What an exciting thing to see the Senate pass a surface transportation bill last week on a 74 to 22 vote. Such bipartisan support for maintaining and improving this crucial part of the national infrastructure makes it almost seem like the good old days in Washington. . . .
>
> At one point, [House Speaker Boehner] said he would put the Senate bill before the House. Earlier, he said House Republicans might go for an 18-month extension. . . . It's beginning to look like Boehner doesn't have a clue what the House will do. . . .
>
> Does this sound familiar? Does it remind you of the congressional follies of last summer, the reality-TV drama and brinksmanship of the debate over raising the federal debt limit.

I can't reach Speaker BOEHNER. He doesn't answer my letters. CANTOR doesn't answer my letters. They just have spokespeople who put something out there. What is wrong with talking to each other? What happened to those days?

Now, it goes on, and I am going to go through these: ''Pass This Transit Bill.'' This one is the Miami Herald:

> In an all too rare display of bipartisanship, the Senate, by a vote of 74 to 22 last week, passed a transportation bill of vital interest to South Florida and the rest of the country. . . .
>
> This uncompromising approach is why public approval of Congress stands at 10 percent or below in recent polls. Mr. Boehner should urge the members of his caucus to set aside their job-killing intransigence and accept the bipartisan Senate version before funding runs out.

So here is the thing—I will wrap up—there is a clear path to success, and it is not painful. It is not painful. Speaker BOEHNER and Leader CANTOR should abandon their idea of these endless extensions. We have proven today through the State organizations and by talking to State officials in all of our States that jobs are already being lost because of the uncertainty, the dithering—that is my word—and the fact that they are talking about extensions. Extensions are no good. Extensions mean job losses—41,000 jobs already lost today as of now in North Carolina and thousands in other States because States do not have the ability to up-front the Federal share. They are counting on us.

Our bill is fully paid for in a bipartisan way. Our bill has not one earmark. Our bill takes 90 programs down to 30. It is streamlined. It is made efficient.

We have, in a bipartisan way, added the Restore Act. We added ways to fund rural districts for their schools by the timber receipts. This is a good bill, and this is a bill that is truly a work product of everyone in this Chamber. Even those who ended up voting no had something to do with it and helped us get it through.

So there is a clear path. They pulled their 60-day extension off the floor of the House, and that is a good thing. Now they should put the Senate bill on the floor and both sides should embrace it and pass it.

Let me tell my colleagues a signal it will send to our people at home: It will send a signal of job growth in the future, a signal that we are working together, a signal that we are going to get out of this recession, a signal that we put aside politics for the good of these hard-hat workers and the companies that employ them. They deserve it. They got hurt by Wall Street. Everybody in the country did. But for these construction workers, because of all this messing around with these mortgage-backed securities, it killed the construction industry and housing.

We have a chance to help some of the hardest working people in our Nation. I call on the House leadership to take a page out of our bipartisan book here and pass the Senate bill.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Missouri.

GAS PRICES

Mr. BLUNT. Mr. President, this week the majority brought a bill to the floor to talk about gas prices and energy-producing companies. That was yesterday. Today the majority brought another bill and tried to move away from that bill. We ought to be talking about gas prices. We should be talking about what impacts so many families and so many businesses and so many individuals.

I talked to somebody on the phone just yesterday, a friend of mine from St. Charles, MO, where gasoline is about $3.50 a gallon. That is a little lower than it is maybe in other places where it is $3.90, the national average, though I am sure we can find a place in St. Charles where the gas is $3.90. But my friend talked about gas prices, how it affects his business, the restaurant business.

I have said on this floor before, when American families stand before that gas pump and the cost goes from $40 to $50 to $60 to $70, almost every family in America watches those numbers and

thinks of something they were going to do that week or that weekend that they are not going to do. Certainly, if you are in the restaurant business, as my friend is, you know that.

But he said: I was at the gas station just yesterday, and there was a woman there in a car with a child. She said: Could you just give me $5? I don't think I can get home with the gas I have. I don't have any money. I need to put a little more than a gallon of gas in the car just to know I can get home. Could you put $5 of gas in the car for me?

He said: I put $20 of gas in the car. And $20, at $3.90 a gallon—the national average—does not last very long.

People who are putting $5 or $10 in their gas tanks are not doing it because they love to go to the gas station. They are doing it because they cannot afford to put the gas they need in the car to do the things they need to do.

The national average hit $3.90 just a day or two ago, and it is on the way up now. It is more than double what it was in January 2009 when gasoline was about $1.90 or $1.91 a gallon.

People feel this. I cannot think of a meeting I have had in the last 2 weeks with any group who did not have some story about how energy and gas costs were impacting them.

Now, why we would have a bill on the Senate floor that would raise gasoline prices I have no idea. But that is the bill that is on the floor. I think the idea is that the majority is wanting to blame somebody else rather than the President's energy policies. The American people do not accept that.

I asked people in Missouri to talk to me about some of the challenges they are having with these skyrocketing fuel prices. Remember, the President, in the fall of 2008, said at the San Francisco Chronicle, under his energy policies, energy costs would ''necessarily skyrocket.'' So I guess he has to believe his policies are doing exactly what he thought they would do. But here is what they are doing to people all over America.

Trent Drake, a farmer in southwest Missouri, who raises soybeans, corn, wheat, and cattle, told me—of course, like every farm—he is heavily dependent on fuel, in his case diesel fuel. His fuel bill went up 125 percent over last year. That is more than twice the fuel bill he had last year.

Roger Lang, who owns a company, Byron L. Lang Inc., in Jackson, MO, told me a majority of all the profits they are making are now going back into paying the fuel costs, which, of course, means they cannot look at profits they made and think: What can we do for better benefits or better wages or to hire more employees? They have to think: How much higher is this gasoline bill going to go? How much higher is my energy bill going to go under the energy policies we are working under now?

According to Roger Lang, if something is not done, he believes this one issue will end his business. A business his family has been operating since 1947 would be ended because we have energy policies that do not make sense.

Linda Yaeger, who is the executive director of the Older Adults Transportation Service—I do not know what it is called everywhere else; it is called the OATS system in Missouri—provides transportation for seniors and people with disabilities in 87 of our 115 counties.

For every penny gas goes up, Linda said it costs her program $15,250. For every penny that gas goes up in 87 counties all over Missouri—essentially, for vans and buses that take seniors and handicapped people where they need to go—for every penny gas goes up, it costs $15,250. And for every penny that is a loss of the equivalent of 10,000 one-way trips for the people they serve. Multiply that $15,250 by the 200 pennies gasoline has gone up in the last 3 years and suddenly we have a budget that does not do what we would hope it could do for the people they serve.

The Ozarks Food Harvest in Springfield, MO, where I live is a regional food bank that serves one-third of the State of Missouri, delivering about 1 million pounds of food a month. Bart Brown, who runs the Ozarks Food Harvest, cannot, obviously, predict—as none of us can—these gas prices. But they did just have to raise their delivery costs from 4 cents a pound to 6 cents a pound. So there is a 50-percent increase in the delivery costs to the Food Harvest in getting food to people's homes.

The charities of America are incredible in their ability to make money last, to stretch a dollar, to do everything they can to make their contributions have real impact. The Food Harvest—I have been to a lot of these food banks, and they benefit from getting food from people who are food producers, the processors who have an overrun or they have a damaged box or they have whatever is still perfectly good, but they are willing to make it available to somebody else because it does not quite fit the way they do business.

But when they have to increase their delivery costs by 50 percent just because gas has gone up—gas has gone up 100 percent. So if they increase their delivery costs by 50 percent, I guess they are still trying to make the most of the situation in which they find themselves. It is not the only part of the cost, but it is a big part of the cost. That is going to have a big impact on all the people in one-third of the counties in Missouri that get food from the Ozarks Food Harvest.

Meanwhile, a lot of my colleagues on the other side have already admitted this tax hike on American energy producers would do nothing to lower gas prices. This clearly is a messaging bill. But why, if they were trying to divert attention away from the President's energy policies, they bring this bill to the floor is a surprise to me.

In May 2011—a year ago—the bill's sponsor, Senator MENENDEZ, acknowledged:

> Nobody has made the claim that this bill is about reducing gas prices.

Well, why would they be talking about it if they could be spending the same time doing things that would reduce gas prices. The American people believe the government could have an impact on gas prices. I believe the government could have an impact on gas prices. This bill we are talking about is not even designed, according to the sponsor, to reduce gas prices.

Senator BEGICH said the proposed tax hikes ''won't decrease prices at the pump for our families and small businesses.'' He may or may not be for the bill, but he certainly has figured out what the bill would do.

Senator BAUCUS noted ''this is not going to change the price at the gasoline pump. That's not the issue.''

Well, what is the issue? Maybe we ought to figure out what the issue is. Families think it is the issue. Families think, when they see that sign go up three different times maybe in a week—that the price goes up—that there is some issue we ought to be dealing with. Senator SCHUMER admitted this bill ''was never intended to talk about lowering prices.''

Probably this bill was never even intended to be on the Senate floor. I assume the majority brought this bill to the floor thinking Republicans would not want to talk about this topic of whatever tax policies are designed to encourage more American production. But why wouldn't we want to talk about that? Why wouldn't we want to have more American energy of all kinds?

Senator LANDRIEU told Americans this bill ''will not reduce gasoline prices by one penny.'' She is absolutely right.

Even the majority leader, who brought the bill to the floor, said this bill ''is not a question of gas prices.''

So, really, this bill maybe is not a question of anything we ought to be talking about, so let's talk about what we should be talking about. We ought to be talking about what increases American energy. The shortest path to more American jobs is more American energy—the jobs that produce energy and the jobs that benefit from competitive energy prices.

We are not some little European country. I know in the fall of 2008, before the President chose him, the Secretary of Energy said our problem was that our gasoline prices were not as high as the gasoline prices in Europe, where at that moment they were $8 or $10 a gallon.

I do not think that is our problem at all. In fact, we are not a European country. We are the United States of America. We are a big country. Our transportation needs are different. Our energy needs are different. We generally do not walk to work or we generally do not only benefit from food

products and other products that come from 5 or 10 miles away. That is not who we are. That is not who we are going to be. We need to have energy policies that work for us.

Congressional Republicans in the House and the Senate have long supported a plan that uses all American energy. In fact, at the State of the Union Message, one of the few smiles on the Republican side of the aisle that night was when the President said he was for an ''all-of-the-above'' energy strategy because that is what we have been for for a long time, and mean it. That can include wind and solar, renewable, biomass, shale gas, shale oil, coal, nuclear—all of the above.

It seems to me the message has not gotten through to the regulators and the legislators that we need to be doing all we can to find more American energy—all of these things, every one I mentioned: Nuclear, big and small; natural gas. We now think we have more natural gas than anybody in the world. Let's go after it. Let's use that resource to the advantage of our economy.

They all have bipartisan support, and I think there is bipartisan support for investing in the future. Let's figure out what comes next in the energy world, but it will not come quickly, and our economy could not afford for it to come quickly. If we decide: OK, tomorrow we are not going to drive cars powered by gasoline, that would be a huge mistake. It would be an equally huge mistake if we decided 10 years from tomorrow none of us will be driving cars powered by gasoline. We do not even know what the next power source will be. We are going to use these fossil fuels for a while, and we should use them to our benefit.

Instead, my colleagues on the other side of the aisle want to talk about raising taxes on domestic energy and domestic energy manufacturers—tax hikes that absolutely will be passed along to consumers. Some of these things in the Tax Code are to encourage American energy production. There is energy all over the world. Why wouldn't we want to encourage the energy production jobs to be here rather than somewhere else?

I know the President said we are going to give money to Brazil, and we want them to drill in the deep water, and we will be glad to buy some of their oil and gas when they produce it. But why would that be our alternative when we could, in fact, do things that encourage American energy production or, if it is not from the United States of America, what about our neighbors? The Keystone Pipeline—80,000 barrels of oil a day is going to go somewhere because they are going to use that resource to their benefit, and it is either that the pipeline is going to come south to our refineries or it is going to go west and be sold to Asia.

Why we would not want the 20,000 jobs to build that pipeline—not taxpayer-paid jobs but jobs for people who pay taxes, working for companies that pay taxes—why we would not want those jobs to be right here in the United States rather than in Canada, sending that pipeline west to eventually have that same oil sold to Asia, is a mystery to me.

If the President wants to support an ''all-of-the-above'' energy strategy, he should stop blocking all this energy. The President should work to enable all sources of energy we have in the United States. The best place for us to meet our own energy needs is right here. The next best place is our best trading partner, our biggest trading partner, our closest neighbor, Canada. Then even the Mexican energy appears to be on a rebound in a positive way that could benefit us.

Let's be as independent as we can be on energy and the energy that relates most directly to American jobs.

The responsible development of more domestic energy will help create jobs, bring down prices at the pump, and position our country to have greater energy security. The shortest path to more American jobs is more American energy. Let's get on that path instead of this path that is discouraging the very thing that can help us the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too come to the floor to talk about the most pressing issue facing so many millions of Louisiana and American families; that is, the price at the pump. Sometimes we seem to get ourselves in a cocoon in Washington, DC, divorced from the real world.

We need to reconnect to the real world. Back in Louisiana, Pennsylvania, and every State across the country, middle-class, lower middle-class families are struggling with this ever-increasing price at the pump. When President Obama was sworn into office a little over 3 years ago, that price was about $1.84 a gallon. Today, it is over double that, $3.80 and beyond.

That is a big hit to American families. That hits folks where it counts and where it hurts—in the wallet, in the pocketbook, in the family budget. All around Louisiana families are huddled around the kitchen table trying to figure out how to make it work because gasoline, transportation, driving is not a luxury. Sure, they can cut back a little bit, but for the most part it is a real necessity; it is going to work; it is getting the kids to school; it is doing absolute necessities.

This is a big hit to middle-class, lower middle-class families' budgets and wallets and pocketbooks. So let me suggest the obvious; that we focus on what truly matters to American families, that we focus on that in the Senate, here in Washington, and we do something about that.

That is why I favored moving to the Menendez bill on the Senate floor. That is why I voted against moving off the bill today, not because I agree with that solution—it is not a solution—but at least we can talk about the topic, at least we can offer amendments on what is to millions of Louisiana and American families the biggest day-to-day challenge they face; that is, that ever-increasing price at the pump.

The Menendez ''solution,'' the Democratic plan, will not help bring down the price at the pump. In fact, it will do the opposite. I think the American people with good old-fashioned American common sense get it. Look, we can love the oil companies, we can hate the oil companies, but the Menendez bill increases taxes on U.S. energy companies and on U.S. energy production.

It increases taxes on those folks and on that activity. What do we think is going to be the result of that in terms of the price at the pump. The American people know. The American people get it. It is obvious. It is going to increase the price at the pump. It is certainly not going to leave it alone or decrease it. Why? It is economics 101. When we give business a new additional cost, almost all the time that is going to be passed on to the consumer.

The American people get that. They see that. They feel it. They deal with it every day. Also, when we increase taxes on something, we produce less of it in the market. In this case, the Menendez bill is increasing taxes on energy production, in particular, ironically, U.S. energy production, which I thought we wanted to increase and maximize.

So when we tax something more, we get less of it. Supply goes down. Guess what happens when supply goes down and demand is the same. Price goes up. So I not only agree with, but I go further than some of the Democrats who were quoted by the previous speaker saying this bill is not about reducing the price at the pump. It is not only about not reducing the price at the pump, it will have the impact of increasing the price at the pump.

Conservatives have a different suggestion that will decrease the price at the pump; that is, to use the resources we have in this country, to open our ability to use those energy resources, to produce more good U.S. American energy for ourselves, to increase supply, and to thereby lower the price at the pump. We can do that and we should do that.

A lot of Americans do not realize the United States is actually the most energy-rich country in the world, bar none. When we look at total energy resources, when we compare countries in terms of their total energy resources, the United States is the richest in energy, bar none. This chart shows that. The United States is top. Russia comes second. Saudi Arabia is third. But look at Saudi Arabia and all Middle Eastern countries—way below our total U.S. energy resources. We are very rich in terms of energy.

This map shows just how rich we are in terms of U.S. resources. We have

enormous recoverable natural gas, particularly with new technology and horizontal drilling that has been developed. That is these green circles. That represents, conservative estimate, 88 years of natural gas using just that for U.S. use.

We have enormous recoverable oil—again, very conservative estimates. But in the gulf, where we do produce, also on the east and west coast and Alaska, there is lots of oil, and we have enormous recoverable oil from shale, particularly out West. That is being blocked now. It is off-limits. But we have these resources.

The problem is—and I said we are the single most energy-rich country in the world, bar none. We are. The problem is we are the only country in the world that puts well over 90 percent of our resources off-limits. We are the only country that does that. East coast production, no, absolutely not; west coast production, no—big red no; ANWR, Alaska National Wildlife Refuge, where we could access millions of acres of lands from a very select footprint, smaller than an area the size of Dulles Airport in suburban Virginia, no; western shale production, where we saw so much of the resource potential on the previous map, no; even production in the eastern Gulf of Mexico, no. Under Federal law, because of this administration, because of this Senate, we keep saying no, no, no to our U.S. resources.

A good example of that is President Obama's 5-year lease plan for offshore production. Under Federal law, every President has to develop and issue a 5-year plan about leasing the Outer Continental Shelf offshore. President Obama's 5-year plan is half of the previous plan. We have very little we are able to touch as it is, and President Obama has backed us up from this, has turned us around, moved us in the wrong direction from there. His plan is literally half the previous plan. So we are moving there in absolutely the wrong direction.

This map shows that. This map is what was available for potential drilling under the previous plan. We were finally moving forward on the east coast, on the west coast, offshore Alaska. We have been in the gulf. But under President Obama's very different lease plan, we are back to saying no, no, no, no, no, no—backing up, moving in the wrong direction.

We are moving in the wrong direction in other areas too under this administration. In the Gulf of Mexico near where I live, traditionally, the area where we produce the most U.S. energy, even in the Gulf of Mexico we are moving in the wrong direction. Production is down 17 percent in 2011. It is projected to go down more in 2012. Permitting is down over 40 percent compared to the pre-BP levels of permitting. I know with the BP disaster there had to be a quick pause. We had to change some rules. But it is still down over 40 percent. Production is down 17 percent in one of the few areas we allow activity. We cannot afford that. We need to produce more good U.S. energy.

Oil production on Federal property, again, is down on all Federal property, down 14 percent. Federal offshore is down 17 percent in the last couple years. We need to do better.

Of course, perhaps the clearest example of this approach to energy by President Obama is his recent veto of the Keystone Pipeline, a true shovel-ready project, truly ready to go. It is not U.S. energy, but it is the next best thing, from our biggest trading partner, a very good friend and reliable trading partner, Canada. The President has vetoed it and with it the 20,000 jobs it would have created—no; 700,000 barrels a day of oil from Canada, no; $7 billion of economic investment when we are trying to come out of this horribly weak economy, no; help to lower prices at the pump, no—again, No, no, no, no, no, no.

We can do better. We can do better as a country. We certainly can do better in Washington and say yes. We can do better by accessing more domestic energy resources. Again, we are the most energy-rich country in the world, bar none. But we are the only country that puts over 90 percent of that off-limits. We need to change that. We can create more great U.S. jobs. Let us say yes to that. By the way, those are jobs which by definition cannot be outsourced to China or India or anywhere else.

If we are creating energy in the United States, that job has to stay in the United States. We can build greater energy independence. Let us say yes to that. We can dramatically increase revenue to the Federal Government and thereby reduce deficits and debt. After the Federal income tax, the second biggest source of revenue the Federal Government has is revenue on domestic energy production, those royalties, second only to the Federal income tax.

Let's say yes to that new revenue, deficit and debt reduction, and we can help lower the price at the pump because supply does matter. Increasing supply does matter. It will lower prices.

Again, I disagree with the Menendez approach. The Menendez approach will increase the price at the pump and increase taxes on an industry and that is going to be passed on to the consumer. Taxing something more produces less of it. Less oil means the price goes up. But we can have an American solution. We can open access to our own resources and thereby gain control of our own future. We do not have to beg Saudi Arabian princes. We can regain control of our own destiny and our own future. Let's do it. The American people want us to do it. Common sense dictates that we do it. Let's move forward together and do it for the good of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

SURFACE TRANSPORTATION ACT

Mrs. SHAHEEN. Mr. President, I come to the floor this evening to join my colleagues who were here earlier to talk about the bipartisan Senate-passed Transportation bill. I give credit to Senator BARBARA BOXER, Chair of the Environment and Public Works Committee, and Senator INHOFE from Oklahoma, the ranking member, for all of their good work on this legislation. They joined three other committees that also passed their portions of the bill with strong bipartisan support.

I think we could all agree that transportation is one of the Federal Government's core responsibilities. It has been far too long since Congress updated and reformed Federal transportation programs. Every committee that worked on the Senate's long-term Transportation bill passed it with a strong bipartisan vote. When the bill came to the floor, 74 Senators from both parties voted in favor of the Transportation bill.

Now I urge the House of Representatives to follow our lead in the Senate and act on a long-term bipartisan transportation bill. I think they ought to take up the Senate bill. The Senate's Transportation bill is about strong bridges, good jobs, and dependable roads that businesses count on to move goods and reach customers.

The Senate bill reauthorizes transportation programs for 2 years, it maintains current funding levels, and it does not increase gas taxes. Repeating that, it doesn't increase gas taxes, and it is fully funded. Cutting funding for transportation right now would be a very dangerous choice.

We are seeing emerging economies, such as China and India, spending roughly 9 percent of their gross domestic product per year on roads, bridges, public transportation, and infrastructure. At the same time, in the United States, we are spending about 2 percent. That is half of what we were spending in the sixties. At this rate, we will not be able to stay competitive with the rest of the world. That is a macro reason why we need to pass the Transportation bill. The bill is fully paid for, it doesn't increase the deficit, and most of the funding comes, as usual, from the gas tax.

To make up the gap in funding, we came up with bipartisan ways, including stiffer penalties on tax delinquents and by shifting unused funds designated to clean up underground storage tanks.

The Senate's Transportation bill is about making our investments more efficient so that we spend less on overhead and more on roads and bridges. I think several people have talked about the fact that this is a good time for States to be able to borrow. There are low interest rates. We can get a lot for our money. That is what I heard in New Hampshire when I talked to our transportation officials, that interest rates are very low right now.

This bipartisan bill streamlines the number of Federal transportation programs from over 90 to 30. For the first time it requires States to collect data so we can measure what kind of bang we are getting for our buck. Not only is it a reform bill that is more efficient, but it is more accountable. I think that is why groups from the AFL–CIO to the U.S. Chamber of Commerce support this bill. They have come together to support a bill that is truly bipartisan and that would support nearly 2 million jobs nationwide and, in my State of New Hampshire, about 6,600.

There have been a lot of reports about the difficulties facing the House in finding an agreement on a transportation bill. I think the Senate has provided a very good model that maintains current funding levels and avoids an increase in both the deficit and gas taxes.

What we need now is for the House to join the Senate and produce a reasonable, bipartisan, long-term transportation bill that can give local governments and businesses some certainty before the height of the construction season. State and local transportation projects budget and plan based on the idea that the Federal Government will provide a consistent level of long-term funding. When you are planning a multimillion dollar project that employs hundreds of people, it is critical to know what your budget is going to be more than just a couple months in advance. We would not run a business that way, and we should not expect the government to run that way.

If the House doesn't pass a bipartisan, long-term, transportation bill, States and towns won't have the certainty they need from us in Washington to plan their projects and improve their systems.

According to numerous studies, deteriorating infrastructure costs businesses more than $100 billion a year in lost productivity. This is no time to stall programs that encourage economic growth and create the climate that our businesses need to succeed.

In New Hampshire, we have seen firsthand the real-world consequences of uncertainty in Federal transportation funding. Our Interstate 93 corridor runs from the capital in Concord down to the Massachusetts border. It runs pretty much the length of the State. Right now we have a project underway that would spur economic development in the southern half of that highway. It has been underway for several years, but the pace of the project has lagged because there has been no certainty around our highway bill.

It has been impossible for businesses and developers around the I–93 corridor to predict the future of the project. At a time when the number of people working in the construction industry in New Hampshire is the lowest in a decade, it is unacceptable that we cannot provide certainty for this project. We know highway projects like Interstate 93 produce good jobs. New Hampshire's Department of Transportation has said that just one section of Interstate 93, between exits 2 and 3 close to the Massachusetts border, created 369 construction jobs.

All around the country, there are projects just like Interstate 93 that are stalled while we wait for the House to pass a bipartisan long-term transportation bill. We need to come together and make the Federal investments that are necessary to get these projects moving and get people back to work. Investing in transportation creates jobs and the conditions that our companies need to succeed. It is, as the U.S. Chamber of Commerce says, a core function of government. It should not be an issue for politics or partisanship.

I urge the House to take up the Senate bill. Congress needs to work together to pass a transportation reauthorization bill before the March 31 deadline.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST

Mr. DEMINT. Mr. President, I rise today to talk about the new Federal regulation that many may or may not be aware of. According to the Department of Justice, every swimming pool of ''public accommodation,'' meaning any pool at a hotel, motel, lodging establishment, recreation center, YMCA, apartment complex, condominium complex, school, or community pool, is to install a large, expensive permanent pool lift for the disabled, or else face steep fines from the Department of Justice and the threat of lawsuits.

We must make sure that we have accommodations for the disabled in every public place. This is happening around the country. But to do this with very little thought of the implications and the cost and the actual service to the disabled is a huge problem.

As we have seen time and time again, one-size-fits-all mandates from Washington don't work. We want public pools to have the flexibility to work with people with disabilities to ensure success.

On January 31 of this year, 2012, the U.S. Department of Justice Civil Rights Division published revised requirements for swimming pools and their means of entry and exit. This was 2 months ago.

The DOJ has now put forth new requirements for all facilities ''of public accommodation'' that go beyond those contained in the final rule issued in 2010 giving hotels and other residential communities insufficient time to comply with this burdensome new rule.

We need to think about it for a minute, because their lack of planning here is pretty evident by the fact that they are suggesting that this already be in place in less than 2 months, when the equipment is not even available in the country to do it. So it is clear that they have not thought through how to best serve the disabled, how to make sure that these services are available, and to do it in a way that does not put an undue burden on businesses that want to provide this service.

Senator GRAHAM and I have a bill that nullifies the requirement and stops the Attorney General from enforcing this requirement or any ''guidance'' associated with it. It also prevents against any third party using this rule or guidance in any manner.

To be clear, our bill will allow public pools to work directly with people with disabilities to meet their specific needs. Hotels, motels, and other public pools already have financial incentives to meet the needs of people with disabilities that use their facilities. They have been working diligently to do that. Our bill simply says the DOJ should not impose a national mandate for a one-size-fits-all solution that may not be appropriate for every facility.

This new burdensome rule seriously changes the obligations of public facilities around the country. There are an estimated 309,000 public spas and pools in the United States. The number of businesses—and not just the large hotels and resorts—that will have to comply is staggering.

The rule requires a permanent pool lift be installed for every pool or spa. So if a hotel, resort, or community association has more than one pool, they will have to get multiple lifts, instead of what is being done now, which is using a portable lift that can be moved around the facilities as needed.

A pool lift can run from $4,000 to $10,000, and the installation could run $5,000 to $10,000, depending on how much work needs to be done. So we are talking about billions of dollars being spent on something that could perhaps help the disabled but also become an obstacle and danger to others using the pool if this is not thought out and done in a careful manner.

The last thing we need to do right now is to add burdensome rules and requirements on businesses across the country. Hotel owners want to work in good faith to make sure pools are accessible to everybody, but we have to make sure that here at the Federal level we are not killing off more businesses by imposing mandates.

Mandates such as these are burdensome on businesses, and we all know these costs will be passed on to consumers—including the disabled—in the form of higher hotel costs for rooms and services.

The Department of Justice has left many questions from the hotel industry and others unanswered on issues such as compliance ability, timeframe, and economic cost, as well as rising insurance premiums.

It is clear that the deadline for compliance should be extended to allow hotels and other places of public accommodation flexibility in providing access to guests with disabilities. We should start over. They have given a 60-day relief period, but that is not enough time for this to be planned or for the equipment to be manufactured. The companies cannot comply in this period of time.

We need to guarantee that services are available to the disabled, but the quickest way to do the wrong thing is the way the Justice Department is doing it now. So instead of us letting this go into effect and letting large fines be put on businesses all around the country, even community pools and YMCAs, let's set this judgment aside by unanimous consent today, and if we want to debate and work with the Department of Justice to come up with a rule that works for the disabled and works for America, we can do that. But I have a unanimous consent request here that I wish to read.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 336, S. 2191, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, as one of the Senators who wrote the Americans With Disabilities Act and whose name appears as the lead sponsor of that bill that was passed 22 years ago, I oppose Senator DEMINT's effort to bypass the regular order and to amend the ADA to remove the ability of the Justice Department to regulate the accessibility of swimming pools. Twenty-two years have passed and periodically things such as this come up, but I believe the ADA has withstood the test of time.

We look around at an America that has been transformed, not just for the disabled but for everyone. Everyone utilizes universal design now in the fact that things are easily accessible for everyone. When we initially started putting in ramps, we thought only people using wheelchairs would use those ramps. I ask anyone here, go out and watch who uses those ramps. It is not just people in wheelchairs. The elderly use it, mothers with baby carriages use those ramps. You would be amazed how many people find those ramps a lot easier than climbing up and down stairs. That is one example. But I want to be clear about what is at stake here.

The Americans With Disabilities Act is a civil rights law that guarantees equal rights and equal opportunities for individuals with disabilities. Senator DEMINT's legislation attempts to interfere with the Justice Department's ability to enforce the statute, a civil rights statute. Again, it would be a dangerous precedent for the Senate to set, and that is why I object to his bill. Let me get to the point here on the swimming pools.

In September of 2010, the Justice Department published final regulations implementing title II and title III of the ADA. These new regulations addressed a number of issues that have arisen over the past 22 years, one of those being access to swimming pools and other recreational facilities. The requirement that has prompted Senator DEMINT's bill has to do with swimming pool accessibility.

Under the new regulations, newly constructed or altered pools covered by the ADA are required to provide at least one accessible means of entry into the water for people with disabilities, which must either be a sloped entry into the water or a pool lift that is capable of being independently operated by a person with a disability. Larger pools—pools larger than 300 feet in length, which is a big pool, Olympic size—are required to provide a second accessible means of entry. Again, these were promulgated in September of 2010, so it has been almost 1½ years. These requirements apply in the case of a newly constructed pool or one that has been significantly altered as a part of a renovation. Again, new pools or pools undergoing significant renovation.

In addition, since the ADA requires that public accommodations remove architectural barriers where it is readily achievable to do so, some existing public accommodations may be required to also increase access to pools for people with disabilities under title III's readily achievable standard. Let me repeat: readily achievable standard. The readily achievable standard is not one-size-fits-all. I heard my friend from South Carolina saying this is a one-size-fits-all. That is not so. It is a very flexible standard.

For example, if the equipment is not available—I heard Senator DEMINT say the equipment may not even be available. If it is not available, by definition it is not readily achievable and, therefore, not required by the ADA. If it is not available, by definition it is not readily achievable. So it is not a one-size-fits-all. It is very flexible. It means ''without much difficulty or expense.'' That is the law.

So what constitutes readily achievable in a particular case is an individualized analysis based on a number of factors, such as what the cost would be, the resources of the entity involved. In short, it is what a business can afford to do. So readily achievable for a Fairmont Hotel would be a lot different than readily achievable for a mom-and-pop motel that has a small swimming pool—much different. It is what the business can afford to do.

I know the American Hotel and Lodging Association has been upset about the application of this readily achievable standard and what their members may be required to do. But again, keep in mind, the pool requirements from September of 2010 were required to go into effect by March 15 of this year, 1½ years later. But there were some misunderstandings, and so the Department of Justice has extended the deadline to May 21. Again, I understand that the Justice Department has issued a notice of proposed rulemaking asking for comments about extending the deadline an additional 4 months, until September 17 of this year. The deadline for those written comments is April 4. Again, the process is working just as it has worked for the last 22 years.

When we were working on the ADA back in the 1980s, we heard from a number of industries that requiring accessibility for entities such as restaurants, retail stores, theaters was going to create serious problems for small businesses. I remember having numerous hearings in my subcommittee about that. So in an effort to address this concern and to help small businesses comply with the ADA, we created a disabled access tax credit. We heard Senator DEMINT talk about the costs, but we instituted a tax credit in the IRS Code.

The two sides: For businesses with 30 or fewer full-time employees or with total revenues of $1 million or less per year, they get a tax credit. It can be used for adaptations to existing facilities. The amount of credit is 50 percent of eligible access expenditures. It is up to $5,000 a year. I don't know what a lift might cost. I think the figures my friend used were a little high, but let's say it costs $10,000. You get a tax credit of up to 5,000 for that, so it really only costs you up to $5,000. You get a 50-percent tax credit for that.

In addition, section 190 of the IRS Code provides a tax deduction. For businesses of all sizes for costs incurred in removing barriers to meet the requirements of the ADA, the maximum deduction is $15,000 per year that they can deduct. So these two tax incentives certainly help the hotel industry offset any expenses associated with installing access to swimming pools.

Again, I want to say the rule does not require a permanent pool lift, as my friend from South Carolina said. That is not so. It is a flexible standard under readily achievable. If it is not readily achievable for existing pools, it is not required. So if you had a mom-and-pop motel with a very small swimming pool, if a permanent lift is not readily achievable under the outlines I have just stated, then it is not required.

Again, we have had 22 years, a lot of court cases. Some went to the Supreme Court. Then in 2008, this body unanimously—without one dissenting vote, this body and the House passed the ADA Act amendments to overcome three rulings by the Supreme Court. We passed it unanimously. The second President Bush signed it into law. And, again, we moved the ball forward in making this country more accessible for everyone, including people with disabilities. So as I say, it has stood the test of time. There is no reason to curtail the Department of Justice enforcement authority. There is no reason to bypass the regular process and to do what Senator DEMINT is trying to address.

Let's remember how popular the accessible improvements that the ADA required turned out to be for all Americans. I mentioned earlier the curb cuts, elevators, captioning on television

screens, all of the things that seem to be commonplace today that we take for granted.

I am confident that the improvements in swimming pool access that these new regulations will require will turn out to be popular. Actually, they may turn out to be very popular with hotel guests who don't have disabilities. But think about it in terms of families who are traveling—it may be an adult, may even be a child with a disability, and they want to use the hotel pool, yet there is not a lift or there is not a ramp. So one person from that family is barred from using those facilities.

As I said, keep in mind, it is readily achievable. If it is not readily achievable, they don't have to do it. That is why I objected to Senator DEMINT's request to bypass the regular process. I hope the Justice Department will continue. I don't have a view one way or the other on the extension to September. If the Justice Department feels that is okay and most of the comments that have come in ask for that extension, I see nothing wrong with extending it another 5 or 6 months. But at some point the law must take hold, and we have to meet our obligations to remove the barriers to accessibility in our country. We have come a long way since the ADA. Let's continue the wonderful progress we have made in the last 22 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA ACT OF 2012

Mr. DURBIN. Mr. President, my colleagues Senator BOOZMAN and Senator COONS and I are on the floor to speak to an issue relative to Africa. It is my understanding the majority leader is coming to the floor to make a unanimous consent request. With the understanding of my colleagues that we will interrupt our presentation for his request, I think we can proceed, if it meets with the approval of my colleagues. Since I was the last to arrive, I want to defer to Senator COONS and Senator BOOZMAN to start the conversation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator DURBIN and Senator BOOZMAN for up to 30 minutes. And, as Senator DURBIN indicated, we will suspend when Leader REID arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. I want to briefly lay the groundwork for the conversation we are going to have in this colloquy about the Increasing American Jobs Through Greater Exports to Africa Act of 2012, of which Senator DURBIN is the lead sponsor and Senator BOOZMAN and I have joined him as original sponsors.

The core question is, what is it about the rapid growth in Africa and the economic opportunity in Africa that should concern Americans, that should concern our constituents at home, and that should occupy our time and attention.

Back on November 1 of last year, the African Affairs Subcommittee of the Foreign Relations Committee delved into this. Senator DURBIN, Senator ISAKSON, and I looked hard at the ongoing developments in Africa. As this first chart suggests, there has been a dramatic change in the amount of exports from China to Africa relative to the exports from the United States to Africa. In fact, since 2000, Chinese exports to Africa have outgrown U.S. exports to Africa by a more than 3-to-1 ratio.

Why does that matter? Why does it matter if American workers and American companies are losing out on a continent that I think many Americans view as having relatively modest opportunity? Frankly, Africa is a continent of enormous opportunity. In fact, out of the 10 fastest growing economies in the last decade, 6 of them were in Sub-Saharan Africa. That is not a widely known fact. So part of why I lay this groundwork to start this colloquy is to help folks who are watching at home and to help our colleagues understand why Senator DURBIN has taken the lead in making sure that we focus America's efforts on strengthening our exports to Africa, a continent of enormous opportunity.

Senator DURBIN.

Mr. DURBIN. I say to my colleague from Delaware that the Commerce Department estimates we can create jobs here in America capitalizing on the opportunities in Africa, and that is a good starting point in the midst of a recession, to know that in Delaware, Arkansas, Pennsylvania, and Illinois there are jobs to be created, good-paying jobs right here at home, taking advantage of these export markets.

The chart Senator COONS has brought to the floor at this point indicates the dramatic growth that is occurring right now in Africa, and I think it would surprise a lot of people, as he said, who believe this is still a continent which is struggling with age-old problems.

In the past 10 years, 6 of the world's 10 fastest growing economies were located in Sub-Saharan Africa, and in the next 5 years it is expected that 7 of the world's 10 fastest growing economies will be in Sub-Saharan Africa.

The bill which we are bringing here is an effort to focus America's export market on this great continent and this great opportunity, creating jobs at home and a better working relationship with the countries and leaders of Africa.

I went to Ethiopia last year and met with the Prime Minister of Ethiopia. As I have done in the times when I have traveled to other countries, I asked: What has been the impact of China on your country? We stayed and spoke for another 30 minutes as he explained to me the dramatic changes taking place in Ethiopia because of China.

The numbers tell the story. When we look at what China offers to Ethiopia and the continent of Africa, they are offering concessional loans. What it means is, if it is a $100 million project that you need to start in Africa, the Chinese will give you $100 million and say ''but you only have to pay back $70 million.'' What a great deal that is, a 30-percent discount—with a few conditions: that you use Chinese engineers and Chinese construction companies and half the workers will be coming over to your country from China.

They are building a base of economic support within Africa. Between 2008 and 2010, China provided more to the developing world than the World Bank, loans totaling more than $110 billion. What we are suggesting is that as this is a growing opportunity for exports, we need to grow with it.

I would like to yield to my colleague from Arkansas who has been kind enough to join us in this effort.

Mr. BOOZMAN. I thank the Senator from Illinois for doing that. It is a pleasure being with him and the Senator from Delaware. I think this is a good example of working together. The name of the game now is jobs, jobs, jobs, and exports mean jobs. The other people being so very helpful to our colleagues—in the House, Congressman CHRIS SMITH, and also BOBBY RUSH from Illinois. These guys have been very helpful. Then, Don Payne, who is my former ranking member and chairman who recently passed away, I know he would be very pleased with this effort.

I have had the opportunity to travel to Africa on many occasions, being on the House Foreign Affairs Committee and now being in the Senate. It is interesting. You go to these places—the Senator mentioned this—you go to these places and all they want to do is talk about trade. They like American products. They want American products. I was part of the first delegation to visit South Sudan. Here they are, this small, struggling country and again all they want to do is talk about trade.

Mr. COONS. Mr. President, I ask unanimous consent to suspend our colloquy.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, I hope I am not interrupting anything that cannot be restarted in a short time.

UNANIMOUS CONSENT REQUEST—H.R. 1905

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and the Senate proceed to its consideration; that all after the enacting clause be stricken and a substitute amendment

which is at the desk, which is the text of Calendar No. 320, S. 2101, the Iran Sanctions Accountability and Human Rights Act as reported by the Banking Committee, be inserted in lieu thereof; that the bill as amended be read a third time and passed and the motions to reconsider be laid upon the table, there being no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I am amazed the majority party objects to an amendment that simply restates the Constitution. Our Founding Fathers feared granting power to declare war to the Executive. They were quite concerned that the Executive can become like a King. Many in this body could not get boots on the ground fast enough in a variety of places, from Syria to Libya to Iran. We don't just send boots to war; we send our young Americans to war. Our young men and women, our soldiers, deserve thoughtful debate. Before sending our young men and women into combat, we should have a mature and thoughtful debate over the ramifications of war, over the advisability of war, and over the objectives of the war. James Madison wrote:

> . . . that the Constitution supposes what history demonstrates, that the Executive is a branch most interested in war, and most prone to it. Therefore, the Constitution, with studied care, vested that power in the legislature.

My amendment is one sentence long. It states that nothing in this act is to be construed as a declaration of war or as an authorization of the use of military force in Iran or Syria.

I urge that we not begin a new war without a full debate, without a vote, without careful consideration of the ramifications of a third or even a fourth war in this past decade. I, therefore, respectfully, object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am terribly disappointed. There is nothing in the resolution that talks about war; in fact, it is quite to the contrary. It is unfortunate. I know, I read the Constitution a few times. My friend says he wants to restate the Constitution. That is a strange version he just stated. I don't see that anyplace in the Constitution. So I am deeply disappointed the Senate was not able to enact additional critical sanctions against the Republic of Iran.

The sanctions that came out of the Banking Committee unanimously are a key to our work to stop Iran from obtaining nuclear weapons and threatening Israel and jeopardizing the U.S. national security. It is a bipartisan bill which passed unanimously out of the Senate Banking Committee. It would have had much needed new sanctions put in place right now, as we speak. We could pass this legislation this minute if the minority would drop their opposition. We can't afford to delay these sanctions or slow down this process in any way. I am willing to move this bill without amendment also at any time.

I say to my friend, whom I respect, I say to my friend, if there are additional things that should be done—I was told this morning that Republicans want to offer amendments to this unanimous consent request. I said, no, because Democrats want to also. But we are satisfied with where we are. This is a wonderful piece of legislation, done on a bipartisan basis in the Banking Committee. If people, such as my friend, the junior Senator from Kentucky, want to do more, as do my friends from this side and the Republican side, let's come up with something else. But I think not to do this is unfortunate.

We are slowing down these sanctions. This is not a declaration of war or even anywhere within the neighborhood of that. We are slowing down these sanctions. That I believe is the way to avoid war. I am willing to move this bill without amendments, at any time, I repeat. I am hopeful my Republican colleagues will see the light and realize how important it is to advance this measure and prevent Iran from obtaining nuclear weapons.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent we can resume the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. At this point, I yield to the Senator from Arkansas, if he would like to conclude his remarks.

Mr. BOOZMAN. I thank the Senator from Illinois. Again, I was making the point that as we go to these African countries that want American products, whether it is the newest country in Africa, South Sudan, or the older countries, and we need to have the ability to supply them. Both Senators have mentioned China. China is certainly lurking out there. Again, it is not only China; it is India and a number of other countries. The Senator might want to comment on that. Senator COONS.

Mr. COONS. Senator BOOZMAN is right. There is a real challenge to the United States in Africa, and it is not just a economic challenge. We face competition from China, from Russia, from Brazil, from India, from other rapidly growing countries.

But there is also a values change because, frankly, in countries I visited—and I know both Senators, in their service to the public in the House and Senate, have visited more countries on the continent than I have—but I am concerned that China's agenda in Africa is sometimes different from ours. It is not a values agenda. They are not there to promote democracy, tolerance, transparency, protection of intellectual property from piracy, from counterfeiting. There are lots of different things we advance in partnership with trade opportunities that are not part of their issues and are not part of what they try to advance. I am impressed Senator DURBIN has pulled together an all-of-government strategy for dealing with this opportunity, and I would be interested in hearing more about how the mechanics of this bill would actually work to deploy all the great resources of the American Government.

Mr. DURBIN. This bill develops a comprehensive strategy to coordinate the agencies of our Government in helping U.S. businesses export to Africa. Currently, the U.S. export promotion and financing regime is a patchwork of overlapping, loosely coordinated, and maybe in some cases wasteful efforts that are difficult for U.S. businesses to navigate and too often unresponsive to the real needs of real businesses.

This bill creates a special Africa export strategy coordinator to ensure this is no longer the case. He will work with the existing export agencies and make sure they are on the same page. The bill establishes a minimum number of commercial Foreign Service officers to be stationed at U.S. embassies in Africa and the multilateral investment banks. These are the men and women who are contacted by American businesses, wanting to do business. They can navigate them through local government requirements as well as some of the other cultural challenges they might face. The bill formalizes and standardizes the training received by economic and commercial officers. It also incrementally increases the amount of money Ex-Im can loan over the next 10 years and creates a standard of accountability for those loans. Remember, this is only an increase in the lending limit, and these loans actually make money for the U.S. Treasury.

Lastly, the legislation gives the Export-Import Bank greater incentive to aggressively counter concessional loans, below-market loans such as the one I mentioned earlier in the case of Ethiopia and China, that countries such as China often use to undercut our bidding in the process.

After the Prime Minister of Ethiopia explained to me how the Chinese were offering these concessional loans, he then said: But, of course, then we turned around with the telecommunications contract and the Chinese won that too. He said they are winning everything. That is not good news for us. We have the capacity to produce goods and provide services competitive with any nation in the world. But once they have basically become a part of the local economy and once they are part of the local culture, it is difficult for our companies to compete. That, I think, is the real challenge we face.

That is what this bill basically does. I think it not only creates an opportunity to create jobs here, but as has been mentioned by Senator BOOZMAN and Senator COONS, these are developing nations which are reaching a

level of economic maturity. We want to be not only good trading partners but partners with them in the future, developing not only good markets but good values that are consistent with our view of democracy and the participation of people who live in each of these countries.

I would like to yield at this point to Senator BOOZMAN.

Mr. BOOZMAN. I agree with the Senator from Illinois. We trade not only goods and services, but we trade ideas. That is so important as we go on. Certainly, Africa is developing a very healthy middle class. This is certainly something new that they have not seen before. Again, they are hungry for American products.

I appreciate the way the legislation was crafted in the sense it is revenue neutral so there is no cost to the taxpayer. What we are trying to do is get a plan together to make it such, particularly our small businesses, so they can compete in this huge continent that has so much going for it. Again, it could be such a great help to a State such as mine. In Arkansas, we are talking about we already export $5.6 billion in merchandise. I think one of the ways we are going to climb out of the economic doldrums we are in and create jobs is going to be through exports, and certainly this gives us an opportunity.

We are almost—we could almost say, using the statistics from the Senator from Illinois; he talked about 7 of the 10 top emerging economies coming out of Africa—we are almost doing a disservice to our small businesses by not going forward with this legislation.

Mr. COONS. That is right. I am grateful Senator BOOZMAN has been an active participant in helping pull together on this bill what has been a bipartisan consensus in this body and in the House on the importance of improving the access to the export opportunities of Africa for businesses large and small in the United States.

Both of our States are well known for poultry exports. All three of our States also have manufacturing exports, across all the different sectors of our economy. We can't help but do better if we increase our exports to Africa.

Fifty years ago, 70 percent of all U.S. funds that flowed toward Africa were development or relief assistance from U.S. Government sources. Today that is inverted. Today more than 80 percent of all resources that go to Africa are direct investment by the private sector. So Senator DURBIN has led the effort to create a wise and smart bill that uses that leverage, that makes, as Senator BOOZMAN said, the rapidly growing markets of Africa accessible to our home State businesses, large and small, but also makes a more efficient, more focused use of the dramatic resources of our Federal Government and makes it more accessible.

What is next and where do we go from here?

Mr. DURBIN. I can tell the Senator from Delaware and the Senator from Arkansas if you ask the average American to give you their image of Africa, it will be an old image. The image of new Africa is a continent that is changing dramatically as those numbers show. Listen to these numbers: In the year 2000, 7 percent of the population of Africa had access to the Internet. In 2009, the number was up to 27 percent. That is almost a fourfold increase in access to the Internet.

There was also a revolution when it comes to mobile telephones. In 1998, there were fewer than 4 million phones on the entire continent. Today there are 500 million. From 4 million to 500 million phones. Most people have this image of a dusty little village in Africa where people live under pretty primitive circumstances, and that is true in many parts of Africa. But 78 percent of Africa's rural population has access to clean water. Seventy-eight percent has access to clean water. Access to information and the global market are the pillars of building a middle class. In Africa this means a middle class hungry for goods and services, and the United States can use that to our advantage.

I am openminded about this. I want us to be able to import from Africa as well because that is the nature of a good trade relationship. It cannot be all one-sided. Of course, our first priority is American jobs in Arkansas, Delaware, Illinois, and Colorado. But let's understand as the middle class grows, their productivity will grow too and what they can provide us can make a big difference.

The world banks said recently in a report that Africa could be on the brink of an economic takeoff much like China was 30 years ago and India 20 years ago. So this bill, promoting our trade into Africa, could not come at a better moment.

I wish to yield to Senator BOOZMAN at this point.

Mr. BOOZMAN. Well, I agree with the Senator from Illinois and the Senator from Delaware. The bottom line is there is a tremendous opportunity for our country. I think that our country, as we do start the trade process, trading ideas along with goods, that, again, we are givers. We can be very proud of the work we have done in Africa. Nobody has done more when we are talking about food. I was one of the cochairs of the malaria caucus. We can be very proud of the work the Congress has done in the last several years. These are things that the Western world can get together and eliminate.

As the continent settles down and develops a middle class, 60 percent of the businesses that do exports are small businesses and certainly we need to get in there. This bill challenges us to increase that by 200 percent and gives us the incentive and a template for how we do that so we can stop this erosion by the Chinese where they are outdoing us by about 3 to 1.

The Senator from Delaware.

Mr. COONS. Senator BOOZMAN is absolutely right. The significant investments that have been made by the last administration and the current administration, by Congresses controlled by both parties, in relief of the very broad health challenges throughout sub-Saharan Africa have produced dramatic results. It has been both positive results in terms of relieving human misery but also positive results in terms of the view that most Africans have of the United States. This is the continent on the Earth where we are most positively viewed. We need to take that platform and use the tools Senator DURBIN is trying to craft through this legislation we support to make sure that businesses large and small all across the United States see this continent clearly as a continent of opportunity, as a continent where we have strong potential partners, and get us back in the race.

Frankly, right now we have a wakeup call. When those of us who have been to Africa repeatedly see it as a continent of great opportunity perceive that we are allowing other countries to rapidly move past us, with Senator DURBIN's leadership with this bill, we can take that opportunity, refocus our resources and make this the decade where the United States and Africa, working in partnership, build and sustain tremendous growth in imports, exports, and trade.

Mr. DURBIN. I hope we can change a few things in Washington as we look at Africa. I hope the U.S. Commerce Secretary will travel to Africa. That has not happened in years. I would encourage our Secretary to discover the opportunities on this continent for the good of our economy here in the United States.

It is hard to imagine, as well, the Commerce Department is actually cutting its staff in Africa at this point, and the Export-Import Bank doesn't have an African staff at this point. This can change. The tremendous growth of the African economy and its middle class makes lack of engagement inexcusable. We can reverse it, and this bill is a step in the direction to reverse it.

As Senator BOOZMAN said, it is modest, commonsense, and doesn't add to the deficit. It thinks of ways to use current resources more effectively. It moves us in that direction with low-cost steps that will actually earn U.S. money while creating U.S. jobs.

I will yield on this issue and allow my colleagues to close if they have closing remarks.

Mr. BOOZMAN. I thank the Senator. We appreciate his leadership. Perhaps the three of us, and maybe others, can write a note to the Secretary of Commerce and ask him to make a much-needed trip to Africa, to look at this bill and not only do this, but use other ways as a strategy to implement so we can get our small businesses trading more with the continent, again, keeping up with the likes of China, India, and all of the places we mentioned.

I think once it is all over, we will be very proud of our efforts, just as I am

very proud, as was mentioned, of the efforts we have made in feeding the hungry, helping those with HIV, those with malaria, and diseases such as that. It is interesting that it is the place in the world where we have the highest acceptability. The people are very pleased with what the Americans have done there. Our State Department is doing a great job. We are teaching people how to fish rather than feeding them, and that has been very successful.

I appreciate everybody's efforts and hopefully we can get our colleagues together and get this thing passed.

Mr. COONS. I thank Senator BOOZMAN and Senator DURBIN for the opportunity to join together in this colloquy.

As Senator BOOZMAN referenced, this is another example of how when America leads with its values, America will find success for our workers, our families, our communities at home in terms of increased export opportunities, but also in terms of higher regard for our values, for our priorities throughout the world. When we are willing to take on the challenge of combating terrible diseases such as HIV-AIDS, tuberculosis, and malaria in partnership with research universities, in partnership with African universities, and doctors and health care professionals, we can achieve remarkable results.

When we pull together with Senator DURBIN's leadership on this bill and we pull together all of our government, OPEC, Ex-Im, the Trade Development Administration, the Department of Commerce, the Department of State, and we deploy the strength and the capabilities of America's entrepreneurs and small businesses, the sky is the limit in terms of the difference we can make for the people of Africa and the people of the United States.

I wish to thank Senator DURBIN for his leadership on this important bill. I am grateful for the chance to join him and Senator BOOZMAN in the colloquy today.

Mr. DURBIN. I thank my colleagues Senator BOOZMAN and Senator COONS.

Mr. President, I ask that this colloquy be brought to an end, and I be recognized individually in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT LOAN DEBT

Mr. DURBIN. Mr. President, I held a hearing last week in the Judiciary Committee on an issue that most Americans are aware of, but not aware of the severity of the challenge we face. The issue relates to student loan debt.

Last month the National Association of Consumer Bankruptcy Attorneys issued an eye-opening report entitled ''The Student Loan Debt Bomb.'' The report pointed out that American student borrowing exceeded $100 billion in 2010, and the total outstanding student loans exceeded $1 trillion last year. There is now more student loan debt in this country than credit card debt.

Of course, when used prudently, student loans can be valuable. I am living proof of that. I borrowed money to go to college and law school. I paid it back and felt it was money well invested. I stand here today because of it. A lot of students have gone through the same experience. Unfortunately, too many students today are being steered into loans that they will never be able to repay.

According to an analysis by the Federal Reserve Bank of New York, 37 million Americans hold outstanding student loan debt with an average balance of $23,300. However, only 39 percent of those student loan borrowers were actually paying down the balance. More than half of the student loan borrowers in the United States are not paying down their loan.

The New York Fed's study found that 14 percent of student loan borrowers—that is 5.4 million Americans—were delinquent while the remaining 47 percent of borrowers were either in forbearance, which means a delay in payment as the actual cost of the loan increases, or still in school and adding to their debt.

Last month Standard & Poor's issued a report saying that ''student loan debt has ballooned and may turn into a bubble.'' Moody's Analytics recently said that ''the long-run outlook for student lending and borrowers remains worrisome.''

The overall growth in student indebtedness is troubling. The most pressing and worrisome parts of it are private student loans. What are these loans? These are loans given to individual students, not by the Federal Government or through a Federal agency, but rather through a private entity.

According to the Project on Student Debt, the most recent national data shows that 33 percent of bachelors degree recipients graduated with private loans—one out of three—at an average loan amount of $12,550. The difference between private and federal student loans is significant. Private loans to students in school are far riskier to pay. Federal student loans, through the government, have fixed, affordable interest rates at 3.4 percent. They also have a variety of consumer protections, such as forbearance in times of economic hardship, and they offer manageable repayment options such as income-based repayment plans.

On the other hand, private student loans often have high variable interest rates. While interest is at 3.4 percent for a government loan, it can be as high as 18 percent for the student loans from a private source. We found that in our committee. That dramatic interest rate increase means that many students, unless they land a great job and can pay it back quickly, will find the principal not being reduced and the interest building up over the years.

Once a student takes out a private loan, that student is at the mercy of the lender. I have invited students from across the United States to share their stories about private loans and what has happened to them. I want to tell you one of those stories this evening. A young lady came to testify before my committee. Her name is Danielle Jokela. Danielle is a constituent of mine who lives in Illinois and appeared at our hearing on the looming student debt crisis.

The odds were against Danielle. Both of her parents were high school dropouts, but because of the personal value education has for her, Danielle was determined to go to college. Not unlike a lot of young people these days, her family couldn't help her. She had to do it on her own. In the year 2004, she moved from Minnesota to Chicago to attend the Harrington College of Design, a for-profit institution owned by Career Education Corporation.

Before I go any further, let me tell you the story of the Career Education Corporation. November 1 of last year the CEO of Career Education Corporation resigned after it was disclosed that this for-profit school had reported incorrect information to its accreditor about the number of students who were getting jobs after they graduated. It was such an embarrassment to the corporation that he was forced to resign. The parting gift for this embarrassing situation was a $4 million parachute to the CEO as he left the Career Education Corporation. He failed in his job and got rewarded for it.

Now let's go back to Danielle's story. She didn't fail. She kept going to school. She fully trusted the staff at Harrington to help her with financial aid. They helped her fill out all the financial aid paperwork for her loans and made phone calls on her behalf. There was no discussion about interest rates and what the actual debt load would be by the time she finished. School employees never talked about monthly payments once she graduated nor did they tell her about the kind of salary she could expect to earn upon graduation or the percentage of graduates coming out of the Harrington School of Design who actually found a design job.

In 2007 Danielle graduated with a bachelor of fine arts in interior design. You can imagine how proud she was coming from a family where her parents had not finished high school. After graduation, she started to pay back the following amounts that she had to borrow to graduate: $37,625 in Federal loans and $40,925 in private loans. Danielle owed $79,000 when she got her bachelor's degree in interior design. Today, 5 years after graduation, she still hasn't found a job in that field and she now doesn't owe $79,000, she owes more than $98,000. Those loans just continue to grow. She makes one combined payment each month of approximately $830. Nearly 28 percent of her current income goes to student loan debt. Twenty-five years from now—25 years in the future—if the interest

rates hold where they are, she will have paid nearly $56,000 for her Federal loan, which started off at $37,000, and nearly $155,000 for the $41,000 private loan. That is approximately $211,000 she will have paid 25 years from now on her $79,000 debt. That is a staggering 264 percent.

Do we believe any college student could even understand when they are signing these loan forms what they are getting into? They assume that if the Federal Government loans money to the school, it must be a good school. Not true.

Many of these schools, such as Career Education Corporation, have what they call national accreditation. I met with a national accrediting agency. It accredits a lot of schools, some of which the Presiding Officer is very familiar with in his State. It turns out that the for-profit schools have a peer-reviewed accrediting operation. They look to one another to decide whether they are competent to hold themselves out as schools offering higher education, and the Department of Education accepts it. So what is the student to think? I am going to an accredited school, a nationally accredited school. The Federal Government is offering loans, maybe even Pell grants. The student would assume that this must be a good school.

Secondly, of course, the situation with the cost of these for-profit schools is dramatically higher, the amount of indebtedness of the students is dramatically higher than public education and even private not-for-profit schools. The amount of the indebtedness of the students is dramatically higher, and more and more of these for-profit private schools are dragging the kids, the young students, into debt with private loans with absolutely explosive terms to them.

There is one thing I haven't mentioned that bears saying. Under the current law, no student loan is dischargeable in bankruptcy except under the most severe and extreme circumstances. It hardly ever happens. It means that the loan papers you sign at the age of 21 are going to be with you for a lifetime. And if you aren't one of the lucky ones—landing a good job, making enough money—you will watch what happens as that student debt increases. Danielle's debt went from $79,000 in 5 years to over $98,000, and it continues to grow.

I asked her about her lifestyle—32 years old, married. She is trying to do the best she can. She can't go back to school—impossible. She can't borrow more money to do that. She is looking for a job and trying her best. She said: It looks like I am going to lose my home over this. It is just a little house my husband and I were working on paying for. We just can't do it anymore.

Age 32, virtually in debtors' prison for these private loans and Federal loans—for what? For making the mistake of going to college? I don't happen to think that is a mistake. For most of us, it was a ticket to a future. She thought it was a ticket to a future for her. It turned out to be a ticket to a life of debt.

What are we going to do about this? Are we just going to shrug our shoulders and say that these students ought to think twice about signing up or their parents who cosigned should have asked harder questions or are we going to be more honest about this? The current situation has to be examined in honest terms.

How many private loans are now not dischargeable in bankruptcy? What other private loans would not be dischargeable in bankruptcy? The answer is none. The only things nondischargeable in bankruptcy are things like Federal student loans, taxes you owe the government, child support, and alimony. These private loans from schools were added a few years ago. We gave them the sweetest deal of any creditor in America. No other private unsecured creditor gets that protection in bankruptcy, other than those issuing private student loans, like for-profit schools.

So you say to yourself, Congress, why did you do that? Why did you offer that kind of a benefit to one tiny sector of the economy? And the answer is, there wasn't a lot of debate about it and there wasn't a lot of talk about it. It was in the bankruptcy reform bill, which I voted against, and the provision was stuck in there that gave them this sweetheart arrangement, this sweetheart deal.

Well, it may have been a sweet deal for the schools and the private lenders; it sure isn't for Danielle. I don't know what to tell this young woman. There is no place for her to turn. At age 32, that is her plight in life now. It is happening more and more.

What I read earlier about this looming student debt crisis and the fact that we could be dealing with a bubble is something we ought to take seriously. It is a serious problem. While the volume of private student loans is down from its peak in 2007 when it accounted for 26 percent of all student loans, we know that private lending is still being aggressively promoted by the for-profit college industry.

I always put these numbers on the record so people can put it into perspective. Ten percent of the postsecondary students in America attend for-profit colleges—10 percent. The for-profit colleges receive 25 percent of all Federal aid to education—10 percent of the students but 25 percent of the Federal aid to education.

We had to put a statutory limit on the Federal subsidy of these schools at 90 percent. They can receive no more than 90 percent of their money—a for-profit school—in money directly from the Federal Government—loans, Pell grants. The GI bill is excluded, so it can go up even higher. These are the closest things to government agencies with multimillion-dollar parachutes for their CEOs that I have ever seen. Yet we turn our backs and say that is the way it works.

The Project on Student Debt reports that 42 percent of for-profit college students had private loans in 2008, up from 12 percent. For-profit college students also graduate with more debt than their peers. And the last statistic: 10 percent of the students, 25 percent of the Federal aid to education, 44 percent of the student loan defaults through for-profit schools.

The answer is obvious: They string these kids out, bury them in debt, they end up graduating, and they can't find a job to pay off their debt. And we sit here and say: Gosh, I wish there was something we could do about it.

There are a lot of things we can do about it. We need to take action. I have introduced legislation—the Fairness For Struggling Students Act—that restores the pre-2005 bankruptcy treatment for private student loans. If those for-profit schools and those creditors making private student loans knew they were dischargeable in bankruptcy, would they ask harder questions about the payback? Would they be more concerned about whether the students actually could end up with a job? You bet they would. There is no reason private student loans should get treated differently than any other private debt in bankruptcy, and it is especially egregious that these private loans are nondischargeable where a student was steered into a loan while the student still had eligibility for the much lower costing Federal student loan. Think about that. Here is a student who is eligible for a 3.4-percent Federal student loan being lured into a private loan at 18 percent. As long as they have eligibility for the Federal student loan, the private loan certainly should not be nondischargeable in bankruptcy.

I am encouraging my colleagues to take a hard look at this issue. I bet a nickel that if my colleagues went to a town meeting in any town in America—in Illinois or any other State—and asked folks there, does anybody have any concerns about student loans, watch the hands go up. People are worried about it.

The last example I will use is one of the people who work in my Federal office who is a wonderful lady who cleans the building and we have gotten to know her. She is an immigrant to this country with a limited command of English, but she is a hard-working person. Her daughter graduated from high school with a GED, and she was so elated when her daughter finally made it through high school. She came in one day and said: I have great news. My daughter was accepted to college.

It turned out she was accepted at Westwood College. Westwood College accepted her and offered her a degree in law enforcement. We asked her mother what it is going to cost. Well, it is the $5,500 Pell grant plus $17,000 more for 1 year. This college, unfortunately, has become notorious. It is under investigation by the Illinois attorney general for its loans. Students

who watch all these crime programs on TV can't wait to become part of law enforcement. Here is the bad news: Westwood College's law enforcement degree is not accepted by any law enforcement agency in Illinois. It is not a legitimate college degree.

Well, we called Westwood because we have been through this with them before many times and said: If you don't tear up those papers right now and allow her mom and her to walk away from this, there will be a press conference out in front of your building tomorrow morning. They tore up the papers. But, sadly, many college students who went to Westwood didn't have that good result. The worst one I know of is a young lady living in the basement of her parents' home now, a graduate of Westwood with a law enforcement degree and $90,000 of debt and nowhere to turn. She is in her late twenties and has nowhere to turn. That is the reality of what is happening out there in the real world.

We have a responsibility here, a responsibility to these students, these leaders of tomorrow, a responsibility when it comes to the reputation of education in our country to step in and police the for-profit schools that are not doing a good job, that are taking advantage of students and leaving them deeply in debt with worthless diplomas. It is not an issue where people jump up and say: Let's get down to the floor and join DURBIN on this one. It is just not that interesting to a lot of folks yet. I am afraid it will be. If this looming student debt crisis grows, there will be more and more tragic stories like the one I put in the RECORD today about Danielle Jokela.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

ENERGY POLICY

Mr. BARRASSO. Mr. President, I rise to speak on the issue that is before us today on the floor of the Senate; that is, the issue of high gas prices.

I was at home in Wyoming and filled up again this weekend, as I do most weekends, and today the average price of gasoline, regular unleaded gasoline nationwide, is $3.91 a gallon. That is about 20 cents more than it was a month ago.

People at home in Wyoming see the prices continue to go up week after week. High gasoline prices are causing hardships—hardships for American families and American businesses. When families pay more at the pump, they can't spend money on other goods and services. For families dealing with kids and a mortgage and bills, they know the specific impact as they fill their car or truck and see that price rise to the point where it is most, if not more, than $100 to fill the tank. Also, when companies pay more for gasoline, they have less money to expand their businesses. That hurts job creation in this country.

Wyoming families and Wyoming businesses know this all too well because in Wyoming we drive longer distances than most Americans. The President also knows this, and that is why he continues to give speeches on energy. It is clear that the President is defensive on this issue. I have heard the speeches, and I say: Pay less attention to what he says and pay more attention to what he does.

The average price of a gallon of gasoline, regular unleaded gasoline, is over 100 percent higher than it was when President Obama took office. I will say that again. The price of gasoline is over 100 percent higher than it was when President Obama took office. It is clear that the President's policies are contributing to higher gas prices, but instead of changing course President Obama and Democrats in Congress are doubling down on bad policies and desperate schemes.

Here is an example. One Senate Democrat—someone across the aisle from me—said: Let's ask Saudi Arabia to produce more oil. That is exactly what he said. He said his solution is to ask the Secretary of State to ask Saudi Arabia to produce more oil. Now President Obama and Senate Democrats want to raise taxes on American oil production. So we are going to ask Saudi Arabia to produce more and yet raise taxes on those who are producing American oil. So the President and the Democrats want more oil from Saudi Arabia, and they also want to make it more expensive to produce American energy.

The legislation on the floor doesn't make sense, and the American people recognize that it doesn't make sense. Americans know that if you want less of something, you tax it more. They also know that if you want to increase the cost of something, you tax it more. Raising taxes increases the cost for consumers, and that is, in effect, what President Obama and Senate Democrats are doing with this legislation. They are proposing increasing gas prices by increasing taxes. Even the author of this legislation has said that ''nobody has made the claim that this bill is about reducing gas prices.''

So, then, why would President Obama want to increase gas prices 7 months before a Presidential election? Well, it appears to me it is because his political base fiercely opposes fossil fuels. Now that should not surprise anyone. We have seen this before. Of course, I am referring to the President's rejection recently of the Keystone XL Pipeline, bringing energy from Canada into the United States. The Keystone XL Pipeline would have created thousands of good-paying jobs for Americans. The President said no. The Keystone XL Pipeline would have facilitated oil production in Montana and in North Dakota. The President said no. The Keystone XL Pipeline would have increased supplies of oil from Canada. The President said no—to the point that the Prime Minister of Canada actually went to China to ask if they would buy the energy from Canada if the United States is not interested.

So why would the President reject it? Well, because his political base has fiercely opposed the pipeline. Now the President wants to have it both ways. He would like to please his political base as well as the American public. That is why the administration wants to go hat in hand and ask Saudi Arabia to produce more oil. It is also why the President is considering plans to tap the Strategic Petroleum Reserve.

This will be the second time President Obama tapped the Strategic Petroleum Reserve. Last June, if you will recall, the President released 30 million barrels of oil from the Reserve. Prior to that, it had only been tapped twice for emergencies since 1975. So between 1975 and June of 2011, the Strategic Petroleum Reserve had only been tapped twice for emergencies. It was tapped in 1991 upon the outbreak of the Persian Gulf war, and it was tapped following Hurricane Katrina. In both instances those were real disruptions of the supply of oil to the United States.

But when President Obama tapped the Strategic Reserve last year, there was no substantial prospect of a supply disruption. His decision at the time was based on politics, as would be his decision to tap it now. That is why Jay Leno recently called the Strategic Petroleum Reserve President Obama's ''Strategic Re-Election Reserve.''

Well, my Republican colleagues and I think there are other ways to address high gas prices. The other thing is, when they tapped the Strategic Reserve last year and took out the 30 million barrels, they did not actually refill it, so that the Strategic Petroleum Reserve is not filled up right now. It is lower. Just to fill it back to where it should be, its baseline level, would cost actually almost $1 billion more than they got when they sold the oil last year.

I believe there are things we should be doing and can do that will enhance, not jeopardize, our Nation's security and specifically our Nation's energy security. We understand the Strategic Petroleum Reserve is for emergencies, not political disasters; and we understand if we want more of something or if we want to lower the cost of something, we do not raise taxes on it. What we do is make it easier to produce the product. That is why my Republican colleagues and I support making it easier to produce American energy, and it is why we are asking the President to make it easier to produce American energy—not harder, not more expensive but easier.

A few weeks ago, we learned oil and gas production on Federal lands and waters is down. Specifically, we learned there was a 14-percent decrease in oil production on Federal public lands and waters from 2010 to 2011 and an 11-percent decrease in gas production from 2010 to 2011.

Again, the President has not made it easier, but he must make it easier to produce American energy. The President can begin by increasing the number of permits issued for exploration in the Gulf of Mexico. It is my understanding there are only 25 deepwater rigs active in the gulf right now. I understand 34 deepwater rigs were active in the gulf at this time in 2010. The administration needs to approve more permits and to do it immediately.

The President should also increase access to other offshore areas. He should provide access to offshore areas in the Atlantic and the Pacific Oceans. In November, the President proposed an offshore oil and gas leasing plan that amazingly excluded the Atlantic Ocean and the Pacific Ocean. He excluded areas off the coast of Virginia, even though both of the Senators from Virginia who are Democrats, as well as the Governor of Virginia who is a Republican, all support such exploration.

The President should also increase access to onshore areas. The President should open areas of Alaska, and we should support proposals to open ANWR. Both Senators—a Democrat and a Republican—and the Governor of Alaska strongly support opening ANWR for energy exploration. The President should too.

The President should also take steps to facilitate onshore production in the West. Specifically, the President should scrap new regulations requiring ''Master Leasing and Development Plans.'' These regulations were put into place over 2 years ago by the Secretary of the Interior. It is unclear to me why the Secretary issued these regulations. They add more redtape, they cause more bureaucratic delay, and they slow down American energy production.

Of course, there are other regulations that are driving up the cost of American energy—specifically, the EPA's forthcoming tier 3 regulations that will affect America's refineries. A recent study shows this rule could increase the cost of manufacturing gasoline by 6 to 9 cents a gallon. This rule could also raise annual compliance costs for refineries by billions of dollars. And it will almost certainly increase the pain at the pump that is being felt by American families. To me this is unacceptable. The President should at the very least delay the issuance of this rule.

In addition to providing more access to Federal lands and waters and eliminating burdensome regulations, the President should address delivery bottlenecks. Specifically, he should address all the bottlenecks the Keystone XL Pipeline would relieve. Here, of course, I am referring to the 100,000 barrels of oil each day that Keystone would ship from Montana and North Dakota. That is right—homegrown American energy from Montana and North Dakota.

Right now there is not sufficient pipeline capacity out of North Dakota and Montana. Do you know how they are getting the oil out of there? Well, they are shipping it on trucks and in trains, and that is a lot more expensive than shipping it by pipeline.

The Keystone XL Pipeline would reduce the cost of shipping American oil. In addition, the pipeline would ship about 700,000 barrels of oil a day from Canada. The Canadian oil would replace oil imports from OPEC and thus increase our Nation's energy security. Approving the Keystone XL Pipeline is an easy decision, and the President should make that decision immediately.

Again, the President must abandon his support for policies such as this legislation that is ahead of us today, which will only increase the pain at the pump. He must also abandon plans which will put our Nation's security further at risk. Instead, the President must make it easier to produce American energy. He should increase access to Federal public lands and waters, eliminate costly regulations, and approve the Keystone XL Pipeline.

It is my hope the President will take all of these steps and do so immediately so the American public does not continue to suffer the significant pain at the pump that continues to affect our country today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ORDER OF PROCEDURE

Mr. BEGICH. Mr. President, I would like to enter into a colloquy with my colleague from Louisiana.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

ENERGY PLANNING

Mr. BEGICH. Mr. President, just as I expected, we have been in this back-and-forth show-and-tell on oil and gas issues instead of spending the time and working on a real energy plan, one that is important for not only my State, my colleague's State, but for the whole Nation. So we go back and forth, and it is politics as usual in this Chamber. We just heard a nice presentation by my colleague from Wyoming about how it is all the President's fault the prices are going up and all these other issues.

Let me just say this—and I know my friend from Louisiana knows this—in Alaska, there is a clear indication what we believe when it comes to energy prices. We have communities that pay $9, $10 a gallon for heating fuel. We understand when costs go up what happens to our economies in our rural communities.

We also are a producer of oil and gas, and we understand the potential and job opportunities. But this last week, when we started on this bill, I know my colleague and I were just two of four people who said, no; we are not moving on this bill because we expected exactly what is going on now. We are just doing a little show-and-tell, having a little argument back and forth, and in another 24 hours or maybe 30 hours we will be off this bill and we will not have an energy plan.

When I go back home for our break, when I am talking to Alaskans—and I know the Senator will be talking to folks in Louisiana—they will complain about gas prices and heating costs and how much it costs to fill their cars or their RVs if they are trying to go somewhere on the weekends, and we have not done anything to make a dramatic change.

Of course, this idea of eliminating these incentives for the oil and gas industry I have opposed from day one, for a variety of reasons. One, if we are going to do real tax reform, then we should do a broader sweep, and no industry should be left off the table. Everyone should be part of the equation.

I have heard this from the industry—I know my colleague has heard this from the industry—that they are willing to be part of the bigger picture, but do not single them out because poll numbers say they are a demon of some sort or people do not like them. Let's talk about real tax reform. That is one debate.

The other debate is, if we really want an energy plan, then let's really do one. Let's focus on opportunities, and let's quit putting out pieces that one side puts down because it sounds good for their brochure, and then the other side puts one down. Let's really focus on something that will make a huge difference to this economy.

As I mentioned, in Alaska fuel is expensive in our rural communities for heating, and communities in Fairbanks, which is a very urban area, can pay upwards in the winter of $1,000 or maybe more per month in heating costs, making their ability to survive very difficult.

As we work on these energy projects and what is important, let me put another thing in perspective from Alaska. People think in Alaska all we care about is oil and gas. Well, we do. It adds a lot of jobs. But we also care about renewable energy. I know I have been on the floor of the Senate talking about that. My colleague has been on the floor talking about renewable, alternative energy. It is all part of the equation, how to ensure we develop a plan. We diversify our energy resources, and then we deliver it for the betterment of this country and economically in order for us to survive.

In Alaska, for example, as we work on our oil and gas development, we are also moving forward on renewable energy. In our State, just about 25 percent of our energy production for use in the State is renewable energy, with the goal to be at 50 percent by 2025. We have a plan because we understand the value of it.

I want to show a chart I have in the Chamber, and then I know my colleague has comments, and we will probably go back and forth a little bit. But I want to show you this one chart.

When I came into office—and my colleague over here talked about ANWR. I

support ANWR. I am aggressive about it beyond belief. My colleague has been. Before I got here, she was pounding away on this issue also. It is important.

We have four regions in Alaska that are of high value. When we talk about oil and gas in Alaska, at least from our office, we talk about everything that is possible. We talk about ANWR. We talk about the National Petroleum Reserve which—let me make that point—is designed for petroleum production. We have the Chukchi Sea over here, and the Beaufort Sea over there. These four regions have huge value to the oil production of this country.

When we talk about this, where are we today? What can it do? What can it replace? It can replace countries such as Libya and Nigeria and Saudi Arabia, where we get oil from. We could actually produce it here, and the good news is we are on the path to do that.

Now, has it been long and tedious? Yes, it has. But are we moving in the right direction? Yes. We have seen for the first time in 30 years the opportunity to develop in the Arctic that we have not seen before. We are seeing for the first time—this summer, Shell is moving their ships up to the Chukchi Sea because the potential between the Chukchi Sea and the Beaufort Sea alone is 24 billion barrels of oil.

Let me repeat that. I know we deal with these numbers in our two States: billions, billions. When we look at the Chukchi Sea, 15.4 billion barrels of oil; plus a little side product, gas, and we love gas because it is clean burning, 77 trillion cubic feet; the Beaufort Sea, 8.2 billion barrels of oil—this is what we know best today in our estimates—where they are doing exploration now, so we are going to find out more opportunities—gas, 28 trillion cubic feet.

NPR-A, the National Petroleum Reserve-Alaska, 1 billion barrels of oil is what we know of, and they are in production this year.

ConocoPhillips will be developing in what they call CD5.

ANWR is still a struggle, but 10.4 billion barrels of oil. It is still an important piece, where a small, little component of this would be developed, 2,000 acres out of 19 million acres. That would be the footprint we would utilize.

But the point I am trying to make is, if we want to get on to a real energy plan, then let's do that. I know the folks on our side did their vote. It was amazing. It shocked me, actually, that they voted to move forward. They had not done that ever since I had been here on that bill. It is because they wanted to do show-and-tell for a week, get some press, and beat up the President because of Presidential politics.

I have my differences with the President. We fought him a lot on these issues. But what I am interested in, what I came here for—and I know the Senator came years ago for—is to do a real energy plan that involves our country being more self-sufficient on our own energy resources, and let's do it the right way.

Let's have the real debate that will make the difference for consumers. So when I go home, and my colleague goes home, and someone says thank you because we have set in motion a trend that will lower or stabilize gas prices for our homes, for our cars, for our businesses, for transportation in general, that is what we should be doing. But instead we are going to burn up a few days here and make a lot of speeches, and then we will move on.

Well, I will tell you, and I think my colleague will agree with me on this, that the two of us are not going to stop. We are going to talk about an energy plan because that is what we need in this country if we want to grow this economy and make ourselves more self-sufficient and more secure nationally.

What is happening in the Middle East? The price is going up. It is not anything we are doing. But we have some good news. Even though it is predominately private land that has been the growth factor of oil and gas, we are seeing more domestic production for the first time in 10 years. I do not know, but to the Senator from Louisiana, I think that is a good thing; right?

Ms. LANDRIEU. It is a good thing. The Senator from Alaska is right on as usual on this subject and in the main stream of what most Americans, I believe, are thinking about.

I wanted to ask the Senator from Alaska, following his comments—I mean, why does my colleague think our friends on the Republican side want to spend this week beating up on the President as opposed to doing something that might help energy policy advance in the country? I do not know if they do not realize that people are very frightened and anxious and upset about these prices or what does the Senator think is driving this sort of theater on the Senate floor?

Mr. BEGICH. Well, I think the Senator said it in the question in a way. It is a lot of Presidential politics. I think what I hear when I go home is—and the Senator probably hears it too—that people are frustrated with that activity.

Think about this: Just a couple of weeks ago, we passed a bipartisan transportation bill. Unbelievable. People say we cannot do things together. Seventy-four votes moved a bill, with very diverse views, as we all know. But we worked it out. We spent 5 weeks doing it after all the committees' months and months of work. And what did we end up with? A great product that went over to the House, that now sits there languishing and not having anything happen to it.

What is interesting, if we do not do a good energy plan, here is what happens: asphalt, which is a petroleum-based product which builds those roads, only goes up. When that goes up, that means now the roads we want to build become less. It is not complicated.

Why are they not doing this—I think even some of their own Members were surprised that they had to be told by their leadership to change their votes and do a certain type of vote. Now we are in this no-end product. In other words, we are not going to end up with anything. I do not get it. I know they will go home just like the Senator and I, and they will hear the same thing: jobs, gas prices, and construction and the housing market, what is happening? These are things we hear about. I am surprised.

Ms. LANDRIEU. I am surprised myself. I hope when we do go home constituents in all of our States will say: Stop the bumper sticker politics on the floor of the Senate and get down to passing an energy bill. I think we most certainly, if we stop electioneering and start legislating, could actually do that.

Now the Senator from Alaska and I—and I have been here a few years longer than the Senator, but he has been a most welcome addition to this issue because he is knowledgeable. He comes from a State that is larger than almost half of the lower 48. His State is rich in resources. I have had the great pleasure to go to Alaska. I am looking forward to traveling there again this summer and actually going to the North Slope because in Louisiana we build many of the ships that actually operate in Alaska for their exploration activities.

Mr. BEGICH. If I can make a comment that the Senator just christened one of our new ships coming up. It has Icebreaker capacity to work for Shell to do what? Go right here.

Ms. LANDRIEU. That ship was just christened this weekend in Louisiana. So the relationship between Louisiana and Alaska goes back a long way. I am very happy to have the Senator here advocating for a smart and effective energy policy.

This debate some people are having—I do not believe I am included in that because we are having our own colloquy about serious issues. But this so-called debate that everybody else is having is going to result in nothing, just a lot of sound bites. There will be no energy policy that comes out of this because the fact is—and everyone knows this that follows this—both parties are guilty for not having the right kind of energy policy, Democrats and Republicans alike.

Democrats, from my perspective, do not appreciate the way they should the need for more domestic drilling. So they resist sometimes the need for more domestic drilling. I think Senator BEGICH and I have pointed out there are some places where there are people—Governors and Senators, Democratic Senators—who are open to drilling. We could go to those places and do a better job of developing onshore and offshore.

But Republicans are not good at all when it comes to conservation. They resist helping the auto industry, for instance, to retool itself, which we know

has had an absolute direct bottom line on less petroleum products being used for gasoline.

Many of the new automobiles coming out of domestic manufacturers, because of what Democrats and President Obama, who led this effort—which he never gets enough credit for on the other side—have done to retool Detroit so that just this week in the newspaper, I believe it was the Washington Post—I wanted to ask the Senator from Alaska if he saw this article. The most amazing thing that has happened over the last 10 years is that our imports of foreign oil have decreased for 2 reasons: One, we are producing more oil and gas at home, although there have been some setbacks with this administration which we are not happy about, the two of us, but also because of the conservation we have done in this country.

Mass transit is a part of that, which many Republicans reject. Conservation initiatives are a major part of that, which Republicans reject. Helping the domestic auto industry, which they—even Mitt Romney, their leader on the Republican side, said that was a mistake to help Detroit, Ohio, et cetera, Michigan and places in Ohio.

So I am coming to the floor to say this blame game is not going to work because both parties are almost equally at fault. Senator BEGICH and I would like to believe that we represent a little bit of the Democratic side, a little bit of the Republican side, coming from States—both of us being Democrats but from States that know something about drilling.

I want to put up my map of Louisiana so people believe when I say that we know something about drilling.

This is what my State looks like. Some people might not like this picture. This is the oil and gas infrastructure in Louisiana. To someone who is a purist and does not like pipelines and does not like oil wells and does not like leases, they may recoil at this. But people in Louisiana like this because this is about money, and it is about domestic energy self-sufficiency and independence.

These are pipelines. There are 9,000 miles of pipelines under south Louisiana. We have been drilling onshore and offshore for the last 50 years. Until the Macondo Well blew up in spectacular fashion and killed 11 people, which is very unfortunate and the fault of BP and some of the contractors who were not doing their jobs correctly, it has been mostly successful. We have drilled 40,000 wells—40,000.

So when the Senator from Alaska says we know something about oil and gas drilling, trust me; it would be like asking the Senators from Michigan: Do you know something about building cars? We know about that. We have been fracking. We have been using horizontal drilling. We know there is a lot of oil and gas still to be found, and the Senator talked about some of his reserves.

I know the Senator is aware that Louisiana—just off the coast of Louisiana—produces just about as much oil as we import from Saudi Arabia every year. I do not know if the Senator knows that.

How are the reserves looking in Alaska?

Mr. BEGICH. Well, absolutely. As a matter of fact, as we know, this line—this is the pipeline that brings resources from here down to Valdez and ships it throughout the country and the world. It is about 10 percent of the oil for our country that comes from Prudhoe Bay up here.

What is amazing about this development is, as it moves forward, it will obviously provide even more. Also, as the Senator said, with the map there, it is about jobs. I mean, when we think about this development, this could be upwards of 54,000-plus jobs estimated by an independent research arm. Plus these jobs pay very well: on an average, $117,000 a year. I do not know about you; I think that is a good-paying job.

Ms. LANDRIEU. It is a very good paying job. This is a very good point because I have tried to remind everyone here that this oil and gas industry that exists in Louisiana and Alaska does not just support the people of our States. Think about it. There are only 500,000 people in Alaska. If that is going to create 50,000 jobs, that would be 1 for every 10 people. But people fly in and fly out. They will work for 2 weeks or a month and fly back. We have people working on our rigs that are from Maine or from Colorado or from New Mexico or from New York.

Most of the people who work offshore are from the Gulf Coast States, I might say. You can tell this when you drive through the parking lots and see the license plates which are easy to spot. But I can tell you there are people from all over the country who work in this industry.

If I showed you a supplier line, you would see supplies coming from all over the United States to fund the operations like, for instance, the boat that is going to be operating in Alaska was built by people from Louisiana. Some of those boats are built in Mississippi, and some of that may even come from the east coast. I do not know if the Senator is familiar with that.

Mr. BEGICH. Some of those ships will be refurbished and some of the work that is being done is out of the Port of Seattle and Tacoma and that region. It is a nationwide aspect. Think about this. In 2011, the oil and gas industry produced 9 percent of the new jobs in this country.

Let me repeat that: Nine percent of all of the new jobs in this country came from the oil and gas industry. It is the fastest growing industry at producing jobs.

Ms. LANDRIEU. It is also producing great wealth. I do not think people understand because a lot of the land in the West is public land. So we hear this debate about public land, et cetera. But most of the land in my State is private land. In fact, the Federal Government owns less than 2.5 percent.

Now, we are at polar ends of this debate. We are at opposite ends because in Alaska the Federal Government owns 90 percent of that State. It only owns 2.5 percent of my State, and the farther east you go it is less and less and less.

So when there is more drilling, like in Louisiana, it is private land owners who are getting wealthy. In many of these instances, such as in the Haynesville shale, which is up along this area in Louisiana, northwest Louisiana, farmers whose land was virtually worthless or who were growing crops but not really making it very well, now the gas has been discovered on their land, so they are getting royalty checks for $10,000 a month, $20,000 a month. That is more money that people have made or ever dreamed about making. I have heard of royalty checks of $50,000 a month that people are getting. So they take that $50,000, they are not even drilling for oil and gas; they have just leased their property. They go out and start a business in their hometown or they go out and buy two new automobiles for their family or a new pickup truck for their operations.

I know the Senator understands the indirect impact. It is not just the direct jobs for the industry, but the wealth that is created personally, and the U.S. Government collects quite a bit of taxes from this industry as well.

Mr. BEGICH. If I could add, in this Chukchi/Beaufort, for example, it is estimated that the cumulative state, local, Federal value over the next 50 years in terms of revenue stream is upwards of $100 billion. If we then talk about the payroll over the next 50 years for the same two areas, it is $150 billion.

What happens to that $150 billion that people get paid? Exactly. They buy a house. They maybe put their kids through college or they are vacationing or they are improving their lifestyle. They are moving up, and that kind of money is significant.

It has a multiplier effect that is hard to measure, but it is real. Anybody seeing somebody making $117,000, they are spending that money in the economy. That is why we see the job growth we see here. Again, to the principal debate we are having tonight—and we are the minority of the minority in a way—we need to get back to the basic issue of what do we want in this country in a diversified, well-delivered energy plan. We can get there. For example, we had a bill, and the other side threw down the same old talking points a few weeks ago—to drill everywhere one could imagine. It is about drilling but doing it responsibly, in the right areas, with the right design. They had Bristol Bay, the fish basket of the country, where 40 percent of the fish are caught. They want to drill there. I cannot vote for that. It is a balanced approach that we need.

Ms. LANDRIEU. We don't have to drill everywhere. The resources are so spectacularly promising. I have to get back to this blaming President Obama. I don't know if my friends on the other side remember who the President was when the Governor of Florida, Jeb Bush, a Republican, opposed drilling off the eastern gulf. The President at the time, his brother, George Bush, honored that no drilling pledge. I remind my friends on the other side that their party is not blameless in this debate. They could do a lot better for the country if they would stop trying to throw President Obama under the bus every minute—although I don't agree with all his energy policies; I didn't agree with the moratorium in the gulf and other things. I think they made some strong points. But this should not be about hurting anybody; it should be about helping our country. We do that by using a balanced approach, such as the Senator from Alaska said. It is how we came together on the Transportation bill. It was balanced, a compromise, and it was a little of this and a little of that. We put a jobs bill together that will help our Nation.

We could put an energy bill together if we have both parties stop beating up on people. One beats up on the companies and the other beats up on the President and the poor people are the ones who suffer.

I wish to show you something about oil and gas taxes. People say: There goes LANDRIEU again; she is defending the oil and gas industry. Frankly, some of them, and the industry itself, should be defended because it is an honorable, good industry. It has provided jobs. It provided the oil we needed to win World War II. How do you think the allied troops got across Europe? They didn't do it on a wish and a prayer. That oil came out of the Permian Basin in Texas. We have a long patriotic history in that industry. We get our dander up when people beat up on the industry.

People say the oil industry gets these subsidies. I wish to put two things into the RECORD. It says that according to the Energy Information Administration—which is our administration, not a third-party spinmeister group. It says in the study published in 2008 that oil and natural gas received only 13 percent of the subsidy but produced 60 percent of the energy needed to power our country. I will repeat that. The oil and gas industry receives only 13 percent of all the subsidies, but we produce 60 percent of the energy that keeps the lights on in this building and powers everything in the country. We spend about $16.6 billion on U.S. energy subsidies over the course of 1 year on everything, and renewables, refined coal, nuclear, and others accounted for more than 85 percent of the subsidies.

So the oil and gas industry got less than 13 percent of the subsidies, but they continue to be the bogeyman in all this. In addition to receiving only 13 percent of the subsidies—and my friend from Alaska will know this as well—look what tax rate they pay. ConocoPhillips paid 46 percent. This was the effective tax rate from 2006 to 2010. Chevron paid 43 percent. They made a lot of money. They are absolutely making a lot of money. These are public companies, and their executives are paid well. I think they are probably paid a little more than I would pay, but that is what they are paid. These are public companies, and the shareholders are making money as well. But they are paying this very high rate in taxes.

Look down here on the chart. Walmart only paid 33 percent. Philip Morris only paid 27 percent. PepsiCo—a very good company—only paid 24 percent. These are effective tax rates. My favorite—although I like them very much, but GE only paid a 9-percent effective tax rate.

When the Senator says we need tax reform, we most certainly do. If you came to me and said in a major bill we are going to have an energy bill and have some tax reforms to balance this out, I would be for that. But in good conscience, I cannot take away the subsidy from oil and gas when they only represent 13 percent of the overall subsidies but produce 60 percent of the energy. I certainly don't want to raise taxes on an industry now with prices at the pump being so high. If we do, we are just going to drive them up, which is the last thing we want to do, particularly when this is the truth about the tax rates. The Senator from Alaska is again absolutely correct. This debate we are not having but everyone else is having is not getting us very far.

Mr. BEGICH. If I can, I will add one more point before we finish. If these incentives are so bad, then why are we at a 10-year high in production? Why do we see in Alaska more independence than ever before? Probably in the Senator's State I venture to guess—I remember Anadarko, a very small company, which is now a very big one. We can look at these different companies and part of the incentives are utilized to take hard-to-get areas and make them more profitable so they can produce them. The result is that we now have more gas, for example, than we have ever had, and the price dropped so far that people are excited about it, which happens—if we talk to the petrochemical industry, they love these low prices because they are producing more opportunities in this country to produce products we used to produce overseas. So there is a ripple effect. People say these are bad incentives. Actually, we are producing more. They are paying one of the highest tax rates, as the Senator said. So we are getting money back on our investment. They are high prices because we don't have a comprehensive energy plan to have diversified energy portfolio and make sure we deliver it everywhere we can. It is not complicated.

Ms. LANDRIEU. The Senator is right. I am glad he mentioned this as well because I happen to also represent a State that has a tremendous petrochemical industry. Of course, that is because the Mississippi River is there, as well as the great finds in the 1950s and 1960s for gas. So when big companies—particularly petrochemicals but big manufacturers—look around in the world to where they go, one thing they look at is the tax rate. But that is not the most important thing. The other thing is to make sure they can find the skilled labor they need. They need cheap energy costs because they cannot produce steel competitively, for instance, if we don't have cheap energy.

So a lot of these companies came to Louisiana in the 1960s because we had cheap energy. That changed, and a lot of them left. Maybe we did other things to drive them offshore. You know what is happening today. Because of this $2 gas, they are all coming home. You should see the building we have going on. That is why the Texas unemployment rate is the lowest in the Nation. I know the Governor would like to take all the credit for this. My Governor likes to take all the credit for this too. They are two outstanding Republican Governors, and they may be pretty good, but it is the low price of energy that is driving this. That could happen in Colorado, it can happen in Illinois, if we just support the oil and gas industry in a balanced way, instead of choking it off.

Not only does that money go to them, it helps undergird this entire industry which employs millions more people, and it helps us to compete better with China, with India, and I know the Senator understands that. He doesn't have as much heavy construction or refining in Alaska because of a little bit of the isolation. But I think he can appreciate what happens in New Jersey and Louisiana and Illinois, as an example.

Mr. BEGICH. Absolutely. I will tell the Senator we have been exporting for 40 years. We have been doing that because of our ability to do so and being able to get to the Pacific Asian market. Overall, the State here—through all its natural resources, we are a net positive in our export trade. We help lower the trade deficit for a variety of reasons—our fish, minerals, gas, and natural resources. So we are a huge contributor to this economy in a lot of ways.

I have been here only 3 years, and I still wake every day being hopeful. I am hopeful that at some point we will debate and have a real energy plan discussion. When we do that, the net result is that Americans will win, consumers will win, and national security will win. Everything wins if we have a good dependable energy policy that looks not only at today but down the road.

I think my friend from Louisiana made a very good point about conservation, about those issues. Thinking about the automobile industry, we came to their rescue and we got a lot of

criticism—all of us, the President included—but what is the result? Those folks paid back their loans, and they are more innovative than ever before. But they are also producing more fuel-efficient cars, which saves fuel, and it saves on the long-term dependency on foreign products.

Some people say that is not conservation; that was a bailout. It is a combo. It is multifaceted. For whatever reason, the other side sees that as just another government thing. I cannot remember, but it was a pretty good interest rate we got on that money and they paid it back and now they are being more innovative. Most recently, our automobile industry is building more natural gas fuel vehicles. They want to move forward in that area. I don't know if that will be successful, but they are moving forward because the price is lower. We have a lot of it, and that is an industry that is stronger than ever before.

As we sit talking about the importance of energy and how we have to develop our plan and have a diversified plan of action from all sources, as the Senator went through the list of the subsidies, we do it in every arena. We are trying to create a diversified energy portfolio for economic security, and it also creates innovation. We cannot depend on one type of fuel source. It is all part of it. People who say it can just be oil and gas are in another world. We have to have a multifaceted approach and then we have to do it and deliver it for the benefit of the American people. There is a way to do that.

Again, I struggled tonight because of the vote I took yesterday—one of four—that said we are not moving forward because I saw what was going to happen. By this weekend, I will be home talking to Alaskans and sharing their concerns about high energy costs in small villages and urban areas, and they will be asking the question: What are we doing? I wish I could say here is the answer and the price will go down. For the 3 years I have been here—and the Senator from Louisiana has been here longer—we have had a debate with no real substantive beef. People have put something out on the table, and the other side votes against it, instead of having a meaningful, real comprehensive energy bill. We have tax incentives here and there but not something that says this is what are going to do, so 20 years from now, all of us, including my colleague from Louisiana and my colleague from Colorado, can look at our kids and grandkids and say we did the right thing because we are stronger because we diversified our energy resources.

That is the fundamental issue we will not get to. We are in our own debate because we are a group of four. Two of them are out tonight. The rest are in a different debate.

Ms. LANDRIEU. Yes. I wish to reemphasize too the importance of getting back to the basics on energy policy. I have been privileged to be here long enough where I have helped to pass comprehensive energy bills. I remain hopeful when I wake too. I am a person with the glass half full and not half empty, and I try to remain optimistic in the face of evidence to the contrary. I remain hopeful we can continue on the path of more energy independence for our country. That is why that article, written this week, which I will put in the RECORD, was very telling to me, because I have been saying, similar to the Senator from Alaska, are we making any progress? I believe if we cannot manage, we cannot measure. What is the measurement? One of the measurements is, are we importing more or less oil from dangerous places in the world. And when I saw that had dropped by 15 percent, I was very encouraged.

And the article pointed out two reasons, not one—not drill, baby, drill or conserve and conserve only but both, because America has been doing a better job. Despite the setback of the moratorium, despite the setback with the Deepwater Horizon, despite some of the President's slow policies on drilling, and despite the Republican resistance to conservation, we have been doing something right, because we have reduced our dependence on foreign oil, which is good.

We don't want to be dependent on Venezuela, and we don't want to be dependent on the Mideast, particularly Saudi Arabia. They have been somewhat of an ally, but they do not share all our values, let's be honest. Women just got the right to drive this year—no, actually, to vote this year. I don't think they have the right to drive yet officially. So do we share those values? No.

So why don't we kind of get back to the basics here of drilling more at home, promoting and expanding our nuclear industry safely. And I mean drilling where it is safe and not everywhere, as some Republicans suggest—let's drill everywhere. We don't have to drill everywhere; we just have to be smart and strategic about where we drill, compromise some about the places that are really opposed to it. We can drill more, have revenue sharing, which makes sense with the coastal States of Alaska, Louisiana, Virginia, Mississippi, and Alabama because that builds a strong partnership and stakeholders between the local, State, and Federal governments.

I think we could do more on building efficiency. We can do more on natural gas vehicles. Wouldn't it be wonderful to have the kinds of vehicles that run on electricity or on—and I don't know if this is possible yet, but we could experiment on electricity, on natural gas or on petroleum fuels or on diesel or bio so that if the price of natural gas was low, you would just sort of power yourself on natural gas. If your electric bill is low because you are on nuclear and the nuclear price is low and you are getting your electricity from your nuclear powerplant, you just plug in your automobile and you pay very little.

Why can't we break this dependency by producing more of everything at home and transforming our auto industry, which is the big pull on fuel. You know, our industries run on coal or natural gas or some oil, but the real pull on this oil is our automobiles.

So that is why Republicans are wrong. They do not want to fund this transformation, but we have to fund the transformation to help America move from an old-fashioned petrochemical, where we just fill up at the pump because we only have one thing to get—and that is petroleum—to where we can fill up with several other things. This isn't pie in the sky, this is happening right now. But with a little more government investment, it could happen more, and wouldn't that be a relief?

The Senator from Alaska will know this, and I don't want to misquote here because I could get in trouble, so I will be careful, but if we had a system like that and the price of gasoline was $10, no one would care. Do you know why? Because they wouldn't have to use it. Think about that. You wouldn't have to buy it. You wouldn't need it for your airplanes, you wouldn't need it for your trucks or your cars because we would have created a system of choice. And choice is power for the consumer—really good choice. They could fill up their car with natural gas or they could fill it up with another source. That is where we need to go. Then we will break it. We will break the dependency because it could be $10 or $100 a gallon and who would care, because no one would have to buy it.

So that is where we need to go. We can get there. We are sort of creeping there. That is what this article also said—inch by inch we are getting there, but we could accelerate it—no pun intended—if we get off this ridiculous ''blame the person in the White House so you can win the next election and then get back to doing nothing.''

So I will turn the conclusion over to the Senator from Alaska by saying that the debate with sound bites for elections coming up and bumper stickers to put on cars will not help, but I am ready for a real debate.

We have introduced several pieces of legislation. I have been a cosponsor of every piece of legislation since I have been here on any kind of major Energy bill, but it has to have a conservation component, it has to have an environmental safety component, it has to have more drilling, revenue sharing, and then I think an expansion of nuclear power would be very important and the right subsidy mix for the kinds of energy we would like to produce in this Nation. That would make our Nation much stronger when it comes to energy, but it would make us so economically powerful and it would make us militarily more powerful because we would negotiate treaties differently if we didn't have to get on our hands and knees and ask countries that don't even share our values to pump a little

more gas for us when we could pump it ourselves.

I yield to the Senator from Alaska.

Mr. BEGICH. I thank my friend from Louisiana, and I will conclude by saying again that her point about being smart and strategic is what we are saying. No one is saying either/or, that it has to be this or that. It is a combination of things. Some will be more expensive today but maybe less later.

Think about the technology around the cell phone the first time it came out, which used to be a box about this big, and you plugged it in your car and the big receiver would be in your trunk. It cost several thousand dollars to buy that technology, if you remember, and people were saying: No one is ever going to do that. Now you can go to the 7-Eleven—or in my State it would be the Holiday store—and buy throwaway phones. It is amazing what can happen when you allow some expansion of this knowledge and technology.

Oil and gas bring new technology. The Senator mentioned directional drilling, for example, which is new technology being developed in our State and her State to bring opportunities that Shell gas is now doing—all kinds of opportunities.

When you think of the security level, I know the Senator from Colorado, our Presiding Officer here, has been in the Armed Services Committee, where we talk about this all the time. How do we get the biggest consumer—the military—to find new alternatives? And they are experimenting.

But what is amazing—and we heard it last week and the week before—is that our friends on the other side are wondering why the military is looking at alternative fuels. They actually asked, what gives you the authority to do that? Well, actually, when it costs you almost $400 a gallon for diesel fuel on the front lines of Afghanistan, I think that is a good reason. They should be looking at what kinds of alternatives they can use.

I have seen what they are doing. They are doing some amazing things with solar panels and small devices. And what is important about that for the military is they can move more rapidly through areas so they won't have to worry about where is the diesel truck for energy. But for rural Alaska, it is important in our rural villages where it is $10 or $11 a gallon for heating fuel, and now there is technology that, instead of taking up a whole room, is portable, and they can move it, they can use it, and it saves consumers.

So there are all kinds of things we should be doing.

I know the other side will say: Those things cost too much; these things cost too much. When you are at the R&D stage, things always cost too much because you have to move slowly to develop and create the markets. But the military is a huge driver of a market, so I am excited that they are in these areas. And I oppose the idea of some Republican Senators and House Members who are saying they shouldn't be doing anything experimental. Absolutely, they should. They are a consumer of the product. Let's have them give us some innovation.

People may forget that the same people who were doing the energy development in the early 1960s are the ones who started the Internet, from which we all now benefit. Imagine in the 1960s if we had said to the military: Oh, we don't want you testing whatever they were calling that Internet system. That is bad. You get out of that business. Where would we be today? Now, as the parent of a 9-year-old, I might have a different view on this. I may not want my son on the Internet. But it made a difference in our economy and everything else that is going on.

To conclude, I would say we have a chance to develop, to diversify, and to deliver a real energy plan if we focus on it. That is what we should be doing. So I thank my colleague from Louisiana, and I thank the Senator from Colorado, who is our Presiding Officer tonight, for allowing us to have a little rant time here in our own world. But I think the world we talk about is the same world almost everyone in America is living in, with high gas prices and wanting real solutions.

Anyone who says there is a magic bullet and the price will go down—that isn't happening. I support the Keystone Pipeline, and I know my colleague from Louisiana supports that, but that won't lower prices tomorrow. I support, for a variety of reasons, a long-term plan—jobs and other things—but it won't lower prices tomorrow. Drilling in Chukchi and Beaufort is important to me. I think in the long term it will create jobs and it will lower gas prices but not tomorrow. But these are the kinds of things we should be doing.

Will our investing in conservation to ensure that our commercial buildings and houses are more efficient turn a dollar right away? A little bit. But over the long haul—I am doing an energy retrofit to my house in Anchorage. I am going to save some money. It will go in and go out because I have to put some money aside for my son's education. But I will have more money. So it pays over time. Nothing happens overnight. It drives me crazy when I hear the other side say that this is like magic and tomorrow things will change. I wish that were the case. We all do. But we have to have a plan to get there.

I thank the Senator from Louisiana for joining me tonight. I thank her for standing tall when we took our vote yesterday. I think we made our point, and now we need to move forward, and hopefully we can get other people to follow our lead and do a comprehensive plan.

Ms. LANDRIEU. I thank the Senator.

SURFACE TRANSPORTATION ACT

Ms. LANDRIEU. Mr. President, while I am on the floor, I would like to speak for a few more minutes, if I might, on another subject but one that is equally important. The Senator from Alaska and I just spent some time talking about a balanced approach to energy production and the fact that if we could get there, we could create jobs. The Senator was saying that no matter what we do, it won't create jobs overnight, and he is right again. It will take a long time, it won't lower the price overnight, and it will create jobs.

But there is a bill that actually will create millions of jobs overnight that is pending, hanging around this Capitol, that if we could get passed would mean a great deal immediately—tomorrow, literally the day after the bill is signed by the President—and that, Mr. President, is the Federal highway transportation bill which last week was passed and compromised by one of the most liberal and progressive Members of this body and one of the most conservative Members of this body, Senator BOXER of California and Senator INHOFE of Oklahoma, who worked for over a year and a half to put a transportation bill together, a 2-year transportation bill. Many of us would have liked it to be 5 years or 6 years, but 2 years is what they could negotiate. And you know what, it is a lot better than the short-term 3-month, 6-month, 2-month, or 3-month temporary measures we have been under for the last several years. That gives no consistency—none—for our States and our counties and our cities.

If you talk about uncertainty, the business community, real estate developers, planners, community planners, transit planners—these entities do not know what it is going to look like 6 months from now or even next year. This bill would give at least 2 years of certainty, and then we could come back, hopefully, and pass a long-term extension of 5 years or 6 years. But 2 years is much better than 30 days or 60 days or 90 days, which is what the House is contemplating.

I am proud the Democrats and some Republicans are standing up in the House and saying no short-term extension. We have a bill. We have the Senate bill that got over 74 votes of Republicans and Democrats, compromised again between a more progressive and a more conservative Member for the benefit of our country.

There are 1.9 million jobs at stake. For the gulf coast Senators, there is an extra bonus. Besides funding our rail, our highways, and our transit, the gulf coast Senators and House Members from the States of Texas, Louisiana, Mississippi, Alabama, and Florida got a very significant amendment to fund coastal restoration and flood control protection and economic development in the gulf coast, directing the fine money that is going to be levied against BP sometime in the next few weeks or months. Instead of that

money coming to the Federal Treasury to be spent on a variety of different things, it will stay where the injury occurred, along the gulf coast, and 80 percent of that money will stay in those coastal areas and those coastal States, helping our economies to revive ourselves and to save our coastlines.

So gulf coast House Members, I am speaking and hoping some of them will hear this message. Gulf coast House Members of either party, Democrats or Republicans, should stand tall and say: Yes, let's pass the Senate Transportation bill for the benefits that will come to our State and our Nation, creating or securing literally almost overnight 1.9 million jobs for the country, helping our recovery. But tucked into the Transportation bill is a bill that could bring billions of dollars to the gulf coast to help with coastal restoration and beach erosion.

I have seen the clips every day since we passed RESTORE, from Tampa, FL, to Mobile, AL, to Jackson, MS, to Gulfport, MS, to the Times Picayune in New Orleans, to the Houston Chronicle, and as faraway newspapers as the New York Times which have editorialized on: Pass the RESTORE Act now; bring jobs and economic relief to the gulf coast, an area and environment that has been hard hit by the 5 million barrels of oil that were spilled in the gulf. Next month, it will be the 2-year anniversary.

I don't know what the House of Representatives is thinking. They have a real jobs bill over there right now, voted on by Republicans and Democrats here, not just a few Republicans. I think more than half the Republicans in the Senate joined with us to pass this bill. In addition, it has the RESTORE Act in it. As the Presiding Officer knows, he had a great hand in supporting the part of that effort to fund the Land and Water Conservation Fund which will provide money to all the States for park restoration and maintenance and for land purchase with willing sellers.

So I am on the floor to support BARBARA BOXER, to support JIM INHOFE, to say to the House: Take the Senate Transportation bill. Take it now. It is good for all your States and for the gulf coast House Members particularly. The RESTORE Act is very bipartisan and bicameral. Theirs is a RESTORE Act very similar to ours. Please, let's join together, stop procrastinating, and pass this bill.

We have had many supporters of this bill. The chamber of commerce has put out messages to everyone today:

> The Chamber strongly supports this important legislation . . . Passing surface transportation reauthorization legislation is a specific action Congress and the Administration can take right now to support job growth and economic productivity without adding to the deficit.

I wish to say one word about this extension. Extensions are not benign. As Senator BOXER told us today, extensions in some States aren't worth the paper this extension will be written on because we know that most of these projects are funded by approximately 75 percent Federal money, 25 percent local. In the old days when States were flush with cash and people were running surpluses, when we messed up in Congress as we are messing up now and not giving them the Transportation bill on time, some of our States could just dip into their local money, keep their projects going, waiting for us to do our job.

Those days are over. Do you know any State in the Union running a massive surplus right now? Do you know any State anywhere? I don't. Because States have drawn down their reserves. They are running on very tight budgets because they are all coming out of this recession. Even our State that has a very low unemployment rate relative to everybody else, that never experienced the recession as everyone else did, is still running pretty sizeable deficits at the State level. I can tell you, my State doesn't have any extra cash to front the Federal Government.

When these projects run out and don't get reauthorized, a lot of these transportation projects will come to a halt. States will stop buying right-of-way. They will cancel or put on hold what is under contract until the money comes forward. So I am going to be in touch specifically with the State of Louisiana on how this is going to work in our State, but we were told today that there are a handful of States that have already started to put out notices to their contractors: There will be no more paychecks associated with this road project or this bridge project or this mass transit project.

Let me show everyone what I do know about our State. These are the grades we get from the Civil Engineering Association. I am not proud of these grades. But the reason I am not too embarrassed is because just about every State has these same grades because, overall, America's infrastructure generally is graded at a D. We are the most advanced country in the world but get a D rating when it comes to our infrastructure, surface transportation, water infrastructure, dams, levees, et cetera.

Our airports in Louisiana are C. Our levees, despite the huge investment the Federal Government has made recently, but because of the longstanding overall long-term disinvestment or lower investment over time, we still have a C. We have more bridge surface than almost any State in America—I think we are third—and we have a D-minus. We have more ports; in fact, Mississippi's southern port from Plaquemine to Baton Rouge is one of the largest in the world, definitely the largest in the country, a C-minus, and our roads are D.

Senator BOXER has been on the floor now all week, and I am joining her and helping her tell the House of Representatives they are playing with fire. They are playing with dynamite. We have to get this Transportation bill out. I am sure other States can benefit from this bill. If we don't, this will be the ninth short-term extension since 2009.

People at home must think we have lost our minds. The clearest thing to people at home—they may not understand, and sometimes it is hard for us to understand, all the intricacies of every issue. But everyone in America, even our children understand that to build roads we need a road crew, to build bridges we need a bridge crew, to build mass transit we have to have people actually constructing. We need jobs in America right now, yesterday, today, immediately.

Why is the House of Representatives sitting on a bill that is paid for—contrary to some comments from House Members, paid for—that will go for 2 years? It is as long as I would like. It is not 4 years, it is not 5 years, but it is 2 years. It is longer than the 60-day, 90-day extensions we have been living under since 2009. It is 2012. Let's get a transportation bill.

My final point: For the gulf coast this is critical. We have a major piece of legislation tucked inside this bill. With the Transportation bill that the Senate passes, the RESTORE Act passes with it. We create an oceans trust fund, land and water conservation with willing seller provisions, and we invest billions of dollars in the gulf coast. It is a real jobs bill, not a pretend jobs bill. It is a real jobs bill. It means everything to our States. Whether one has a Republican or a Democratic Governor, they are waiting on us to pass this bill so they can get their people to work. I know mayors I have spoken to, police in our State, county commissioners are waiting for this money as well so they can get plans and put people to work.

So I most certainly hope that in the next 24 hours, before we leave on Friday, the House of Representatives will pass the Senate Transportation bill, send it over to us, and let's put our people to work. It is only going to last 2 years. We can argue about the differences, about how the money should go directly to the States. We could argue about mass transit. We can debate that for the next 2 years. Let's pass the bill. Let's get it done.

I yield the floor.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. NELSON of Florida. Mr. President, with all of the very well deserved statements that have been made about our colleague Senator BARBARA MIKULSKI, I wanted to raise my voice in support of the milestone she recently achieved as the longest-serving woman in congressional history.

A personal word I want to add about Senator MIKULSKI is that she has been so supportive and such a leader of our Nation's space program. As the Chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and

Science, she has to be intimately familiar with the details and the appropriate way to allocate funds that are vital for our civilian program to go forward in the visionary and frontier breaking manner that it always has and I am grateful for her leadership. I wanted to add this to the accolades that she so well deserves and has already heard from so many of our colleagues.

Senator MIKULSKI began her tenure in Congress in 1977 as a member of the House of Representatives. She represented Maryland's Third District for ten years before moving to the Senate in 1986.

During her time in the Senate, Senator MIKULSKI has been a champion for many of the issues that are particularly important to my fellow Floridians and me. She is a strong supporter of veterans' and seniors' issues.

Senator MIKULSKI has also worked to protect our oceans by supporting the National Oceanic and Atmospheric Administration, especially during one of the worst environmental disasters we've seen. In 2010 she conducted a subcommittee hearing to explore the use of dispersants in response to the Deepwater Horizon spill in the Gulf, helping us to better understand the long-term consequences of that environmental tragedy.

Senator MIKULSKI also serves as Chairman for the Health, Education, Labor, and Pensions Subcommittee on Children and Families. In December, she chaired a hearing on child abuse, casting light on this issue and urging her colleagues to take greater steps to combat it.

I am honored to have served with Senator MIKULSKI for the past decade, and I look forward to continuing to work with her on matters of great importance to Maryland, Florida, and the rest of the country.

Ms. STABENOW. Mr. President, I join my colleagues in honoring the service of the Senator from Maryland, BARBARA MIKULSKI, on becoming the longest-serving woman in the history of Congress. She is an inspiration, a mentor, and a friend, and I congratulate her on achieving this historic milestone.

The story of BARBARA MIKULSKI is the story of the American Dream. The daughter of a grocer in Baltimore, she learned what it meant to do a hard day's work. She got good grades, went to college, and eventually got her Master's Degree in Social Work.

When she was in her 20's, she got involved in a fight to stop a highway proposal that would have cut through a working-class neighborhood. She stopped that highway and saved the homes of the families who lived there.

Those families saw something that day that all of us would recognize today: a woman of passion, hard work, and determination.

Throughout her years of service, she has reflected these values day in and day out as she has fought for America's working families. She understands that our country needs to make things and grow things if we are going to have a middle class and an American Dream. She understands the dignity of work, and how important that is to families who want to create a better future for their children, just as BARBARA's family did for her.

And in her many years of leadership and service, she has been fighting every day to create a better future for every little girl and boy in Maryland. She did not come here for the power; she came here to serve. And I think that is why the people of Maryland have chosen her, time and time again, to be their champion in the U.S. Senate.

In the whole history of the United States, 1,931 people have served in the U.S. Senate. Of those, 39 were women. And of those, 17 are serving right now. And of those, only one—Senator BARBARA MIKULSKI—is our Dean and our mentor.

I want to thank my friend, Senator MIKULSKI, for all she has done for me and for all the women who will follow in her footsteps in the years to come.

Mr. WEBB. Mr. President, the Senate is in the midst of recognizing a very important milestone in our history. I would like to join my Senate colleagues in congratulating Senator BARBARA MIKULSKI as the longest serving female Member of Congress.

As we all know, Senator MIKULSKI has dedicated her life to public service. Before running for public office, Senator MIKULSKI worked as a social worker helping at-risk children and educating seniors on Medicare. In 1971, she successfully ran for her first public office and was elected to serve in the Baltimore City Council, where she served for 5 years.

Senator MIKULSKI first ran for Congress in 1976, seeking to represent Maryland's Third District. She won that race and went on to hold the seat for a decade. In 1986 she decided to run for the U.S. Senate, and she has been serving here ever since. The Senate was a very different place when she first arrived as one of two women Senators. She not only had to learn how the Senate functioned but had a quick lesson in bipartisanship—as the other woman, Nancy Kassebaum-Baker, was a Republican from Kansas. Today, we have 17 women in the Senate and 76 women serving in the House of Representatives.

Senator MIKULSKI has been an outspoken advocate for working people everywhere. Due in large part to her leadership and strong advocacy on behalf of women, our daughters and granddaughters will have opportunities that were not available to many women in the past. She is a wonderful role model through her dedication to public service, as she fights passionately every day for the people of Maryland that she is here to represent.

And so I want to add my voice to those praising Senator MIKULSKI as she reaches this important milestone. She is a true pioneer, a strong example of a smart legislator, and an outspoken voice for working people. I have great respect for the journey she has taken, and I am proud to serve alongside her.

JOBS ACT

Mrs. HUTCHISON. Mr. President, I rise today to speak on H.R. 3606, the JOBS Act, which we passed in the Senate last Thursday, March 22, 2012 by a vote of 73–26. I am very pleased that this legislation passed with such strong bipartisan support, particularly because it includes a measure which I authored to update the shareholder threshold before which banks must register their securities with the Securities and Exchange Commission.

Title VI of the JOBS Act is based off of S. 1941, which I introduced on December 5, 2011 with Senator MARK PRYOR. Section 601 of this title increases the registration threshold for banks and bank holding companies to 2,000 persons and the deregistration threshold to 1,200 person.

As the author of Title VI of the JOBS Act, I welcome today's consideration of H.R. 3606 in the House of Representatives and the endorsement that President Obama has given this job-creating legislation in a Statement of Administration Policy. The new thresholds for registration and deregistration are effective upon the President's signature since no rulemaking is necessary. It is the intent of Congress that this new law should apply immediately to banks and bank holding companies so that they can raise additional capital to increase lending in their communities.

WOMEN'S HISTORY MONTH

Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize the dedication of women service members and women veterans in celebration of Women's History Month.

Women have played an important role in our Nation's military from the time of our Founding Fathers. Today, women make up 15 percent of the Active-Duty military and 18 percent of Guard and Reserve forces. Our women soldiers, sailors, airmen, marines, and coastguardsmen have served courageously in Iraq and Afghanistan. They have played a variety of roles ranging from convoy leaders to fighter pilots to field medics. I am inspired by their bravery and their dedication to our country.

Already women make up nearly 10 percent of the veteran population, a proportion that Department of Veterans Affairs, VA, expects to grow over the next decade. VA has already come a long way in addressing the unique health needs and challenges that women face. A generation ago, VA would have been the last place that we would associate with women's health, but just this past January, VA marked an important milestone in caring for

women veterans. In Salt Lake City, UT, a woman veteran not only received all of her prenatal care from VA but also delivered a beautiful baby girl under the care of her VA obstetrician. Yet, for all of its recent progress, VA still must do more to ensure that women veterans are receiving the care that they need and deserve. As they return from the battlefield, the VA system must be equipped to help women veterans step back into their lives as mothers, wives, and citizens.

I am incredibly proud of the women who have served or are serving our Nation in uniform, and I strongly believe we must do all we can to honor them. That is why I led the effort to pass into law the Women Veterans Health Care Improvement Act. This bill, which was included as part of the Caregivers and Veterans Omnibus Health Services Act of 2010, helped to transform the way that VA addresses the needs of women veterans. This act authorized the VA to provide neonatal care, train mental health professionals to provide mental health services for sexual trauma, develop a childcare pilot program, and staff each VA medical center with a full-time women veterans program manager. VA has an obligation to provide women veterans with quality care, and we have an obligation to make sure VA does so.

Our commitment to women veterans does not end with passing legislation like the Women Veterans Health Care Improvement Act. We must actively monitor the implementation and effect of these bills to make sure that no woman falls through the cracks. In December of 2010, a VA Office of Inspector General report found that the Veterans Benefit Association had not fully assessed available military sexual trauma-related claims data and had no clear understanding of how consistently these claims were being adjudicated. While both men and women service members carry the devastating wounds of military sexual trauma, the GAO found in 2002 that 22 percent of screened women service members reported military sexual trauma compared to 1 percent of screened men. With this shocking statistic in mind, Senator TESTER and I pressed VBA to improve the accuracy and consistency of their military sexual trauma-related disability claims process. I am happy to say that VA agreed with our assessment and has since worked to overhaul the way it processes military sexual trauma disability claims.

Mr. President, the committee's experience with military sexual trauma disability claims is symbolic of the kind of work that remains to be done for women veterans. I recognize the challenges that women veterans face over the coming years and remain determined to work on their behalf. The promise that we make to our veterans is sacred and knows no gender. To honor our veterans, we must honor this promise for each and every one of them.

EYE DONOR AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, March 2012 marks the 29th annual National Eye Donor Month—a month devoted to honoring eye donors and corneal recipients, and increasing awareness of the need for eye donations.

Since President Ronald Reagan declared the first National Eye Donor Month in 1983, the Eye Bank Association of America, EBAA, and its 97-member eyebanks have used National Eye Donor Month to educate the general public about the donors and their families who provide life-changing corneal transplants for over 50,000 people annually.

Of the EBAA's 97-member eyebanks, four are located in Ohio, and they possess a deep-rooted commitment to restoring sight by providing corneas for sight-saving transplant procedures. In 2010, charitable eye donations made by Ohio residents allowed our State eyebanks to provide more than 1,000 corneas to help their friends and neighbors regain sight, and an additional 1,000 eyes and corneas for additional surgical procedures, as well as for research and educational purposes.

These selfless efforts have not gone unnoticed, changing the lives of thousands of Ohioans through the selfless gifts of donors and their families.

The Central Ohio Lions Eye Bank in Columbus, serving 45 counties, has made possible over 12,000 corneal transplants since 1973.

In the past 10 years, the Cincinnati Eye Bank for Sight Restoration, located in the southern part of our State, gave the gift of sight to nearly 6,300 individuals through transplantation.

In northern Ohio, the Cleveland Eye Bank has provided corneas for over 20,000 cornea transplants since its founding in 1958.

Lions Eye Bank of West Central Ohio, LEBWCO, in Dayton has provided high-quality ocular tissue to surgeons and patients since 1982 and serves more than 1 million people in nine counties. LEBWCO is dedicated to making the gift of sight a reality for the Dayton community and all Ohioans.

Since the EBAA's inception in 1961, corneal transplants have changed the lives of over 1,000,000 people. However, much remains to be done to offer more people the opportunity to receive life-changing corneal transplants.

I encourage all Americans to register to become eye donors. Inform your family of your wishes; designate yourself as a donor on your driver's license; and register as an eye donor through your State donor registry.

I urge my colleagues to work with their local eyebanks and the EBAA to promote the importance of eye donation and its life-enhancing effects on corneal recipients.

During March 2012, let us commemorate the lives of the donors who make corneal transplants possible, celebrate the sight restored by these transplants, and work to widen the path for additional advancements in corneal transplantation.

TRIBUTE TO RAYMOND J. PRICE III

Mr. BROWN of Ohio. Mr. President. I rise today to honor Raymond J. Price III upon his retirement from the International Union of Painters and Allied Trades, IUPAT. For more than 30 years, Ray Price has represented his fellow workers in Ohio and across the country with distinction and dignity.

In September 1978, he started as an apprentice painter at IUPAT Painters Local 867 in Cleveland. He honed his craft to become a journey worker just 3 years later. As he rose through the ranks he earned the trust and admiration of his fellow brothers and sisters progressing as a business representative, business manager, and, by 1995, as manager and secretary-treasurer of IUPAT District Council 6, which covers all of Ohio and central Kentucky.

He would become heavily involved with the Cleveland Building Trades Council and served as vice president of the Cleveland AFL–CIO Federation of Labor. What IUPAT members in Ohio understood about his loyalty and toughness, soon members from across the country would also recognize. In 1999 he joined the International Union staff as a representative of the general president and, later, as general vice-president at large. With each new challenge and responsibility, Ray showed how a progressive labor movement is critical to our country and to our middle class.

Thank you, Ray, for your counsel and friendship. As you spend time at your cottage on the Sandusky River, I wish you a happy retirement with your wife Mary Ann, your children, and extended family by your side. You have left a legacy that shows how one can make a career fighting for working men and women—and making a community and country more just and fairer for all.

TRIBUTE TO MIKE DAVIES

Mr. BLUMENTHAL. Mr. President, today I honor New Haven open chief executive officer Mike Davies, who was named a 2012 inductee of the International Tennis Hall of Fame and Museum, a nonprofit organization founded in 1954. The official induction ceremony will take place this summer, and so, very appropriately, the outdoor tennis season provides an opportunity to honor a man who has significantly influenced the game of tennis. He is truly an athlete and sportsman for all seasons.

Other 2012 inductees include U.S. Gold medalist Jennifer Capriati, Brazilian top athlete Gustavo Kuerten, Russian star Yevgeny Kafelnikov, and three-time Paralympic medalist Thomas ''Randy'' Snow, all recognized in the Recent Player Category. Snow, who passed away in 2009, was a tireless leader for the disabled, inspiring many as a champion of wheelchair tennis. Spanish superstar Manuel Orantes and Australian champion Thelma Coyne-Long

will be inducted in the Master Player Category. Nick Bollettieri, legendary coach and entrepreneur, and Eiichi Kawatei, a strong promoter of tennis in Asia, will join Mr. Davies in the Contributor Category.

I was not surprised when I read that Mr. Davies taught himself how to play tennis and has used the same self-invented grip to swing his racket for the past 65 years. This anecdote is a perfect metaphor for how he, as an innovator, has transformed a game that so many Americans cherish.

Although we remember him as a great player battling to the top as No. 1 in Britain today, I recognize his perhaps lesser known contributions to tennis. He dedicated many years to leading our world's major tennis organizations, including the World Championship Tennis, WCT, serving as its executive director for 13 years, the Association of Tennis Professionals, and the International Tennis Federation, where he made the Davis Cup a tournament worth watching. In these capacities, he changed parts of the game that we take for granted and made playing and watching tennis more enjoyable, competitive, and exciting. Mr. Davies developed and implemented tiebreakers, allowed players to wear color, changed the ball from green to yellow for the benefit of television viewers, added time between points and games, and suggested the use of chairs during breaks in play.

Remarkably, Mr. Davies is responsible for the first public broadcasting of a tennis match, facilitating the airing of the 1972 WCT final match between Rod Laver and Ken Rosewall on NBC. In addition, while at WCT, Mr. Davies implemented the first, multimillion world tour. These two big ideas made the sport more accessible to all Americans. As showcased by these accomplishments and many others, Mr. Davies has been a tireless advocate for diversifying tennis and supporting all players, regardless of class or race, who had the potential to rise through the ranks.

Most recently, Mr. Davies has dedicated his talents to the incredibly successful New Haven Open tournament at Yale University. He has brought big-time tournament tennis competition to the city of New Haven and helped to create an arena where athletes of all ages can be inspired to be strong, fight hard, and work to their full potential. In their own backyards, they can experience the incredible energy of skilled players who are only a few games away from the U.S. Open.

I congratulate Mr. Davies for this remarkable honor and would like to recognize the International Tennis Hall of Fame and Museum for its outstanding work in preserving the legacies of these cultural icons and motivating new generations of young athletes and entrepreneurs to strive for greatness every day.

RECOGNIZING THE NEW HAVEN LIONS CLUB

Mr. BLUMENTHAL. Mr. President, today I wish to recognize the New Haven Lions Club as they celebrate their 90th anniversary and nearly a century of community service, civic involvement, and charitable contributions to the city of New Haven, the State of Connecticut, and the increasingly interconnected international community.

Lions Club members are connected to the heart and soul of their local cities and towns, following the proactive philosophy: ''community is what we make it.'' Through their extraordinary service and generosity including weekly meetings, annual volunteer events, and fundraising the 46,000 Lions Clubs and their 1.35 million members change the world around them. Following their historic practice of activism and participation, they touch countless lives.

Founded in 1922, the New Haven Lions Club is the second oldest Lions Club in Connecticut. The members—or Lions, as they aptly call themselves—come together four times a month at the New Haven Long Wharf to plan the community outings that have become well known and anticipated events. Their impact is felt when they hand out free hot cider at the New Haven tree lighting or deliver food donations to the Connecticut Food Bank. Since its start, the club has raised more than $717,000 in charitable contributions.

Responding to a call to action by Helen Keller in 1925, one of the hallmark services offered by Lions Clubs around the world is assisting the often-marginalized blind and visually impaired communities. In 1975, the One to One Program was created in New Haven, where partnerships are formed between a blind and a seeing person. Together, these pairs attend events together throughout the year. In addition, free eye screenings have been offered on the New Haven Green since 1998, serving as a practical resource as well as symbolic gesture that the Lions Club of New Haven is dedicated to inspiring the vision of New Haven residents, helping them to see better lives for themselves.

The Lions of New Haven also offer valuable opportunities for children and young adults in New Haven, understanding their specific needs and then aiming to fill the void, whether providing recreational fun, mentorship, or the teaching of life skills. They have partnered with local schools in New Haven throughout the years, most recently with Nathan Hale School, to sponsor Leo Clubs, which lead students to spend time volunteering and giving back to their communities. Last July, the Lions Club of New Haven offered $2,500 in scholarship funds for graduating Leos.

The New Haven Lions Club is also known for Camp Cedarcrest, 42 acres of grounds in Orange, CT, enjoyed each summer by thousands of Connecticut residents. Together, the New Haven Lions, along with four other service organizations and the New Haven Department of Parks, Recreation and Trees, provide this spot for the community to enjoy.

Even though the New Haven Lions Club has held and participated in many newsworthy events such as hosting a Benny Goodman concert in 1958 and volunteering over 150 hours during the 1995 Special Olympics World Games held in New Haven—what makes this service club special is its members' dedication to each other, their community, and their legacy. Since its birth, then only the second of its kind in New England, the Lions Club of New Haven has evolved and adapted while always keeping the tradition of service, companionship, and civic duty as the foundation of every step together.

I wish the Lions of New Haven all the best as they continue to listen to the pulse of the city of New Haven and represent Connecticut in the many Lions Club happenings around the world. I have the greatest confidence that steadfast progress, tender human connections, and far-reaching impact will be made by this invaluable organization over the next 90 years and more.

AMERICAN STUDIO GLASS MOVEMENT

Mr. PORTMAN. Mr. President, today I wish to recognize the American Studio Glass Movement. The movement is celebrating its 50th anniversary this year. The American Studio Glass Movement began in Toledo, OH, as a small group of passionate artists and has grown into an international movement of artists creating one-of-a-kind art glass. I would like to congratulate the American Studio Glass Movement on 50 years of encouraging and supporting sculpture glass.

In 1962, the American Studio Glass Movement began with two glass-blowing workshops at the Toledo Art Museum. These workshops were highlighted by the inaugural implementation of the personal glass furnace. This invention made it possible for individual artists in personal studios to engage in creative glass design.

The American Studio Glass Movement has introduced the beauty and creativity of studio glass to millions of people. From June 13–16, the Glass Art Society will hold its annual conference in Toledo, OH, allowing artists, collectors, and enthusiasts from across the world to gather at the birthplace of glass art to celebrate 50 years of studio glass. Further, over 160 art museums, including nine Ohio art museums will hold exhibitions honoring the 50th anniversary of the American Studio Glass Movement.

I would like to join with the movement's thousands of supporters and associated museums in congratulating the American Studio Glass Movement on 50 years of success.

ADDITIONAL STATEMENTS

BEALE AIR FORCE BASE CHILD DEVELOPMENT CENTER

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the April 2, 2012, opening of the new Child Development Center, CDC, at Beale Air Force Base in Yuba County, CA.

I am so pleased that this facility has at long last become a reality for the families stationed at Beale, and I was proud to have fought to secure the funding required to build it.

When I visited Beale in 2004, I saw firsthand the critical need for a new CDC on base. The old CDC built in 1967 was in dire need of replacement. The aging facility was too small to accommodate eligible children and was found to contain safety hazards including asbestos and lead. The men and women serving our Nation at Beale deserve to know that their children are being cared for in a safe and nurturing environment. The new CDC will provide this peace of mind.

The Silver-LEED-Certified 37,566-square-foot facility will increase the number of children served from 175 to 280, relieving the burden on many military families who currently rely on childcare located 20 miles off base. It will have a total of 21 classrooms for children ranging from infants to preschool age and employ 70 staff members. The new CDC is also centrally located and easily accessible from anywhere on the installation. This new CDC will go a long way to ensure we are meeting the needs of the families stationed at Beale.

As cochair of the Senate Military Family Caucus, I know that when a servicemember wears a uniform, the entire family serves. That is why we must do everything we can to lessen their burden and provide for their needs. The new CDC at Beale symbolizes America's commitment to our incredible military families and is one more way we can show our gratitude for their service.●

TRIBUTE TO LEE ANDERSON

● Mr. CORKER. Mr. President, today I wish to honor an exceptional Tennessean and fellow Chattanoogan for his outstanding career as a newsman and his many contributions to our city and country.

Lee Stratton Anderson was born in Trenton, KY in 1925 to Mr. and Mrs. Herbert L. Anderson. At the age of 5, he moved to Chattanooga, TN, where he still resides today. In 1942, as a high school junior, Lee was hired as a reporter at the Chattanooga News-Free Press, and on April 18th of this year, he will retire from that same newspaper 70 years to the day his storied career began.

It was clear from an early age that Lee Anderson was an exceptional person dedicated to serving others and his country. In addition to becoming a journalist at 16 years old, Lee earned the distinction of Eagle Scout and was the winner of two Sons of the American Revolution Good Citizenship Awards. After high school, he enrolled in the University of Chattanooga and volunteered for the Air Force aviation cadet program, serving 21 months on Active Duty in World War II before returning to school and to the paper. He maintained a busy schedule as a college student, arriving at 6:00 a.m. to the paper each day before heading to class until 9:30 p.m. Remarkably, he graduated in 3 years while still finding time to be a leader on campus. He was president of Sigma Chi fraternity, the Blue Key Honor Society, and the Interfraternity Council, and chairman of the Honor Council Indoctrination Committee, all while holding a full-time job.

At the Chattanooga News-Free Press, Lee covered politics and the State legislature before being named associate editor in 1948 and then editor in 1958. It was as an associate editor that Lee began to write the editorials that would become his signature. Over 40 years later, when Walter Hussman bought and merged the News-Free Press with then-rival the Chattanooga Times, Lee was named associate publisher and editor of the combined paper. The Chattanooga Times Free Press remains the only U.S. newspaper to offer two editorial perspectives, and, at age 87, Lee continues to plan three or four editorials for the Free Press section of the editorial page each day. His editorials have been reprinted in publications throughout the country, garnering him numerous awards, including the Freedoms Foundation's national award for editorials in 1979.

In addition to his 70-year career in the newsroom, Lee Anderson's contributions to his community, State and country have been just as impressive and valuable. He is a retired major in the U.S. Army Reserve and has served on a number of committees focused on educating the public about the Civil War. In 1957, he cofounded Confederama, now known as the Battles for Chattanooga Museum, an educational tourist attraction re-creating local battles and highlighting Chattanooga's role during the Civil War. He has delivered more than 2,000 speeches on a variety of topics, including religion, history, and politics, and authored two books: ''Valley of the Shadow: the Battles of Chickamauga and Chattanooga, 1863'' and ''Israel: I looked over Jordan.''

Lee has held leadership positions in numerous civic causes and organizations, including the Chattanooga Downtown Rotary, the Chattanooga Convention and Visitors Bureau, and the local chapter of the American Red Cross, to name a few. This past year, Lee was named the public face of United Way's annual campaign after almost 80 years of continuous participation with the charity, making his first contribution as a first grader. He also served Tennesseans for 4 years under my good friend, then-Governor LAMAR ALEXANDER, on the Tennessee Industrial and Agricultural Development Commission.

Lee Anderson's many achievements in life are too numerous to list here, but if you were to ask him, he would tell you after his wife, Betsy, of 62 years, two children and two grandchildren, one of his greatest accomplishments has been teaching Sunday school for over 40 years at First Presbyterian Church in Chattanooga.

Mr. President, I have known Lee Anderson for my entire adult life and have seen firsthand his love for our community and witnessed his contributions to making it a great place for our citizens to live and do business. Over his long career, Lee's views have always reflected his strongly held beliefs and deep devotion to the city and country he loves. It is an honor and a privilege to serve in the Senate on behalf of Tennesseans like Lee Anderson. I congratulate him for his remarkable dedication to the newspapers of record in Chattanooga and join with so many others in thanking him for the lasting impact he has made, which will extend for many years to come.●

FROZEN FOOD MONTH

● Mrs. MURRAY. Mr. President, today I wish to acknowledge Frozen Food Month and to recognize the frozen food industry's significant efforts to ensure that families and schoolchildren across the United States have access to healthy, affordable foods such as fruits and vegetables.

In our all too often hectic lives, frozen foods give Americans the flexibility to quickly prepare meals that are both nourishing and affordable.

School lunch planners also rely on frozen foods as they seek to serve healthy, child-friendly meals while stretching limited budgets. For instance, frozen fruits and vegetables are readily available and offer outstanding nutritional value to schoolchildren year-round.

Even during these tough economic times, the frozen food industry continues to provide much needed American jobs, with almost 100,000 employees working in nearly 700 facilities nationwide.

I would like to take this opportunity to honor one of my home State's own frozen food companies, National Frozen Food Corporation. Headquartered in Seattle, WA, National is currently celebrating its 100th year as a leader in the frozen foods industry.

National began its impressive history when a man named William McCaffray, Sr., started selling frozen strawberries in 1912. With a $5,000 loan from a friend, Mr. McCaffray built his small business from the ground up, and in the 1930s expanded to selling frozen vegetables as well as fruit. From Mr. McCaffray's humble beginnings, National has grown

to be one of our country's premiere private-label frozen vegetable producers and employs 670 people throughout the year. Today, National Frozen Foods is committed to continued improvement through innovation within its own walls and at the industry level.

I am proud to acknowledge the part that National Frozen Foods Corporation has played in our economy in Washington State, as well as the positive impact that the frozen foods industry as a whole continues to have on the United States. In celebration of Frozen Foods Month, I applaud the employees and management of National Frozen Foods Corporation, and of the entire frozen food industry, for their hard work and contributions to our country.●

TRIBUTE TO DR. ANN COYNE

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor Dr. Ann Coyne of Lincoln, NE, who has recently been awarded the National Association of Social Workers' Lifetime Achievement Award.

Dr. Coyne's accomplishments are many, and she is most deserving of this prestigious award. First and foremost, she is a loving wife and mother. Dr. Coyne was married to her husband, Dermot, for nearly 45 years before his death in 2002; and they were blessed with six children: P.J., Brian, Tom, James, Cathy and Gerry. She has been a ''mom'' to many more by providing a safe and loving home to many Nebraska foster children and by assisting many special needs children with international adoptions.

In addition to being a mother, Dr. Coyne has maintained a strong commitment to children throughout her professional career. She is a consultant for the Nebraska Foster Care Review Board and was a board member for Adoption Links Worldwide. She developed the dual degree between social work and public administration at the University of Nebraska-Omaha, UNO; was instrumental in renaming UNO's School of Social work in honor of another prestigious social worker from Nebraska, Grace Abbott; and continues to teach both undergraduate and graduate coursework to countless students in our State.

Perhaps the greatest of Dr. Coyne's achievements is her work in Nicaragua. She fosters an ongoing relationship between UNO's Grace Abbott School of Social Work and the University of Nicaragua at Leon, UNAN, which has assisted 75 Nicaraguans in earning degrees in social work. She worked with the Omaha Suburban Rotary Club to found Las Chavalitos Maternal and Child Health Clinic in Managua. Additionally, Dr. Coyne partnered with a former student to develop the Association de Maestras y Padres de Niños Sordos, which now operates La Escuela de Niños Sordos, a primary day school for deaf children.

I, and all Nebraskans, have benefitted from Dr. Ann Coyne's accomplishments as a teacher, educator, and advocate for children. We are proud that the National Association of Social Workers has bestowed upon her its Lifetime Achievement Award. And we are also proud that the enormous impacts of Dr. Coyne's life and work have benefitted, and are continuing to benefit, the children of Nebraska, the United States of America, and the world.●

TRIBUTE TO CÉSAR ESTRADA CHÁVEZ

● Mr. UDALL of Colorado. Mr. President, today I wish to recognize César Estrada Chávez, a man whose leadership and nonviolent crusade for justice changed millions of lives throughout America. César Chávez helped give all of us a chance at a better future.

On March 31, 2012, we will celebrate César Chávez Day to commemorate his life and his legacy. We will also pause to remember that the actions of one person can empower an entire community to fight for equal treatment and civil rights.

César Estrada Chávez was born on March 31, 1927, near Yuma, AZ, to a family of farm workers. When his father was unable to work, Chávez joined the millions of people who worked in the fields to provide for their families and was inspired to do something to help his community. Daily, he saw and felt the farm workers' suffering. Working conditions on the farms were extremely dangerous and compensation was poor. Chávez taught migrant farm workers across the West that the life they deserved was very different from the one they had been living. He knew the farm workers' struggles intimately and used that knowledge as motivation to help the entire community find the tools it needed to overcome those struggles. Change initially took root in California, swiftly spreading to the rest of the Western United States. Colorado's heritage is richer because of his influence and his legacy.

Chávez's message reached Colorado's Hispanic community during the days of the civil rights movement. Chávez led advocacy efforts to empower people across Colorado, bringing about improved living and working conditions for Colorado's farm workers. Additionally, his teachings inspired many Coloradans to join him in teaching farm workers, students, and veterans the importance of equality, justice, and empowerment. A Coloradan who became one of these leaders was Rodolfo ''Corky'' Gonzales, who would become a voice for the voiceless and a masterful poet and teacher in Colorado's Hispanic community.

César Chávez's and Rodolfo Gonzalez's selflessness, patience, and commitment mobilized Latinos and non-Latinos in Colorado and across America to fight for equality, justice, and civil rights. Chávez is especially remarkable because he truly embodied his own teachings. Throughout his life, he turned down many prestigious job offers and opportunities, choosing to work long hours in the fields side by side with migrant workers. Chávez gave a human face to agriculture. He taught many across the country that the grapes, onions, tomatoes, or other foods they purchased at the grocery store were part of a much larger story. Moreover, he believed that the world's real wealth lies in the act of helping others. It is this belief that sustained him in the face of long odds.

In a speech inspired by the nonviolent messages of Dr. Martin Luther King, Jr., and Mahatma Gandhi, César Chávez said, ''You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. And you cannot oppress the people who are not afraid anymore.'' Chávez's life and legacy has taught millions of people far more than just pride and bravery. He inspires all of us to fight for a better future for the world, for ourselves and for our neighbors. César Chávez is a role model for Coloradans and for all Americans.

On March 31, Coloradans across the State will come together to give back to their communities. I am proud to speak on behalf of them and on behalf of all Americans fighting to give their children and the people in their communities a better life, regardless of their background or color of skin. Together, we honor those who are continuing César Chávez's fight for justice and celebrate the remarkable influence of his vision.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

ENROLLED BILL SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2038. An act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefits, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

ENROLLED BILL SIGNED

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2237. A bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2682. An act to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

H.R. 2779. An act to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 4014. An act to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5475. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2012 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5476. A communication from the Chief Information Officer, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Modifications of Interlibrary Loan Fee Schedule'' (RIN0518–AA04) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5477. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Loan Program'' (RIN0560–AI04) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5478. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John C. Koziol, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5479. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Frank G. Helmick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5480. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air Force Reserve to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–5481. A communication from the Public Information Manager, Office of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act and Privacy Act Procedures'' (RIN3460–AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC–5482. A communication from the Public Information Manager, Office of Privacy, Records, and Disclosure, Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, the report of a rule entitled ''Requests for Testimony or the Production of Records in a Court or Other Proceedings in Which the United States is not a Party'' (RIN3460–AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2012; to the Committee on Armed Services.

EC–5483. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California Air Resources Board—In-Use Heavy-Duty Diesel-Fueled Truck and Bus Regulation, and Drayage Truck Regulation'' (FRL No. 9633–3) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5484. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto Rico; Administrative Changes'' (FRL No. 9645–8) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5485. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Emission Control Measures for Chicago and Metro-East St. Louis Ozone Nonattainment Areas'' (FRL No. 9633–4) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5486. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Nevada; Regional Haze State Implementation Plan'' (FRL No. 9612–7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5487. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regional Haze State Implementation Plan'' (FRL No. 9651–7) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5488. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware, Maryland, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 8-Hour Ozone Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area'' (FRL No. 9652–6) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5489. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emergency Planning and Notification; Emergency Planning and List of Extremely Hazardous Substances and Threshold Planning Quantities'' (FRL No. 9651–1) received in the Office of the President of the Senate on March 22, 2012; to the Committee on Environment and Public Works.

EC–5490. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Eligibility Changes under the Affordable Care Act of 2010'' (RIN0938–AQ62) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC–5491. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Student Health Insurance Coverage'' (RIN0938–AQ95) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC–5492. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—Correction to Rev. Rul. 2012–9'' (Rev. Rul. 2012–12) received in the Office of the President of the Senate on March 21, 2012; to the Committee on Finance.

EC–5493. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—April 2012'' (Rev. Rul. 2012–11) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Finance.

EC–5494. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Report to the Congress: Medicare Payment Policy''; to the Committee on Finance.

EC–5495. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0028—2012–0034); to the Committee on Foreign Relations.

EC–5496. A communication from the Correspondence and Regulations Assistant, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Patient Protection and Affordable Care Act; Standards Related to Reinsurance, Risk Corridors and Risk Adjustment'' (RIN0938–AR07) received in the Office of the President of the Senate on March 20, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5497. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 1st, 2nd, and 3rd Quarters of Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–5498. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

EC–5499. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Nevada Advisory Committee; to the Committee on the Judiciary.

EC–5500. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2011 session; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Gina K. Abercrombie-Winstanley, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Gina Abercrombie-Winstanley.

Post: Malta.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $0.

2. Spouse: Gerard Winstanley, $200, 2008, Obama Presidential campaign.

3. Daughter: Kara Winstanley, none.

4. Son: Adam Winstanley, none.

5. Parents: both deceased.

6. Grandparents: both deceased.

7. Brother: Craig Stevens, None.

8. Brother: John Brent, None.

9. Sister: Lynne Hicks, none.

10. Brother in law: Larry Hicks, None.

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*Julissa Reynoso, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Julissa Reynoso.

Post: Montevideo, Uruguay.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Julissa Reynoso: $500, 12/5/2008, PODER Political Action Committee; $300, 9/26/2008, Perriello for Congress; $2,300, 8/28/2008, Friends of Hillary; $1,000, 8/25/2008, Obama Victory Fund; $1,000 8/31/2008, Obama for America.; (via Obama Victory Fund); $250, 8/22/2008, Friends of Tracy Brooks; $250, 8/22/2008, Act Blue; $400, 6/30/2007, Hillary for President (general); $2,300, 1/26/2007, Hillary Clinton for President (primary); $1,900, 1/26/2007, Hillary Clinton for President (general).

2. Spouse: n/a.

3. Children and Spouses: n/a.

4. Parents: Rosario Pantaleon: none; Julio Reynoso: none.

5. Grandparents: Juan Pantaleon: none; Bienvenida Pantaleon: deceased; Nay Reynoso: deceased; Maricusa Vargas: none.

6. Brothers and Spouses: Julio Cesar Reynoso: (single), none.

7. Sisters and Spouses: Jessica Adelina Reynoso: (single) none; Osmaris Valerio: (single) none.

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*William E. Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: William E. Todd.

Post: Cambodia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: William Todd, none.

2. Spouse: Patricia Buckingham, none.

3. Children and Spouses: William Todd II, none; Christopher Todd, none; John Todd, none; Caitlyn Todd, none.

4. Parents: John and Marie Todd, none.

5. Grandparents: Deceased.

6. Brothers and Spouses: John Todd, $1000, 2004, Republican Party; $2000, 2000, George Allen; Doug Todd, none.

7. Sisters and Spouses: Jean Todd, none.

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*Jacob Walles, of Delaware, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Tunisian Republic.

Nominee: Jacob Walles.

Post: Tunis.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $1750, 2008, Obama.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: N/A.

5. Grandparents: N/A.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: None.

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*Pamela A. White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Nominee: Pamela A. White.

Post: Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $150.00, Oct. 2011, Obama; $200.00, May 2010, Obama; $400.00, Jan & Jun 2008, Obama.

2. Spouse: Steve Cowper, None.

3. Children and Spouses: Kristopher White, None; Patrick White, None.

4. Parents: Muriel and Richard Murphy, None.

5. Grandparents: Deceased

6. Brothers and Spouses:

7. Sisters and Spouses: Sandra Nadeau, None.

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*John Christopher Stevens, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Libya.

Nominee: John C. Stevens.

Post: Tripoli.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Jan Stevens, $150, 2008, Obama Cmpgn. Carole Cory Stevens, None; Mary Commanday, None; Robert Commanday, None.

5. Grandparents: N/A.

6. Brothers and Spouses: Thomas Stevens, None; Dana Lung, None.

7. Sisters and Spouses: Anne Stevens, $800, 2008, Emily's List. Peter Sullivan, None; Hilary Stevens, None.

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*Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Nominee: Tracey Ann Jacobson.

Post: Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

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*Kenneth Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: Kenneth H. Merteno.

Post: Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Caryl Merten & Elisabeth Merten: None.
4. Parents: Edryne Merten: None.
5. Grandparents: N/A: None.
6. Brothers and Spouses: N/A: None.
7. Sisters and Spouses: N/A: None.

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*Mark A. Pekala, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Nominee: Mark A. Pekala.

Post: U.S. Ambassador to Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: Maria R. Pekala: None.
3. Children and Spouses: Julia C. Pekala: None; Nora M. Pekala: None.
4. Parents: Anne J. Pekala—deceased, Henry S. Pekala—deceased.
5. Grandparents: John (Jan) Pekala—deceased; Mary (Maria) Pekala—deceased; Michael Virbicki—deceased; Aleksandra Virbicki—deceased.
6. Brothers and Spouses: Michael A. Pekala: None; Lori Pekala (spouse): None.
7. Sisters and Spouses: Karen Pekala: $500.00, 9/18/2008, Barack Obama via ''Obama for America''; Judeth Hawkins: None; David Hawkins (spouse): None; Lisbeth O'Malley: None.

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*Richard B. Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Nominee: Richard B. Norland.

Post: Ambassador to Georgia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: Mary E. Hartnett, $250, 9/9/2008, Obama for America; $500, 10/28/2008, Obama for America.
3. Children and Spouses: Daniel Norland (son) and Jennifer Barkley (spouse): $200, 2008, Obama for America; Kathleen Norland (daughter): None.
4. Parents: Donald R. Norland—deceased; Patricia B. Norland: None.
5. Grandparents: E. Norman Norland—deceased; Aletta Norland—deceased; August Bamman—deceased; Emily Bamman—deceased.
6. Brothers and Spouses: David Norland (brother): $1,000, 04/01/11, Pawlenty for President Exploratory Committee; $500, 10/29/10, Republican National Committee; $250, 01/13/10, Scott Brown for U.S. Senate; $250, 10/13/09, McDonnell for Govenor; $2,300, 09/09/08, McCain Victory 2008, $1,300, 01/07/08, Romney for President, Inc.; $1,000, 06/14/07, Romney for President, Inc; Susan Norland (spouse): None.
7. Sisters and Spouses: Patricia D. Norland: None.

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*Jeffrey D. Levine, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

Nominee: Jeffrey D. Levine.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:
1. Self: $200, 2008, Obama for President Campaign.
2. Spouse: Janie L. Keeler (joint contribution with myself as listed above*).
3. Children and Spouses: Nikolai David Levine (minor child—None).
4. Parents: Evelyn Bender: None.
5. Grandparents: deceased.
6. Brothers and Spouses: Glenn Levine, None.
7. Sisters and Spouses: None.

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*Sara Margalit Aviel, of California, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

*Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

*Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

*Carlos Pascual, of the District of Columbia, to be an Assistant Secretary of State (Energy Resources).

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Olga Ford and ending with Margaret Shu Teasdale, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2012.

Foreign Service nominations beginning with Terry L. Murphree and ending with Andrew J. Wylie, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2012.

Foreign Service nominations beginning with Morgan D. Haas and ending with Stephen L. Wixom, which nominations were received by the Senate and appeared in the Congressional Record on February 29, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2238. A bill to amend the Commodity Exchange Act to require a regulation to limit the aggregate positions of nontraditional bona fide hedgers in petroleum and related products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 2239. A bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. BLUNT, Mr. BROWN of Ohio, and Mr. ROBERTS):

S. 2240. A bill to amend the Internal Revenue Code of 1986 to extend the allowance for bonus depreciation for certain business assets; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Mr. ROBERTS):

S. Res. 407. A resolution expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing; considered and agreed to.

ADDITIONAL COSPONSORS

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Missouri

(Mrs. MCCASKILL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 798

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1316

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1629

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1755

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes.

S. 1774

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1774, a bill to establish the Rocky Mountain Front Conservation Management Area, to designate certain Federal land as wilderness, and to improve the management of noxious weeds in the Lewis and Clark National Forest, and for other purposes.

S. 1945

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. 2051

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2113

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2113, a bill to empower the Food and Drug Administration to ensure a clear and effective pathway that will encourage innovative products to benefit patients and improve public health.

S. 2120

At the request of Ms. MURKOWSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2139

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2139, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

S. 2140

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2140, a bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2204

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2213

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 2221

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor

Standards Act of 1938 relating to child labor.

S. 2222

At the request of Mr. SANDERS, the names of the Senator from Montana (Mr. TESTER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. 2226

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2226, a bill to prohibit the Administrator of the Environmental Protection Agency from awarding any grant, contract, cooperative agreement, or other financial assistance under section 103 of the Clean Air Act for any program, project, or activity carried out outside the United States, including the territories and possessions of the United States.

S. 2232

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2232, a bill to decrease the deficit by realigning, consolidating, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

S. 2233

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 38, a joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

S. RES. 344

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 344, a resolution supporting the democratic aspirations of the Nicaraguan people and calling attention to the deterioration of constitutional order in Nicaragua.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 395

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 395, a resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois from May 20 through 21, 2012.

S. RES. 397

At the request of Mr. COONS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 397, a resolution promoting peace and stability in Sudan, and for other purposes.

S. RES. 402

At the request of Mr. COONS, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nevada (Mr. HELLER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

AMENDMENT NO. 1952

At the request of Mr. SANDERS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1952 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Ohio, Mr. ROCKEFELLER, Mr. COONS, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, and Mr. WHITEHOUSE):

S. 2241. A bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the GI Bill Consumer Awareness Act of 2012.

My colleagues, including my fellow Veterans' Affairs Committee Members Senators AKAKA, BEGICH, BROWN of Ohio and ROCKEFELLER, and my Senate colleagues Senators COONS, HARKIN, INOUYE, LEAHY, and WHITEHOUSE, join me in introducing this important legislation. I appreciate their continued support of our Nation's veterans.

With the end of the war in Iraq and the drawdown in Afghanistan, more servicemembers are separating from the military to start their civilian careers. When my father came home from war, the GI Bill helped him go to college. He used that education to get a job, one that gave him pride. That's the opportunity we must provide those returning from today's wars.

America's investment in its newest generation of veterans is tremendous.

In 2012, over 590,000 servicemembers, veterans, and other beneficiaries are expected to enroll in educational institutions using the Post-9/11 GI Bill. VA is expected to spend over $9 billion dollars in 2012 on Post-9/11 GI Bill payments and over $2 billion for the nearly 400,000 beneficiaries of the VA's other education programs. Despite this level of support, those returning from today's wars are unable to use VA educational benefits to their full potential. Today, that ends.

At its heart, the GI Bill Consumer Awareness Act would take significant steps to make certain that GI Bill beneficiaries have access to information to help them make informed decisions about the educational institutions they attend, so they get the most out of this tremendous benefit. This bill would also require VA and DoD to develop a joint policy to curb aggressive recruiting and misleading marketing aimed at servicemembers and veterans so they can make a decision on a school without bad actors exerting unfair influence on them.

Many servicemembers and veterans attend educational institutions that do not suit their intended goals. This shouldn't be the case. Servicemembers and veterans should enroll in educational institutions which put them on the path to a successful career, or allow them to access more post-secondary education opportunities. For many years we have provided VA educational beneficiaries with billions of dollars in educational assistance, but have given them little to no assistance in deciding where to use these benefits. This bill would put an end to that.

The GI Bill Consumer Awareness Act calls for disclosure of, among other data, statistics related to student loan debt, transferability of credits earned, veteran enrollment, program preparation for licensing and certification, and job placement rates. heard from many veterans that this type of information would be very useful to them as they make decisions about where to enroll.

My bill would also require VA to provide educational beneficiaries with easy-to-understand information about schools that are approved for GI Bill benefit use. Collecting data for data's sake is not the goal here. I want VA to use this information to develop a report card of sorts that allows veterans to see how one school compares against another to help them decide which school is right for them.

We must acknowledge the differences between student veterans and their civilian classmates. Unlike their classmates, servicemembers and veterans need to know what services institutions provide to ease their difficult transition to civilian life. Some educational institutions provide more support than others.

The University of Washington, one of the oldest public universities in my

home state, serves as an example of what all universities should be doing. Through its Veterans Center, the University of Washington offers its student veterans a place to connect with other veterans, access university resources, and receive referrals to campus and community resources that help to balance academic and personal demands. The University of Washington is helping to ease the transition from the battlefield to the classroom, and these types of services should be replicated across the country.

Despite this bright spot, I have heard from servicemembers and veterans who don't think their schools are in touch with the assistance that VA and other Agencies can provide to them. The GI Bill Consumer Awareness Act would require educational institutions to have at least one employee who is knowledgeable about benefits available to servicemembers and veterans.

My bill would further require that academic advising, tutoring, career and placement counseling services, and referrals to Vet Centers are available and that faculty members are trained on matters that are relevant to servicemembers and veterans. I want to make sure that each educational institution that is approved for GI Bill education benefits has the support services that student veterans need in order to make the most of their educational experience. No veteran should step on a college campus in this country and feel unsupported.

I am concerned about what I am seeing and hearing about groups who mislead our servicemembers and veterans—just to boost enrollment of students with a very lucrative benefit. The GI Bill Consumer Awareness Act would require VA and DoD to develop a joint policy on aggressive recruiting and misleading marketing aimed at servicemembers, veterans, and other beneficiaries.

When servicemembers and veterans make a decision about a school—it should be done with their own best interests at heart, and in consultation with their families and those Agencies with a mandate to help them. The GI Bill Consumer Awareness Act would make educational counseling available to more beneficiaries. As long as a beneficiary has educational entitlement—counseling from VA would be available. I really want VA to be proactive in its efforts to get these servicemembers and veterans in for counseling. This is an important step in choosing a school and career path and one that I hope that more student veterans take advantage of.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's servicemembers after they leave military service. I also ask our colleagues for their continued support for the Nation's veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2241

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 ''GI Bill Consumer Awareness Act of 2012''.

SEC. 2. PUBLICATION BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE OF INFORMATION ABOUT EDUCATIONAL INSTITUTIONS.

(a) PUBLICATION BY SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3697B. Publication of information about educational institutions

''(a) PUBLICATION OF INFORMATION.—The Secretary shall, on an ongoing basis, make available to veterans, members of the Armed Forces, and other individuals eligible to receive or receiving assistance under this chapter or any of chapters 30 through 35 of this title or chapters 106A or 1606 of title 10 the information described in subsection (d) in language that can be easily understood by such veterans, members, and other individuals.

''(b) COLLECTION OF INFORMATION.—(1) In order to make the information described in subsection (d) available as required by subsection (a), the Secretary shall take such actions as may be necessary to obtain such information.

''(2) If the Secretary requires, for purposes of this section, information that has been reported by an educational institution to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section or section 3679A of this title, the Secretary shall obtain such information from such Secretary or head rather than the educational institution.

''(3) Making information available under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(c) PARTNERSHIP WITH SECRETARY OF EDUCATION AND SECRETARY OF DEFENSE.—(1) The Secretary shall carry out subsections (a) and (b) in consultation and cooperation with the Secretary of Education and the Secretary of Defense.

''(2) If the Secretary of Education or the Secretary of Defense incur any costs in consulting or cooperating with the Secretary of Veterans Affairs under paragraph (1), the Secretary of Veterans Affairs shall reimburse the Secretary concerned, from amounts appropriated to the Secretary of Veterans Affairs, for such costs.

''(d) INFORMATION.—The information described in this subsection is as follows:

''(1) An explanation of the different types of accreditation available to educational institutions and programs of education.

''(2) A general overview of Federal student aid programs, the implications of incurring student loan debt, and discussion of how receipt of educational assistance under this chapter or any of chapters 30 through 35 of this title may enable students to complete programs of education without incurring significant educational debt.

''(3) For each educational institution at which an individual is enrolled in a program of education for which the individual receives assistance under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10 and for the most recent academic year for which information is available, the following:

''(A) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

''(B) The percentage of students enrolled in a program of education offered by the educational institution who complete the program of education within the normal time for completion of such program and the percentage of students enrolled in a program of education offered by the educational institution who complete the program of education within 150 percent of such period, disaggregated by students who receive and don't receive assistance for pursuit of the program of education under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10.

''(C) The number of degrees and certificates awarded by the educational institution and the number of students enrolled in programs of education at the educational institution that lead to a degree or a certificate.

''(D) The number of students enrolled in a program of education of the educational institution.

''(E) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

''(F) The mean of the wages the students described in subparagraph (E) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

''(G) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

''(H) For each program of education offered by the educational institution, the following:

''(i) The percentage of students who enroll in the first term of the program of education who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

''(ii) The percentage of students enrolled in the program of education who complete the program of education within the normal time for completion of such program and the percentage of students enrolled in the program of education who complete the program of education within 150 percent of such period, disaggregated by students who receive and don't receive assistance for pursuit of the program of education under this chapter or any of chapters 30 through 35 of this title or chapter 106A or 1606 of title 10.

''(iii) The number of degrees or certificates awarded by the educational institution to individuals who enrolled in the program of education.

''(iv) The number of students enrolled in the program of education.

''(v) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally qualifies an individual—

''(I) to obtain such licensing or certification;

''(II) to take an examination that is generally required to obtain such licensing or certification; or

''(III) to meet such other preconditions as may be necessary for employment in such occupation in such State.

''(vi) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

''(vii) The rates of job placement of students who complete the program of education for programs of education that prepare students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

''(viii) The mean of the wages the students described in clause (vii) receive from their first positions of employment obtained after completing the program of education.

''(ix) A description of the accreditation of the program of education, if any, and the names of any national or regional accrediting agencies that have accredited the program of education.

''(I) An explanation of the following:

''(i) Whether academic credits awarded by the educational institution are transferable to public educational institutions in the State in which the educational institution is located.

''(ii) Any articulation agreements the educational institution may have with any other educational institutions.

''(iii) How the educational institution may or may not accept academic credit awarded by another educational institution, including whether the educational institution accepts the transfer of academic credits from the following:

''(I) The Army/American Council on Education Registry Transcript System.

''(II) The Sailor-Marine American Council on Education Registry Transcript.

''(III) The Community College of the Air Force.

''(IV) The United States Coast Guard Institute.

''(J) The average tuition and fees for all programs of education at the educational institution leading to a baccalaureate degree or lesser degree, license, or certificate and the average tuition and fees charged by public educational institutions for similar programs of education, disaggregated by State.

''(K) The median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and to the degree practicable, private student loans, held upon completion of a program of education by an individual who received assistance under chapter 30, 32, 33, or 34 of this title for pursuit of such program of education at the educational institution.

''(L) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

''(M) With respect to the information reported under subparagraphs (K) and (L), indicators of how the educational institution compares with all public educational institutions offering comparable programs of education.

''(N) Whether the educational institution is a public, private nonprofit, or private for-profit institution.

''(O) The number of veterans enrolled in programs of education at the educational institution who are receiving assistance under this chapter and chapters 30 through 35 of this title and chapters 106A and 1606 of title 10 for pursuit of such programs of education.

''(P) A description of the benefits and assistance veterans described in subparagraph (K) may be entitled to under the laws of the State or States in which the veterans receive instruction from the educational institution.

''(Q) A description of the educational institution's participation, if any, in the Yellow Ribbon G.I. Education Enhancement Program established under section 3317(a) of this title.

''(R) If the educational institution charges a lower rate of tuition for students who reside in the same State as the educational institution—

''(i) identification of the requirements for students to obtain in-State status for such lower rate of tuition; and

''(ii) a list of educational institutions located or incorporated in the same State as the educational institution that waive such requirements for veterans.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

''3697B. Publication of information about educational institutions.''.

(3) EFFECTIVE DATE.—Section 3697B of title 38, United States Code, as added by paragraph (1), shall take effect on the date that is 180 days after the date of the enactment of this Act and not later than such date, the Secretary of Veterans Affairs shall begin making information available as described in subsection (a) of such section.

(b) TRAINING FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS EDUCATION CALL CENTERS.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall ensure that appropriate employees of each of the education call centers of the Department of Veterans Affairs receive appropriate training regarding the information made available under section 3697B of title 38, United States Code, as added by subsection (a)(1).

(c) PUBLICATION BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense shall, on an ongoing basis, make available to individuals eligible to receive or receiving assistance under the Military Spouse Career Advancement Account (MyCAA) program of the Department of Defense the information described in paragraph (4) in language that can be easily understood by such individuals.

(2) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—In order to make the information described in paragraph (4) available as required by paragraph (1), the Secretary shall take such actions as may be necessary to obtain such information, including by requiring educational institutions to provide, as a condition of participating in such program, such information as the Secretary considers necessary to carry out this subsection.

(B) COLLECTION FROM OTHER FEDERAL AGENCIES.—If the Secretary of Defense requires, for purposes of this section, information that has been reported by an educational institution to the Secretary of Education, the Secretary of Veterans Affairs, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this subsection, the Secretary of Defense shall obtain such information from such Secretary or head rather than the educational institution.

(C) PRIVACY.—Making information available under paragraph (1) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(3) PARTNERSHIP WITH SECRETARY OF EDUCATION.—The Secretary of Defense shall carry out paragraphs (1) and (2) in consultation and cooperation with the Secretary of Education.

(4) INFORMATION.—The information described in this paragraph is as follows:

(A) An explanation of the different types of accreditation available to educational institutions and programs of education.

(B) A general overview of Federal student aid programs and the implications of incurring student loan debt.

(C) For each educational institution at which an individual is enrolled in a program of education and receives assistance under the Military Spouse Career Advancement Account (MyCAA) program of the Department of Defense for pursuit of such program of education, the following:

(i) The percentage of students who enroll in the first term of a program of education of the educational institution who on the date that is 1 year after the date of enrolling are not enrolled in any program of education at the educational institution.

(ii) The percentage of students who transfer from one program of education offered by the educational institution to another program of education offered by the educational institution.

(iii) The rates of job placement of students who complete a program of education offered by the educational institution that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

(iv) The mean of the wages the students described in clause (iii) receive from their first positions of employment obtained after completing a program of education offered by the educational institution.

(v) A description of the accreditation of the educational institution, if any, and the names of any national or regional accrediting agencies that have accredited the educational institution.

(vi) For each program of education offered by the educational institution, the following:

(I) If the program of education is designed to prepare a student for a particular occupation, whether such occupation generally requires licensing or certification in the State in which the educational institution is located and if so, whether successfully completing such program of education generally qualifies an individual—

(aa) to obtain such licensing or certification;

(bb) to take an examination that is generally required to obtain such licensing or certification; or

(cc) to meet such other preconditions as may be necessary for employment in such occupation in such State.

(II) If the program of education is designed to prepare a student for a particular occupation that generally requires licensing or certification in the State in which the educational institution is located, the percentage of students who completed such program of education who obtained such licensing or certification.

(III) The rates of job placement of students who complete the program of education for programs of education that prepares students for gainful employment in a recognized occupation and for other programs if such rates are available for such other programs.

(IV) The mean of the wages the students described in subclause (III) receive from their first positions of employment obtained after completing the program of education.

(vii) An explanation of the following:

(I) Whether academic credits awarded by the educational institution are transferable to public educational institutions in the

State in which the educational institution is located.

(II) Any articulation agreements the educational institution may have with any other educational institutions.

(III) How the educational institution may or may not accept academic credit awarded by another educational institution

(viii) Whether the educational institution is a public, private nonprofit, or private for-profit institution.

(ix) If the educational institution is accredited, whether the educational institution has received disciplinary complaints from the accrediting agency that awarded such accreditation and the adjudication status of such complaints.

SEC. 3. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT OF VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL REQUIREMENTS UNDER TITLE 38.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3679A. Additional requirements

''(a) AFFIRMATIVE REQUIREMENTS.—A course of education of an educational institution may not be approved under this chapter unless the educational institution carries out the following:

''(1) Compiling and disclosing to the Secretary such information as the Secretary may require to carry out section 3697B of this title to the extent that such information is available to the educational institution.

''(2) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, ensuring that at least one full-time equivalent employee of the educational institution is knowledgeable about benefits and assistance available to veterans and members of the Armed Forces under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense.

''(3) Ensuring that appropriate employees of the educational institution are trained and qualified to handle assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10.

''(4) If more than 10 veterans or members of the Armed Forces are enrolled in a course of education at the educational institution, providing academic advising and support services to veterans, including remediation, tutoring, career and placement counseling services, and referrals to centers for readjustment counseling and related mental health services for veterans under section 1712A of this title (known as 'vet centers').

''(5) Offering training for members of the faculty of the educational institution on matters that are relevant to veterans and members of the Armed Forces who are enrolled in courses of education at the educational institution.

''(6) Agreeing to abide by the policies developed under section 3696(b) of this title.

''(7) Establishing a point of contact for veterans enrolled in courses of education at the educational institution who can—

''(A) assist such veterans in adjusting to student life at the educational institution; or

''(B) provide referrals to groups or organizations that provide such assistance.

''(b) PROHIBITIONS.—A course of education of an educational institution may not be approved under this chapter if the educational institution—

''(1) requires a student enrolled in the course of education to waive the student's right to legal recourse under any otherwise applicable provision of Federal or State law; or

''(2) requires a student enrolled in the course of education to submit to arbitration or imposes onerous legal notice provisions in the case of a dispute with the educational institution.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

''3679A. Additional requirements.''.

(3) CONFORMING AMENDMENT.—Section 3672(b)(2)(A) of such title is amended by striking ''and 3696'' and inserting ''3696, and 3697B''.

(4) EFFECTIVE DATE.—Section 3679A of such title, as added by paragraph (1), shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) MEMORANDUMS OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND EDUCATIONAL INSTITUTIONS.—

(1) IN GENERAL.—Chapter 106A of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2149A. Memorandums of understanding with educational institutions

''(a) IN GENERAL.—The Secretary shall seek to enter into a memorandum of understanding, not later than one year after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, with each educational institution at which an individual is enrolled in a program of education for which the individual receives assistance under this chapter.

''(b) ELEMENTS.—Each memorandum of understanding entered into under subsection (a) shall require the educational institution with which the Secretary enters into the understanding to carry out paragraphs (2) through (7) of section 3679A(a) of title 38.

''(c) BAN ON RECRUITING ON MILITARY INSTALLATIONS.—No individual who represents an educational institution described in subsection (a) may enter a military facility of the United States for purposes of recruiting students for the educational institution if the educational institution has not entered into a memorandum of understanding with the Secretary under such subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 106A of such title is amended by adding at the end the following new item:

''22149A. Memorandums of understanding with educational institutions.''.

SEC. 4. PROTECTIONS FOR VETERANS AND MEMBERS OF THE ARMED FORCES ATTENDING EDUCATIONAL INSTITUTIONS.

(a) POLICIES TO CURB AGGRESSIVE RECRUITING.—Section 3696 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting '', including utilizing third-party lead generators that gather names of prospective students through the use deceptive or misleading acts or practices'' before the period at the end; and

(B) by inserting ''(1)'' before ''The Secretary'';

(2) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively;

(3) in paragraph (3), as redesignated by paragraph (2), by striking ''under subsection (a)'' each place it appears and inserting ''under paragraph (1)'';

(4) by striking ''this section'' each place it appears and inserting ''this subsection''; and

(5) by adding at the end the following new subsection (b):

''(b) Not later than 90 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly develop policies to curb aggressive recruiting of veterans and members of the Armed Forces by educational institutions.''.

(b) PROHIBITION ON INDUCEMENTS.—Such section is further amended by adding at the end the following new subsection:

''(c) The Secretary shall not approve a course offered by an educational institution if the educational institution uses inducements or provides any gratuity, favor, discount, entertainment, hospitality loan, transportation, lodging, meals, or other item having a monetary value of more than a de minimis amount to any individual or entity (other than salaries paid to employees or fees paid to contractors in conformity with all applicable provisions of law) for the purpose of securing enrollments.''.

(c) WORKING GROUP.—

(1) IN GENERAL.—Chapter 36 of such title is amended by inserting after section 3692 the following new section:

''§ 3692A. Working group

''(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly, in consultation with the Secretary of Education, establish a working group—

''(1) to coordinate consumer protection efforts of the Department of Veterans Affairs and the Department of Defense with respect to educational assistance provided under this chapter, chapters 30 through 35 of this title, and chapters 106A and 1606 of title 10; and

''(2) to develop policies related to postsecondary education marketing and recruitment of veterans and members of the Armed Forces.

''(b) DUTIES.—In coordinating efforts and developing policies under subsection (a), the working group shall—

''(1) survey veterans and members of the Armed Forces who have received educational assistance described in subsection (a)(1) to obtain feedback on the educational assistance received and on the program of education for which such assistance was received;

''(2) review marketing and recruitment practices carried out by educational institutions to determine whether the advertising practices of such institutions might be detrimental to veterans and members of the Armed Forces, including a review of Internet websites used for marketing and advertising campaigns targeted towards veterans and members of the Armed Forces; and

''(3) monitor the overall postsecondary education market for developments that affect veterans and members of the Armed Forces.

''(c) CONSULTATION.—In carrying out its duties under this section, the working group shall consult with appropriate Federal agencies (including the Department of Education and the Consumer Federal Protection Bureau), consumer protection groups, veterans service organizations, military service organizations, representatives of educational institutions, and representatives of such other groups or organizations as the Secretaries consider appropriate.

''(d) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a).

''(e) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term 'veterans service organization' means any organization recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of

such title is amended by inserting after the item relating to section 3692 the following new item:

''3692A. Working group.''.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the working group established under section 3692A of such title, as added by paragraph (1), shall submit to Congress a report on the activities of the working group under such section, including the following:

(A) The findings of the working group.

(B) The actions taken by the working group.

(C) The policies developed by the working group.

(D) Recommendations for such legislative and regulatory action as may be necessary to coordinate as described in paragraph (1) of section 3692A(a) of such title and develop policies as described in paragraph (2) of such section.

(d) POLICIES ON CONFLICTS OF INTEREST BETWEEN EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS, DEPARTMENT OF DEFENSE, AND EDUCATIONAL INSTITUTIONS.—Section 3683 of such title is amended by adding at the end the following new subsection:

''(e) The Secretary of Veterans Affairs and the Secretary of Defense shall develop policies for employees of the Department of Veterans Affairs and the Department of Defense, respectively, regarding conflicts of interest between employees of such departments and educational institutions.''.

SEC. 5. ASSESSMENT OF QUALITY AND DELIVERY OF CAREER INFORMATION AND COUNSELING TO MEMBERS OF ARMED FORCES AND VETERANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor and the Secretary of Education, assess the quality and delivery of career information and counseling provided to members of the Armed Forces and veterans enrolled in (or planning to enroll in) programs of education with assistance under chapter 106A or 1606 of title 10, United States Code, or any of chapters 30 through 36 of title 38, United States Code. Such assessment shall address, at minimum, the following:

(1) Whether such information and counseling is relevant to the labor-markets in which such members or veterans plan to relocate, if applicable.

(2) Whether such information and counseling identifies careers that are available in in-demand occupations and industries in such labor-markets.

(3) Whether such information and counseling identifies the education and credentials required for such careers.

(4) Whether assessments provided to such members and veterans as part of such counseling of the skills and credentials of such members and veterans match such skills and credentials with the skills and credentials required for jobs in the civilian workforce.

(5) Whether the assessments described in paragraph (4) identify the additional skills or credentials members and veterans described in such paragraph may need for employment in jobs in the civilian workforce.

(6) Whether such information identifies the education and training programs that provide the skills necessary for such careers in such labor-markets.

(7) Whether such information is provided in a timely manner.

(b) COLLABORATION WITH THE ONE-STOP DELIVERY SYSTEM AND TRANSITION ASSISTANCE PROGRAMS.—In carrying out subsection (a), the Secretary of Defense and the Secretary of Veteran Affairs shall, in collaboration with the Secretary of Labor, determine how programs that provide education and career counseling services to members of the Armed Forces and veterans under laws administered by the Secretary of Defense and the Secretary of Veterans Affairs should—

(1) collaborate and improve information sharing with one-stop delivery systems established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), including collaboration through electronic means, to provide the information described in subsection (a) to the members of the Armed Forces before such members transition from service in the Armed Forces to civilian life; and

(2) coordinate with—

(A) each other;

(B) the Transition Assistance Program (TAP) of the Department of Defense;

(C) the services provided under sections 1142, 1143, and 1144 of title 10, United States Code;

(D) the programs established under section 235(b) of the VOW to Hire Heroes Act of 2011(Public Law 112–56; 38 U.S.C. 4214 note); and

(E) the demonstration project established under section 4114 of title 38, United States Code.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the assessment completed under subsection (a), including recommendations for such legislative, regulatory, and administrative action as the Secretaries consider necessary to improve the provision of career information relevant to programs of education pursued by members of the Armed Forces and veterans to such members and veterans.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Education and the Workforce of the House of Representatives.

SEC. 6. EXPANSION OF ELIGIBILITY FOR EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697A(b) of title 38, United States Code, is amended—

(1) by striking paragraphs (2) and (3);

(2) in paragraph (1), by adding ''or'' at the end; and

(3) by adding at the end the following new paragraph (2):

''(2) is serving on active duty in any State with the Armed Forces and has served in the Armed Forces on active duty for not fewer than 180 days.''.

SEC. 7. SUBMITTAL OF COMPLAINTS REGARDING PROGRAMS OF EDUCATION AND EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

''§ 3693A. Complaint process

''(a) SUBMITTAL OF COMPLAINTS.—The Secretary shall establish procedures for submittal to the Secretary of complaints by a students who are pursuing programs of education with assistance under this chapter, any of chapters 30 through 35 of this title, or chapters 106A or 1606 of title 10 regarding such programs of education or such assistance.

''(b) DATABASE.—The Secretary shall establish a database to store complaints submitted under subsection (a) to enable the Secretary—

''(1) to improve the provision of assistance under this chapter and chapters 30 through 35 of this title;

''(2) to improve the provision of educational and vocational counseling under section 3697A of this title; and

''(3) to identify problems with the programs of education or assistance described in subsection (a) that warrant further investigation by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

''3693A. Complaint process.''.

SEC. 8. COLLECTION AND DISSEMINATION OF BEST PRACTICES FOR PROVISION BY EDUCATIONAL INSTITUTIONS OF ASSISTANCE TO STUDENTS WHO ARE VETERANS OR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act and two and four years thereafter, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Education and the Secretary of Defense, collect and disseminate information about best practices for the provision by educational institutions of assistance to students who are veterans and students who are members of the Armed Forces to help them successfully enter, persist in, and complete programs of education.

(b) CONSULTATION WITH VETERANS SERVICE ORGANIZATIONS.—In carrying out subsection (a), the Secretary of Veterans Affairs shall consult with veterans service organizations and educational institutions.

SEC. 9. REPEAL OF LIMITATION ON PAYMENTS FOR CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

Section 3697 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) Subject to subsection (b) of this section, educational'' and inserting ''Educational''.

SEC. 10. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) Not later than 90 days after the date of the enactment of the GI Bill Consumer Awareness Act of 2012, the Secretary shall ensure that the Department employs personnel dedicated to assisting personnel of educational institutions who are charged with submitting reports or certifications to the Secretary under this section.''.

SEC. 11. REPORT ON NUMBER OF RECIPIENTS OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the receipt of educational assistance under laws administered by the Secretary of Veterans Affairs during the last academic year ending before the submittal of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following, for the period covered by the report:

(1) A list of all educational institutions at which an individual is enrolled in a program of education for which the individual receives assistance under a law administered by the Secretary of Veterans Affairs.

(2) For each educational institution listed under paragraph (1), the number of individuals who receive assistance under a law administered by the Secretary to pursue a program of education at the educational institution.

(3) For each educational institution listed under paragraph (1), the total amount of assistance paid under laws administered by the Secretary to individuals enrolled in programs of education at the educational institution for pursuit of such programs and paid to the educational institution for the education of individuals.

SEC. 12. PERFORMANCE METRICS FOR DEPARTMENT OF DEFENSE EDUCATION AND WORKFORCE TRAINING PROGRAMS.

(a) ESTABLISHMENT OF METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Education and the Secretary of Labor, establish metrics for tracking the successful completion of education and workforce training programs carried out under laws administered by the Secretary of Defense.

(b) REPORT ON METRICS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the metrics establish under subsection (a), including a description of each such metric.

(c) ANNUAL ASSESSMENT.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress an assessment of the education and workforce training programs described in subsection (a) using the metrics established under such subsection.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of representatives.

SEC. 13. PRIVACY.

Nothing in this title or any of the amendments made by this title shall be construed to authorize the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Education, or the Secretary of Labor to release to the public information about an individual that is otherwise prohibited by a provision of law.

SEC. 14. DEFINITIONS.

In this Act:

(1) EDUCATIONAL INSTITUTION AND PROGRAM OF EDUCATION.—The terms ''educational institution'' and ''program of education'' have the meanings given such terms in section 3501 of title 38, United States Code.

(2) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of such title.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 407—EXPRESSING THE SENSE OF THE SENATE THAT EXECUTIVES OF THE BANKRUPT FIRM MF GLOBAL SHOULD NOT BE REWARDED WITH BONUSES WHILE CUSTOMER MONEY IS STILL MISSING

Ms. STABENOW (for herself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as $900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as $1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1964. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, supra.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, supra.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, supra.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, supra; which was ordered to lie on the table.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PETROLEUM PRODUCT.—The term ''petroleum product'' means any of the following:

(A) Finished reformulated or conventional motor gasoline.

(B) Finished aviation gasoline.

(C) Kerosene-type jet fuel.

(D) Kerosene.

(E) Distillate fuel oil.

(F) Residual fuel oil.

(G) Lubricants.

(H) Waxes.

(I) Petroleum coke.

(J) Asphalt and road oil.

(2) PUBLIC LAND.—The term ''public land'' means any land and interest in land owned by the United States within the several States and administered by the Secretary concerned, without regard to how the United States acquired ownership.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(b) BAN.—Notwithstanding any other provision of law, petroleum extracted from public land in the United States (including land located on the outer Continental Shelf), or a petroleum product produced from the petroleum, may not be exported from the United States.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES

SEC. 301. SHORT TITLE.

This title may be cited as the ''Use It or Lose It Act of 2012''.

SEC. 302. DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES.

(a) CLARIFICATION OF EXISTING LAW.—Each lease that authorizes the exploration for or production of oil or natural gas under a provision of law described in subsection (b) shall be diligently developed by the person holding the lease in order to ensure timely production from the lease.

(b) COVERED PROVISIONS.—Subsection (a) shall apply to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(2) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 303. NONPRODUCING LEASE FEE.

(a) ONSHORE OIL AND GAS LEASES.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this subsection, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.''.

(b) OUTER CONTINENTAL SHELF OIL AND GAS LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(d)) is amended—

(1) by striking ''(d) No bid'' and inserting the following:

''(d) DUE DILIGENCE.—

''(1) IN GENERAL.—No bid''; and

(2) by adding at the end the following:

''(2) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this paragraph, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.''.

SEC. 304. REGULATIONS.

In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that—

(1) set forth requirements and benchmarks for oil and gas development that will ensure that leaseholders—

(A) diligently develop each lease; and

(B) to the maximum extent practicable, produce oil and gas from each lease during the primary term of the lease;

(2) require each leaseholder to submit to the Secretary a diligent development plan describing how the lessee will meet the benchmarks;

(3) in establishing requirements under paragraphs (1) and (2), take into account the differences in development conditions and circumstances in the areas to be developed; and

(4) implement the fee requirements established by the amendments made by section 303.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2012'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IV—WESTERN ENERGY DEVELOPMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''American Energy and Western Jobs Act''.

SEC. 402. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.

The following are rescinded and shall have no force or effect:

(1) The Bureau of Land Management Instruction Memorandum entitled ''Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews'', numbered 2010–117, and dated May 17, 2010.

(2) The Bureau of Land Management Instruction Memorandum entitled ''Energy Policy Act Section 390 Categorical Exclusion Policy Revision'', numbered 2010–118, and dated May 17, 2010.

(3) Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 403. AMENDMENTS TO THE MINERAL LEASING ACT.

(a) ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh sentence, by striking ''Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year'' and inserting ''The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. The filing of any protest to the sale or issuance of a lease shall not extend the date by which the lease is to be issued''.

(b) JUDICIAL REVIEW.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) JUDICIAL REVIEW.—Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing for onshore Federal land shall be barred unless the action is brought in the appropriate district court of the United States by the date that is 60 days after the date on which there is published in the Federal Register the notice of the availability of the environmental impact statement.''.

(c) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

''SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT.—The term 'Department' means the Department of the Interior.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(b) DUTY OF SECRETARY.—

''(1) IN GENERAL.—Before the modification and implementation of any onshore oil or natural gas preleasing or leasing and development policy (as in effect as of January 1, 2010) or a policy relating to protecting the wilderness characteristics of public land, the Secretary shall—

''(A) complete an economic impact assessment in accordance with paragraph (2); and

''(B) issue a determination that the proposed policy modification would have the effects described in paragraph (2)(A).

''(2) REQUIREMENTS.—In carrying out an assessment to determine the impact of a proposed policy modification described in paragraph (1), the Secretary shall—

''(A) in consultation with the appropriate officials of each State (including political subdivisions of the State) in which 1 or more parcels of land subject to oil and natural gas leasing are located and any other appropriate individuals or entities, as determined by the Secretary—

''(i)(I) carry out an economic analysis of the impact of the policy modification on oil- and natural gas-related employment opportunities and domestic reliance on foreign imports of petroleum resources; and

''(II) certify that the policy modification would not result in a detrimental impact on employment opportunities relating to oil- and natural gas-related development or contribute to an increase in the domestic use of imported petroleum resources; and

''(ii) carry out a policy assessment to determine the manner by which the policy modification would impact—

''(I) revenues from oil and natural gas receipts to the general fund of the Treasury, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

''(II) revenues to the treasury of each affected State that shares oil and natural gas receipts with the Federal Government, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

''(B) provide notice to the public of, and an opportunity to comment on, the policy modification in a manner consistent with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').''.

SEC. 404. ANNUAL REPORT ON REVENUES GENERATED FROM MULTIPLE USE OF PUBLIC LAND.

(a) ANNUAL REPORT.—As part of the annual agency budget, the Secretary of the Interior (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall submit an annual report detailing, for each field office, the revenues generated by each use of public land.

(b) INCLUSIONS.—The report shall include—

(1) a line item for each use of public land, including use for—

(A) grazing;

(B) recreation;

(C) timber;

(D) leasable minerals, including a distinct accounting for each of oil, natural gas, coal, and geothermal development;

(E) locatable minerals;

(F) renewable energy sources, including a distinct accounting for each of wind and solar energy;

(G) the sale of land; and

(H) transmission; and

(2) identification of the total acres designated as wilderness, wilderness study areas, and wild lands.

(c) AVAILABILITY.—The Secretary of the Interior and the Secretary of Agriculture shall make the report prepared under this section publicly available on the applicable agency website.

SEC. 405. FEDERAL ONSHORE OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—The Secretary of the Interior shall establish a domestic strategic production goal for the development of oil and natural gas managed by the Federal Government.

(b) REQUIREMENTS.—In establishing the goal under subsection (a), the Secretary shall—

(1) ensure that the United States maintains or increases production of Federal onshore oil and natural gas;

(2) ensure that the 10-year production outlook for Federal onshore oil and natural gas be provided annually;

(3) examine steps to streamline the permitting process to meet the goal;

(4) include the goal in each resource management plan; and

(5) analyze each proposed policy of the Department of the Interior for the potential impact of the policy on achieving the goal before implementation of the policy.

SEC. 406. OIL SHALE.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale in which the Secretary of the Interior shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases described in the notice entitled ''Potential for Oil Shale Development; Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program'' (74 Fed. Reg. 2611).

(b) APPLICATION OF REGULATIONS.—The final rule entitled ''Oil Shale Management—General'' (73 Fed. Reg. 69414), shall apply to all commercial leasing for the management of federally owned oil shale and any associated minerals located on Federal land.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) CIRCULATE.—The term ''circulate'' means to distribute an environmental impact statement to another agency for the consideration of that agency.

(3) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.

(4) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

(5) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' means an environmental impact statement or an environmental assessment.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' has the meaning given the term in section 1508.11 of title 40, Code of Federal Regulations (or a successor regulation).

(7) FINDING OF NO SIGNIFICANT IMPACT.—The term ''finding of no significant impact'' has the meaning given the term in section 1508.13 of title 40, Code of Federal Regulations (or a successor regulation).

(8) HUMAN ENVIRONMENT.—The term ''human environment'' has the meaning given the term in section 1508.14 of title 40, Code of Federal Regulations (or a successor regulation).

(9) LEAD AGENCY.—The term ''lead agency'' has the meaning given the term in section 1508.16 of title 40, Code of Federal Regulations (or a successor regulation).

(10) MAJOR FEDERAL ACTION.—The term ''major Federal action'' has the meaning given the term in section 1508.18 of title 40, Code of Federal Regulations (or a successor regulation).

(11) NOTICE OF INTENT.—The term ''notice of intent'' has the meaning given the term in section 1508.22 of title 40, Code of Federal Regulations (or a successor regulation).

(b) ADOPTION OF EXISTING ENVIRONMENTAL ASSESSMENTS.—If an agency determines that an environmental assessment should be prepared for a proposed action relating to oil and gas development on Federal public land or water, the agency shall adopt, in whole or in part, an existing Federal draft or final environmental assessment if—

(1) the existing assessment meets the standards for an adequate assessment under the regulations promulgated by the agency and the Council on Environmental Quality;

(2) the action covered by the existing assessment and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(c) PUBLICATION OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICES OF INTENT.—

(1) FINDING OF NO SIGNIFICANT IMPACT.—If a proposed action is determined not to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a finding of no significant impact in

accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a notice of intent in accordance with the regulations of the agency.

(d) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on Federal public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action covered by the existing statement and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting as final the environmental impact statement of another agency may recirculate the statement as a final statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall not recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency may not adopt as final an environmental document prepared by another agency if, at the time of the proposed adoption—

(1) the existing document was not final within the agency that prepared the environmental document;

(2) the adequacy of the existing document is the subject of a pending judicial action; or

(3) in the case of an environmental impact statement, the action the existing statement assesses is the subject of a referral under part 1504 of title 40, Code of Federal Regulations (commonly known as ''Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory'') (or a successor regulation).

(g) JUDICIAL REVIEW.—The decision of an agency to adopt, in whole or in part, an existing environmental assessment or environmental impact statement shall not be subject to judicial review.

(h) REGULATIONS.—Notwithstanding any other provision of this section, an agency shall not adopt, in whole or in part, an existing environmental impact statement when issuing a proposed or final rule.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gas Price Relief Act of 2012''.

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

TITLE I—CONSUMER GAS PRICE RELIEF

SEC. 101. REDUCTION OF FUEL TAXES ON HIGHWAY MOTOR FUELS.

(a) TAXABLE FUELS.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''18.3 cents'' in clause (i) and inserting ''17.3 cents'',

(B) by striking ''and'' at the end of clause (ii), and

(C) by striking clause (iii) and inserting the following new clauses:

''(iii) in the case of aviation-grade kerosene, 24.3 cents per gallon, and

''(iv) in the case of diesel fuel or kerosene not described in clause (iii), 23.3 cents per gallon''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 4081(a)(2) of such Code is amended by striking ''subparagraph (A)(iii) shall be applied by substituting '19.7 cents' for '24.3 cents' '' and inserting ''subparagraph (A)(iv) shall be applied by substituting '17.7 cents' for '23.3 cents' ''.

(3) FLOOR STOCK REFUNDS.—

(A) IN GENERAL.—If—

(i) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any highway motor fuel, and

(ii) on such date such fuel is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the tax which would be imposed on such fuel had the taxable event occurred on such date.

(B) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(i) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date based on a request submitted to the taxpayer before the date which is 3 months after the tax date by the dealer who held the highway motor fuel on such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(C) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any highway motor fuel in retail stocks held at the place where intended to be sold at retail.

(D) DEFINITIONS.—For purposes of this subsection—

(i) TAX REDUCTION DATE.—The term ''tax reduction date'' means the date of enactment of this Act.

(ii) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code.

(E) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(b) RETAIL TAX ON SPECIAL FUELS.—

(1) SCHOOL BUSES.—Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents'' and inserting ''6.3 cents''.

(2) CERTAIN ALTERNATIVE FUELS.—Clause (ii) of section 4041(a)(2)(B) of such Code is amended by striking ''24.3 cents'' and inserting ''23.3 cents''.

(3) COMPRESSED NATURAL GAS.—Subparagraph (A) of section 4041(a)(3) of such Code is amended by striking ''18.3 cents'' and inserting ''17.3 cents''.

(4) CERTAIN ALCOHOL FUELS.—Subparagraph (A) of section 4041(m) of such Code is amended—

(A) by striking ''9.15 cents'' in clause (i) and inserting ''8.15 cents'', and

(B) by striking ''11.3 cents'' in clause (ii) and inserting ''10.3 cents''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

(d) SENSE OF THE SENATE REGARDING CONSUMER RELIEF.—It is the sense of the Senate that the reduction in tax rates under the amendments made by this section is for the purpose of lowering consumer gas prices.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing

SEC. 201. LEASING PROGRAM CONSIDERED APPROVED.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344)

is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Notwithstanding subsections (a) and (b), lease sales 214, 232, and 239 shall not be included in the final leasing program for 2013-2018.

SEC. 202. LEASE SALES.

(a) OUTER CONTINENTAL SHELF.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(2) SUBSEQUENT DETERMINATIONS AND SALES.—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this subsection, not later than 2 years after the date of enactment of the determination and every 2 years thereafter, the Secretary shall—

(A) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(B) if the Secretary determines that there is a commercial interest described in subparagraph (A), conduct a lease sale in the planning area.

(b) RENEWABLE ENERGY AND MARICULTURE.—The Secretary may conduct commercial lease sales of resources owned by United States—

(1) to produce renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(2) to cultivate marine organisms in the natural habitat of the organisms.

SEC. 203. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

''(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

''(B) be immediately eligible to receive payments under this section.''; and

(2) by adding at the end the following:

''(e) FUNDING.—

''(1) STREAMLINING.—

''(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the 'Secretary') shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

''(i) decreasing the time required to approve plans submitted under subsection (c)(1);

''(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

''(iii) any modifications to the authorized uses for payments under subsection (d).

''(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

''(C) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

''(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.

''(3) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

''(A) secure additional funds from other sources; and

''(B) use the amounts made available under this section on receipt.''.

SEC. 204. SEAWARD BOUNDARIES OF STATES.

(a) SEAWARD BOUNDARIES.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking ''three geographical miles'' each place it appears and inserting ''12 nautical miles''.

(b) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended—

(1) in subsection (a)(2), by striking ''three geographical miles'' and inserting ''12 nautical miles''; and

(2) in subsection (b)—

(A) by striking ''three geographical miles'' and inserting ''12 nautical miles''; and

(B) by striking ''three marine leagues'' and inserting ''12 nautical miles''.

(c) EFFECT OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the amendments made by this section shall not effect Federal oil and gas mineral rights.

(2) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(A) subject to Federal oil and gas mineral rights to the extent provided by law;

(B) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(3) EXISTING LEASES.—The amendments made by this section shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(4) TAXATION.—

(A) IN GENERAL.—Subject to subparagraph (B), a State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this section).

(B) LIMITATION.—Nothing in this paragraph affects the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment of this Act.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 211. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FEDERAL AGREEMENT.—The term ''Federal Agreement'' means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service.

SEC. 212. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(d) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(e) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, subsistence resources, and environment of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant biological, environmental, scientific or engineering data that come to the attention of the Secretary.

SEC. 213. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than 90 days after the date of the completion of the sale, evaluate the bids in the sale and issue leases resulting from the sale; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 214. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 213 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 215. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) on application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 212(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and the regulations promulgated under this subtitle.

SEC. 216. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 212, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the 1 or more agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements.

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 217. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 218. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle for each fiscal year—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 221(d), the balance shall be deposited in the Treasury and used for Federal budget deficit reduction.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 219. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170, 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 212(f) provisions granting rights-of-way and easements described in subsection (a).

SEC. 220. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any

cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 221. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2).

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services; and

(3) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(A) to coordinate with and advise developers on local conditions and the history of areas affected by development; and

(B) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'').

(2) USE.—Amounts in the Fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the Fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the Fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary from the Fund to provide financial assistance under this section $5,000,000 for each fiscal year.

Subtitle C—Approval of Keystone XL Pipeline Project

SEC. 231. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

TITLE III—CLOSING LOOPHOLES TO FUND CONSUMER RELIEF AT THE PUMP

SEC. 301. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 302. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (as defined in section 167(h)(5)(B)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 303. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 304. TRANSFER OF REVENUES TO HIGHWAY TRUST FUND.

Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) TRANSFERS OF CERTAIN REVENUES.—There are hereby appropriated the Highway Trust Fund amounts equivalent to the amounts received in the Treasury that are attributable to the amendments made by sections 301, 302, and 303 of the Gas Price Relief Act of 2012.''.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. HIGHWAY BRIDGE PROGRAM AND DEFICIT REDUCTION.

(a) IN GENERAL.—Of the amounts made available as a result of the repeal under subsection (b) for each fiscal year—

(1) 50 percent shall be transferred to the Secretary of Transportation and used to carry out the highway bridge program under section 144 of title 23, United States Code; and

(2) 50 percent shall be transferred to the general fund of the Treasury and used for deficit reduction.

(b) REPEAL.—Title XVII of the Energy Policy Act of 2005 (22 U.S.C. 16511 et seq.) is repealed.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. ___1. TAX ON BUSINESS ACTIVITIES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

''(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity a tax equal to 17 percent of the business taxable income of such person.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

''(c) BUSINESS TAXABLE INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

''(2) GROSS ACTIVE INCOME.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'gross active income' means gross receipts from—

''(i) the sale or exchange of property or services in the United States by any person in connection with a business activity, and

''(ii) the export of property or services from the United States in connection with a business activity.

''(B) EXCHANGES.—For purposes of this section, the amount treated as gross receipts from the exchange of property or services is the fair market value of the property or services received, plus any money received.

''(C) COORDINATION WITH SPECIAL RULES FOR FINANCIAL SERVICES, ETC.—Except as provided in subsection (e)—

''(i) the term 'property' does not include money or any financial instrument, and

''(ii) the term 'services' does not include financial services.

''(3) EXEMPTION FROM TAX FOR ACTIVITIES OF GOVERNMENTAL ENTITIES AND TAX-EXEMPT ORGANIZATIONS.—For purposes of this section, the term 'business activity' does not include any activity of a governmental entity or of any other organization which is exempt from tax under this chapter.

''(d) DEDUCTIONS.—

''(1) IN GENERAL.—The deductions specified in this subsection are—

''(A) the cost of business inputs for the business activity,

''(B) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash for services performed in the United States as an employee, and

''(C) retirement contributions to or under any plan or arrangement which makes retirement distributions for the benefit of such employees to the extent such contributions are allowed as a deduction under section 404.

''(2) BUSINESS INPUTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'cost of business inputs' means—

''(i) the amount paid for property sold or used in connection with a business activity,

''(ii) the amount paid for services (other than for the services of employees, including fringe benefits paid by reason of such services) in connection with a business activity, and

''(iii) any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on the purchase of property or services which are for use in connection with a business activity.

Such term shall not include any tax imposed by chapter 2 or 21.

''(B) EXCEPTIONS.—Such term shall not include—

''(i) items described in subparagraphs (B) and (C) of paragraph (1), and

''(ii) items for personal use not in connection with any business activity.

''(C) EXCHANGES.—For purposes of this section, the amount treated as paid in connection with the exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

''(3) RETIREMENT DISTRIBUTIONS.—For purposes of paragraph (1)(C), the term 'retirement distribution' means any distribution from—

''(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

''(B) an annuity plan described in section 403(a),

''(C) an annuity contract described in section 403(b),

''(D) an individual retirement account described in section 408(a),

''(E) an individual retirement annuity described in section 408(b),

''(F) an eligible deferred compensation plan (as defined in section 457),

''(G) a governmental plan (as defined in section 414(d)), or

''(H) a trust described in section 501(c)(18).

Such term includes any plan, contract, account, annuity, or trust which, at any time, has been determined by the Secretary to be such a plan, contract, account, annuity, or trust.

''(e) SPECIAL RULES FOR FINANCIAL INTERMEDIATION SERVICE ACTIVITIES.—In the case of the business activity of providing financial intermediation services, the taxable income from such activity shall be equal to the value of the intermediation services provided in such activity.

''(f) EXCEPTION FOR SERVICES PERFORMED AS EMPLOYEE.—For purposes of this section, the term 'business activity' does not include the performance of services by an employee for the employee's employer.

''(g) CARRYOVER OF CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—

''(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the credit-equivalent of such excess shall be allowed as a credit against the tax imposed by this section for the following taxable year.

''(2) CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—For purposes of paragraph (1), the credit-equivalent of the excess described in paragraph (1) for any taxable year is an amount equal to—

''(A) the sum of—

''(i) such excess, plus

''(ii) the product of such excess and the 3-month Treasury rate for the last month of such taxable year, multiplied by

''(B) the rate of the tax imposed by subsection (a) for such taxable year.

''(3) CARRYOVER OF UNUSED CREDIT.—If the credit allowable for any taxable year by reason of this subsection exceeds the tax imposed by this section for such year, then (in lieu of treating such excess as an overpayment) the sum of—

''(A) such excess, plus

''(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year,

shall be allowed as a credit against the tax imposed by this section for the following taxable year.

''(4) 3-MONTH TREASURY RATE.—For purposes of this subsection, the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less.''

(b) TAX ON TAX-EXEMPT ENTITIES PROVIDING NONCASH COMPENSATION TO EMPLOYEES.—Section 4977 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 4977. TAX ON NONCASH COMPENSATION PROVIDED TO EMPLOYEES NOT ENGAGED IN BUSINESS ACTIVITY.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax equal to 17 percent of the value of excludable compensation provided during the calendar year by an employer for the benefit of employees to whom this section applies.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the employer.

''(c) EXCLUDABLE COMPENSATION.—For purposes of subsection (a), the term 'excludable compensation' means any remuneration for services performed as an employee other than—

''(1) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash,

''(2) remuneration for services performed outside the United States, and

''(3) retirement contributions to or under any plan or arrangement which makes retirement distributions (as defined in section 11(d)(3)).

''(d) EMPLOYEES TO WHOM SECTION APPLIES.—This section shall apply to an employee who is employed in any activity by—

''(1) any organization which is exempt from taxation under this chapter, or

''(2) any agency or instrumentality of the United States, any State or political subdivision of a State, or the District of Columbia.''

(c) EFFECTIVE DATE.—The amendments made by this title shall apply to taxable years beginning after December 31, 2012.

SEC. ___2. REPEAL OF ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—Subsection (a) of section 55 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:

''No tax shall be imposed by this section on any corporation for any taxable year beginning after December 31, 2012, and the tentative minimum tax of any corporation for any such taxable year shall be zero for purposes of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. ___3. REPEAL OF BUSINESS RELATED CREDITS.

Subparts D, E, F, G, H, I, and J of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 are repealed with respect to taxable years beginning after December 31, 2012.

SEC. ___4. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. ___5. SUPERMAJORITY REQUIRED TO CONSIDER BUSINESS REVENUE MEASURE.

A bill, joint resolution, amendment to a bill or joint resolution, or conference report that—

(1) includes an increase in the rate of tax specified in section 11(a) of the Internal Revenue Code of 1986 (as amended by this Act), or

(2) reduces the deductions specified in section 11(d) of such Code (as so amended),

may not be considered as passed or agreed to by the House of Representatives or the Senate unless so determined by a vote of not less than two-thirds of the Members of the House of Representatives or the Senate (as the case may be) voting, a quorum being present.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. POSITION LIMITS FOR PETROLEUM AND RELATED PRODUCTS.

Section 4a(a)(6) of the Commodity Exchange Act (7 U.S.C. 6a(a)(6)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ''The Commission shall'' and inserting the following:

''(A) IN GENERAL.—The Commission shall''; and

(3) by adding at the end the following:

''(B) PETROLEUM AND RELATED PRODUCTS.—The Commission shall, by regulation, establish limits on the aggregate number or amount of positions in contracts for petroleum or related products that may be held by any person, including any group or class of traders, for each month across contracts described in clauses (i) through (iii) of subparagraph (A), so that—

''(i) the short position for traditional bona fide hedgers in the aggregate is not less than 50 percent; and

''(ii) the long position for traditional bona fide hedgers in the aggregate is not less than 50 percent.''.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the President's Council of Advisors on Science and Technology recommends that the United States develop a Government wide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Government wide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(6) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) QUADRENNIAL ENERGY REVIEW.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

''SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

''(2) FEDERAL LABORATORY.—

''(A) IN GENERAL.—The term 'Federal Laboratory' has the meaning given the term 'laboratory' in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

''(B) INCLUSION.—The term 'Federal Laboratory' includes a federally funded research and development center sponsored by a Federal agency.

''(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term 'interagency energy coordination council' means a council established under subsection (b)(1).

''(4) QUADRENNIAL ENERGY REVIEW.—The term 'Quadrennial Energy Review' means a comprehensive multiyear review, coordinated across the Federal agencies, that—

''(A) covers all energy programs and technologies of the Federal Government;

''(B) establishes energy objectives across the Federal Government; and

''(C) covers each of the areas described in subsection (d)(2).

''(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—Beginning on February 1, 2013, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

''(2) CO-CHAIRPERSONS.—The Secretary and the Director shall be co-chairpersons of the interagency energy coordination council.

''(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

''(A) the Department of Commerce;

''(B) the Department of Defense;

''(C) the Department of State;

''(D) the Department of the Interior;

''(E) the Department of Agriculture;

''(F) the Department of the Treasury;

''(G) the Department of Transportation;

''(H) the Office of Management and Budget;

''(I) the National Science Foundation;

''(J) the Environmental Protection Agency; and

''(K) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

''(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of national energy objectives and Federal energy policy, including (to the maximum extent practicable) alignment of research programs, incentives, regulations, and partnerships.

''(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

''(1) IN GENERAL.—Not later than February 1, 2015, and every 4 years thereafter, the Secretary, in cooperation with the Director, shall publish and submit to Congress a report on the Quadrennial Energy Review.

''(2) INCLUSIONS.—The report described in paragraph (1) shall include, at a minimum—

''(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

''(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

''(i) to achieve the objectives described in subparagraph (A); and

''(ii) to be coordinated across multiple agencies;

''(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

''(i) an analysis, by energy use sector, including—

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

''(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

''(iii) other research that inform strategies to incentivize desired actions;

''(D) an assessment of policy options to increase domestic energy supplies;

''(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

''(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

''(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

''(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

''(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

''(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

''(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

''(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

''(i) Federal tax policies; and

''(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

''(M) an analysis of—

''(i) points of maximum leverage for policy intervention to achieve outcomes; and

''(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

''(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

''(e) EXECUTIVE SECRETARIAT.—

''(1) IN GENERAL.—The Secretary shall provide the Executive Secretariat with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

''(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.''.

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—GASOLINE REGULATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2012''.

SEC. 302. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the Transportation Fuels Regulatory Commission established by section 303(a).

(3) COVERED ACTION.—The term ''covered action'' means any action, to the extent the action affects facilities involved in the production, transportation, or distribution of gasoline or diesel fuel, taken—

(A) on or after January 1, 2009, by the Administrator, a State, a local government, or a permitting agency; and

(B) to conform with part C of title I or title V of the Clean Air Act (42 U.S.C. 7401 et seq.) regarding an air pollutant identified as a greenhouse gas in the final rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(4) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 303. TRANSPORTATION FUELS REGULATORY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Transportation Fuels Regulatory Commission''.

(b) MEMBERS.—The Commission shall be composed of the following officials (or designees of the officials):

(1) The Secretary of Energy, who shall serve as the Chair of the Commission.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy.

(6) The Administrator.

(7) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(8) The Administrator of the Energy Information Administration.

(c) DUTIES OF THE COMMISSION.—The Commission shall analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline and diesel fuel prices, in accordance with sections 304 and 305.

(d) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Commission, the Chair shall consult with the other members of the Commission.

(e) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under section 305(c).

SEC. 304. ANALYSES.

(a) SCOPE.—The Commission shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules and covered actions.

(b) CONTENTS.—In conducting each analysis under this section, the Commission shall include the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with respect to—

(A) any resulting change in the national, State, or regional price of gasoline or diesel fuel;

(B) required capital investments and projected costs for the operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment, including impacts associated with increased gasoline or diesel fuel prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline or diesel fuel.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) any uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) METHODS.—In conducting an analysis under this section, the Commission shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting an analysis under this section, the Commission shall not be required to create data or to use data that are not readily accessible.

SEC. 305. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall make public and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a preliminary report containing the results of the analyses conducted under section 304.

(b) PUBLIC COMMENT PERIOD.—The Commission shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Commission shall submit to Congress a final report containing the analyses conducted under section 304, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 306. NO FINAL ACTION ON CERTAIN RULES.

The Administrator shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the day on which the Commission submits the final report under section 305(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 307. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator shall consider the feasibility and cost of the revision or supplement.

SA 1964. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

SEC. 103. CREDIT FOR HYBRID CONVERSION.

(a) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) HYBRID CONVERSION CREDIT.—

''(1) CREDIT ALLOWED.—

''(A) IN GENERAL.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

''If gross vehicle weight (prior to conversion) is:	**The applicable amount is:**
Not more than 8,500 pounds	$3,000
More than 8,500 pounds but not more than 14,000 pounds	$4,000
More than 14,000 pounds but not more than 26,000 pounds	$6,000
More than 26,000 pounds	$8,000.

''(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'qualified hybrid motor vehicle' means any new qualified hybrid motor vehicle (as defined in subsection (d)(3), determined without regard to whether such vehicle is made by a manufacturer or whether the original use of such vehicle commences with the taxpayer) which—

''(A) is used or leased by the taxpayer and is not for resale, and

''(B) achieves the minimum required reduction in fuel consumption determined under the following table, relative to the fuel consumption of an uncoverted vehicle of the same make and model under the Urban Dynamometer Driving Schedule (UDDS) test procedure issued by the Environmental Protection Agency (40 CFR 86.115 and Appendix I to 40 CFR Part 86):

''If vehicle (prior to conversion) is:	**The minimum required reduction is:**
A passenger vehicle with a gross vehicle weight of not more than 8,500 pounds	19 percent
A light truck with a gross vehicle weight of not more than 8,500 pounds	15 percent
A diesel vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	17 percent
A gasoline vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	12 percent

"If vehicle (prior to conversion) is:	The minimum required reduction is:
A vehicle with a gross vehicle weight of more than 14,000 pounds	10 percent.

''(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection and subsection (i)) in any preceding taxable year. No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (i) is allowed with respect to such motor vehicle in any taxable year.

''(4) LIMITATION ON NUMBER OF HYBRID CONVERSIONS ELIGIBLE FOR CREDIT.—This subsection shall not apply to the conversion of any motor vehicle after the last day of the calendar quarter which includes the first date on which the total number of conversions with respect to which a credit under this subsection has been allowed for all taxable years is at least equal to the applicable number determined under the following table:

"If gross vehicle weight (prior to conversion) is:	The applicable number is:
Not more than 8,500 pounds	100,000
More than 8,500 pounds but not more than 14,000 pounds	70,000
More than 14,000 pounds but not more than 26,000 pounds	20,000
More than 26,000 pounds	10,000.

''(5) TERMINATION.—This subsection shall not apply to conversions made after the date which is 5 years after the date of the enactment of the RETRO Act.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Subsection (a) of section 30B of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(6) the hybrid conversion credit determined under subsection (j).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (8) of section 30B(h) of the Internal Revenue Code of 1986 is amended by striking ''a vehicle)'' and all that follows and inserting ''a vehicle), except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle or a qualified hybrid motor vehicle.''.

(d) DENIAL OF DOUBLE BENEFIT.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (j) is allowed with respect to such motor vehicle in any taxable year.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(f) RESCISSION OF UNOBLIGATED FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction in revenues to the Treasury by reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs, the Department of Defense, or any funds appropriated for disaster relief.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Lease Sales 214, 232, and 239 shall not be included in the final oil and gas leasing program for the period of fiscal years 2013 through 2018.

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

''(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

''(B) focused on—

''(i) meeting the demand for oil and natural gas in the United States;

''(ii) reducing the dependence of the United States on foreign energy sources; and

''(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

''(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

''(A) any projections for production under the program; and

''(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.''.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2011''.

SEC. 302. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Nothwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision)

and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 303. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows;

In the amendment, strike ''4 days'' and insert ''5 days''.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON EXPORT OF CRUDE OIL TRANSPORTED BY KEYSTONE XL PIPELINE.

(a) DEFINITION OF KEYSTONE XL PIPELINE.—In this section, the term ''Keystone XL pipeline'' means the pipeline for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(b) PROHIBITION ON EXPORTS.—Subject to subsection (c), no crude oil transported by the Keystone XL pipeline, or petroleum products derived from the crude oil, may be exported from the United States.

(c) WAIVERS.—The President may grant a waiver from the application of subsection (b) if the President—

(1) determines that the waiver is necessary as the result of—

(A) national security; or

(B) a natural or manmade disaster; or

(2) makes an express finding that the exports described in subsection (b)—

(A) will not diminish the total quantity or quality of petroleum available in the United States; and

(B) are in the national interest of the United States.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Domestic Energy Production Act''.

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

TITLE I—OUTER CONTINENTAL SHELF

SEC. 101. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007–2012 5–YEAR OUTER CONTINENTAL SHELF PLAN.—The term ''Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''Multisale Environmental Impact Statement'' means the Environmental Impact Statement for Proposed Western Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

''(A) at least 75 percent of the available acreage within each outer Continental Shelf planning area that is—

''(i) not under lease at the time of a proposed lease sale and has not otherwise been made unavailable for leasing by law; and

''(ii) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(B) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(6) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area that the Secretary determines, based on the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'—

''(A) is estimated to contain more than 2,500,000,000 barrels of oil; or

''(B) is estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.''.

SEC. 103. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

''(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

''(B) focused on—

''(i) meeting the demand for oil and natural gas in the United States;

''(ii) reducing the dependence of the United States on foreign energy sources; and

''(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

''(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

''(A) any projections for production under the program; and

''(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.''.

SEC. 104. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 4 months, after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through 2017 5–Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

SEC. 106. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable after the date of enactment of this Act, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) ADDITIONAL LEASE SALES.—In addition to lease sales conducted in accordance with a leasing program under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.''.

TITLE II—COASTAL PLAIN ENERGY DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) PEER REVIEWED.—The term ''peer reviewed'' means a peer review conducted—

(A) by individuals chosen by the National Academy of Sciences that have no contractual relationship with or an application for a grant or other funding pending with a Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee of the Secretary of the Interior), acting through the Director of the Bureau of Land Management (or any successor organization) in consultation with the Director of the United States Fish and Wildlife Service (or any successor organization).

SEC. 202. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) ADMINISTRATION.—None of the provisions of this title (including regulations, terms, conditions, restrictions, prohibitions, stipulations, and other provisions determined by the Secretary to be necessary under this title) shall limit the ability of a lessee—

(1) to create jobs; or

(2) to conduct, to the maximum extent practicable, any of the activities required to fully and completely explore, develop, and produce oil and gas resources under a lease.

(c) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(d) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this title that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this title; and

(ii) only analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 10 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(e) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title expands or limits any State or local regulatory authority.

(f) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area is of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary shall lease any portion of a special area for which there is commercial demand for oil and gas exploration, development, and production (as determined under section 203) under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(g) LIMITATION ON CLOSED AREAS.—The sole authority of the Secretary to close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production shall be the authority provided under this title.

(h) REGULATIONS.—

(1) IN GENERAL.—Subject to subsection (b), not later than 15 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under paragraph (1) to reflect a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 203. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by regulation, establish procedures for—

(1) the quarterly receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that the program will result in—

(1) savings to the taxpayer;

(2) an increase in the number of bidders participating; and

(3) higher returns than oral bidding or a sealed bidding system.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall—

(A) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this title;

(B) offer for lease under this title not less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following the first lease sale conducted under subparagraph (A);

(C) conduct additional sales at appropriate intervals, that are not less frequent than quarterly, if sufficient interest in exploration or development exists to warrant the conduct of the additional sales; and

(D) evaluate bids for each sale and issue leases resulting from the sales, not later than 60 days after the date of the completion of the sale.

(2) ADMINISTRATION.—Nothing in paragraph (1) shall prevent the Secretary from issuing a lease during the 60-day period beginning on the date of the completion of a lease sale.

SEC. 204. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary shall grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 203 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) APPROVAL OR DENIAL.—

(A) IN GENERAL.—Not later 30 days after the date a lessee requests approval for a transfer under paragraph (1), the Secretary shall—

(i) approve or deny the request; and

(ii) announce the decision.

(B) CONSTRUCTIVE APPROVAL.—If the Secretary does not announce the approval or denial of a request for a transfer in accordance with subparagraph (A), the request shall be considered approved.

(3) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 205. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—Subject to section 202(b) and subsection (b), an oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, for a period of not more than 60 days, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this title shall be, to the extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 202(a); and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this title and regulations issued under this title.

(b) APPROVAL OR DENIAL.—

(1) IN GENERAL.—Not later 30 days after the date a lessee requests approval for a delegation or conveyance under subsection (a)(4), the Secretary shall—

(A) approve or deny the request; and

(B) announce the decision.

(2) CONSTRUCTIVE APPROVAL.—If the Secretary does not announce the approval or denial of a request for a delegation or conveyance in accordance with paragraph (1), the request shall be considered approved.

SEC. 206. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 202, the Secretary shall administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant permanent and irreversible adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with each agency having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Not later than 180 days after the date of enactment of this Act, subject to section 202(b), the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—Subject to section 202(b), the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant permanent and irreversible adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, significant permanent and irreversible adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this title for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) reasonable measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping by subsistence users;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve—Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 207. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review—

(A) of a provision of this title shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) of any action of the Secretary under this title shall be filed—

(i) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(ii) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this title or an action of the Secretary under this title shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this title (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this title; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this title shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for attorneys' fees and other court costs under any provision of law, including under any amendment made by the Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96–481).

SEC. 208. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 209. CONVEYANCE.

In order to maximize revenue to the Federal Government, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 210. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

SEC. 211. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this title:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) 50 percent shall be disbursed to the State of Alaska.

TITLE III—OIL SHALE

SEC. 301. FINDINGS.

Congress finds that—

(1) the Office of Naval Petroleum and Oil Shale Reserves at the Department of Energy has estimated that oil shale resources located on Federal land hold approximately 2,000,000,000,000 recoverable barrels of oil;

(2) oil shale is a strategically important domestic resource that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(3) the development of oil shale for research and commercial development should be conducted—

(A) in an environmentally sound manner;

(B) using practices that minimize the impacts of the development;

(C) with an emphasis on sustainability; and

(D) in a manner that benefits the United States while taking into account affected States and communities;

(4) oil shale is 1 of the best resources available for advancing technology and creating jobs in the United States; and

(5) oil shale will be a critically important component of the transportation fuel sector by providing a secure domestic source of aviation fuel for commercial and military uses.

SEC. 302. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of the Interior.

SEC. 303. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule entitled ''Oil Shale Management—General'' (73 Fed. Reg. 69414 (November 18, 2008)) shall be considered to satisfy all legal and procedural requirements of applicable law, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(D) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and amendments made by that Act.

(2) IMPLEMENTATION.—The Secretary shall implement the regulations described in paragraph (1) (including the oil shale and oil sands leasing program authorized by the regulations) without regard to any other administrative requirements.

(b) RESOURCE MANAGEMENT PLAN AND RECORD OF DECISION.—

(1) DEFINITION OF COVERED OIL SHALE AND LEASING PROGRAM.—In this subsection, the term ''covered oil shale and leasing program'' means the oil shale and leasing program established by—

(A) the programmatic environmental impact statement for commercial leasing for oil and tar sand development in Colorado, Utah, and Wyoming issued by the Bureau of Land Management during September 2008; and

(B) the Record of Decision that adopted the proposed land use amendments issued by the Bureau of Land Management on November 17, 2008.

(2) REQUIREMENTS.—Notwithstanding any other provision of law, the covered oil shale and leasing program shall be considered to satisfy all legal and procedural requirements

of applicable law, including the provisions of law described in subsection (a)(1).

(3) IMPLEMENTATION.—The Secretary shall implement the covered oil shale and leasing program without regard to any other administrative requirements.

SEC. 304. LEASE SALES.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall hold a lease sale in which the Secretary shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases published on January 15, 2009 (74 Fed. Reg. 2611).

(b) COMMERCIAL LEASE SALES.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or oil sands development, as determined by the Secretary, in areas nominated through public comment.

(2) ADMINISTRATION.—Each lease sale shall be—

(A) for an area of not less than 25,000 acres; and

(B) in multiple lease blocs.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—If the Secretary determines that the royalties, fees, rentals, bonus bids, or other payments for leases of Federal land for the development and production of oil shale resources authorized by Federal law are hindering production of the oil shale resources, the Secretary may temporarily reduce the royalties, fees, rentals, bonus bids, or other payments to provide incentives for, and encourage the development of, the oil shale resources.

TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

SEC. 401. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking ''All money received'' and inserting ''Subject to subsection (d), all money received''; and

(2) by adding at the end the following:

''(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—

''(1) IN GENERAL.—Of the amounts received under subsection (a), the Secretary of the Treasury shall transfer to the Secretary of Defense for each military installation that holds title to or occupies land on which oil and gas production is carried out, an amount equal to the total amount received from sales, bonuses, rentals, or royalties (including interest charges) from the production or leasing of shale gas on the land.

''(2) USE OF FUNDS.—Any amounts received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

''(A) administrative operations; and

''(B) the maintenance and repair of facilities and infrastructure of military installations.''.

TITLE V—HYDRAULIC FRACTURING

SEC. 501. FINDINGS.

Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report finding that the ''current State regulation of oil and gas activities is environmentally proactive and preventive'';

(3) that report also concluded that ''[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources'';

(4) a 2004 study by the Environmental Protection Agency, entitled ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs'', found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'', found a ''lack of evidence'' that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated ''The states, who regulated production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.'';

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was ''not aware of any proven case where the fracking process itself has affected water'';

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, ''We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.'';

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin entitled ''Fact-Based Regulation for Environmental Protection in Shale Gas Development'' found that ''[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations.''.

SEC. 502. DEFINITION OF FEDERAL LAND.

In this title, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation;

(4) land under the jurisdiction of the Corps of Engineers; and

(5) Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302)).

SEC. 503. STATE AUTHORITY.

(a) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any component of that process, relating to oil, gas, or geothermal production activities on or under any land within the boundaries of the State.

(b) FEDERAL LAND.—The underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any components of that process, relating to oil, gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service which was ordered to lie on the table; as follows:

At the end of section 204, add the following:

(d) LIMITATION ON CLOSING OF POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

''(7)(A) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office if the closing would—

''(i) result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; or

''(ii) require a postal customer to travel more than 10 miles to reach a post office that is inaccessible by road.

''(B) Nothing in this paragraph may be construed to encourage the Postal Service to close a post office not described in subparagraph (A).''.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means the area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of

the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) WESTERN COASTAL PLAIN.—The term ''Western Coastal Plain'' means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the quantity or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'') to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, $15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) $15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) Twenty-five percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) Ten percent shall be available to the Department of Health and Human Services to provide low-income home energy assistance under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(C) Ten percent shall be available to the Department of Energy to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(D) Ten percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act) (commonly known as the ''Wallop-Breaux Act'') (16 U.S.C. 777 et seq.).

(E) The balance shall be deposited into the Treasury as miscellaneous receipts.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, March 29, 2012, at 10 a.m., to hear testimony on ''S. 2219, the ''Democracy Is Strengthened by Casting Light on Spending in Elections Act of 2012 (DISCLOSE Act of 2012).''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 27, 2012, at 2:45 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Renewable Energy Tax Incentives: How have the recent and pending expirations of key incentives affected the renewable energy industry in the United States?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 27, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on March 27, 2012, at 10:30 a.m., to conduct a hearing entitled ''The Choice Neighborhoods Initiative: A New Community Development Model.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on March 27, 2012, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Economic Imperative for Promoting International Travel to the United States.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY AND THE SUBCOMMITTEE ON OVERSIGHT OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 27, 2012, at 10 a.m., in Dirksen 406 to conduct a joint hearing entitled, ''Oversight Hearing on EPA's Work With Other Federal Entities to Reduce Pollution and Improve Environmental Performance.''

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that on Wednesday, March 28, at 5 p.m., the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 464 and 497; that there be 60 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 464 and 497 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING MF GLOBAL BONUS AWARDS

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. Res. 407, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 407) expressing the sense of the Senate that executives of the bankrupt firm MF Global should not be rewarded with bonuses while customer money is still missing.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 407) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 407

Whereas on October 31, 2011, MF Global Holdings, Ltd., filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York after reporting that as much as $900,000,000 in customer money had gone missing;

Whereas MF Global Holdings, Ltd. is the parent company of MF Global, Inc., formerly a futures commission merchant and broker-dealer for thousands of commodities and securities customers;

Whereas following the bankruptcy filing, Judge Louis Freeh, the court-appointed trustee for the liquidation of MF Global Holdings, retained certain employees of the MF Global entities at the time of the bankruptcy, including the chief operating officer, the chief financial officer, the general counsel, and other individuals, in order to assist the liquidation process;

Whereas on March 8, 2012, the Wall Street Journal reported that Mr. Freeh may ask the bankruptcy court judge to approve performance-related bonuses for the chief operating officer, chief financial officer, the general counsel, and the other employees;

Whereas according to the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), Mr. James Giddens, the total amount of customer funds still missing could be as much as $1,600,000,000;

Whereas on March 15, 2012, all of the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate sent a letter to Mr. Freeh urging him not to reward senior executives of the bankrupt MF Global entities with performance-related bonuses while customer money is still missing;

Whereas on March 16, 2012, Mr. Freeh responded to the members of the Committee on Agriculture, Nutrition, and Forestry of the Senate, stating that he has not made any decisions regarding the payment of bonuses to former senior executives of the firm;

Whereas the Commodity Futures Trading Commission, the court-appointed trustee for the liquidation of MF Global, Inc. under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and other Federal authorities are investigating the events leading up to the bankruptcy in an effort to return customer money and prosecute any wrongdoing; and

Whereas as of the date of agreement to this resolution, none of the investigators have stated public conclusions regarding the exact location of the missing money or whether criminal wrongdoing was involved: Now, therefore, be it

Resolved, That it is the sense of the Senate that bonuses should not be paid to the executives and employees who were responsible for the day-to-day management and operations of MF Global until its customers' segregated account funds are repaid in full and investigations by Federal authorities have revealed both the cause of, and parties responsible for, the loss of millions of dollars of customer money.

MEASURES READ THE FIRST TIME—H.R. 2682, H.R. 2779, AND H.R. 4014 EN BLOC

Ms. LANDRIEU. Mr. President, I understand there are three bills at the desk. I ask for their reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title en bloc for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2682) to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

A bill (H.R. 2779) to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

A bill (H.R. 4014) to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

Ms. LANDRIEU. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 5

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate agree to the House request to return the papers on H.R. 5, the HEALTH Act, and authorize the Secretary of the Senate to return the papers on H.R. 5 to the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 28, 2012

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, March 28, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 2230, the Paying A Fair Share Act, with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that at 5 p.m., the Senate proceed to executive session under the previous order; further, that the filing deadline for the first-degree amendments to S. 2204, the Repeal Big Oil Tax Subsidies Act, be 11 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. LANDRIEU. There will be two votes around 6 p.m. tomorrow on judicial nominations. Additionally, cloture

was filed today on the Repeal Big Oil Tax Subsidies Act. If no agreement is reached, that vote will occur on Thursday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. LANDRIEU. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Wednesday, March 28, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE J. RANDOLPH BABBITT.

DEPARTMENT OF STATE

BRETT H. MCGURK, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

UNITED STATES POSTAL SERVICE

JAMES C. MILLER, III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2017. (REAPPOINTMENT)