SENATE—*Thursday, July 12, 2012*

The Senate met at 9:32 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Almighty God, by whose providence our forebears brought forth this country, hallowed be Your Name. We thank You for a new day of service to You and our Nation.

Lord, forgive us when our lives contribute to the problems and not the solutions. Keep us from obstructing the doing of Your will. Make us better that we may do better.

Today, attune the will of our lawmakers to Your purposes, providing for them the stamina that comes from above. Lord, give them the strength to be productive in service, to live above daily trifles, and to surrender to Your will and love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 12, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

DISCLOSE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 446, S. 3369, the DISCLOSE Act.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The bill clerk read as follows:

Motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements of corporations, labor organizations, Super PACs, and other entities, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Last evening I filed cloture on the Landrieu substitute amendment to S. 2237, the Small Business Jobs and Tax Relief Act. Under the rule the cloture votes would be on Friday. I will work on that with the Republican leader—we already have a general agreement—and we will try to schedule the vote sometime today.

TAX RATES

Mr. REID. Mr. President, this week Republicans continued to make the case that millionaires and billionaires cannot afford to pay even a penny more in taxes. Meanwhile, a new report shows average tax rates are at the lowest level in decades.

The nonpartisan Congressional Budget Office reported this week that in 2009 rates fell to their lowest level in more than three decades, 30 years. Much of that decline is thanks to President Obama, who has consistently fought to lower taxes for middle-class families over the last 2½ years.

The average tax rate in this country fell to the lowest rate since 1979—17.4 percent. Of course, that is still higher than what Mitt Romney paid in the only year for which he has been willing to disclose his tax return. I am confident the reason he hasn't disclosed his tax returns in the years people want to know—remember, he disclosed 1 year. His father George Romney set the precedent that people running for President would file their tax returns and let everybody look at them. But Mitt Romney cannot do that because he has basically paid no taxes in the prior 12 years.

Again, the average tax rate in this country is the lowest it has been since 1979—17.4 percent. But I repeat, that is still much higher than what Mitt Romney pays.

Most Americans don't have the benefit of Swiss bank accounts or tax shelters in the Cayman Islands or Bermuda and who knows what else. We cannot see those tax returns.

As our economy continues to recover, it is critical we keep tax rates low for the middle class people who are struggling to pay their mortgage, send their kids to college, and save for retirement.

That is why President Obama and Democrats in Congress want to extend tax cuts for 98 percent of American families.

But there is one group that is not struggling: Mitt Romney and the rest of the top 2 percent of Americans.

My Republican friends can come out and talk and say it is terrible and all we are trying to do is raise taxes on small businesses. The President's legislation raises taxes on 2 percent of wealthy people and about 2.5 percent of businesses. This is no crush for small businesses. It seems to me the 2 percent at the top can contribute a little bit more to deficit control.

Yet Republicans are prepared to block tax cuts for 98 percent of families, unless Democrats agree to even more giveaways for the richest of the rich.

As Republicans continue to argue that the wealthiest 2 percent cannot contribute even a little more, I urge them to talk to the three-quarters of Americans who disagree. I urge them to talk to the almost 60 percent of Republicans who believe the wealthiest Americans should shoulder their fair share of the responsibility for getting the deficit under control. Almost 60 percent of the Republicans agree with what the President is doing; that the top 2 percent should pay a little more.

I urge my Republican friends to talk to a few of the more than 135 million taxpayers who are waiting to see whether Republicans will continue holding hostage their tax cuts.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MINORITY LEADER

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

HARD VOTES

Mr. MCCONNELL. Mr. President, yesterday, something truly remarkable happened right here in the Senate. First, Democrats blocked a vote that the President of their own party called for just 2 days earlier.

Last night, the majority leader moved to shut down a debate on taxes that hadn't even begun.

Earlier this week, President Obama issued an outrageous ultimatum to Congress: Raise taxes on about 1 million business owners and I promise not to raise taxes on anybody else.

At a moment when the American people are reeling from the slowest recovery in modern times, when the percentage of those who could work are working is at a three-decade low, and just 5 months away from the economic body blow that will result if tax rates spike, as scheduled on January 1, the President's solution is to take away more money from the very business folks we are counting on to create jobs we need, presumably so he can spend it on solar companies and stimulus bills.

This was the President's brilliant economic solution to the mess we are in.

Naturally, Republicans oppose this. The way we see it, nobody should see an income tax hike right now, not small businesses, not individuals, nobody. Nobody should get a tax hike right now. The problem isn't that Washington taxes too little but that it spends too much. Rather than just talk about it, we thought we should actually take a vote on it.

After all, the President himself boasted Monday that he would sign a bill to raise taxes on small businesses right away if we pass it. So we suggested two votes, one on the President's plan—once it is actually written—and one on ours. But the majority leader in the Senate blocked it from happening. Why? Because, as usual, Democrats want to have it both ways.

Two years ago, when the economy was growing faster than it is now, 40 Democrats in the Senate voted to do precisely what Republicans are proposing right now: keep everybody's taxes right where they are and do no harm. The President apparently doesn't want any of them to vote that way now.

In other words, he doesn't want to do what is right for the economy and jobs. He wants to do what he thinks is good for his reelection campaign. For some reason, his advisers think it helps him to take more money away from small, already-struggling businesses and spend it on more government. That is the plan anyway, and he wants to stick with it.

Yesterday, the Democratic majority leader did what the President told him to. He made sure there wasn't a vote on a proposal the President of his own party demanded 2 days earlier. My friend, the majority leader, made sure there wasn't a vote on the plan the President asked for just 2 days ago. Then he offered a vote on a bill today that isn't even written and only if Democrats and Republicans give up their ability to offer amendments to the bill we haven't seen yet.

This is the kind of absurdity we get when we have a governing party that is more concerned with winning an election than facing the consequences of the President's failed economic policies. But it actually gets even more absurd because the majority leader didn't just block us yesterday from having votes on whether to raise taxes, he wouldn't even let us have a debate about it—don't have the vote and don't have the debate.

Senators on both sides of the aisle have proposals that would help the American people weather the economic crisis we are in. Senator HUTCHISON has an amendment that would extend the relief from the blow of the marriage penalty. Senator HELLER has a plan to extend the deduction of sales tax in Nevada. Senator SCOTT BROWN and a whole host of other Republicans have a proposal to repeal the potentially devastating tax on medical devices that is being used to help fund ObamaCare. Senators CORNYN and CRAPO have amendments that would lessen the blow of the tax hikes on investments—tax hikes that will directly affect job creation and harm those, such as our seniors, who are living on fixed incomes.

As for the Democrats, well, even they have some ideas that might do some good for the country. Senator BROWN of Ohio has an amendment to extend the research and development credit, which I know has bipartisan support even if Republicans might differ in his approach. Senator BEGICH has an amendment that would extend the popular tax breaks for investments by small businesses. I don't fully endorse the specific approach taken by these two, but if they had a chance to offer and debate them, I think we might be able to work out an agreement and actually get a result. But we can't even have a debate or get a vote on these Democratic amendments because of the politics.

Personally, I can't imagine why Democratic Senators would tolerate this kind of authoritarian approach. It seems to me that if Senator BROWN of Ohio and Senator BEGICH really believe in their amendments, they would fight for a vote on them. It is hard to believe their constituents sent them here to rubberstamp everything the party leader puts out there regardless of the impact on their States. We would probably have these votes later today if these Democratic Senators vote to cut off debate. I will leave it up to them to explain to their constituents why they didn't think these amendments deserved votes.

But the larger issue is this: All of these petty political maneuvers betray an astounding lack of concern about not only the economic crisis we are in but the threat that is posed by the fiscal cliff we all know is looming in January. A New York Times article from just this morning suggests that one reason the economy has slowed down so much is that businesses are reacting to the uncertainty about what will happen at the end of the year. Well, of course that is the case. We hear it from everyone. Yet here is a Democratic-controlled Senate blocking votes, blocking debate, and hosting private meetings with the President's political advisers on strategy instead of working on serious bipartisan solutions.

Last night Democratic leaders admitted that the bill they wanted Republicans to turn to hasn't even been written yet. Think about that. The proposal the President announced Monday with so much fanfare hasn't even been put on paper. Yet Democrats wanted us to move to it. Move to what? What is it? We haven't seen it. I think it hasn't been written. You can't move to a speech. This is the level of seriousness we are seeing from the Democratic-controlled Senate right now. This is how seriously they take this economic crisis. It is nothing but one political game after another. If the President has a proposal, we will be happy to send an intern down to the White House to pick it up, but we can't vote on a speech. Frankly, we can't continue like this.

It is long past time Democrats in the White House and in the Senate took the lives and challenges of working Americans as seriously as they take their politics. It is time to put childish things aside and get down to serious business for the American people.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Colorado.

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I rise today, as I have been every day, to urge my colleagues to work with me and to work with the Presiding Officer to extend the production tax credit for wind. The PTC, as it is known, has broad economic effects, positive effects all across our great country.

I am going to talk today, as I have each day, about an individual State that is known for its wind resources, and today that is the great State of Kansas. Kansas is already known as a national leader in both wind manufacturing and production. In fact, Kansas has the most wind projects under construction, as we sit here today, and is on track to almost double their installed wind energy capacity.

We can see from this map of Kansas that there is a lot of activity. For example, there is construction currently underway in what will be the largest wind farm in Kansas, which is located just southwest of Wichita, in south

central Kansas. The Flat Ridge 2 Wind Farm will cover about 66,000 acres, and it should be up and running by the end of the year.

The two companies running the project—BP Wind Energy and Sempra U.S. Gas & Power—have invested over $800 million and have employed 500 construction workers. Those are impressive numbers wherever you might find them. But that is not all. Once this project is done and operating, the local community should receive over $1 million annually in tax payments from the project. There are some 200 property owners who own the land under the turbines, and they will receive a similar amount in royalty payments. That is real money for real Americans, all thanks to wind energy and the production tax credit.

These are jobs and investments that are created here at home, and they create good-paying jobs in Kansas, helping the local economy and providing critical income for rural communities. I have to say this is especially important as the drought takes a steep toll on farmers across the Midwest this year. Wind power, if you think about it, is a cash crop that always ripens and always returns the investment in the marketplace.

This is just one project in Kansas that isn't even completed yet, so let me talk about the overall effect of wind energy in Kansas.

The wind energy industry in Kansas supports 3,000 jobs, it results in $3.7 million in property taxes from wind projects that go to local communities, and 8 percent of Kansas's power comes from wind. Those are impressive numbers, and they would only grow as Kansas invests.

There are thousands of Kansas wind energy jobs supporting millions of dollars of local tax revenue and, as I pointed out here, almost one-tenth of Kansas's total power needs. This harnessing of the wind has truly become an economic driver, and it presents enormous opportunity for this important Midwestern State.

I would like to focus on one county. Lane County's economic development operation is headed up by Dan Hartman. Dan moved to western Kansas 5 years ago, in large part because he wanted to live in the heart of rural America, but he also wanted to help create a better, more secure energy future for America, with Kansas playing a central role. Since then, Dan has been working with counties, farmers, and landowners to bring as much wind energy as possible to western Kansas, and I think those possibilities are almost unlimited because there is enough potential wind power in Kansas to meet the needs of Kansas some 90 times over.

That brings me to the point I wish to make today, and it is why I keep coming to the floor. The uncertainty we have created by failing to extend the wind production tax credit, unfortunately, has sidelined roughly $3.5 billion in wind energy investments. That just defies common sense. Back home in my State of Colorado, I keep hearing from my fellow Coloradans: Why the heck aren't you in Congress working to save wind energy jobs right now? To Dan Hartman, the solution seems simple, and I want to quote him. He said:

> I look at the wind energy industry as a matter of survival and our future in Kansas. If we don't extend the PTC, we're throwing away our future. We need it badly. If you really look at the money, the PTC cost is dwarfed by the capital investment it encourages.

Dan has it right, and we should listen here in the Congress. If we refuse to develop our wind energy resources, there are a lot of countries that are willing to outcompete us—take China, for example. We have to work to keep these jobs and that investment here in the United States, and that is why the Congress must extend the production tax credit as soon as possible.

Mr. President, you also know we have bipartisan support. This isn't solely a Republican or a Democratic issue. Senator MORAN from Kansas, my good friend, has joined me and others to make this happen. We have offered an amendment to the bipartisan small business lending bill that would extend the PTC by 2 years, until the end of 2014.

We need the PTC. It equals jobs. We need to pass it as soon as possible. I want to ask my colleagues again, as I have every day, to join Senator MORAN, Senator UDALL of New Mexico, Senator THUNE, and others to help pass this much needed, commonsense, bipartisan amendment or find another way to extend the PTC to ensure that more investment and more jobs in States such as Kansas, Colorado, and others all across our country will be the result.

Mr. President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. REED. 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.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. REED. Mr. President, I rise today in support of the Small Business Jobs and Tax Relief Act. This is a tough economy for a lot of people across the United States. It is especially difficult in my home State of Rhode Island, and that is why I support the legislation before us today. It will help small businesses to hire new workers and to expand their payroll or invest in new capital equipment. This is a commonsense step to encourage growth and create jobs.

These tax cuts are cost-effective and have been estimated by the CBO as having some of the biggest bang for the buck compared to other fiscal policies that directly benefit businesses. It is especially important to pass cost-effective policies because we are in the midst of a global slowdown that is hurting job creation and lowering government revenue.

In contrast, the other body—the House—has been intent upon repealing the Affordable Care Act, rolling back regulations on firms that pollute, or providing tax windfalls to special interests. That approach will not provide the real economic growth we need today to put people to work. In fact, it will exacerbate our deficit, and it will hurt the middle class of the United States.

The targeted tax cuts in the legislation we propose, the Small Business Jobs and Tax Relief Act, stand in stark contrast to the approach taken by the House Republicans in their Small Business Tax Cut Act, which is in many respects just another way to provide huge tax benefits to the wealthiest Americans instead of doing what we should be doing—providing jobs for all Americans. Proposals such as the House Republican bill will only generate 30 cents for every Federal dollar spent as compared to the $1.30 and $1.10 multiplier for tax cuts for job creation and investments in new equipment, respectively, that are included in our bill.

Even more disturbing with the House proposal is that nearly half of the $46 billion in tax cuts would go to the wealthiest Americans—millionaires and billionaires—without having to create one single job.

In contrast, our bill provides a targeted 10-percent income tax credit for businesses that increase their payroll by hiring new workers or raising wages this year. So there is a direct link between the tax credit and creating new jobs or raising wages for working men and women. This is a tax credit that is directly linked to this job creation effort, and the credit is targeted to increasing middle-class job wages because the credit only applies to the first $110,000 in wages for any individual employee. So we are looking to target this as closely and precisely as we can to be both effective and prudent with our resources.

The tax credit is further targeted to small businesses because it only applies to the first $5 million in new payroll, effectively capping the maximum tax credit to any business to $500,000.

The bill also extends bonus depreciation through 2012 for businesses that invest in new capital. Bonus depreciation has proved to be an effective incentive for businesses to pull forward capital purchases and invest in the

near term, offsetting some of the weak aggregate demand that has held back our economic recovery.

In 2011, bonus depreciation accelerated $150 billion in tax cuts to 2 million businesses and generated an estimated $50 billion in added investment.

In total, the Small Business Jobs and Tax Relief Act is estimated to create about 1 million jobs nationally and over 3,500 jobs in my State of Rhode Island. We desperately need these jobs, and we need them as quickly as possible. This bill is a responsible, cost-effective, and fair way to generate growth.

Before us today is yet another example of my colleagues in the Democratic caucus putting forth reasonable solutions that have been analyzed by economists and determined to provide immediate help to millions of out-of-work Americans. But my fear is that my colleagues on the other side will again filibuster and oppose this effort, like others we have made, while only offering proposals that promise great things but in reality contribute very little to putting people to work quickly. And that is our challenge.

The damage caused by the refusal of many of my colleagues to support these legitimate job proposals and their efforts to actively unwind Federal support for our recovery is hard to overstate. Their narrowly focused economic proposals, in which a vast portion of their tax cuts flow to millionaires and billionaires or corporations that send jobs overseas, doesn't help our middle class, doesn't help our economy, doesn't help our Nation's fiscal health. Republican proposals do not respond to our immediate crisis.

The legislation before us does respond to that crisis by creating jobs for middle-class working Americans right now. And it does not give large additional tax cuts for the wealthiest of Americans.

So I hope we can move forward. I hope we can bridge the differences and pass this legislation. It is legislation that has been looked at by economists and has been determined to provide real benefits. For every dollar we invest, we will get more than that in terms of economic productivity in the economy. Again, this is in stark contrast to simply proposing to cut taxes for the wealthiest Americans and assume that would put people to work. That was the essence of the Bush economic policies, and at the end of 8 years we were in one of the deepest economic crises, losing hundreds of thousands of jobs per month.

We pulled back from that brink, but in order to go forward, and go forward with momentum and confidence, we have to pass legislation such as the legislation we have proposed today: targeted efforts to put people to work, to move our economy forward, to move the Nation forward. This will help millions of Americans who are impacted by this tough economy in the most meaningful way—and that is simply by getting them back to work. When we do, this country will do great things, as it always has done. I urge my colleagues to support this measure.

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

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

The bill clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. HELLER. Mr. President, last week's jobs report reinforces what many of us have known for some time. Unlike what the President would like you to believe, the private sector is not doing fine and this administration's policies are not providing effective solutions to our Nation's problems. The health of our economy hinges upon job growth, and it clearly has not received the attention it deserves. Our Nation has no roadmap, and it is past time for a genuine effort to work in a bipartisan manner to create the certainty and stability that will allow American businesses and families to thrive.

Every morning Nevadans wake up and grab their hometown newspaper or turn on their local news. Some are getting ready to go to work, while others start another day trying to find a job. These Nevadans have become all too familiar with headlines of Nevada leading the country in unemployment and foreclosures.

For the Nevadans who are going to their job, these headlines create fear and uncertainty about their future. For the Nevadan who is unemployed, these headlines are another blow to their hopes of finding work. That is what many Nevadans have had to live with for far too long.

I read and see the latest unemployment statistics just like everyone else, but I know that behind these numbers are real people struggling to make ends meet. Being home in Nevada I have met the unemployed mechanic, the unemployed computer engineer, and the unemployed waitress. Blue collar and white collar workers alike continue to pay the price because of the poor decisions by Wall Street and Washington.

Nevadans did not want the Wall Street bailout—but Washington did it anyway. Nevadans did not want the trillion dollar stimulus bill—but Washington did it anyway. Nevadans did not want the President's health care bill—but Washington did it anyway.

When I am in places such as Reno, Las Vegas, Henderson, or Elko I often ask people to raise their hand if the bailout has helped them find a job. No one raises their hand. I ask did the stimulus bill help them find a job. No one raises their hand. Finally, I ask them if the health care bill has helped them find a job and still no one raises their hand.

In January 2009, President Obama was inaugurated and Democrats controlled both the House and the Senate. Nevada's unemployment rate was at 9.4 percent.

Nearly 4 years later Nevada's unemployment rate is 11.6 percent. Too many people in Nevada are unemployed, have stopped looking for jobs or worse, left the State for employment elsewhere.

With over 23 million Americans out of work or underemployed I think it is past time to ask the President and this Congress is this working?

Nevadans have seen the effects of higher Washington spending, higher regulations, and higher debt and they know these policies have failed. They deserve solutions. Instead of having more show votes, Congress needs to focus on pro-growth policies that eliminate burdensome regulations, reform the tax code and help struggling homeowners. It is my hope that our economy will improve as the year goes on, but Washington must take action.

There are small commonsense measures that we can pass right now if given the opportunity. I continually come here to the Senate floor to offer solutions that will provide our Nation's job creators with the tools to provide for long-term economic growth. I have crafted three housing bills to help those foreclosed upon to stay in their home, shorten the short-sale process, and ensure homeowners who get mortgage relief are not hit with additional taxes. I have offered legislation that would require Washington bureaucrats at agencies to take into account jobs when issuing regulations or to streamline permitting for energy-related projects on public lands or even something as simple as combining annual reports submitted to Congress. These are small measures that if passed would make a big difference to our Nation's job creators. Unfortunately, all too often we find ourselves taking political show votes instead of debating commonsense solutions. The bill we have before us on the floor is a perfect example. I filed two amendments to this bill that would help ease the stress of taxes on middle-class Nevadans and one to help underwater homeowners. Both are bipartisan proposals. Yet once again we find ourselves in a position where we cannot have an open debate on amendments.

These are not partisan issues, these are American issues. If any Member of Congress commits themselves to spending reform, tax reform, regulation reform, and finding solutions to fix the housing crisis, then they will have me as an ally.

Nevadans deserve better than what they have gotten from this Congress and White House, which is why I will continue to keep coming to this floor to raise my voice for the citizens of Nevada and I will fight every day to create jobs and get Nevadans back to work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERTS. I ask to be recognized for 15 minutes.

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

KU CANCER CENTER CONGRATULATIONS

Mr. ROBERTS. Mr. President, I come to the floor today to congratulate the University of Kansas on its prestigious designation as a National Cancer Institute Cancer Center.

I do regret I can't be at the KU ceremony today to mark this designation by the NCI because of anticipated votes in the Senate, but I am certainly there in spirit.

This designation of ''cancer center'' is such an important development for my state and others in our region because it means that many Kansans and their families who have faced frightening diagnoses—and trying treatments—will no longer have to seek cures all the way down to Texas or up to Minnesota.

They can, and will be able to, stay closer to home and their support systems. Simply put, it's great news for Kansas cancer patients in the region.

I am personally gratified by this designation because it represents more than a decade of work with so many outstanding partners. It has truly been a team effort to achieve this important Federal designation.

When I was first elected to this body in 1996, I created a blue ribbon committee of Kansas leaders in government, academia and the private sector to advise me on the State's science and technology needs. The goal was to make us more competitive in a global marketplace increasingly reliant on research and technology and to provide economic opportunity to stop out-migration of our best and brightest young people.

The Roberts advisory committee set out to implement policies and secure Federal investments to further the research goals of Kansas State University in plant and animal science, Wichita State University in composite and aviation research and the University of Kansas in life science research.

I personally took this goal to the Kansas legislature in 2001 and again in 2002 encouraging my colleagues in the Kansas State legislature to help promote State investment in research infrastructure—to be part of it.

At the time, I spoke about how the statistics showed that Kansas was lagging behind other States in the race for Federal and private research dollars.

In response, the Kansas legislature more than stepped up to the plate with special thanks to leaders like Representative Kenny Wilk, Senator Kent Glasscock, Representative Nick Jordan and Senator Dave Kerr.

The legislature voted in favor of bonding authority—and we constructed and invested in buildings at the KU Cancer Center and the Biosecurity Research Institute at K-State. Likewise, Wichita State's work in composite research is now revolutionizing industries from aircraft to health care. And about this same time, Stowers Biomedical Research Institute came into existence, which provided a key private source of research excellence.

Our Kansas motto is ''To the stars through difficulty.'' Well, in short, the stars aligned.

KU's then-Chancellor Bob Hemenway and I sought out other opportunities to help raise KU's research profile.

In 2004, we invited then-NIH Director Elias Zerhouni to KU for a tour and discussion about KU Medical Center's research facilities.

Dr. Zerhouni recognized—as many Federal research directors do—that there is great promise in research conducted at Kansas universities.

Chancellor Hemenway and I worked in concert to design congressionally directed programs to supplement KU's internal NIH cancer research successes. This included those won by Dr. Jeff Aube, who leads one of four NIH drug discovery centers.

Furthermore, this coordinated effort with Chancellor Hemenway and his leadership team also provided KU with the flexibility to recruit new cancer research faculty who brought considerable expertise and NCI cancer research programs to KU.

In 2006, with the critical mission of the National Cancer Institute in mind, from my post on the Senate Health Committee, we fought to reauthorize funding for National Institutes of Health which oversee the National Cancer Institute.

This reform bill reaffirmed the various centers of NIH including the Cancer Institutes and reauthorized their funding.

In fact, this was a continuation of Congressional efforts from 1999, when we were successful at doubling NIH funding over 5 years, at a time when many wanted to divert Federal funds to other research.

My then-partner in the Senate, Sam Brownback, now our State's Governor, and I worked together to advance this push.

In 2009, Senator Brownback and I secured $5.5 billion in Federal investments for the University of Kansas to purchase equipment needed to further its cancer research. Sam's leadership, both then and now, is immeasurable.

Over those 10 years, there were many other excellent team members supporting this effort who should be recognized. I apologize I will not be able to name everyone who played such a big and important role.

First, Dr. Howard Mossberg, dean emeritus of the KU School of Pharmacy. He was the force behind the regular meetings of our Science and Technology Advisory Committee. Howard, who lives in Lawrence, home of KU, did this work for free because he recognized the opportunity to use the advisory committee to provide us with key facts to support our research and technology initiatives. KU, in fact, hosted many of our advisory committee meetings down through the years. I truly appreciate that.

Riding shotgun back in Kansas on this effort has been my tireless staff member Harold Stones. Harold provided the hard work of collecting and then distilling and providing to everyone concerned the valuable contributions among our technology leaders for more than a decade, helping me turn them into policy and progress.

Credit must also go to former KU research directors Dr. Bob Barnhill and Dr. Michael Welch. They were instrumental in my research about the KU Cancer Center. Jim Roberts, who sadly passed away from cancer himself, was a valuable KU adviser to me, as is Steve Warren today.

I have appreciated getting to know Dr. Roy Jensen, who leads the KU Cancer Center. I know Roy will continue to stay in close touch with me and the entire Kansas delegation about the KU Cancer Center as it continues to progress. Our work is ongoing. It is not done.

I would also be remiss not to mention the contributions of my former legislative director, Mr. Keith Yehle. Keith was the point person for KU to contact, whether it was about the KU Cancer Center, the advancements in special education or the Hoglund Brain Imaging Center, where we also secured $1.8 million in Federal investment for renovation and equipment. Keith went on to work at KU for Chancellor Hemenway to help him and our current Chancellor Gray-Little navigate the corridors of Capitol Hill.

My former chief of staff Leroy Towns, former deputy legislative director Jennifer Swenson, and my current senior health care policy adviser Jennifer Boyer round out the list of the Roberts team who spent countless hours working on behalf of the University of Kansas—whether it is the cancer center designation or any other of KU's initiatives.

Let me stress that my current colleagues in Congress, Senator JERRY MORAN, Congresswoman LYNN JENKINS, and Congressman KEVIN YODER, have each carved out important initiatives to promote this designation and have helped make this day possible. This partnership will continue for KU.

We could not have accomplished something this encompassing without strong public support. In this regard, I also wish to thank the publisher and the editor of the Lawrence Journal-World, Mr. Dolph Simons, Jr., for his comprehensive coverage with regard to all these initiatives over the years.

What we have with the NCI designation is proof of what I said to the Kansas State legislature back in 2001; that public and private and academic partnerships are critical to developing our State's economy over the long term. I applaud the generosity of the Kansas Masonic Foundation, Annette Gloch, the Hall Family Foundation, and others for their key contributions to this effort.

In the Senate this week, we have talked a lot about the need for job growth—jobs, jobs, jobs. According to the University of Kansas, since 2006, the National Cancer Institute's designation pursuit alone has created 1,123 jobs and had a regional economic impact of $453 million. We can only expect, with the announcement of the cancer center designation today, that these numbers will grow jobs, jobs, jobs.

Our work does not end today. We will always be focused on ensuring a better treatment of cancer victims. A great thanks go to so many—past and present. I am honored to have been there at the beginning, but in some ways I believe you ain't seen nothing yet. Congratulations to the University of Kansas and to the entire State of Kansas.

''Rock Chalk Jayhawk.'' Well done, KU.

MEDICAL DEVICE TAX

Mr. BROWN of Massachusetts. Mr. President, I rise to discuss the small business tax bill currently before the Senate, one of which I hope we have an opportunity to debate openly and fairly and allow amendments. I am not quite sure if that is going to happen, which is frustrating because the American people deserve better. When we allow the process to work and we allow everybody to have their say in the process, we ultimately get a good bill. I am hopeful we can do the same on this one.

It is good we are finally working on jobs, but I believe we should be working in a more bipartisan way, as we did with the insider trading bill, crowdfunding, the Arlington Cemetery bill, the 3-percent withholding, and many other bills. We need to work on a bill where all Members are offered an opportunity to have their votes on job-creating ideas.

I don't think one party has the monopoly on how to create jobs in this country. I think we can actually get together in a room and hammer it out and try to work to help protect the middle-class and everybody in America who wants to get out and work.

We have worked together, as I have said, on a whole host of bills. I forgot the hire a hero tax credit, which is clearly a jobs bill. I worked with Senator BENNET and Senator MERKLEY on that. It is a very important piece of legislation. With that type of success, I don't understand why we don't try that more often.

The new medical device tax is one more example of a policy we all know is bad for jobs and, in fact, bad for our economy. The House has already voted to repeal this job-killing tax. I am disappointed to say the Senate has not taken the time to work to repeal it in a truly bipartisan manner.

For those who don't know what the medical device tax is or why we should even care, let me explain. In Massachusetts, we have over 400 medical device companies employing tens of thousands of people. This 2.3 percent tax on medical device sales will cost our economy thousands of jobs and limit Americans access to the most groundbreaking, state-of-the-art medical devices.

For example, Covidien, a medical device company with 2,000 employees in my home State, has estimated that taxable medical devices represent approximately 30 to 40 percent of the total net sales in 2011. What that means in plain language is that will cost Covidien between $80 million and $107 million annually. From where is that money going to come? Will it come from R&D, expansion, hiring or expanding their workforce?

Over the last 5 years, Covidien has more than doubled its R&D investment and launched more than 100 new products. One of those products is a device that restores blood flow in patients who have suffered from a stroke by mechanically removing blood clots from blocked vessels. Obviously, that is a very important device that would actually help save people's lives and save costs. Another product provides the first safe and effective treatment for large or giant wide-neck brain aneurysms available on the market, but losing $80 million to $107 million in revenue each year will put Covidien's continuing growth in very real jeopardy.

Another medical device company, Stryker Corporation, said late last year they would begin cutting 5 percent of their workforce in response to the tax. That is 1,000 jobs that will be gone as a result of this tax. Stryker expects the device tax to cost them $130 million to $150 million in the first year alone. These are just two examples. As I said, in Massachusetts we have over 400 medical device companies.

The Massachusetts medical device industry employs nearly 25,000 workers in Massachusetts and contributes over $4 billion to our economy. Massachusetts alone is expected to lose over 2,600 jobs. As a direct result of this tax, around 10 percent of our device manufacturing workforce will be affected. The bottom line is we can't have that kind of job loss in a sector of our economy that is still struggling.

Yesterday, I, along with others, introduced an amendment to repeal this job-killing medical device tax. It is a tax which will drive up the cost of care for patients and make our workers and our companies less competitive.

Some say it is time to move on from the health care bill to work on the jobs legislation. With all due respect, working on job growth means repealing the health care bill and its 18 new job-destroying taxes along with one-half trillion in Medicare cuts.

A lot of these things haven't clicked in and the American public isn't quite aware they are soon going to be affected by 18 new taxes associated with the Federal health care bill and a one-half trillion in Medicare cuts. It is time to get rid of the medical device tax before it does even more damage, not only to Massachusetts but other States that have a large medical device industry.

I urge my colleagues to get behind this effort in a truly bipartisan, bicameral manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Should we go to the bill?

The PRESIDING OFFICER. The Senate is considering the motion to proceed on S. 3369.

ESTATE TAX

Mr. HATCH. Mr. President, I find it ironic that we are debating a bill called the Small Business Jobs and Tax Relief Act when that bill does absolutely nothing to address the death tax, one of the biggest threats to our small businesses in our country.

Again, while Republicans are being accused of not wanting to move legislation to help grow the economy and develop jobs, it was interesting to read this morning that my Democratic friends still do not have any agreement among themselves on how to proceed on a number of tax issues—including the death tax. They need to get moving over there.

Next year, unless Congress does something, the death tax will come roaring back at a much higher rate of 55 percent and a much lower exemption amount of $1 million next year, though those who promote the death tax characterize it as impacting only Daddy Warbucks, the Monopoly Man, and Montgomery Burns. The data does not bear out this cartoonish characterization.

The death tax does not just hit those at higher income tax brackets; it has an effect well beyond small business

owners and adversely impacts middle-class jobs and wages. Call it what you will, the estate tax or the death tax, but in the end it is a tax that is antismall business and antijob creation and antiwage increase.

We are in the midst of another Senate floor show of pursuing legislation that will give the President and his allies campaign talking points but will do absolutely nothing to spur economic growth and job creation. Meanwhile, the Senate has failed to take action on estate tax reform. This is beyond irresponsible.

I have been a long-time proponent of repealing the death tax. Not only is it double taxation and a deterrent to savings, but it also sucks up capital in the marketplace. To be clear, this is capital that could be used to hire more workers or expand small businesses or any business for that matter. This is a basic economic concept that seems lost on our current President, President Obama.

During last year's deficit reduction talks, President Obama argued on behalf of tax increases saying:

> I do not want, and I will not accept a deal in which I am asked to do nothing, in fact, I'm able to keep hundreds of thousands of dollars in additional income that I don't need.

Income that I don't need? This is a point that could only be made by a person with a very loose understanding of how business and entrepreneurs operate. The President seems to think this so-called excess income does no good. In fact, however, it will be invested or it would be invested in new business ventures, new hires, and better wages.

If these entrepreneurs with all this excess income did nothing but put that money into a savings account, it would benefit individuals looking to buy a house, buy a car or start their own business, but the President does not seem to grasp this. So it is no surprise that he and his Democratic allies have done nothing to address this job-killing death tax increase looming on the horizon.

The President claims he is interested in job creation. He certainly should be after last month's anemic jobs report. Well, he need look no further than death tax repeal. I know his liberal base might not appreciate it, but the rest of the country, which is less interested in class warfare talking points and more interested in getting the economy moving again, would embrace it.

The death tax adds inefficiency to our economy. It is what economists refer to as deadweight loss. In other words, it creates another burden on our free market system and prevents the full potential of economic growth.

For instance, many small businesses have to purchase insurance in order to prepare for paying the death tax so they do not end up having to sell the business just to pay the death tax. This added cost is embedded into the cost of goods when sold. In other words, American consumers, American workers, or Americans looking for work are those who will ultimately have to pay the death tax.

Consider also that heirs are often forced to sell an asset of the business or the business itself in order to meet this arbitrary tax due date. These assets are likely generating revenue and could be a vital part of the business. But because the tax man cometh, small businesses are forced to sell these assets to pay the death tax.

We ought to repeal the death tax, plain and simple. We actually don't get that much revenue from the death tax to justify its existence. It has been a pain in the neck from the beginning.

In 2010 the death tax was temporarily repealed, but in a few months the law will take a sharp turn for the worse. Back in 2010 Senators KYL and Lincoln offered a compromise that gained bipartisan support which eventually became law. Under title III of the Tax Relief Act—a law signed by President Obama—the death tax and the gift tax are unified with a $5 million exemption amount and a tax rate of 35 percent. Under current law, however, in 2013 we will once again have a 55-percent estate tax due within 9 months of death, and in some cases the tax will reach 60 percent. The exemption amount could be as low as $1 million.

That is not right. How does it benefit our economy to have small businesses and farmers wondering whether they have to sell their business or literally sell the farm to pay for an uncertain amount of taxes? It creates an accounting and financial nightmare.

The estate tax is not about making the Tax Code more progressive. The estate tax is not about more redistribution. It is not about deficit reduction. It is class warfare, and while it might stir up some votes, it has an outsized and detrimental impact on our economy.

Many do not realize the enormous impact the death tax has on rural America. I am not only talking about farmers and ranchers; I am also talking about small family-owned businesses that generate economic growth in smaller towns—and even larger towns. If we do not address the death tax, some businesses with assets over $1 million could be susceptible to the death tax.

I know for a small business $1 million in assets is a pretty low threshold. That is why I care about this death tax debate: because of real people, real Utahans, in real communities, who will be upended if this tax increase is allowed to go into effect.

When we hear about the number of individuals impacted by the death tax, that statistic actually understates the sweep of this intrusion by the Federal Government. The estate tax return is filed by the representative of the deceased. That return does not take into account the dead person's family, employees, or neighbors. All of those folks are affected if the death tax burdens that particular family business or farm.

There seems to be a strategy by the Democratic leadership to drag its feet in coming up with a resolution to this impending problem. What they fail to realize is this strategy is only adding to the cloud of uncertainty—economic uncertainty—over our country and over our economy. Will Congress keep the rates and exemption amounts the same? Will Congress increase them? What do I need to do as a small business owner to better prepare my business from withstanding a tax increase?

These are the types of questions more and more small business owners and farmers are continuing to ask. The uncertainty these questions generate is holding back investment, job creation, and wage growth. Yet policies to promote economic growth have, unfortunately, taken a back seat to Presidential talking points that campaign advisers think will generate votes. Attack the rich. Promise more spending.

As a candidate, President Obama promised in 2008 that Washington needed to spread the wealth around. That is one promise the President has kept. In spite of an economy that demands a focus on job creation, the President and his liberal allies have spent the last year coming up with even more intensive redistributionist schemes.

Recently, the Joint Committee on Taxation released an estimate on how many more taxable estates, farming taxable estates, and small business taxable estates would be affected by the increase in the death tax over the next 10 years. The numbers are truly astonishing. If Congress does not act, we will see more than a 1,000-percent increase in the number of taxable estates, a 2,300-percent increase in the number of farming taxable estates, and a 1,000-percent increase in the number of small business taxable estates. The reach of the death tax is growing, and it is going to hit not just the so-called rich but current employees and, for that matter, entire communities.

Let's take a look at the tax year of 2013. It arrives in a little over 7 months, by the way. Under current law, 46,700 estates will be taxable. If we extend the Lincoln-Kyl compromise, 3,600 estates would be taxable. Now, let me refer to the Joint Committee on Taxation estate tax data chart. It is the second column on the chart. When we think about it, under current law the path on which we seem to be slow-walking means more than 10 times the number of estates will be hit by the tax. The Lincoln-Kyl compromise means only the top 10 percent—the wealthiest estates—would be hit by the death tax.

If we project out the 8 years of current law over 10 years, we will find that roughly 570,000 estates will be taxable over that period. Under the Lincoln-Kyl compromise, which is the current estate tax regime, roughly 41,000 estates would be taxable over that period. So 570,000 estates under the law that many Democrats would want or only 41,000 estates would be taxed under the Lincoln-Kyl compromise.

In a recent interview with the Associated Press, Secretary of Agriculture Kathleen Merrigan described an epidemic of sorts that is hitting our farmlands across the United States. She did not talk about rising fuel prices or droughts. Instead, Secretary Merrigan discussed how our country's farmers and ranchers are getting older, and fewer young people are taking their places. I have heard time and time again that the death tax is the No. 1 reason family farms and businesses fail to pass down to the next generation.

If Congress does not act soon, the Joint Committee on Taxation estimates that another 2,000 farming estates will be hit by the death tax next year. Keep in mind farmers sometimes carry debt. That would reduce the value of the farm, but on the other hand farmers have other farm-related assets such as combines and other equipment that are not included in the figures I cited.

This data shows the failure to address the estate tax cliff will undermine many family farms. For those folks who are working this land, this is an unwelcome uncertainty. As I indicated earlier, the tax is an impediment to passing on the family business, in this case the family farm. A much higher death tax, apparently supported by many Members on the other side, will undermine many family farms and small businesses. Yet these family farms and small businesses form the economic backbone of their communities.

Do we really want to send the signal that those who work hard, save, and want to pass something on to their families exist solely to fund bloated Federal programs? Why work hard? Why save? Why not work less? Instead, if the President is just going to spread the wealth around, it might just be easier to go into debt and live beyond one's means.

There is something fundamentally unjust about the estate tax. Contrary to the claims of the President and his most liberal supporters, a person's wealth is the result of his or her labor. When one builds a business, one puts their sweat and ingenuity into it. To then be punished for this—to have it taken away at the moment of death by the Federal Government—is an assault on personal liberty and freedom.

John Locke, the great philosopher, understood this. America's Founding Fathers understood this, and they would no doubt be appalled to know that behind the Grim Reaper now stands an IRS agent waiting to collect and deliver the government's share. But today's so-called liberals have abandoned this classical liberal philosophy—the philosophy of natural rights and liberties upon which our Nation was founded—in favor of a redistributionist philosophy that undermines rights and undermines our economy.

Time is running out. We cannot continue this cycle of passing temporary tax relief and then waiting until the very last minute to decide what to do next. We owe it to family farms and small businesses to figure out a way to pass a permanent solution so each year businesses are not left wondering whether they will have to shut their doors in order to pay the death tax.

Also, for those who love to raise taxes on small businesses, keep in mind these small businesses pay a lot of income tax each year into the Treasury's coffers. Do we want to kill the goose that is laying the golden eggs? If we are serious about providing true tax relief that will help small businesses grow, we can sit here and debate whether a bandaid will be the cure to our ailing economy, or we can begin the debate over how to prevent historic tax increases from hammering our small businesses and farms.

I urge my friends in the Democratic leadership to put the death tax on the Senate's radar screen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. BLUMENTHAL. Mr. President, I am reminded today of the old saying that we campaign in poetry but we govern in prose. We are in the midst of a campaign season when we hear a lot of rhetoric perhaps posing as poetry, but we have an obligation to govern. I rise today in support of S. 2337, which is most certainly simple, straightforward prose in dedication to the art of government. It is the Small Business Jobs and Tax Relief Act. It is about as simple and straightforward as it possibly could be.

It has two compelling, concise concepts. The first is a tax credit of 10 percent on new payroll. It can be either new hiring or increased wages in 2012 as compared to 2011, and it is capped at $500,000—pretty simple, straightforward prose in aid of jobs, in aid of employment.

It also extends for 1 year the 100-percent bonus depreciation allowance to stimulate economic investment—again, to create jobs. It is a very simple and straightforward extension of the accelerated depreciation that boosts gross domestic product and will benefit 2 million businesses—it is estimated 2 million businesses—most of them small businesses across the United States. In fact, this measure is very specifically targeted and aimed at small businesses creating jobs. They are the backbone of our economy. They are the source of the majority of new jobs.

It economizes, very prudently and practically, the aid that is designed to boost new jobs, as well as overall output in our economy.

It is supported by a broad consensus of economists, including Alan Blinder, who has endorsed this idea as a job creator, saying:

> The basic idea is to offer firms that boost their payrolls a tax break. As one concrete example, companies might be offered a tax credit equal to 10% of the increase in their wage bills. . . . No increase, no reward.

That is the concept: ''No increase, no reward.'' But the reward and the incentive are a powerful potential driving force to aid small businesses in increasing the numbers of jobs they provide.

I thank Leader HARRY REID for this very targeted and profoundly meaningful proposal. But when I think about the impact of this legislation, I do not think of the folks who are gathered in this Chamber. I think of people in Connecticut—13,000 people in Connecticut—who will have jobs if we move forward on this bill.

I think of a man named Hector Hernandez. I met Hector at a jobs fair I hosted in East Hartford this past September. After 25 years of working for the same company—as they say, working hard and playing by the rules—Hector lost his job. He is willing to do most anything to find a new job, but he cannot find one. There are simply no jobs for Hector. This measure will help to provide him one.

At that same jobs fair I met Ty Wagner. Ty took a very smart path. He decided he was going to get all the education that could possibly be accessible to him. He got a technical degree from a top university. He wanted to work in the State when he graduated. His dream job was to give back, to provide public service. He has not been able to find any job, let alone his dream job, and he is every bit as lost as Hector Hernandez.

That situation faced by Hector and Ty is only one aspect of the crisis in America's job market. I think of Jodey Lazarus who moved to Stamford 5 years ago in search of economic opportunity. She put her two kids in local schools, signed up for college classes, started to get her finances in order, and today she makes barely enough to feed her family. She receives no benefits. She has been looking for a job that

will pay her more and give her more security, but in this economy her efforts have come to nothing. Every week she hopes and prays her income will be enough to provide food for her family. People like Jodey and Hector and Ty deserve better.

As I travel across Connecticut, I hear often that there are jobs and employers cannot find people with the skills to fill them. We need to provide those skills to develop our workforce, to make sure education and training are available so people have skills to fill the jobs that exist.

Washington can do more for them. This kind of targeted, practical approach—not Republican or Democrat, not conservative or progressive—simply provides the tools small businesses need: a 10-percent payroll tax cut, accelerated depreciation—simple, straightforward prose, not poetry, prose—that will put people back to work in Connecticut and around the country.

I urge that my colleagues come together—as the American people want us to do desperately, are seeking for us to do—and to govern in prose that makes a practical difference in their lives, a tool for small business—not as a panacea but as a practical aid so small businesses can put people back to work across the State of Connecticut and the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, let me thank my colleague from Connecticut, Senator BLUMENTHAL, for his comments. I must tell the Senator, listening to him account to the people in Connecticut, to the individuals who are struggling in this economy, I can tell the Senator we have the same exact circumstances happening in Maryland.

This past weekend I was with some small business owners who were telling me their plans for opening a new restaurant and opening a new gasoline station, telling me of the struggles they are having in getting financing. There are community banks that have money, but they cannot make the loans because of the new rating system, and it is very difficult to get the capital to get the type of expansions they need today to start a new business.

In my State of Maryland, the high-tech and cybersecurity areas where we have small companies that are starting up to help our country, to help our country answer the problems of cybersecurity, help our country develop the type of biotech discoveries that will make our health care system more cost effective, are having a very difficult time putting together the capital in order to be able to move forward with job creation.

The Senator and I know 60 percent of our job creation will come from small businesses. We also know innovation is more likely to come from small companies that find ways to work more cost effectively. Today in this economy it is a challenge for small business owners to be able to put together the business financing to create the jobs we need for our economy.

The Senator also understands if we are going to balance our budget, if we are going to be able to move forward, we have to have more people working. A lot of people are looking for work and cannot find a job. We want more people working to fuel our economy. Also, by the way, they also pay taxes and help us bring our budget into balance.

So I could not agree with the Senator more that we need to get Democrats and Republicans working together. Here we have a bill on the Senate floor that helps small businesses. Let's not filibuster this bill. Let's at least bring it up for an up-or-down vote. I thought in a democracy majority rules. Let's bring it up. Let's have a vote. Let's keep it to the small business issues.

We all talk about our support for small businesses. Let's keep it to the issue before us: to create jobs, to help small businesses do that.

The underlying bill—and I thank Senator REID for the underlying bill—says to small businesses: If you add to our economy, if you create more jobs, if you increase your payroll, then we have tax help for you to do that.

I must tell you, I think this is exactly what we need. We know businesses cannot get all the financing they need. They need some help in order to be able to put together new job opportunities. This bill provides that with a 10-percent credit on the cost of a new hire. That gives an incentive for the small business owner. It may be the difference between setting up that new restaurant or moving forward to add that employee that will not only help our economy but will help that company discover the way in which we can deal with the cyber threats to this country. So it helps our country, it creates the jobs, and this underlying bill should be discussed on the floor of the Senate without filibusters that deny us that chance.

I also thank Senator LANDRIEU. Senator LANDRIEU, the chair of the Small Business Committee, has put forward a series of amendments. I am proud to have worked with her on the amendment she has brought forward that adds some provisions that are extremely important.

I know in the underlying bill, working with Senator LANDRIEU, we have also the expensing provision. That is an important provision. As I am sure the Senator from Connecticut understands, that provision allows a business owner to go out and make a capital investment, to buy a piece of equipment. Rather than having to write it off over 3 years or 5 years or 10 years, they can write it off immediately, having the ability to buy that piece of equipment, to grow their business, and to be able to then write off the cost. It is just a timing issue for the businessperson, but it is the difference between making the investment or not making the investment, creating a job or not creating a job.

By the way, by buying that piece of equipment, that business owner is also helping another business owner who is selling that piece of equipment, to get our economy back moving again. It is those types of commonsense provisions that have always enjoyed broad bipartisan support in the Senate—always. These are provisions we have had Democrats and Republicans working on together. We need to do that today.

Let's move on with the bill. We have had it on the floor of the Senate now a couple days. Let's move on and start voting, but do not filibuster. Let's vote on relevant amendments. Can't we just stick with the small business issues and vote on that in order to help our economy grow?

I am also pleased about another provision that is in the Landrieu amendment and the underlying bill now that we could have a chance to vote on that increases the surety bond limits for small businesses. This was passed by the Senate and incorporated into law in February 2009. I was proud to be the sponsor of this amendment that increased the surety bond limit from $2 million to $5 million.

The reason this becomes important is, for a small business owner to be able to get a government contract of over $100,000, they need to have a surety bond. In order to get that surety bond, the small business owner has to take, usually, for security, some of their assets and pledge them for the surety bond rather than using them for the credit of the company, which is really a catch-22 situation.

Increasing the limit from $2 million to $5 million frees up some of that ability because the government comes in, the Small Business Administration comes in and helps them with that surety bond. So if you are a construction contractor trying to get a Federal contract, the difference between $2 million and $5 million is a huge difference in the type of contracts that you can compete for.

It is interesting that when we looked at it, we had projected it would generate about $147 million in additional bonding activity for projects of over $2 million, and we found that, in fact, it increased activity by $360 million.

So the need was there. It generated strong activity. Democrats and Republicans supported it. I was proud of the support of Senator LANDRIEU and Senator SNOWE.

This is not a controversial issue. The only way we are going to get that increase—that expired in 2010. It is no

longer part of the law. We are back to $2 million. So small business owners are at a disadvantage. We just have not had a chance to extend that. It is not controversial. It brings money into the economy. It is not scored.

So we need to be able to get that done. If we cannot get to this bill, I do not know when we will get that increase in the surety bond limit. So that is another reason I urge my colleagues to let us vote on this bill to help small businesses in our community. It has always enjoyed bipartisan support.

Here is what we are asking. My colleagues, we all talk about we want to create more jobs. We all talk about supporting small businesses because we know small businesses are the growth engine of America. We all know small businesses create more of the new patents, more of the new innovations per employee than the larger companies do. Let's put our action where our words are. We can do that today by allowing the Senate to move forward to consider amendments on the Reid bill that is before us—the Landrieu amendments. Let's move forward with that bill. Let's take up relevant amendments that deal with small business issues. Let's vote them up or down by a majority vote of the Senate. And then I am sure, at the end of the day when we put that bill up for final passage, it will enjoy broad support by the Members of this body. And it gives the American people confidence that we indeed are focused on job creation for America.

I urge my colleagues to let us move forward on this bill. Let's take up the Landrieu amendments, take up the underlying bill. Let's do something that can help small businesses, help job growth, help our economy, and restore confidence to the American people that we are indeed dealing with the agenda they want us to do—moving our country forward, moving our economy forward by creating more jobs in our economy.

I thank my friend from Connecticut.

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

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

PROGROWTH TAX REFORM

Mr. HOEVEN. Mr. President, I rise today to speak on the need for progrowth tax reform.

Recently, President Obama—in fact, on Monday—in a speech proposed a plan to raise tax rates rather than continuing the current tax rates. That means raising taxes on individuals and small businesses and raising the capital gains tax on investment—not only the income tax, but also the capital gains tax on small businesses, individuals, capital gains tax on investments. It also means raising the death tax on American families—the estate tax.

He made that proposal even though he has repeatedly said we cannot raise taxes in a recession. He has made that statement repeatedly in recent years, that we cannot raise taxes in a recession because it would hurt the economy, and raising taxes would hurt job creation.

But here we were on Monday, and he proposed we raise the tax rates. This is at a time when we have 8.2 percent unemployment; in fact, we have been over 8 percent unemployment for 41 straight months. We have 13 million people who are unemployed whom we want to get back to work, and we have another 10 million who are underemployed. On the order of 23 million people are either unemployed or underemployed.

Since this administration has taken office, middle-class income has declined from approximately $55,000 to about $50,000. The number of people on food stamps has grown from 32 million recipients to 46 million recipients. Home values have dropped from an average of about $169,000 to an average of about $148,000. In the area of economic growth, GDP growth is the weakest of any recovery post-World War II. The last quarter, it was reported that it was about a 1.9-percent increase over the prior quarter.

In the area of job creation, the report for June, as far as the number of jobs gained in the month, came out last week. In June, we gained about 80,000 jobs. That is far short of the 150,000 jobs we need to grow each month just to keep up with population growth.

So now the President says the solution is to raise taxes on our job creators. This week, after the President's speech—as I said, he spoke on Monday—I received a letter from a small business owner in my State of North Dakota. I know this individual. In fact, he has a hardware store in Bismarck. I have often gone there for items I need when I am working on my home. In fact, last year, when we had terrible flooding throughout North Dakota, in Minot and other communities—we had flooding in Bismarck, and my home is along the Missouri River and was in the way of the flood—I often went there to get needed items. He runs a good business, a good small business, and it is very helpful. He sent me this letter after the President's speech on Monday. I will read it. It is short:

Senator HOEVEN:

The president's recent comments on raising taxes on high income earners concern me greatly. Perhaps he just doesn't understand that for people like me, who own a business, the bulk of those earnings actually go to the bank payments for what I borrowed to be here. I am actually in danger of being taxed to a point of no living wage for myself. The taxes and bank payments come first. Out of an income that classifies me as rich, I actually take $40,000 home to my family. How much more do they want?

John, you've shopped in my store, you've seen all how we have grown, and you know people like me would use every available dime to grow more. This president's programs not only limit my company's potential to grow, but they destroy any incentive to work and hire more people. I just don't know if he doesn't understand what he's doing, or just doesn't care.

Please, Senator HOEVEN, share with your partners in the Senate how critical an issue this is for small business owners like me. Oh, and Thanks for Shopping at Ace when you're home in Bismarck.

Jeffrey Hinz, Kirkwood Ace Hardware.

I think Jeff sums it up well—better than I could. Jeff represents millions of small businesses across this country that are the very backbone of our economy. They hire the people, they pay the wages, they pay the taxes. They fuel the growth and the dynamism of our economy. In short, they make our economy go. Small business in this country makes our economy go.

Yet the President's proposal would raise taxes on about 1 million business owners, hurting their ability to grow our economy, hurting our ability to get those 13 million unemployed people back to work.

That is not the way to go. Very clearly, that is not the way to go. This administration's policies are making it worse. But the President says everyone needs to pay their fair share. How many times have you heard him say that? Well, of course, everyone needs to pay their fair share. But the way to do it is with progrowth tax reform and closing loopholes, not by raising taxes on some people, some businesses, and not others.

That is what we have proposed. We have proposed progrowth tax reform and closing loopholes. Let's extend the current tax rates for 1 year and set up a process to pass progrowth tax reforms that lower rates, close loopholes, are fair, simpler, and will generate the revenue to reduce our debt and deficit, along with savings and spending less—controlling government spending, but that will generate the economic growth to drive revenue, not higher taxes.

The reality is that is the only way to get on top of our debt and deficit and to get people back to work. We need economic growth to reduce the debt and deficit, along with more savings at the Federal level, controlling spending, and we need economic growth to get people working again.

That is why we have put forward our approach—a simple approach—to extend the current tax rates for another year and set up a process for comprehensive progrowth tax reform. That is the right approach. From 2000 to 2010, I served as the Governor of my State. That is the approach we took. Look at the results in our State of North Dakota. Look at the results in States such as Indiana, where that approach has been taken. It works at the

State level. It will work at the Federal level. We need to do it.

I call on President Obama, as well as my colleagues, to engage in this vital effort now for the good of the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized following my remarks.

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCAIN. Mr. President, this body for 50 years has passed the National Defense Authorization Act, and for 50 years, after conference, it has reached the President's desk and been signed by the President of the United States.

There are many pressing issues that confront the Senate, the Congress, and the Nation. But I don't think we should forget that our first obligation is to secure the safety of our citizens, and that can only be done by training, arming, and equipping the men and women who are serving in the military.

Mr. President, a couple of months ago, through the Senate Armed Services Committee, we passed the National Defense Authorization Act, and it has some very important components in it to continue to support the men and women who are serving, and their families, and to provide them with the equipment and training they need to defend this Nation.

We are still in conflict in Afghanistan. We are on the brink of a crisis with Iran over nuclear weapons. We have adjusted our presence in Asia in response to the rising influence of China. The uprising in Syria threatens to spill over into neighboring countries. And, of course, the situation in Egypt is clearly one of significant question as to how the Egyptian Government and people will progress. Some would argue that in many respects the State of Israel is under more threat than at any time since perhaps the 1973 war. So we live in a dangerous world. We live in a very uncertain time. And it seems to me our priorities should be to bring the national defense authorization bill to the floor.

The bill received a unanimous vote in committee by both Republicans and Democrats. I am proud of the relationship the chairman and I have developed over many years of working together. I am confident that despite the fact there will be hundreds of amendments filed, we can work through those and work through the process, as we have in the past, and bring the Defense authorization bill to a conclusion and to conference with the House and then signed by the President of the United States. We owe this to the men and women who are serving in the military. It is not our right, it is our obligation to get the authorization bill to the President's desk.

We may have significant disagreements, but for 50 years this body has passed the Defense authorization bill and it has been signed by the President of the United States. We are in some danger of not getting this done this year when we look at the remaining weeks we have in session and the number of challenges that are before us. So I think it is time we step back and look at the requirement to pass this legislation.

I have some sympathy for the majority leader in that there is great difficulty in the way we are doing business nowadays. But I hope my colleagues on both sides of the aisle will all recognize the importance of this legislation. We must urge Members on both sides to set aside their own personal agendas and do what is necessary for the defense of this Nation.

The bill provides $525 billion for the base budget of the Defense Department, $88 billion for operations in Afghanistan and around the world, and $17.8 billion to maintain our nuclear deterrent. The bill authorizes $135 billion for military personnel, including the cost of pay, allowances, bonuses, and a 1.7-percent across-the-board pay increase for all members of the uniformed services—something I think all of us would agree is well-earned. That is, by the way, also the President's request. It improves the quality of life for the men and women in the Active and Reserve components of the All-Volunteer Force and helps to address the needs of the wounded servicemembers and their families.

As we and our NATO partners reduce operations in Afghanistan, the importance of transitioning responsibility to Afghan forces increases, as does the need to provide for the protection of our deployed troops. This legislation provides our service men and women with the resources, training, equipment, and authorities they need to succeed in combat and stability operations. It enhances the capability of U.S. forces to support the Afghan National Security Forces and Afghan local police as they assume responsibility for security throughout Afghanistan by the year 2014.

Weapons systems modernization is essential to the future viability of our national security strategy, and this legislation provides for substantial improvement of legacy ships, aircraft, and vehicles, while authorizing research and development investments to ensure our troops remain the best equipped in the world. The bill authorizes the President's request for missile defense and accelerates support for our allies, including the joint U.S.-Israeli cooperative missile defense programs, such as the Arrow weapon system and the David's Sling short-range missile defense system. It also provides multiyear procurement authority for the Chinook helicopters, V–22 aircraft, Virginia-class submarines, and Arleigh Burke-class destroyers, reflecting estimated savings of more than $7 billion over 5 years. And none of this can take place unless we pass the authorization bill.

The committee also sought to improve the ability of the armed services to counter nontraditional threats, including terrorism, cyber warfare, and the proliferation of weapons of mass destruction. I believe the key battlefield of the 21st century will be cyber warfare, and I am concerned about our ability to fight and win in this new domain. To improve the Defense Department's cyber capabilities, this legislation consolidates defense networks to improve security and management, which will permit personnel to be reassigned to support offensive cyber missions, which are understaffed.

The issue of nuclear proliferation is addressed, and other programs to counter the flow of improvised explosive devices and curtail the trade of worldwide narcotics are authorized in this bill.

Especially important are provisions to enhance the capability of the security forces of allied and friendly nations to defeat al-Qaida, its affiliates, and other violent extremist organizations. The Armed Services Committee extended the Defense Department's authority to train and equip forces in Yemen to counter al-Qaida in the Arabian Peninsula and forces in east Africa to counter al-Qaida affiliates and elements of al-Shabaab.

To ensure proper stewardship of taxpayer dollars and compliance with law and regulation, the bill promotes aggressive and thorough oversight of the Department's programs and activities. This includes adding funding for the Department of Defense inspector general. The Department of Defense inspector general reviews resulted in an estimated $2.6 billion in savings in 2011—a return on investment of more than $8 for every $1 spent. The committee mark also codifies the 2014 goal for the Department of Defense to achieve an auditable statement of budgetary resources.

Further, it improves the cost-effectiveness of DOD contracting by limiting the use of cost-type contracts for the production of major weapons systems. In addition, the bill includes a series of wartime contracting provisions drawn from the McCaskill-Webb bill implementing the recommendations of the Commission on Wartime Contracting. In that vein, the bill enhances protections for contractors that blow the whistle on waste, fraud, and abuse in defense contracts.

Finally, this legislation requires the Secretary of Defense to submit a detailed report to Congress on the impact

budget sequestration will have on military readiness and national security. Similar legislative language has been passed twice by this body and by the House of Representatives. The Congress does not yet have an accurate understanding of the implications of sequester beyond an assertion that the cuts would be ''devastating,'' which is the word used by Secretary of Defense Leon Panetta and nearly every other defense official we have queried. We must have this information as we begin the work of developing a balanced approach to deficit reduction that replaces sequestration with a responsible plan for getting our Nation's finances in order.

I want to repeat, Mr. President, that for 50 years, I am proud to say—and in the years I have been in this, obviously—we have successfully authorized the programs and policies of the Department of Defense. I am proud of what this committee has done. I am proud of what the Senate has done. I am proud of what the Congress has done and the Presidents these pieces of legislation have come before for their signature. Let's not allow the anticipation of an election to hinder our ability to act in the interests of the men and women who are so bravely serving our Nation.

I hope the majority leader, in consultation with the Republican leader, will come to an agreement so that we can have a date certain. And I can assure the leadership on both sides that Senator LEVIN and I will again be able to expedite this process, allowing amendments and debate as they are called for and at the same time come to a successful conclusion and make this the 51st year we have succeeded in doing what is necessary to fulfill our most solemn and important obligation, which is to do everything within our power to ensure the security of this Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

VETERANS RETRAINING ASSISTANCE PROGRAM

Mr. BROWN of Ohio. Madam President, I rise to address a problem facing too many communities across the country, including small towns and big cities, suburbs and remote rural areas.

Servicemembers who have risked their lives protecting our Nation shouldn't have to wonder whether they will be able to find a job when they leave the service. Unfortunately, far too many do.

On Monday, I was in Youngstown in northeast Ohio speaking to Army veteran Pedro Colon. He is one of the first Mahoning County area veterans to be approved for VRAP.

VRAP is a particularly important program for veterans in this country. It stands for Veterans Retraining Assistance Program. We just authorized it under the VOW to Hire Heroes Act. I am the first Ohio Senator ever to sit on the Veterans' Committee for a full term, and I take that responsibility seriously. One of the outreach training efforts put together by Senator MURRAY in the Veterans' Committee is VRAP.

Mr. Pedro Colon, Jr., is a high school graduate in his early fifties. Even though he served in an Army medical laboratory as a specialist, civilian employers wouldn't accept his military training experience. As the Presiding Officer knows, having such a huge military presence in her State, in many cases employers are reluctant to hire veterans. Perhaps they are afraid they haven't been tested for PTSD or, for whatever reason, employers far too often seem reluctant to hire veterans. We know the unemployment levels are higher among veterans than they are the rest of the population. We know there is a particular problem for veterans who are a little bit older, who, as in the case of Mr. Colon, are middle-aged. We also know sometimes veterans, particularly if they came out of high school and went directly into service, might not know when leaving the service how to apply for a job, how to do a resume, all the things people learn to do when they are stateside in the civilian workforce.

Because of VRAP, Mr. Colon will study at the Mahoning County Career and Technical Center, beginning in September, to train to become a medical assistant—something he knows something about from his military service but was not certified and, unfortunately, unemployable in that field.

We have a responsibility to the Pedro Colons of the world to do something about these thousands of older veterans who are jobless or unemployed. VRAP is for veterans 35 to 60. The GI bill—which most of us in this Chamber supported earlier—helped those returning servicemembers a little bit younger than 35, not as much as it should have but in a significant way. But for many who, similar to Mr. Colon, are older than that, the opportunity to benefit from much of the GI bill has expired.

As we invest in our servicemembers in times of war, we should do so when they return to their communities, when they hang up their uniforms, and when they embark in the next phase of their lives.

We have a role to play, and this is a case where government can step in and help the private sector do what is right to serve those veterans who served us. That is why the Veterans Retraining Assistance Program—which is a joint Department of Veterans Affairs and Department of Labor training initiative—is so important.

Last year Congress passed and President Obama signed into law the VOW to Hire Heroes Act, which honors our government's obligation to our veterans. VRAP, a component of that law, provides unemployed veterans between the ages of 35 and 60 the opportunity to pursue training for new careers in high-demand occupations.

As of July 12, some 33,000 applications have been received nationally for the VRAP. The program was limited to 99,000 participants through March 31, 2014. All of us must do everything we can to spread the word to eligible veterans. The number was restricted to 99,000 and the expiration date was set at March 31, in large part, so we could see how this program worked, we could measure it and we could reintroduce it and continue it, if it is as effective as I and as most of us on the Veterans' Committee think it will be.

Tony Blankenship, another Ohioan from Martins Ferry in Belmont County on the Ohio River in eastern Ohio, across from Wheeling, WV, was an unemployed iron worker and plans to study at Belmont College for a career as a medical assistant.

There are hundreds of different kinds of jobs and tens of thousands of slots for people to sign up. In my State, they can go to the Veterans Service Commission. Ohio is one of those lucky States—not every State does this—that has a Veterans Service Commission funded by taxpayers in local communities. Every county seat, I believe, has a veterans service officer and a Veterans Service Commission, the chief function of which is to serve returning veterans with health care, education, and a whole host of issues, such as job training, for instance, that a veteran might deal with.

So programs such as VOW to Hire a Heroes Act and VRAP are not only about opportunities for veterans; they are about helping businesses strengthen our economy by meeting the demand for high-skilled workers. We are seeing businesses leverage public and private resources to hire veterans and expand operations. I met with veterans and veterans advocates from Dayton and Dublin to Mansfield, Chillicothe, Cleveland and Columbus and lots of places around my State to talk to them about how we can partner to help businesses hire unemployed veterans.

In North Canton I worked with the Chesapeake Energy Corporation to convene a job fair for Ohio veterans seeking employment as equipment operators, truckdrivers, electronic technicians, and other high-demand careers, perhaps in the shale development industry.

In Cleveland State University's SERV Program, staff discussed their

national model of helping servicemembers and veterans transition to civilian life through education and workforce training.

At a roundtable I did on Veterans Day at Cleveland State 4 or 5 years ago, I talked to veterans and to school administrators about the importance of integrating service men and women who have recently left the military back into the classroom, thinking about the 25-year-old young man or woman who had been in combat in Iraq sitting in class next to an 18-year-old suburban young man or young woman who had no idea of the kind of life experiences the veteran, only 6 or 7 years older chronologically but much older in what he or she had seen in combat. Cleveland State has figured this out, as has Youngstown State, and they have been national models for ways of integrating these service men and women back into the classroom to be able to go out into the workforce.

In Columbus, where I held a field hearing on veterans unemployment in December, the Solar by Soldiers Program is hiring veterans to install energy technology.

We need to spread the word about training programs, such as VRAP, that will help provide our veterans with the necessary skills to find good-paying jobs. It is part of our job to serve those who have served us so faithfully and so well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. RUBIO. Madam President, it is always good to see the gallery full, people in town visiting this process, this week in the Senate. We have actually had a pretty interesting week. We have had a chance to talk about the economy and taxes, something I wish we had spent more time talking about in the months since I got elected last year to the Senate. In a few moments, later this afternoon we will have a vote on a bill that has been called a tax cut bill. The problem with it—and I want people watching here who are maybe not fully familiar with the process, a process I am still learning, to understand—what is going to happen is Republicans had a bunch of ideas we wanted included. We probably were not going to win those votes. We are not the majority. But we wanted those ideas to be discussed, and instead we have been told that cannot happen, that the majority is going to pick which of our ideas they want to listen to and the others will be put aside.

The problem with that is the people of Florida sent me here and, just like there are 99 other people who serve here, they have a right to have their voice heard. Unfortunately some of the ideas we have offered will not get a vote, and therefore we will not be able to move forward on that bill as a result. One of the only things the minority party can do in this process here in the Senate to ensure our voices are heard is ensure we are not going to allow legislation to move forward unless the rights of the minority are respected because, after all, we represent Americans as well who have different ideas than the majority and have a right to have their voices heard. I hope we get back to a point where the Senate works the way it was designed to work—the Senate I ran to be a part of, not the Senate we are part of here today.

I do think what has been good about this week is we have had a chance to talk about the economy. I know people at home are hearing a lot about the economy, about jobs and about the debt, so I am trying to make some sense of it for folks calling our office. One of the best ways to do that is come here on the floor of the Senate and be able to speak about these issues, not just to the people sitting here today but to the folks who are going to watch back at home or later on on YouTube or wherever this video might be available to them.

What I want to talk a little bit about today is the debt and what that means. What it basically means is the Government of the United States borrows money to pay for our costs because we spend more money than we take in. The Federal Government, your government, spends more money every year than it takes in in taxes and other fees. The only way it can get the money to pay for these things is they have to borrow it by selling something called bonds. They sell this debt that we have to pay back over the years. That is how we fund our Government. Unfortunately, almost a third is funded in that way. What has happened over the years is because we have spent consistently more than we have taken in—that is called the deficit. Every year when you spend more than what you take in, the annual amount you owe is called the deficit, but it starts building up something called the national debt. Today we owe about just over $15 trillion of money that we are going to have to pay back. Let me correct that—that you are going to have to pay back through your taxes now and in the future. In fact, your great-grandchildren are going to have to pay it back. That is the national debt. The problem with the national debt is it has become an enormous part of our national economy. It has grown to a very dangerous level as a percentage of our overall economy.

What is the way to solve it? The only way to solve it is growth. The only way to solve this problem is to grow our economy. If our economy grows, then the debt becomes smaller as a percentage of our overall economy. Think of it almost as a pie. If the pie gets bigger, the slice gets smaller if you keep it constant. It is the same thing with the debt. If we can keep the debt constant and we can grow the economy, then our debt becomes less problematic. That is the solution to this problem.

As a point of emphasis, let me tell you, let's suppose we wanted to get back to what our debt was in 2007. We want our debt to be what it was in 2007. In order to do that, we would have to come up with over $1 trillion this year to get us back to what our debt was as a percentage back in 2007. It basically means we would have to come up with that permanently. The functional reality is that to do that we would either have to double everybody's taxes or we would have to cut close to a third of our budget right now.

The point is, we cannot tax our way out, cut our way out of this issue. Definitely there have to be cuts. But we cannot cut our way out of this and we certainly cannot tax our way out of it. If you double the tax rates in this country, which is what you would have to do to get us back to 2007, No. 1, you would trigger a massive recession. I mean the economy would stop. But, No. 2, it would be impossible to collect it. It is unrealistic.

I am citing those numbers to give an example of why we cannot raise taxes. We cannot tax our way out of this problem and we cannot simply cut our way out of it either. The only solution is growth, dynamic growth—not slow growth, big growth. That is the only solution because if the economy grows, more jobs are created. If more jobs are created, you have more taxpayers. If someone is unemployed right now, they are not paying income tax. Now they get a job or get a raise at their job. Even if the rates stay the same, they are paying more taxes. Now the government has more money to pay down the debt—if it doesn't grow the government. And that has been the problem over the last few years. Our revenue has grown. The amount of money coming into the government has actually gone up. But the spending has gone up even more and that is why the deficit grows and why the debt grows. That is how growth would solve this problem. If the economy grows, more people have jobs and they get raises at their jobs. That means people get more money which leads to more growth because they spend that money and invest that money, but it also means they are generating more, but for government, and now the government has more to pay down the debt and they have to borrow less. So that is the solution. Growth is the solution, growing the economy.

How do we grow the economy faster? The economy grows because of the private sector, that is how. Real growth comes from businesses, it comes from private sector growth, from small businesses and from big businesses, from dry cleaners, from gas stations, from convenience stores, from the guy who cuts your yard and your lawn—that is growth, private sector growth.

Here is the truth. If you look at the statistics, it is undeniable. The bigger the government the smaller the private sector—because there is only so much money in the world. And the only place government gets its money is either it has to tax or borrow it from the private sector. That is—unless it is going to print more money which has a whole other set of problems we will talk about 1 day—the only way your government can get more money to grow, if it takes it from you, from the private sector. It either has to tax you or it has to borrow the money from you. Either way, it is money that the government has to take out of the private world to grow the government.

Here is what happens when you take money out of the private world. That money is no longer available to save, because if you save it you are putting it in a bank and the bank can now use that money to give you a mortgage. Or that is money you no longer have to spend, which means businesses have fewer customers and the customers they do have are spending less money.

Let me tell you the functional application of that. If you are a waiter or waitress at a restaurant and people are not spending as much because they do not have the money, they are spending it in taxes, this means they are going to restaurants less, which means you are going to make less money in both tips and wages. It may even mean your hours get cut. Millions of Americans know this reality. This is not a theory, this is a reality. If people have less money to spend, they cannot spend it at the place where you work, and if they do not have the money to spend at the place where you work, you will make less money, you will work less hours, and you may even lose your job.

The other thing the private sector can do with this money is invest it, and that is when you get growth in the economy. When a business or business man or woman makes some money and they take the money and decide, you know what I am going to do this with money? I am going to use it to grow my business or I am going to use it to start a new business. The problem is, if government takes some of this money from them, they can't do that. That is why the bigger the government, the smaller the private sector, and the smaller the private sector, the smaller the growth, which is our only solution. That is not a theory, that is a reality. Statistics prove that the bigger the government, the higher the unemployment rate. I should have brought the chart I have that shows that every time government size and spending go up, the unemployment rate goes up. Why? For the reasons I just explained. That money the government used to grow came out of the private sector. That is money businesses now don't have to invest or spend.

Let me talk about another place where it hurts. The higher the government, the worse the stock market does. Why is that? I will explain why. People buy stock on the hope that they can make a profit on that stock in the future. The problem is that the more the government spends, the higher the taxes will have to be in the future to pay for that. So if people think taxes in the future are going to be higher and therefore their chances for making money on stock are going to be less, they are not going to buy stock.

Here is the problem. When people buy shares of stock, what they are basically doing is investing money in companies. They are investing money in companies so that the company can grow and make more money, and then the company pays back a profit. But if people are no longer willing to invest money in companies, those companies cannot grow. If those companies cannot grow, that is where people become unemployed, that is where people's hours get cut, and that is where new jobs are not created. It is also why kids who are graduating from college can't find a job. The money has to come from somewhere, and the bigger the government, the less that is available in the private sector to grow. These are facts.

Now, what are the arguments around here? Well, the Bush tax cuts are the existing Tax Code. The Bush tax cuts led to this debt. Well, George Bush cut taxes, and as result the government didn't generate enough money, and that is why we have this debt.

That is false. Our government has grown impressively over the last decade. The problem is that the amount of money we spent has grown even faster.

Listen, it doesn't matter if you get a raise. If you get a raise but your spending grows by even more, you are not going to notice the difference. If you get a $10,000 raise but you buy something that costs $20,000 more than what you are spending now, you are going to owe more money. That is what we have done here in Washington—certainly before I got here.

By the way, both parties are to blame. Unfortunately, this is a bipartisan debt, and what has happened is that even though the government has generated more money, it has spent even more. So it is not the Bush tax cuts. That is just not true.

The fact is we have a spending problem. Let me explain what is so dangerous about this spending problem. The Federal Government has grown fast in the past. We have had periods like this before. Let me tell you when they were: the Revolutionary War, the Civil War, World War I, and World War II. During those four periods, government spending grew really fast. But here is the difference: When the war was over, the war was over. The war happened, we won World War II, and things went back to normal. The difference now is that this is not because of a war, this is because we have grown the government. This is permanent. That is the difference between the spike in spending and the other spending in the past. This spike in spending is permanent. That means it is here to stay unless we change. There is no going back to normal.

We have a serious problem, and I have explained why the debt hurts everyone at home. If you are unemployed, if you are underemployed, if you are working twice as hard and making half as much, the debt is part of the problem because the government has taken money out of the private sector. It is money that used to go to you and is now going to the government now and in the future. So the debt is part of the reason why the economy is not growing and why jobs are not being created.

At the end of the day, we cannot tax and simply cut our way out of this. Let me be clear. There are places to save money. I promise, the Federal Government wastes money. We should find that, and we should eliminate it. It is never a good idea to waste money. But we can't just cut our way out, and we certainly can't tax our way out of this debt problem. We have to grow our way out of this debt problem. We have to grow our economy out of it, not our government out of it. The only way to grow our economy is for the private sector to grow, but the evidence is clear that the bigger the government, the smaller the private sector. So therein lies the answer.

When we talk about holding constant and lowering the size of government, it is not some ideological talking point. This is not some conservative-versus-liberal talking point. This is evidence-based. This a fact, and the statistics are clear that the bigger the government, the higher the unemployment rate. The bigger the government, the worse the stock market performs. The bigger the government, the less money there is available to create jobs in the private sector, start new businesses, or grow existing businesses. That is why we have to shrink the size of our government. The sooner we do it, the better we are going to be, and that is what I hope we will work on here in a bipartisan fashion. Both parties helped to create this situation, and now I hope both parties will help to work to solve it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate now resume consideration of S. 2237, the Small Business Jobs and Tax Relief Act; that the time until 2 p.m. be equally divided between the two leaders or their designees; that at 2 p.m. the Senate proceed to a vote in relation to amendment No. 2524; that immediately following the disposition of amendment No. 2524, the Senate proceed to vote on the motion to invoke cloture on the substitute amendment No. 2521; that if cloture is not invoked on the substitute amendment, the Senate then proceed to vote on the motion to invoke cloture on S. 2237; that if cloture is invoked on the substitute amendment, all postcloture time be yielded back, the substitute amendment be agreed to, and the Senate proceed to vote on the motion to invoke cloture on S. 2237; that if cloture is invoked on the bill, all postcloture time be yielded back and the Senate proceed to vote on passage of the bill, as amended, if amended; that if cloture is not invoked on S. 2237, the bill be returned to the calendar; further, that there be no other amendments or motions in order to the amendments or the bill prior to the votes other than motions to waive or motions to table; that there be 2 minutes equally divided between the votes and all after the first vote be 10-minute votes; and finally, that the Senate then resume the motion to proceed to Calendar No. 446, S. 3369.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

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.

Pending:

Reid (for Landrieu) amendment No. 2521, in the nature of a substitute.

Reid amendment No. 2522 (to amendment No. 2521), to change the enactment date.

Reid amendment No. 2523 (to amendment No. 2522), of a perfecting nature.

Reid amendment No. 2524 (to the language proposed to be stricken by amendment No. 2521), of a perfecting nature.

Reid amendment No. 2525 (to amendment No. 2524), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2526, to change the enactment date.

Reid amendment No. 2527 (to (the instructions) amendment No. 2526), of a perfecting nature.

Reid amendment No. 2528 (to amendment No. 2527), of a perfecting nature.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against the proponents and opponents.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANSPARENCY IN GOVERNMENT

Mr. GRASSLEY. Madam President, President Obama and his administration claim to be open and above board in their actions. As recently as July 1, the White House Chief of Staff, Jack Lew, told a television audience:

This administration has been the most transparent administration ever.

So I come to the floor now to say that is simply not the case, and I am going to highlight an outstanding example of how it is not the case.

Last month, an attorney with the Department of Justice from the Civil Rights Division attended a public meeting in Louisiana—a public meeting in her official capacity. Before the meeting began, this attorney, Rachel Hranitzky, reportedly asked whether any representatives of the media were present at this meeting. A reporter from the Daily Iberian identified himself. This Justice Department attorney then announced: ''You can quote those who speak, but you can't quote me.''

On what basis does the Justice Department presume to tell a reporter who can be quoted at a public meeting? The reporter had the same question. It has been reported that he asked her to cite legal authority which would support her claim that he could not quote a Justice Department attorney at a public meeting. Ms. Hranitzky provided no such law. She did say the Justice Department has special rules on how its attorneys can be quoted. She did not back up that statement, however. So here is a public meeting anyone could attend and hear a lawyer from their government speak on civil rights enforcement. Yet a representative of that government claimed that it was the policy of the Justice Department that the press would have fewer rights than the general public to quote what that government representative said at that public meeting. This undercuts the claim that ''[t]his Administration has been the most transparent administration ever,'' going back to the quote of the Chief of Staff.

This refusal to allow the public to know how government officials are performing their job is totally unacceptable—and I hope to everybody it would be unacceptable.

As appalling as this reported action was, what followed was even worse. Ms. Hranitzky tried to kick the reporter out of an open meeting because he questioned her. She relented after he said—regrettably but understandably, in my view—that he would not quote her.

Then the Justice Department attorney totally abused her power, according to press reports. She told the reporter she could have the Justice Department call the newspaper's publishers or editors and say something such as this: You don't want to get on the Department of Justice's bad side.

That statement represents a raw abuse of power.

We expect the Justice Department to investigate law-breaking and pursue appropriate cases without regard to politics. Threatening to use the power to bring a criminal case or civil action against any entity because it had the temerity to insist that the Department of Justice obey the first amendment is outrageous.

The newspaper has protested to the Justice Department and has not, to my knowledge, received any response. The Department's public comment on the incident does not deny that any of the reported statements were made.

That the Civil Rights Division and the Department of Justice have not committed to allowing the press to quote its attorneys at public meetings a month after one of its attorneys has claimed that it is the Department's policy not to permit such reporting is completely unacceptable. It leads one to ask: What does the Civil Rights Division wish to hide?

I have received many complaints concerning the enforcement actions of the Civil Rights Division. When the division's attorneys will not allow themselves to be quoted, we can only conclude that they are saying things about enforcing the law that the American people would never accept.

There are no statutes that deny the media the right to quote statements of Justice Department officials that are made at public meetings. If there were, they would violate the first amendment's protection of freedom of speech as well as protection of freedom of the press. There should be no Justice Department policies to that effect either, and for the very same reason.

This administration says it is transparent. It wants people to believe that, but then it wants to prevent the press from reporting what it says in public. To carry out that plan, it threatens those reporters with a politically motivated legal action. That is thuggish, not transparent.

To the extent the Department has a policy of preventing the press from quoting the statements of its attorneys at public meetings, that policy should

be reversed immediately to comply with the first amendment. Whether it has a policy or not, the attorney who claimed that such a policy existed and tried to expel the reporter from a public meeting because he might quote her, and threatened the reporter for getting on the Department of Justice's bad side, should be appropriately disciplined.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mrs. HAGAN. Madam President, I rise today to speak in support of the Small Business Tax Cut and Job Creation Act.

Families throughout North Carolina are facing a difficult economy right now. I have said repeatedly that the people of our State cannot wait until after the election for Congress to work on solutions to speed up our economic recovery. That is why I am pleased the Senate has agreed to consider this small business legislation.

This is a bill that will help North Carolinians get back to work this year in industries such as health care, finance, construction, manufacturing, and retail.

This legislation supports businesses that expand payroll or invest in new equipment, and there are estimates that it will put 27,000 unemployed people in my State back to work. It does this by creating an incentive for North Carolina small businesses to add new jobs in 2012 by giving businesses a 10-percent income tax credit on new payroll.

And it encourages businesses to make new investment by extending the 100-percent business deduction on qualified property. Providing real tax relief that lowers the cost of doing business should be a bipartisan idea and it is one I will support.

I also want to express my deep appreciation to the Small Business Committee chair, Senator LANDRIEU, for including a proposal of mine in her SUCCESS Act amendment. This amendment would put us on the path to establishing a common application for small businesses to apply for Federal assistance across agencies, across departments, and programs with a single application.

Frequently I hear from small business owners who tell me that government redtape is preventing them from growing their businesses and creating jobs. We need to slim down this bureaucratic redtape. I believe our small business should not have to be responsive to the whims of the Federal bureaucracy. The Federal Government needs to be responsive to the needs of our small businesses.

In February, I introduced the Small Business Common Application Act, which would establish a common application that allows small business owners to apply for grants, seek technical assistance, and bid on contracts from the Federal Government with a single form. It would function much like the common application students use today to apply to multiple colleges and universities.

Senator LANDRIEU's amendment would put us on the path toward creating a common application by establishing an interagency executive committee with representatives from 12 different agencies and departments that will report back to Congress and the SBA within 270 days on whether a common application is feasible.

This is a commonsense bill that I believe both sides of the aisle can agree to to cut the paperwork burden on our small business owners.

I ask unanimous consent that all time spent in quorum calls be equally divided.

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

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

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

Mr. THUNE. Madam President, before too long here we are going to be voting. We are going to have three votes, I think, on whether we are going to move forward on a tax bill. I frankly think there are things in the underlying bill that is before us today that would do some good. The bonus depreciation provision is something many of us have supported in the past. We think that is good tax policy with regard to encouraging small businesses to invest, by giving them a quicker way to write off those capital investments. So there are some things in the underlying bill that make some sense.

But the whole exercise we are going through here is a charade for a couple of reasons. One, you cannot originate revenue measures in the Senate. That is something that has to happen in the House of Representatives. So anything that comes out of here, if it were to pass, would be blue-slipped by the House of Representatives. You have a constitutional issue to deal with here in the first place.

Secondly, you have a procedure, a process set up whereby there is not an opportunity for us to offer amendments. We put a tax bill on the floor, a piece of legislation, a vehicle that ought to be open to amendment. There are many of us with ideas about things that we think would promote economic growth and create jobs in our economy, but we are not going to have the opportunity to offer those amendments.

Frankly, a tax debate is something that many of us welcome. We think that talking about taxes is certainly something that, if you are someone who is concerned about the economy, if you are someone who is concerned about getting Americans back to work, certainly talking about the Tax Code and its impact on our economy is a very relevant debate. Frankly, we ought to be headed toward a reform of our Tax Code which today is way too complicated and, frankly, it needs to be overhauled.

But in the interim, we have coming up now on January 1 of next year a bunch of tax provisions, current tax policy, that expires. In anticipation of that, we have a lot of businesses that are very concerned. There is uncertainty out there among job creators in our economy about what is going to happen on January 1, and is Congress going to act to put off these tax increases that will occur on January 1 or are they going to allow them go into effect, in which case many businesses would be dramatically impacted by having higher tax burdens, making it more difficult for them to create jobs.

I do not think there is anybody out there, those who study economics, even those of us who do not, just as a matter of common sense, on a very practical level, who would think that raising taxes on people who create jobs, on small businesses, would be something that would be good in an economy that you are trying to get back on its feet, trying to get to recover.

In fact, the President of the United States in 2010 said it would be a blow to our economy if tax rates went up on small businesses. Well, that was back at a time when economic growth was a little over 3 percent. Here we are 2 years later. Economic growth is much slower. We are growing at a more sluggish rate, about 2 percent. There is a concern that even that is going to slow down as we approach the end of the year.

And yet we have this threat hanging out there on the horizon, looming, of higher taxes on small businesses, the very people we rely upon to get Americans back to work, to create jobs, and to get this economy growing again.

What we ought to be thinking about is what can we do to promote economic growth. We ought to be thinking about what are those tax policies we can put in place. I hope that will be the purpose of tax reform when we get there. I hope that is soon as well. As I said before, I think tax reform is critical if we are going to see economic growth and if we are going to do away with the complex Tax Code we have today and replace it with something that makes much more

sense, it is more clear, more simple, more fair for American businesses and people across this country who are filing their tax returns every year.

But we ought to be looking at what can we do to promote economic growth. All of our tax policy ought to be oriented around getting this economy growing and expanding again, because in so many ways that helps address many of the other problems we are confronting. We have this huge out-of-control debt problem. Obviously it needs to be addressed through spending reductions, trying to make government more efficient, smaller, more limited, rather than the government we have seen here the last few years that continues to grow as a percentage of our economy. The government as a percentage of our economy today is at the highest level we have seen literally since the end of World War II. We are at about—24 or 25 percent of our entire GDP now is represented by Federal spending. So we have got to get government under control, which means we have got to address some of the drivers of Federal spending, including Medicare, Medicaid, Social Security. That means these entitlement programs so many people rely upon, in order to save them, have to be reformed. If we are going to get them on a sustainable fiscal path, if we are going to make sure they are there for future generations, we have got to reform our entitlement programs and get the government spending back at a more reasonable level, more consistent with what we have seen historically, which is about 20 to 21 percent of our entire economy.

So it starts there. But then you have to couple the reductions in government spending with economic growth. The way ultimately that we get to where we need to be as a Nation is we have to get the economy growing and expanding again. It is counterintuitive to me and to most Americans, I think, to suggest that the way to do that would be to raise taxes on the very people you are looking to to create jobs and to grow this economy. Those are our small businesses. So when the President came out earlier this week and suggested we ought to allow the tax rates to expire for people who make more than $250,000, what he was talking about, according to the Joint Committee on Taxation, was almost 1 million small businesses, almost 1 million small businesses, if we do not take steps to avert it on January 1. They are going to see their taxes go up. Those small businesses I am referring to employ 25 percent of the American workforce. Most of them are small businesses organized as subchapter S corporations, LLCs, which means their income flows through to their individual tax returns and they pay at the individual rate level.

So as a consequence, when you start raising taxes for people above $250,000, you are hitting 1 million—almost 1 million, I should say—of those small businesses that are going to be faced with higher tax burdens and higher tax liabilities. That to me is completely counterintuitive to what we ought to be thinking if we are interested in getting the economy growing again. We should not be making it more difficult, more expensive for small businesses to create jobs, we ought to be looking at what we can do to lessen the burden on our small businesses and to keep that tax burden, that regulatory burden, at a level that does not create impediments and barriers to them going out and investing and creating jobs.

The President's proposal is exactly the opposite of what we should be doing. And 53 percent of the income I mentioned—these companies that are organized, small businesses as S corporations, LLCs—53 percent of that income would be faced with a higher tax burden come January 1 unless we take steps to avert it. What the President proposed essentially was allowing taxes to go up on those very small businesses.

So I hope not only will we turn down the President's proposal, but that we will be thinking about what we can be doing to simplify the Tax Code, that would lower rates businesses in this country pay, and provide incentives for them to get people back to work. Again, by that I mean policies that promote economic growth.

There are so many things we ought to be doing that we are not doing now that I think would provide the necessary policies to encourage and enable small businesses to grow their business, make those investments, and put people back to work. There are a number of things that our small businesses face that are not directly related to the Tax Code but indirectly related: regulatory burdens and more agencies spending time on more regulations making it difficult and more expensive to create jobs.

Regulatory reform ought to be part of an agenda here. If we are serious about policies that will grow the economy, we ought to deal with the overreaching regulations that create excessive burdens for the small businesses and couple that with tax reform.

One of the burdens we have placed on small businesses of late is the ObamaCare legislation we passed a few years ago. There has been some debate about the question of whether the individual mandate is a penalty or a tax. We know one thing: It is a cost that will be borne by a lot of people across this country. We also have the mandate or requirements imposed upon small business—employer mandates that will increase the cost of our small businesses—the cost of doing business for them out there.

All of these things that have been put in place drive up the cost of doing business, make it more difficult and expensive to create jobs in this country—rather than looking at what we can do to make it less expensive and less difficult to create jobs.

Regarding the health care bill, we talked about the individual mandate and who is impacted. By the way, according to the Joint Committee on Taxation, 77 percent of the people who would be impacted by the individual mandate tax are people who make less than $120,000 a year. The President promised, when he was running for office, he would not raise taxes on anybody who makes less than $250,000 a year. Clearly, one of the many broken promises in the health care bill was the individual mandate and its impact on the very people on whom he said he would not raise taxes—middle-income Americans who make less than $120,000 a year. According to the Joint Committee on Taxation, 77 percent of those people would see higher taxes.

It is a significant amount of tax, $54 billion over the next 10 years. If you think about the amount of revenue raised by the individual mandate tax, it is actually more in revenue than would have been raised by the so-called Buffet tax designed to get millionaires in this country to pay more in taxes. So we are levying a tax on middle-income Americans that actually is going to exceed in revenue the amount raised by the so-called tax on millionaires. It is ironic, but that is exactly what the ObamaCare bill will do.

In addition to that there are a series of other taxes that are imposed on people across this country. Many of them strike at middle-income Americans. There are about $250 billion in taxes that are imposed on our economy that will be passed on, in many cases, to consumers, and the impact is to raise the cost of health care. Taxes on health insurance plans, taxes on pharmaceuticals, taxes on medical devices, self-insured health plans—a whole range of taxes that are included in the ObamaCare legislation, are going to hit middle-income Americans squarely in the face. Not only do we have the individual mandate tax but all these others that are included in the ObamaCare legislation that will hit working people across this country.

Look at all the burdens associated with those taxes and the regulations that are coming out of many of the agencies in our government now, and all you see, if you are a small business, is a higher cost of doing business, more uncertainty about what is going to happen in the future, and it is just that much more difficult when it comes to making determinations about growing your business or starting a new business and creating the jobs that are so important to our economy.

When we talk about the economic circumstances that we are in today, everybody focuses on the unemployment

rate, of course. We have now had more than 8 percent unemployment for 41 straight months. We have 23 million Americans who are either jobless or underemployed in our economy. And 5.4 million Americans have been unemployed for a long period of time. We have the weakest recovery, literally, since the end of World War II.

Yet what is the prescription that the President and many of his allies in Congress have for that? Higher taxes. It is higher taxes on the people who create jobs. Can you think of anything that makes less sense if you are really interested in economic growth and creating jobs? That is absolutely the opposite of what we ought to be doing. We should not be raising taxes on those 1 million small businesses—subjecting them and the 25 percent of the workforce who work for them to the possibility that there will be higher taxes. Their jobs can be in jeopardy.

We ought to look for ways to provide certainty, and we should extend the existing rates so small businesses out there trying to make decisions about what they are going to do in the future can know for sure what the rules are, but, more importantly, also know that their taxes will not go up on January 1.

There is a Congressional Budget Office analysis out there which suggests that come January 1, when we hit the so-called fiscal cliff, which includes the increase in the tax rates as well as the sequester on spending that was put into place as part of the Budget Control Act, that if nothing is done to avert that fiscal cliff, in the first 6 months of next year we will see up to 1.3 percent less economic growth. But just as important, not only is that a factor we deal with next year, it is also something that impacts us right now, today, because the CBO also found it could cost a half point of economic growth this year, right now. It is because of this uncertainty, because of the specter of tax rates going up on small businesses come January 1 of next year.

What we ought to be doing instead of talking about what we are going to do or raising taxes on small businesses in this economy is looking to extend the rates that exist today so those rates don't go up, giving businesses certainty, and then following up on that next year with tax reform which broadens the tax base, lowers rates, gets us more competitive in the global marketplace, and is more clear, more simple and fair for American businesses.

Until that happens, the very worst we could be doing now, in my opinion, is raising taxes, for all of the reasons I just mentioned. It creates uncertainty, obviously, and raises the cost of doing business in this country. It hits the very people we are hoping are going to lead us out of this economic malaise we are in today.

Again, I also say with regard to this issue, the issue of taxes is so important to businesses. The issue of regulations is so important to businesses. Those are things, if we are serious about an agenda to get Americans back to work, we ought to be focused on.

That is why we ought to be repealing ObamaCare. That $248 billion in taxes—that is not the total amount of taxes; it is over $500 billion in taxes that will be imposed as a result of ObamaCare. These are the taxes that hit middle-income Americans, according to the Joint Economic Committee. Not only do we have the $248 billion or $250 billion that hits middle-income Americans, we have an additional 3.8 percent tax on unearned income that would hit high-end earners, as well as a new Medicare tax on high-end earners. We have so many taxes coming at this economy now it is hard to fathom.

That should not be complicated by doubling down with our small businesses and essentially telling them that come January they are going to see their rates go up. For the people paying the 35-percent rate today, it would go up to 39.6 percent. Capital gains will go up from 15 to 20 percent. Dividend rates are going up from 15 to 39.6 percent. This is a very real issue, a real-time issue. It is having an impact on the economy today. We should do everything we can to avoid that.

I hope when we are through with what is a charade, and we have the votes on this bill—which, as I said, because the revenue measures don't originate in the Senate; they originate in the House, they would be blue-slipped if it passed here because this is a process where Republicans are not allowed to offer amendments. This is a tax vehicle on the Senate floor. But in the terms we use in the Senate, the majority leader has ''filled the amendment tree,'' making it virtually impossible for Republicans to offer amendments that we would like to see debated and voted on.

When this charade is completed, I hope the majority leader will decide we need to have a debate about taxes and what we can do to promote economic growth, a debate on whether we are going to extend the rates that will expire January 1, meaning higher taxes for nearly 1 million small businesses to whom we are looking to get us out of this recession and get Americans back to work. I hope that will be the debate and vote we will ultimately have when this particular political exercise is completed today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2524

Mr. BAUCUS. Madam President, I would like to say a few words about the next vote, which is the Cantor amendment.

The Cantor amendment, just to review, would give a 20-percent deduction to all businesses that employ fewer than 500 people. The 20-percent deduction is calculated on U.S. source business income and is limited to 50 percent of the W–2 wages paid. In other words, the business must be paying at least twice the amount of the deduction in wages. In addition, taxpayers cannot get both this deduction and the 90-percent manufacturing deduction; the main point being this Cantor bill is a gross giveaway. It gives businesses a 20-percent deduction for simply earning income. They do not have to do anything, just earn income and get a 20-percent deduction.

The amendment allows businesses to avoid paying taxes on about one-fifth of their profits as long as they employ fewer than 500 people. That is virtually 99 percent of all American companies. Worse still, it provides a temporary reduced tax rate. This would incentivize businesses to defer making investments, hiring new employees or increasing wages in order to increase profits. That is because the larger the profits, the larger the tax deduction under this bill.

Rather than creating jobs or investing in business, the Cantor bill incentivizes the opposite. It incentivizes businesses to sit and wait rather than to invest in people or equipment. It does not make any sense to spend $46 billion for only 1 year of the provision, as proposed in this bill.

This is a giveaway, frankly, to almost all companies—99.6 percent of the companies in the United States—to hedge funds, to partnerships, and private equity firms. Almost all employ fewer than 500 employees. It is absolutely the wrong policy for this Nation to adopt.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SANDERS). Under the previous order, the question is on agreeing to amendment No. 2524.

A motion to table has been made. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''aye.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—73

Akaka	Enzi	Murray
Alexander	Feinstein	Nelson (NE)
Ayotte	Franken	Nelson (FL)
Barrasso	Gillibrand	Portman
Baucus	Graham	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Risch
Blumenthal	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (OH)	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Coats	Leahy	Thune
Coburn	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Warner
Corker	McCaskill	Webb
Cornyn	Menendez	Whitehouse
Crapo	Merkley	Wyden
DeMint	Mikulski	
Durbin	Murkowski	

NAYS—24

Blunt	Heller	McCain
Boozman	Hoeven	McConnell
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Roberts
Cochran	Isakson	Shelby
Collins	Kyl	Snowe
Grassley	Lee	Vitter
Hatch	Lugar	Wicker

NOT VOTING—3

Kirk	Moran	Udall (NM)

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I yield to my distinguished colleague. Mr. MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

SENATOR COLLINS' 5,000TH CONSECUTIVE ROLLCALL VOTE

Mr. MCCONNELL. Mr. President, the Senator from Maine, Ms. COLLINS, has just passed an important milestone, her 5,000th consecutive rollcall vote, a tenacious accomplishment indeed that represents the work ethic and dedication Senator COLLINS has for the people of Maine and for the Senate. We all know she is one of the hardest working Members of the Senate.

Listen to this. Since she was sworn in, in January, January 3 of 1997, she has been present for every single rollcall vote. That is over 15 consecutive years, never missing a vote.

Senator COLLINS is actually in quite an elite company. Recently, she passed Senator Byrd and is now third all time behind Senator CHUCK GRASSLEY and the late Bill Proxmire from Wisconsin. I know she took great pride also in being in the company of her role model, a woman who played a major role in her decision to run for public office in the first place, fellow Maine Senator Margaret Chase Smith, who is currently No. 5 on the list.

On behalf of the entire Senate, I congratulate Senator COLLINS for this milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is a remarkable accomplishment. I hope I do not get her into trouble with her colleagues, but I truly like her. I appreciate her capability to work with us, work with everybody. She is somebody whom we never have to guess where she stands on an issue and I admire and appreciate her so much for that. I have worked with her on issues going back for many years and I again say I appreciate what she has done.

She has great genes. Her mother and father each served as mayor of a small town in Maine, a place called Caribou. I don't have fond memories of Caribou because in my, I think, 1998 race, there was a great mailing we did. One of my consultants from—not from Nevada, that is for sure—instead of having deer, they had caribou on my campaign literature. It took me a while to figure that one out. I am sure the town of Caribou was bigger than my hometown, Searchlight.

Her family ran a lumber business. Her father was also a State senator.

I am confident SUSAN has learned to be the Senator she is because of Bill Cohen. I had the pleasure of serving with him. He is a good man—from Maine. I served as a junior Member when he was chairman of the Aging Committee and he was such a wonderful man. I still talk to Bill Cohen. She has many of his traits. As we know, she worked for him. He has been a great Secretary of Defense. He has just been a good person, and I am confident her ability to be the legislator she is, a lot of it is attributed to him.

She has always been known for her ability to compromise. Legislation is the art of compromise, and she works with all Members.

I think the tone she has set working with JOE LIEBERMAN is magnificent. They have run that committee with dignity and on a totally bipartisan basis.

Five thousand votes—frankly, a number of us have cast 5,000 votes, but it is ridiculous, the example she has set, never missing a vote. I wish her the very best and many years to serve in the future of the Senate.

(Applause.)

Ms. MIKULSKI. Mr. President, I want to take this opportunity to honor Senator COLLINS, a colleague and dear friend, on her landmark 5,000th consecutive vote.

Since becoming a Senator in 1997, Senator COLLINS has never missed a single vote. This is a sign of her commitment to the people of Maine and the entire country. The commitment began in her home. Her parents taught her what it meant to work hard and serve the people, both in the family-owned lumber business and both as mayors of her hometown of Caribou, ME. She has carried on their legacy and deep commitment to public service.

I stand here in recognition of Senator COLLINS because her 5,000 votes have stood not only for the people of Maine, but for our great Nation. She has stood for science, innovation and research, women's equality and veterans. Her voice and her votes have shaped and will continue to shape our Nation.

Let me tell you a little bit about what her votes have accomplished. Senator COLLINS is a fighter for funding for science, innovation and research. Together we cosponsored the Spending Reductions through Innovations in Therapies (SPRINT) Act which would spur improvement in research and drug development for chronic health conditions such as Alzheimer's.

When I reach across the aisle, I know Senator COLLINS is there to find a sensible center that will be good for America.

Her leadership has extended beyond her bipartisan efforts. She continues to serve as a role model for young women nationwide. As a fellow Girl Scout, we both learned that determination, principles and respect for others are the foundation for a productive future. We designated 2012 the ''Year of the Girl,'' in support of Girl Scouts and the organization's lasting lessons.

Today we celebrate Senator COLLINS' record of integrity, unsurpassed work ethic, and a steadfast commitment to the people of Maine. Her voting record is exemplary of the fact that we are continuing to crack the marble ceiling. Not only are women getting elected to the Senate, we are raising hell, holding powerful leadership positions and taking on America's biggest issues.

She is a valued Member, colleague and dear friend. Congratulations Senator COLLINS on your 5,000th vote and your extraordinary commitment to the people of Maine and our great Nation.

Mr. DURBIN. Mr. President, I am delighted to add my voice to this chorus of congratulations for our colleague on her singular and remarkable achievement.

It seems fitting that Senator COLLINS would reach this historic milestone just after the All Star Game because this really is a Hall of Fame sort of accomplishment.

With that 5,000th consecutive vote she cast moments ago, Senator COLLINS now holds the third-longest voting streak in Senate history. In the entire history of the United States Senate, the only Members with longer unbroken voting streaks are William Proxmire, who is way out front with 10,252 consecutive votes, and Senator GRASSLEY, with 6,393 consecutive votes.

But here is the thing about Senator COLLINS: She is the only Senator who has ever hit that mark without missing a single vote—the only perfect voting record among the 5,000-consecutive votes Hall of Famers.

Senator COLLINS' historic voting record is a reflection of her dedication

to the hardworking people of Maine and a testament to her respect for this Senate.

We have heard about some of the lengths Senator COLLINS has gone to to preserve her unbroken voting streak, including how she once twisted her ankle running in high heels to cast a vote.

That vote was to protect the State Children's Health Insurance Program, and working parents and their children in my State of Illinois and throughout America are grateful to her for her pains.

That is the other remarkable thing about Senator COLLINS' voting record. It is laudatory not only for the number of consecutive votes Senator COLLINS has cast but also for the courage behind many of those votes.

Senator COLLINS and I were elected to the Senate in the same year, 1996. As freshman Senators, we cosponsored a successful bill to repeal a $50 billion tax break for the tobacco industry.

We have worked together to combat Medicaid fraud and improve food safety.

Along with Senator SNOWE, Senator COLLINS voted for Wall Street reform and for the economic recovery plan that may well have kept America from tipping into a depression.

She voted for the Lily Ledbetter Fair Pay Act, and she voted to confirm both Sonya Sotomayor and Elena Kagan to the U.S. Supreme Court.

I hope I don't get her into trouble with this list.

Her voting record is in keeping with Maine's tradition for independent thinking.

When SUSAN COLLINS was a senior in high school, she came to Washington and had an amazing experience. She was able to talk to her hero and home State Senator, Margaret Chase Smith, for nearly 2 hours in her office.

Senator COLLINS later told a reporter: ''I remember leaving her office thinking that women can do anything and that women can get to the highest levels of government and make a difference.''

Years earlier, Margaret Chase Smith had made history of her own when she delivered her famous ''Declaration of Conscience'' speech. In that speech, she urged Senators to reject the destructive anti-communist hysteria being whipped up by Joe McCarthy.

Senator Smith said then: ''As an American, I want to see our nation recapture the strength and unity it once had when we fought the enemy instead of ourselves.''

We can hear echoes of that famous plea in an op-ed Senator COLLINS wrote for The Washington Post a few months ago.

As Senator COLLINS wrote: ''[N]either party has a monopoly on good ideas. The challenges we face will not be met by those who believe compromise is a dirty word. . . . The center will hold only if we put the same effort into unity that partisans put into division.''

She is right.

On a more personal note I want to say that not only does Senator COLLINS have one of the best voting records in this Senate, she also has the best taste in books of just about anyone I know. She reads constantly, and I am grateful to her for the many good books and talented authors she has introduced me to.

A year ago, some gay veterans and other Mainers hosted a reception to thank Senator COLLINS for her courageous cosponsorship, with Senator LIEBERMAN, of the bill to allow gay men and lesbians to serve openly in America's Armed Forces.

At that reception, a Navy veteran who spent her time in the service hiding her sexual orientation presented Senator COLLINS with one of her ship's coins, which are awarded to Navy personnel for going beyond their duty.

And an 80-year-old man and lifelong independent voter praised her by saying, ''Senator COLLINS is . . . filling the high heels of Margaret Chase Smith wonderfully.''

We know that even when those high heels cause her to twist her ankle, they cannot keep her from casting her vote and making history.

Once again, I congratulate Senator COLLINS on this singular achievement.

And looking forward to the happy milestone she will celebrate next month, Loretta and I give Senator COLLINS and her husband-to-be our best wishes for many years of happiness together.

AMENDMENT NO. 2521

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I think we are on the Landrieu amendment.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I discussed this amendment in great detail yesterday, so there is no reason to review it. I thank many Members of the Small Business Committee on both sides of the aisle for putting forth some terrific, very popular, and effective ideas for small business: 100 percent exclusion of capital gains, decreased deductions for startup expenditures, S corporation holding period reductions, carryback on business credits, and expensing of 179—all very familiar to this body and absolutely critical for investing in our small business. The bill only costs $4 billion compared to some of the other numbers that are being thrown around here. We think it is very cost effective, and I ask for the support of the body.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HATCH. Mr. President, I yield back time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant bill 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 substitute amendment No. 2521 to S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Max Baucus, Benjamin L. Cardin, Richard J. Durbin.

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 amendment No. 2521, offered by the Senator from Nevada, Mr. REID, for Ms. LANDRIEU, to S. 2237 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—57

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

NAYS—41

Alexander	Crapo	Kyl
Ayotte	DeMint	Lee
Barrasso	Enzi	Lugar
Blunt	Graham	Manchin
Boozman	Grassley	McCain
Burr	Hatch	McConnell
Chambliss	Hoeven	Murkowski
Coats	Hutchison	Paul
Coburn	Inhofe	Portman
Cochran	Isakson	Risch
Corker	Johanns	Roberts
Cornyn	Johnson (WI)	

Rubio	Shelby	Toomey
Sessions	Thune	Wicker

NOT VOTING—2

Kirk	Moran

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

There will now be 2 minutes of debate equally divided.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I think minds are made up. I just suggest that both sides yield back the remainder of the time and vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

CLOTURE MOTION

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

The bill 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 the debate on S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Max Baucus, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Benjamin L. Cardin, Richard J. Durbin.

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

The question is, Is it the sense of the Senate that debate on 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—53

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

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	Manchin	Wicker
DeMint	McCain	

NOT VOTING—3

Boxer	Kirk	Moran

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, S. 2237 is returned to the calendar.

Mrs. MCCASKILL. Madam President, today I voted in support of invoking cloture on Senate Amendment 2521 to S. 2237, offered by Senator LANDRIEU. I supported cloture on this substitute amendment because, overall, Senator LANDRIEU's legislation would help our Nation's small businesses grow and find new markets. However, I had some concerns with aspects of the legislation that would increase sole-source contracting. In general, we need to ensure that where noncompetitive contracting programs are authorized, they are narrow and fair. In light of the fact that cloture was not invoked on the amendment, I look forward to working with Senator LANDRIEU on her legislation in the future.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the motion to proceed to S. 3369.

The Senator from Louisiana.

SUCCESS ACT

Ms. LANDRIEU. Madam President, before we end the debate on the small business tax relief bills, I want to thank the 57 Members of this Senate who voted for the SUCCESS Act. The SUCCESS Act has been building support, strong support across the aisle now for about 3 to 4 weeks. It is an outgrowth of not one, not two, but three very successful, high-profile roundtables the Small Business Committee in the Senate has conducted over the course of the spring, coming into the summer, in hopes that we could present a bill that could give a boost in the middle of this summer period to the small businesses that are really struggling to hire and to get stronger as this economy gains strength. Unfortunately, we fell only three votes short just a few minutes ago.

This bill is primarily a tax cut—very targeted, very specific, and very effective—to the small businesses we are counting on to grow and to accelerate the potential high-growth businesses, not just any startups but those that really have the capacity to grow.

We were hoping that despite the partisan posturing, we could have received the 60 votes to give this effort some more life. But we are not going to be discouraged.

I want to particularly thank Senator SHAHEEN, the Presiding Officer, for her help. I want to specifically thank Senator CARDIN and Senator HAGAN for spending time on the floor for the provision of streamlining applications for small businesses. That is in this bill.

I want to thank Senator VITTER, Senator HELLER, and Senator COLLINS particularly for their support today. I want to briefly, for another minute, mention a few of the organizations that are supporting this effort, which is only a $4 billion cost. It has a $12 billion immediate impact but only a $4 billion score. It was very effectively written to create a score like that. I am proud of the staff work that went into this effort.

The American Farm Bureau Federation, the American Lighting Association, the Rental Association, Association of Builders and Contractors, Association of Equipment Manufacturers, Automotive Aftermarket Industry Association, Financial Executives, Metal Services Institute, Independent Community Bankers—and just to name a few more—the National Beer Wholesalers, National Association of Home Builders, Printing Industry of America, Small Business & Entrepreneurship Council, the U.S. Black Chamber of Commerce, many women's organizations, Women Construction Owners, Women's Business Enterprise, et cetera, et cetera.

We are very proud to be building in the U.S. Chamber of Commerce a very broad coalition that can see the value. Perhaps we cannot find common ground on a $40 billion tax cut bill or a $50 billion tax cut bill or even $20 billion. But I think we could find common ground on a bill that only scores and costs the Federal Government $4 billion has a $12 billion impact.

It is $4 billion over 10 years, but the benefit is right now, the way that we have structured it, to extend these tax credits and tax extenders for about a year and 3 months which would give us time as we move forward to revise the Tax Code and to see how we can reduce and eliminate our deficit and make our Tax Code more fair. At least it would give a strong signal to many of these small businesses they can count on the tax cuts that are in this bill.

So I am going to, on behalf of the 57 Members who voted for this bill today, file a stand-alone bill. It is going to be called the SUCCESS Act of 2012. I am going to ask all of those who voted today to join me as a cosponsor of the legislation. And let's see, we still have some time left in the summer before we leave. Perhaps, with the administration's support—and they do support the provisions of this—and with the leadership shown by some of the Republican Senators today, who knows, we might be able to get something done.

Finally, we are working closely with the House leadership on the Small Business Committee. I am working very closely with Chairman GRAVES. They have passed some of this already through the House. So perhaps if we stay focused and work a little bit harder, we might be able to squeeze out another piece of legislation that will help the small businesses of America.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TAX RATES

Mr. GRASSLEY. Madam President, I come to the floor at this point to counteract and add substance to something the majority leader said today in regard to taxes.

Recently, the Congressional Budget Office released an update to its report on average effective tax rates. Several of my colleagues on the other side of the aisle have pounced on this report claiming that tax rates are at historic lows.

In a floor speech just this morning the majority leader said the lowest tax rates in 30 years was ''thanks to President Obama, who has consistently fought to lower taxes for the middle-class families over the last 3½ years.'' However, the majority leader and others of his political party are only telling half the story. The report also shows that incomes of households in all income groups have declined by an average of 12 percent since 2007. This means, then, that Americans are 12 percent poorer than they were in 2007.

Now, should we also thank President Obama for this reduction in income? Essentially, this is what the majority leader is doing when he thanks President Obama for lower tax rates because when individuals have less income, they pay less in taxes. Now, isn't that common sense?

Millions of Americans are out of work and have very little or no income. You would have better luck getting blood out of a turnip than collecting income taxes from someone who has no income.

Over the past weeks and months we have heard a lot about income inequality. Occupy Wall Street has been very vocal on this issue. Many Members of Congress have also expressed concern that income inequality is ever increasing. The Finance Committee, of which I am a member, just recently had a hearing on this very topic. This most recent CBO data shows that income inequality is at the lowest point in more than a decade. The share of income held by the top 1 percent has shrunk by 28 percent. At the same time, the bottom 60 percent of households saw their share of income increase by an average 11 percent.

So perhaps my friends on the other side of the aisle do have reason to cheer: The rich are much less rich but, of course, the poor are poorer as well. It is just that those in the lower incomes did not see their income shrink by as much as higher income people.

Of course, those in the bottom 60 percent of households are not better off today than they were when income inequality was greater. In fact, they are poorer and struggling more than ever. So I just hope my colleagues on the other side of the aisle keep that in mind as we try to create a better future, and do it for everyone.

Reduction in income inequality should not be a goal in and of itself. What really matters is individual well-being and opportunity for everybody to succeed. This is best achieved, then, through progrowth policies aimed at growing the economic pie, not by targeting certain unpopular groups for tax hikes.

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

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to speak about the DISCLOSE Act of 2012. This is legislation that will shine a bit of needed light into the flood of secret money in our elections. I would like to start with particular thanks to Senators CHUCK SCHUMER, MICHAEL BENNET, AL FRANKEN, JEFF MERKLEY, JEANNE SHAHEEN, and TOM UDALL for their hard work on developing the legislation. I look forward to joining them as this debate goes forward.

This morning the majority leader moved to proceed to this vital piece of legislation. I thank him. I and many of my colleagues are looking forward to the opportunity to make the case in this Chamber for this important piece of legislation. In a sense, that case has already been made. As anyone who watches television knows, our airwaves are filled with negative political attack ads. The organizations that pay for these negative political attack ads all have patriotic-sounding names dotted with words like ''prosperity,'' ''freedom,'' and ''future.'' The names sound harmless, but they are phony. All too often the ads are paid for by secret special interests, billionaires, and wealthy corporations seeking special secret influence in our democracy and drowning out the voices of middle-class American families.

As USA Today put it just last week in an editorial supporting this DISCLOSE Act, ''Everybody's watching what's expected to be by far the most expensive presidential campaign in history, and not without a dose of horror. Freed by the Supreme Court from spending limits, all manner of special interests are opening the spigots to buy influence.'' That is exactly right, ''All manner of special interests are opening the spigots to buy influence,'' and because their money is secret, the American public doesn't even know who is behind the negative political attack ads other than the phony name.

Here is how my home State paper, the Providence Journal, reacted to the original Citizens United decision that has unleashed this torrent of secret special interest money:

> The [Citizens United] ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

The Providence Journal could not have been proven out more correctly by the events that have taken place since.

Senator JOHN MCCAIN said earlier this year:

> I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold campaign finance law], that there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening.

Senator MCCAIN was right. Campaigns are no longer waged by candidates and parties fighting over ideas; they are now waged by shadowy political attack groups posing as social welfare organizations, run by political operatives, linked to specific candidates, and fueled by millions of undisclosed dollars from secret special interests. When these secretive special interests take over our elections, it puts in jeopardy the key supports of a strong middle class, supports such as Social Security, Medicare, Pell grants, a progressive tax system, and things that have paved the way for generations to achieve the American dream.

Why do I say that? I say that because these special interests have motives to

spend this kind of money. If those motives were good for America, would they be so desperate to keep what they are doing secret? I don't think so.

Americans who worry now that Washington listens too much to the special interests, strap in, look out, and hang on to your wallet because a secret special interest avalanche is underway. According to a study in April, 90 percent of the money being spent by super PACs, nonprofits, and other outside groups to elect the President of the United States is coming from secret sources, secretive corporations, and billionaires whose names and motives the voters may never know and who will have no accountability for how that money is spent.

When there is no accountability for how money is spent because the phony front organization that purports to be spending it isn't real and the real party and interest has hidden behind a veil of secrecy, then there is no limit on what people will say. It is accountability that keeps public dialog in reasonable check. That is why you and I, Mr. President, are obliged at the end of our campaign advertisements to say: I am Senator WHITEHOUSE, and I approve this message. I am Senator COONS, and I approve this message.

Well, relieved from that accountability, about 70 percent of the ads in this election cycle have been negative. That is up from 9 percent in 2008. I will say it again: 70 percent, up from 9 percent, as this flood of secret special interest money has hit.

Even worse, if we look at the four top-spending political 501(c)(4)s—the secret organizations, the ones that hide their donors—and what they have done in the last 6 months, an estimated 85 percent of their election spending was spent on ads that contained deceptions, according to a recent analysis by the Annenberg Public Policy Center. So we unhinge any real person from accountability for this spending. The special interests behind it remain secret, and the ads become virtually exclusively negative attack ads and they are riddled with deception.

This is what the Supreme Court thought free speech looked like. This is all the result of that disastrous decision by the Supreme Court in Citizens United v. Federal Election Commission which opened the floodgates of secret, anonymous special interest money. I think it was a deliberate decision, but that is a discussion for another day. For today, our purpose is to point out that the campaign finance system, as a result, is broken and it lends itself to corruption in new and unprecedented ways.

The Supreme Court, in the Citizens United decision, in its blissful ignorance, never even considered what happens behind the scenes. They talked only about the public debate and the public expenditure of this money. They assumed it would be independent of the candidates, and they were wrong. They assumed it would be transparent as to who was behind it, and they were wrong. They also assumed that what was put on the air was the end of the issue. They took no consideration of the behind-the-scenes meeting where the special interest comes in to meet the Congressman and doesn't spend $5 million in secretly funded negative attack ads but threatens to. And if the threat works, they buy the vote, nobody ever sees an ad, and the institution of government is corrupted.

It is one thing if it is a company and they say: Well, I am going to be against you, and my CEO is going to have a party and raise money in $5,000 increments against you, and our PAC is going to give a $10,000 check to your opponent. We are going to tell our workers that you are not a good person for our industry.

OK, that is not great, but it is nowhere near as dangerous as being able to say: We are going to put $5 million into a secret campaign of negative attack ads against you, and nobody is going to know it is us. If you play right and do what you are told, we will lay off, but otherwise, look out, we are coming after you. It will be hidden, it will be negative, and it will be nasty.

That is no way to run a democracy. So today the majority leader has moved to a bill that will bring at least transparency and accountability to our elections. At least these big special interests will have to say who they are. Then we as Americans can evaluate what their motives are, what the deal might be, whether we are actually aligned with their interests, and we can evaluate what they are saying about candidates. We will have more information. We will have a better quality of free speech. This is not a Democratic or Republican issue. In fact, disclosure has never before been a Republican or Democratic issue. This is about protecting our democratic process as Americans.

I really look forward to debating this important measure with my colleagues in the upcoming days. I am joined by Americans of all political stripes who are disgusted by the influence of this unlimited secret money pouring into our elections. We are disgusted by campaigns that succeed or fail, that last or don't last, depending on how many billionaires the candidate has funding their campaign through these special organizations. More and more around this country, particularly in Rhode Island—the people I hear from at home—people feel this government responds only to wealthy and corporate interests. They feel the middle class can't catch a break, that nobody is listening, that everything is done for the big guys. They see their jobs disappear. They see their wages stagnate. They see bailouts and special deals for the big guys, and they lose faith that their elected officials are actually listening to them. If we thought that was a problem before, when at least it was public and at least we knew who the registered lobbyists were and who had made the campaign contributions and at least we knew there were some reasonable limits on all that—all those gates have been knocked down. It is the Wild West now, and it is secret.

Six in ten Americans say the middle class will not catch a break in this economy until we reduce the influence of lobbyists, big banks, and big donors. Guess what. With these fountains of secret money behind them, their influence isn't being reduced; it is going to be dramatically increased—and increased in ways that lend themselves to corruption.

One out of every four Americans actually says they are less likely to even vote because they believe big donors and super PACs have so much more influence over elected officials than they do that they feel pushed out of the process, so why bother. That is a terrible blow to American democracy.

Nearly 7 in 10 Americans, including a majority of Democrats and Republicans, agree with this proposition: New rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption. One would think that is a blindingly obvious proposition. It escaped the five conservative members of the Supreme Court who decreed that was not going to be the case. Seven out of ten Americans disagree with them. I disagree with them. The closer we get to elections, the more we see that proposition is foolhardy.

So we have the DISCLOSE Act, a bill that Republican and former Federal Election Commission Chairman Trevor Potter said is appropriately targeted, narrowly tailored, clearly constitutional, and desperately needed. I very much hope we can join in this debate; that we can get this bill passed in the Senate; that we can clean up our elections and begin to do something about this foul avalanche of negative attack ads—again, 85 percent of them containing deception—that are now polluting our public discourse.

Prior to the Citizens United decision and prior to the floodgates actually opening, there was a long and rich bipartisan tradition in this Senate of demanding disclosure of spending in elections. Many of our Republican colleagues in the Senate have loudly and clearly supported disclosure in the past, and I hope they will join us in passing this important piece of legislation. The fundamental principle of a government of the people, by the people, and for the people is a government that will listen to the people, not just to the big special interests that can afford massive secret money.

I urge my colleagues to support the DISCLOSE Act of 2012.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

TRIBUTE TO LIEUTENANT GENERAL RONALD L. BURGESS

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to LTG Ronald L. Burgess, Jr., the current Director of the Defense Intelligence Agency, and one of the Nation's premier leaders in the intelligence community and in the United States military.

Lieutenant General Burgess retires this summer after a distinguished 38-year career. During his career, Lieutenant General Burgess has been recognized with numerous awards and decorations, which include the Defense Distinguished Service Medal, Defense Superior Service Medal with two oak leaf clusters, the Legion of Merit, Meritorious Service Medal with four oak leaf clusters, Joint Service Commendation Medal, United States Special Operations Command Medal, Army Commendation Medal, Army Achievement Medal, NATO Medal—Former Republic of Yugoslavia, Parachutist Badge, Joint Chiefs of Staff Identification Badge, and the Army Staff Identification Badge.

As a driving force in the intelligence community, General Burgess will soon conclude a career marked by exceptional leadership and strategic vision, both of which have significantly advanced U.S. national security interests while also strengthening our national intelligence and military intelligence capabilities during a very challenging period in our Nation's history.

Throughout his time in uniform, Lieutenant General Burgess has demonstrated an unyielding dedication to duty and an innate ability to inspire enthusiasm and commitment to serve those he leads. Lieutenant General Burgess's selfless service to country and his unparalleled personal drive have been instrumental in transforming defense intelligence into a more capable and cooperative enterprise, providing the critical intelligence required by military commanders and policymakers both at the defense and national levels.

Commissioned as a second lieutenant through the Auburn University ROTC Program in 1974, Lieutenant General Burgess began his career with a series of assignments in armor and military intelligence units in Germany and Ft. Stewart, GA, where he was directly responsible for planning multiple highly successful National Training Center rotations, numerous command post exercises, and an Army training and evaluation program.

Lieutenant General Burgess was recognized for his meticulous planning and forceful execution of operational procedures which contributed significantly to combat readiness. Later Lieutenant General Burgess held a variety of key staff and command positions, including Assistant Executive Officer to the Deputy Chief of Staff for Intelligence, Washington, DC in 1990, and as the battalion commander, 25th Infantry Division, from May 1993 to May 1994, at Schofield Barracks, HI.

From July 1995 to May 1997, Lieutenant General Burgess commanded the 470th Military Intelligence Brigade where he served with great distinction. As commander, he provided outstanding leadership which led to the unit's operational success in support of the Commanding General of the United State's Army South and the Commander U.S. Southern Command.

During this period, Lieutenant General Burgess skillfully integrated a multi-disciplined intelligence force into an extremely innovative warfighting asset while also expanding the brigade's regional focus through more than 150 operational deployments across Latin America, the Caribbean, Europe, and Korea. While commanding the 470th, Lieutenant General Burgess also served as acting vice director of intelligence, and subsequently the acting director of intelligence for U.S. Southern Command. During this period Lieutenant General Burgess guided a continuous flow of intelligence analysis in support of the year-long Tupac Amaru Revolutionary Movement hostage crisis at the Japanese ambassador's residence in Lima. Lieutenant General Burgess's support was key to developing the detailed analysis required by U.S. military commanders, our ambassador to Peru and the President to make timely and informed decisions leading to the safe withdrawal of American hostages.

Following his assignment at U.S. Southern Command, Lieutenant General Burgess served as the Director of Intelligence (J–2) for the Joint Special Operations Command, JSOC, Fort Bragg, North Carolina, from May 1997 to May 1999. During this assignment, Ron's leadership was instrumental in supporting continuous global deployments as well as major exercises and highly complex joint-service training events.

Mr. President, in June 1999, Ron returned to the Southern Command as the Director of Intelligence, J–2. Among his achievements while serving in that position, Lieutenant General Burgess led an interagency intelligence effort to create a fused Colombian intelligence capability that enhanced military and police cooperation against illegal global drug networks. Lieutenant General Burgess led Southern Command's intelligence response to many challenges including potential migrant operations, tracking of Cuban exiles, hurricane and earthquake disaster relief, and sustained counterdrug operations in both the area of responsibility and throughout transit zones.

From June 2003 to July 2005, Lieutenant General Burgess served as the Director for Intelligence (J–2) for the Joint Chiefs of Staff, JCS. As the J–2, Ron directed all-source intelligence analysis and reporting for the Chairman JCS, the Secretary of Defense, the Joint Staff, and Unified Commands. Lieutenant General Burgess served as the focal point for crisis intelligence support to military operations, indications and warning intelligence in the Department of Defense, and Unified Command intelligence requirements. Assuming control of intelligence operations only months after the United States and coalition forces invaded Iraq, Lieutenant General Burgess was at the forefront of providing timely and insightful intelligence for operational requirements in Iraq, Afghanistan, transnational terrorism, and all developing global issues affecting U.S. interests abroad.

In August 2005, Lieutenant General Burgess reported to the Office of the Director for National Intelligence, ODNI, where he served as the Deputy Director of National Intelligence for Customer Outcomes, Director of the Intelligence Staff, Acting Principal Deputy Director of National Intelligence, and acting Director of National Intelligence. During this period, Lieutenant General Burgess played a key role in developing and reforming the Intelligence Community during an unprecedented period of global change. During Ron's tenure at ODNI, his leadership was key during the revision of Executive Order 12333, which governs all intelligence activities, the development of the first-ever joint manning document for military personnel assigned to organizations outside of the Department of Defense, critical Intelligence Community managerial operations were overhauled, and innovative human capital practices were implemented under his watch.

After completing his ODNI assignment, Lieutenant General Burgess was appointed the 17th director of the Defense Intelligence Agency, DIA, in March 2009. As the Vice Chairman of the Senate Select Committee on Intelligence I have personally witnessed Ron's thoughtful and ambitious program to strengthen DIA's ability to address the ever-changing requirements

of military commanders and policymakers at the defense and national levels. Lieutenant General Burgess has focused DIA on our nation's greatest challenges including Afghanistan-Pakistan, Iraq, Iran, transnational terrorism, and preventing strategic surprise elsewhere around the globe. In doing so, Ron has reinforced DIA's ability to surge in support of contingency operations and crises, successfully launching a 24/7 crisis analysis cell at the start of the Libyan crisis and establishing an Afghanistan-Pakistan Task Force that refined the agency's ability to support ongoing combat operations

As DIA was celebrating its 50th anniversary, Lieutenant General Burgess charted an innovative, five-year strategy to strengthen and unite the agency's core defense capabilities while also focusing the agency on warning, core mission areas, partnership, and performance. DIA's new strategy emphasizes best practices to support our warfighters and policy makers in an era of persistent conflict and enduring U.S. fiscal challenges and sets the path toward achieving the strategy's major theme of ''One Mission—One Team—One Agency.''

As Director of DIA, Lieutenant General Burgess has worked to strengthen and improve the Joint Worldwide Intelligence Communications System, JWICS, the secure backbone for much of the U.S. Intelligence Community, the White House, U.S. combatant commanders, and allies. Additionally, he has led the effort to establish the Defense Clandestine Service, DCS, which provides enhanced collection capabilities in support of the highest priority intelligence requirements of the Director of National Intelligence, the Secretary of Defense, the Secretaries of the Military Departments, and the Combatant Commanders.

No matter the range or complexity of the issues, Ron always kept himself, his colleagues and subordinates focused on the fundamental obligations and responsibilities borne by those entrusted with some of the Nation's most important and sensitive missions.

He frequently reminded DIA employees, ''While much of what we do is secret, our work is a public trust.''

And consistent with that view, Ron emphasized at every opportunity the non-negotiable need for intelligence professionals to always demonstrate the highest degree of integrity, both personal and professional. He often counseled new employees, senior managers and military attachés headed to new postings that ''integrity is needed most when it is hardest to maintain.''

Mr. President, while much of what is said behind closed doors at the Senate Intelligence Committee is classified, I can tell you, my colleagues and the American people, that DIA is held in high esteem by the Senate Intelligence Committee, due in no small part to Ron's leadership. DIA is an indispensable, principal member of the U.S. Intelligence Community and has strengthened its performance as the functional intersection between defense and national intelligence. Lieutenant General Burgess leaves behind a more flexible and adaptive agency, one that is much more capable of meeting our national security challenges. Under his leadership, DIA has earned even greater respect within the Intelligence Community and continues to warrant Congress' strong support and trust.

Mr. President, while the Army and Intelligence Community will be losing a leader who has answered the call time and again at such critical points in our Nation's history, I know that Ron will be happy to reclaim his Saturday afternoons in the fall to root for his Auburn Tigers, and that the Burgess family will cherish more time with a husband and father. Mr. President, I wish Ron and his wife Marta the very best as he enters retirement. On behalf of a grateful Nation and my colleagues in the U.S. Senate, I thank Ron and his family for his many years of faithful service and a job well done.

Mr. President, 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. 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.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 16, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 662; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to a vote with no intervening action or debate on the nomination; that the motion 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.

Mr. REID. Mr. President, the Senate is currently on the motion to proceed to S. 3369; is that correct?

The PRESIDING OFFICER. The leader is correct.

CLOTURE MOTION

Mr. REID. That being the case, I have a cloture motion at the desk on the motion to proceed to that matter.

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

The bill 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. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Harry Reid, Sheldon Whitehouse, Jack Reed, Joseph I. Lieberman, Jon Tester, Mark L. Pryor, Benjamin L. Cardin, Christopher A. Coons, Jeanne Shaheen, Daniel K. Akaka, Herb Kohl, Charles E. Schumer, Mark Begich, Tim Johnson, Robert Menendez, Frank R. Lautenberg, Mark Udall, Sherrod Brown.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under our rule XXII be waived, and that on Monday, July 16, following the vote on the McNulty nomination and the resumption of legislative session, there be up to 10 minutes of debate, equally divided between the two leaders or their designees prior to a cloture vote on the motion to proceed to S. 3369.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO WILLIAM H. MEADOWS

Mr. REID. Mr. President, I recognize and honor William H. Meadows for his long and successful service from 1996 to 2012 as president of The Wilderness Society. Bill came to Washington, D.C. with his wife Sally to lead The Wilderness Society after years of working as a volunteer and then as a professional staff person for the Sierra Club. Since then, he has neither lost the passion that first made him a conservation activist nor the gracious Southern charm that came from his Tennessee upbringing.

Under his leadership, The Wilderness Society has maintained its focus on their core mission of protecting wilderness and inspiring Americans to care for our wild places. During his tenure, The Wilderness Society has had substantial success, helping Congress expand the National Wilderness Preservation System by nearly 6.5 million acres and establish the National Landscape

Conservation System to increase protection for Bureau of Land Management lands. In that time, the organization has nearly doubled in size and they provide sound scientific, legal, and policy expertise on major issues relating to our Federal public lands better than ever.

I have had the good fortune of working with Bill and The Wilderness Society on legislation that impacts our Federal wild lands heritage. He and The Wilderness Society have been important partners in successful efforts to protect millions of acres of Nevada's finest wilderness in Clark, Lincoln, and White Pine counties, as well as establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Sloan Canyon National Conservation Area. I am tremendously proud of that legacy and Bill played a critical role in that effort. He never failed to understand the need to work closely with local communities and key stakeholders to find areas of common ground and to reach shared solutions. He brought to these conservation efforts a level headed, reasonable, thoughtful approach that helped move all the parties beyond the type of knee-jerk ideology that too often results in gridlock.

Bill has also been an important ally in many national debates about Federal public lands ranging from our energy policy to management of healthy forests to the protection of iconic wild lands like the Arctic National Wildlife Refuge. He and his organization were influential in the Clinton Administration's establishment of the Roadless Rule, which helps protect nearly 60 million acres of our most pristine national forests.

He has always been willing to meet with his opponents. At a time when many conservationists were at odds with the George W. Bush administration, Bill was able to establish and maintain a working relationship with the Undersecretary for Natural Resources in the Department of Agriculture. This big tent approach to conservation is one of the things that make Bill exceptional. He is further distinguished by his ability to clearly understand the dynamics of national and local politics without becoming cynical or losing his integrity. Thank you, Bill, for your tremendous service as an extraordinary conservation leader.

TRIBUTE TO DENNIS T. DORTON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a good friend of mine and a good friend to the Commonwealth of Kentucky, Mr. Dennis T. Dorton. After a successful, lifelong career in banking culminating in his service as president and chief executive officer at Citizens National Bank, Mr. Dorton will retire this month.

A native of Paintsville, KY, Dennis Dorton has worked at Citizens National Bank for 42 years. He joined the bank in 1970 following his graduation from Morehead State University, where he earned a bachelor's degree in business administration. Dennis also attended Paintsville High School and is a graduate of National Investment School University of Oklahoma, National Trust School Northwestern University, and attended Stonier Graduate School of Banking at Rutgers University.

Dennis is well known and well regarded throughout the State's banking community for his career of accomplishment. He served as treasurer for the Kentucky Bankers Association and was that organization's chairman in 2007–08. He is also on the Board of Trustees for the Kentucky Hospital Association and the Highlands Regional Medical Center. His many other civic and community service efforts include his work as treasurer and board member of the Paintsville-Johnson County Chamber of Commerce, chairman of the Appalachian Artisan Center, treasurer of the Kentucky Historical Society Foundation, and vice chairman and board member of the Christian Appalachian Project Board. He also served for 15 years on the Paintsville City Council, 6 years on the Paintsville Independent School Board, and on a number of committees for Big Sandy Community & Technical College.

Mr. Dorton is also an active member of the First United Methodist Church in Paintsville, and has volunteered on missions to Belize and Costa Rica to help build church and school buildings. He has taught personal financial management courses at his church, and even taught at local elementary schools on subjects as varied as woodworking, banjos, and folk art.

Dennis and his wife, Jean, have a son, Andrew Trigg Dorton, who is married to Stephanie Stumbo. Dennis and Jean are the grandparents of Tristan Andrew and Ashton Warren. I am sure Dennis's family is very proud of him and all that he has accomplished.

At this time I ask my U.S. Senate colleagues to join me in commemorating Mr. Dennis T. Dorton for his decades of work and service to his loved ones, his employer, his community, and the Commonwealth. He has set a remarkable example to follow for those who know him. I congratulate him on his successes and wish him well upon his retirement.

TRIBUTE TO JUDGE GEORGE LEIGHTON

Mr. DURBIN. The Cook County Criminal Courts Building in Chicago is an imposing building at the intersection of 26th Street and California Avenue that has long been known by its address: 26th and Cal. Last month, the Criminal Courts Building was renamed the Honorable George N. Leighton Criminal Court Building in tribute to a remarkable man.

Judge George Leighton, who turns 100 years old this October, has excelled as a lawyer and judge and has embodied the ideals of the American dream.

George Leighton was born in 1912 in New Bedford, MA, to African immigrants. As a young boy, Judge Leighton picked fruit for several months each year to help support his family. Then just before he should have started seventh grade, he left school to take a job on an oil tanker in the Dutch West Indies.

George Leighton never finished grade school or high school, but he heard that a scholarship fund was offering a $200 scholarship for the winner of an essay contest, and he submitted the winning essay. In 1936, with his $200 scholarship, he hitchhiked to Washington, D.C., to attend college. He was granted conditional admittance to Howard University, where he graduated magna cum laude 4 years later.

In 1940, George Leighton joined the United States Army's 93rd Infantry Division. When he returned to the United States after the war, he was accepted at Harvard Law School. He graduated from Harvard and passed the Illinois State Bar Examination.

He then moved to Chicago because he was impressed that Chicago had elected an African American congressman, William Dawson. He set up a law practice next to the old Comiskey Park on Chicago's South Side. And he began fighting courageously to break down barriers of racial discrimination in voting, housing and education.

In 1949, George Leighton became an Assistant Illinois Attorney General. When he advised one group of African-Americans that the law did not prohibit them from moving to the Cicero neighborhood, an all-white neighborhood at the time, race riots erupted. Judge Leighton was indicted for inciting the riot. An up-and-coming lawyer named Thurgood Marshall came to the defense of Judge Leighton, argued the case, and the indictment was dismissed.

In 1964, Mayor Daley asked Leighton to run for circuit court judge, and he won the election in a landslide. He then moved into his office at 26th and Cal, the Cook County Criminal Courts Building.

In 1969, Judge Leighton was appointed to the First District Appellate Court of Illinois, where he served as the first African-American judge on the Illinois Court of Appeals. Six years later, he was nominated by President Gerald Ford to serve as U.S. District court judge for the Northern District of Illinois.

George Leighton has been a life-long champion of civil rights and equality.

There is no more fitting a tribute than to name the building in which Judge Leighton first began practicing law some 66 years ago in his honor.

Judge Leighton contributed to our understanding of justice. He stood up to powerful interests in defense of the truth and did not bend to pressure or prejudice in his pursuit of justice. He served the people of Illinois and the citizens of the United States proudly throughout his tenure on the bench.

I thank Judge George Leighton for his service and join the Chicago community in congratulating him on this new honor.

HUNGARY

Mr. CARDIN. Mr. President, a year ago, I shared with my colleagues concerns I had about the trajectory of democracy in Hungary. Unfortunately, since then Hungary has moved ever farther away from a broad range of norms relating to democracy and the rule of law.

On June 6, David Kramer, the President of Freedom House who served as Assistant Secretary of State for Democracy, Human Rights and Labor for President George W. Bush, summed up the situation. Releasing Freedom House's latest edition of Nations in Transit Kramer said: ''Hungarian Prime Minister Viktor Orbán and Ukrainian president Viktor Yanukovych, under the pretext of so-called reforms, have been systematically breaking down critical checks and balances. They appear to be pursuing the 'Putinization' of their countries.''

The report further elaborates, ''Hungary's precipitous descent is the most glaring example among the newer European Union (EU) members. Its deterioration over the past five years has affected institutions that form the bedrock of democratically accountable systems, including independent courts and media. Hungary's negative trajectory predated the current government of Prime Minister Viktor Orbán, but his drive to concentrate power over the past two years has forcefully propelled the trend.''

Perhaps the most authoritative voice regarding this phenomenon is the Prime Minister himself. In a February 2010 speech, Viktor Orbán criticized a system of governance based on pluralism and called instead for: ''a large centralized political field of power . . . designed for permanently governing.'' In June of last year, he defended his plan to cement economic policy in so-called cardinal laws, which require a two-thirds vote in parliament to change, by saying, ''It is no secret that in this respect I am tying the hands of the next government, and not only the next one but the following ten.''

Checks and balances have been eroded and power has been concentrated in the hands of officials whose extended terms of office will allow them to long outlive this government and the next. These include the public prosecutor, head of the state audit office, head of the national judicial office, and head of the media board. Those who have expressed concerns about these developments have good reason to be alarmed.

I am particularly concerned about the independence of the judiciary which, it was reported this week, will be the subject of infringement proceedings launched by the European Commission, and Hungary's new media law. Although there have been some cosmetic tweaks to the media law, the OSCE Representative on Freedom of the Media has argued that it remains highly problematic. Indeed, one expert has predicted that the most likely outcome of the new law will be to squeeze out reporting on corruption.

Hungary also adopted a new law on religion last year that had the stunning effect of stripping hundreds of religions of their legal recognition en masse. Of the 366 faiths which previously had legal status in Hungary, only 14 were initially granted recognition under the new law. Remarkably, the power to decide what is or is not a religion is vested entirely and exclusively in the hands of the legislature, making it a singularly politicized and arbitrary process. Of 84 churches that subsequently attempted to regain legal recognition, 66 were rejected without any explanation or legal rationale at all. The notion that the new framework should be acceptable because the faiths of most Hungarian citizens are recognized is poor comfort for the minority who find themselves the victims of this discriminatory process. This law also stands as a negative example for many countries around the world just now beginning tenuous movement towards democracy and human rights.

Finally, a year ago, I warned that ''[i]f one side of the nationalism coin is an excessive fixation on Hungarian ethnic identity beyond the borders, the other side is intolerance toward minorities at home.'' I am especially concerned by an escalation of anti-Semitic acts which I believe have grown directly from the government's own role in seeking to revise Hungary's past.

Propaganda against the 1920 Treaty of Trianon, which defines the current borders of Hungary, has manifested itself in several ways. Most concretely, the Hungarian government extended citizenship on the basis of ethnic or blood identity—something the government of Viktor Orbán promised the Council of Europe in 2001 that it would not do and which failed to win popular support in a 2004 referendum. Second, the government extended voting rights to these new ethnic citizens in countries including Romania, Serbia, Slovakia and Ukraine. This has combined with a rhetorical and symbolic fixation on ''lost'' Hungarian territories—apparently the rationale for displaying an 1848 map of Greater Hungary during Hungary's EU presidency last year. In this way, the government is effectively advancing central elements of the agenda of the extremist, anti-Semitic, anti-Roma Jobbik party. Moreover, implicitly—but unmistakably—it is sending the message that Hungary is no longer a civic state where political rights such as voting derive from citizenship, but where citizenship derives from one's ethnic status or blood identity.

The most recent manifestation of this revisionism includes efforts to rehabilitate convicted war criminal Albert Wass and the bizarre spectacle of the Hungarian government's role in a ceremony in neighboring Romania—over the objections of that country—honoring fascist writer and ideologue Joszef Nyiro. That event effectively saw the Speaker of the Hungarian Parliament, Laszlo Kover; the Hungarian State Secretary for Culture, Geza Szocs; and Gabor Vona, the leader of Hungary's most notoriously extremist party, Jobbik, united in honoring Nyrio. Several municipalities have now seen fit to erect statues honoring Miklos Horthy, Hungary's wartime leader, and the writings of Wass and Nyiro have been elevated onto the national curriculum.

It is not surprising that this climate of intolerance and revisionism has gone hand-in-hand with an outbreak of intolerance, such as the antiSemitic verbal assaults on a 90-year old Rabbi and on a journalist, an attack on a synagogue menorah in Nagykanizsa, the vandalism of a Jewish memorial in Budapest and monuments honoring Raoul Wallenberg, the Blood Libel screed by a Jobbik MP just before Passover, and the recent revelation that a Jobbik MP requested—and received—a certificate from a genetic diagnostic company attesting that the MP did not have Jewish or Romani ancestry.

We are frequently told that Fidesz is the party best positioned in Hungary to guard against the extremism of Jobbik. At the moment, there seems to be little evidence to support that claim. The campaign to rehabilitate fascist ideologues and leaders from World War II is dangerous and must stop. Ultimately, democracy and the rights of minorities will stand or fall together.

Hungary is not just on the wrong track, it is heading down a dangerous road. The rehabilitation of disgraced World War II figures and the exaltation of blood and nation reek of a different era, which the community of democracies—especially Europe—had hoped was gone for good. Today's Hungary demonstrates that the battle against the worst human instincts is never fully won but must be fought in every generation.

YUKOS OIL COMPENSATION

Mr. INHOFE. Mr. President, Russia's weak rule of law is bad for the people of Russia, of course, but it also harms American citizens. As Congress considers legislation directed at strengthening human rights and the rule of law in Russia, we also should address the economic impact on Americans, including those Americans who are owed $12 billion when Yukos Oil, in which they held 15 percent of its stock, was expropriated by the Russia Government. To date, none of the American owners of Yukos caught up in Russia's renationalization of this company has received any compensation for this unlawful taking. And without a bilateral investment treaty, BIT, with Russia, the only recourse available to U.S. investors is for our State Department to espouse the case of its wronged citizens. I support this course of action, and I ask unanimous consent to have printed in the RECORD a letter I wrote with Senator SCOTT BROWN to Secretary Clinton last October 27, 2011, that addresses this issue.

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

U.S. SENATE,
Washington, DC, October 27, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Department of State, C Street, NW., Washington, DC.

DEAR MADAM SECRETARY: We are writing to ask that you seek compensation from Russia on behalf of hundreds of thousands of U.S. investors who have lost approximately $12 billion as a result of Russia's expropriation of Yukos Oil Company. With all other avenues exhausted for American investors, only espousal by the United States can help to bring this matter to an appropriate resolution.

American investors collectively owned approximately 15 percent of Yukos at the time the Russian authorities began dismantling the company. The American investors in Yukos included several public pension funds and more than 70 institutional investors in at least 17 States. There also were over 20,000 individual American investors who owned Yukos shares directly, in addition to the hundreds of thousands who owned shares indirectly through mutual funds.

These investors have valid claims against Russia under international law, but they have no mechanism to assert these claims because there is no bilateral investment treaty (BIT) in force between the United States and Russia. Other foreign owners of Yukos have been able to initiate BIT claims, and a UK investor recently won such a case. In a unanimous decision, the arbitrators in the UK case concluded that Russia had expropriated Yukos and that compensation was due.

In June 2008, American investors formally petitioned the State Department to undertake government-to-government negotiations with Russia. We respectfully ask that you espouse the claims of these Americans and seek payment from the Government of Russia as soon as possible.

Thank you for your consideration of our concerns. We look forward to hearing from you.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.
SCOTT BROWN,
U.S. Senator.

ADDITIONAL STATEMENTS

TRIBUTE TO JACK BOOKTER

● Mrs. BOXER. Mr. President, today I am honored to pay tribute to Jack Bookter for his 45 years of extraordinary service to the International Brotherhood of Teamsters in San Francisco. Throughout his career, Mr. Bookter has worked to ensure that the workers represented by his union have received just compensation under fair working conditions.

After serving in the U.S. Navy and as a police officer in San Bruno, CA, Jack became a driver for United Parcel Service, UPS, where he also served as a shop steward who represented the interests of his fellow drivers. For the past 36 years, he has served as secretary treasurer for Teamsters Local 278, which later became Local 2785. Jack Bookter has also served as chairman of the UPS Western Region Grievance Panel and as a member of the policy committee representing the Teamsters Joint Council 7 at the California Teamsters Public Affairs Council.

Mr. Bookter is part of a long and proud tradition of union leaders who fight to give workers and their families the rights and opportunities they need to achieve the American dream.

I join Mr. Bookter's friends and colleagues in celebrating his career and much deserved retirement. I wish him well in this next chapter of his life, and I hope that he enjoys many more years of happiness with his wife Yvonne, as well as his daughters, Cathy, Jill, and Yvette.●

TRIBUTE TO COLONEL DAVID E. ANDERSON

● Mr. CARDIN. Mr. President, today I wish to recognize Colonel David E. Anderson who will complete his 3-year tour of duty as commander and district engineer of the Baltimore District, Army Corps of Engineers, on July 20, 2012. Colonel Anderson will officially retire from the United States Army Corps of Engineers at the end of the year. Colonel Anderson's career has spanned 26 years of service where he has led both mechanized and airborne combat engineer units as well as commanding two USACE districts.

Colonel Anderson excelled as the commander of the Baltimore District in the North Atlantic Division. He directed the successful operation of flood risk mitigation, hurricane protection, environmental restoration, Federal navigation and other water resource work within a 49,000 square mile area and along 7,000 miles of the Chesapeake Bay's environmentally sensitive shoreline. Colonel Anderson led the district as it responded to the Nation's Base Realignment and Closure 2005 mission, which brought a $7.2 billion construction and engineering effort to the National Capital Region.

During his career he has served as the commander of the Honolulu District and two tours as a legislative assistant, including one tour as the legislative assistant to the Vice Chief of Staff of the Army, and one tour as the legislative assistant to the Secretary of the Army.

Colonel Anderson's dedication to duty, loyalty to the Nation, and personal engagement with soldiers, civilian personnel, and the public will be positively felt for years to come. His selfless service is in keeping with the highest traditions of the Corps of Engineers.

Kara Anderson, Colonel Anderson's wife of 24 years, and his three children, also warrant our thanks. In addition to her unfailing support for her husband, she has played an active role in every military community that Colonel Anderson's career has taken him. The entire family has made important sacrifices for our Nation and they, too, deserve our thanks.

I ask my colleagues to join me today in recognizing the contributions Colonel Anderson has made to the U.S. Army Corps of Engineers, Baltimore District and wish him and his family well in his retirement.●

CONGRATULATING 2012 OLYMPIC QUALIFIERS

● Mr. HELLER. Mr. President, today I wish to extend well-deserved congratulations to four Nevadans who have earned the unique distinction of being named to the 2012 United States Olympic Team. Amanda Bingson, Jake Dalton, Connor Fields, and Michael Hunter will be competing in hammer throw, gymnastics, BMX, and boxing at the Olympic Games in London. I am proud to recognize some of our nation's greatest athletes and members of Team USA who will represent the Silver State proudly.

A Silverado High School alumni and UNLV sophomore, Amanda Bingson, finished second in the hammer throw at the U.S. Olympic Trials in Eugene, Oregon. An ambitious athlete, she is a three-time Mountain West hammer-throw champion, two-time national All-American honoree, and recently set a new UNLV hammer throw record.

Jake Dalton, a 2009 graduate of Spanish Spring High School, took victories in the floor exercise and vault in a combined points total from the VISA Championships and the Olympic Trials. He joins the rest of Team USA in the hopes of winning gold, a feat that has not been secured by men's gymnastics since 1984. Jake has won 4 individual NCAA titles, 13 All-American honors,

and is believed to be Nevada's first male gymnast to make the Olympic team.

Green Valley High School alumni, Connor Fields, won the U.S. Men's BMX Time Trials in Chula Vista, California, earning a place on the three-man team for the 2012 London Games. This 19-year-old southern Nevada native is the first rider in BMX supercross history to win three straight World Cup final races.

Michael Hunter, Las Vegas heavyweight boxer, qualified for this summer's London Games with a semifinal victory in the AIBA Americas Olympic Qualifying Tournament in Rio de Janeiro. A three-time national champion, encouragement from Michael's family has always been paramount to reaching his Olympic dream.

I wish Amanda, Jake, Connor, and Michael the best of luck in London this summer and look forward to watching them compete. I ask my colleagues to join me in congratulating these four remarkable athletes as we show our pride and support for entire the U.S. Olympics Team.●

REMEMBERING TROOPER AARON BEESLEY

● Mr. LEE. Mr. President, on June 30, Trooper Aaron Beesley responded to a call to rescue two teenagers stranded on Mount Olympus in the Wasatch Mountains near Salt Lake City. As a part of the search and rescue helicopter unit, he helped load the two teenagers into the helicopter, ensuring their own safety before his own. When the helicopter pilot had secured the hikers, he went back for Trooper Beesley, only to find that he had fallen down the 60-foot cliff face. A hero fell from Mount Olympus. Someone once said, ''A hero is always remembered, but legends never die.'' Aaron Beesley woke up that morning already a hero in every sense of the word, and he fell that night into legend, a legend of service and sacrifice that will live far beyond his mortality.

His mother recalled that from the age of 5 Aaron had aspired to be a firefighter. His greatest ambition was to protect others from harm and danger. He attended the police academy after serving a LDS mission in Oakland, CA, and was then hired by the Utah Highway Patrol. There he committed to ''face danger with confidence, resolution and bravery'' and to ''meet the service needs of everyone encountered.'' These principles were a part of Aaron's nature long before he became a trooper. He may have fallen in the line of duty, but for him, this duty was his life. He saw the world through the lens of a hero, constantly seeking opportunities to help and serve others long after the workday ended. At his funeral service, Aaron's mother Laretta Beesley said, ''Aaron was a hero every day of his life.'' Based on his rescue record, lifesaving awards, medal of excellence, and the tremendous words of praise from his family and coworkers, I believe his mother's description is perfect.

Aaron will be remembered as a man of many hats. He is survived by his wife Kristie and sons Austin, 7, and twins Derek and Preston, 4. They will remember him as a loving husband and father. His brother Arik remembers him as a hero, recalling the countless phone calls they shared in which Aaron provided a play-by-play account of his latest rescue. His parents remember him as a clever practical joker. As a child he once tricked a group of neighborhood boys into performing his loathed chore of stacking wood by telling them how much fun it would be. His mother lovingly remembers how he watched them do it for him with a sly smile, periodically expressing how much he would love to be stacking wood too. His coworkers and friends remember him as a genius who could fix anything, from neighbors' broken electronics to highway patrol communications equipment. Aaron was even able to perform the necessary maintenance on the patrol's air fleet, saving the department thousands of dollars. His colleague Steve Winward remembers him as an inventor, designing cell phone applications for helicopter flight navigation and field sobriety tests.

Mr. President, I pay tribute today to Aaron Beesley not simply to mourn his loss but to celebrate his life, his willingness to perform his duty and serve others. Sharon and I extend our condolences to Kristie, Austin, Derek and Preston and praise them for their courage at this difficult time. Aaron truly remembered service before self, as do all who wake up every morning prepared to give their lives for those they serve. I pray that his family, friends, and loved ones may feel an outpouring of love and support from grateful citizens around the country and that they may forever remember Aaron with the tremendous pride his legacy deserves.●

RECOGNIZING BRYAN ALMEIDA

● Mr. RUBIO. Mr. President, today I recognize Bryan Almeida, a spring press intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Bryan is a graduate of Belen Jesuit Preparatory School in Miami, FL. Currently, he is a sophomore at The George Washington University majoring in political communications. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Bryan for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING PAT BATEMAN

● Mr. RUBIO. Mr. President, today I recognize Pat Bateman, a spring intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Pat is a graduate of the University of Sydney, where he double-majored in law and government and international relations. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Pat for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING MEG C. HAMBY

● Mr. RUBIO. Mr. President, today I recognize Meg Casscells-Hamby, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Meg is a graduate of Trinity Preparatory High School in Winter Park, FL. Currently, she is a sophomore at Harvard University interested in psychology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Meg for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CHARLES C. DAVIS III

● Mr. RUBIO. Mr. President, today I recognize Charles Carlton Davis III, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Chad is a graduate of Jesuit High School in Tampa, FL. Currently he is a junior at the University of Florida majoring in political science and minoring in history and religion. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Charles for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CLAY McADAM DAVIS

● Mr. RUBIO. Mr. President, today I recognize Clay McAdam Davis, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Clay is a senior at the University of Virginia majoring in American studies and minoring in sociology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Clay for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING ARREN DELATORRE

● Mr. RUBIO. Mr. President, today I recognize Arren Delatorre, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Arren is a graduate of Sandalwood High School in Jacksonville, FL. Currently she is a sophomore at the University of Florida majoring in advertising. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Arren for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING BILLY DONOVAN

● Mr. RUBIO. Mr. President, today I recognize Billy Donovan, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Billy is a graduate of Saint Francis High School in Gainesville, FL. Currently he is a junior at the University of Florida majoring in political science. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Billy for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING LAUREN FIELDS

● Mr. RUBIO. Mr. President, today I recognize Lauren Fields, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Lauren is a graduate of the Carrollton School of the Sacred Heart in Miami, FL. Currently, she is a junior at Johns Hopkins University majoring in international studies with a concentration in foreign relations. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Lauren for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING HUNTER GAYLOR

● Mr. RUBIO. Mr. President, today I recognize Hunter Gaylor, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Hunter is a graduate of Florida Air Academy in Melbourne, FL. He is a senior at Harvard University majoring in government. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Hunter for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING MARY C. GILLIGAN

● Mr. RUBIO. Mr. President, today I recognize Mary Catherine Gilligan, a spring intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Mary Catherine attends The George Washington University where she is majoring in International Affairs with a concentration in conflict resolution. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Mary Catherine for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING RACHEL GROCOCK

● Mr. RUBIO. Mr. President, today I recognize Rachel Grocock, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Rachel is a graduate of Winter Park High School in Winter Park, FL. Currently she is a junior at Georgetown University majoring in international politics with a concentration in international security. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Rachel for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CRISTINA HACKLEY

● Mr. RUBIO. Mr. President, today I recognize Cristina Hackley, a summer press intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Cristina is a junior at Georgetown University majoring in international history. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Cristina for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING JAZMIN HERNANDEZ

● Mr. RUBIO. Mr. President, today I recognize Jazmin Hernandez, an intern in my Doral, FL office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Jazmin is a sophomore at the Florida International University in Miami. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jazmin for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING MICHAEL HOFFMAN

● Mr. RUBIO. Mr. President, today I recognize Michael Hoffman, an intern in my Miami, FL office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Michael is a graduate of Stoneman Douglas High School in Parkland, Fl. He received his Bachelor's Degree in political science and international relations from the University of Central Florida in Orlando, FL. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

Michael is a Veteran of the U.S. Navy. He served 3 years in Japan in a F18 squadron and deployed on the USS Kitty Hawk. He then spent 1 year in Afghanistan as an individual Augmentee and as a Combat Master Driver for U.S. Forces. Michael was awarded two Navy and Marines Corps achievement medals and a Joint Service Commendation Medal as well as numerous other campaign medals. Also, in 2006, Michael was honored as Specific Fleet Filler of the Year.

I would like to extend my sincere thanks and appreciation to Michael for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING RANDALL JUDT

● Mr. RUBIO. Mr. President, today I recognize Randall Judt, a spring intern in my Washington, DC office, for all of

the hard work he has done for me, my staff and the people of the State of Florida.

Randall is a graduate of Stetson University in Deland, FL, where he majored in political science. He recently graduated from George Mason University with his master's degree in international commerce and policy. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Randall for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING LUKE KILLAM

● Mr. RUBIO. Mr. President, today I recognize Luke Killam, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Luke is a graduate of Northview High School in Century, FL. Currently he is a senior at the University of Florida majoring in civil engineering. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Luke for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING BROOKE MCBATH

● Mr. RUBIO. Mr. President, today I recognize Brooke McBath, a spring intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Brooke is a graduate of the University of Miami, where she majored in English and minored in psychology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Brooke for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CARLOS MORALES

● Mr. RUBIO. Mr. President, today I recognize Carlos Morales, a spring law extern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Carlos is a graduate of Kings High School in Tampa, FL and the University of Florida, where he majored in history. Currently, he is in his third year at the George Washington University Law School. He is a dedicated and diligent worker who has been devoted to getting the most out of his externship experience.

I would like to extend my sincere thanks and appreciation to Carlos for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING STEVE NELSON

● Mr. RUBIO. Mr. President, today I recognize Steve Nelson, a spring intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Steve is a graduate of the United States Military Academy, where he majored in Middle Eastern area studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience

I would like to extend my sincere thanks and appreciation to Steve for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING SARAH POTTER

● Mr. RUBIO. Mr. President, today I recognize Sarah Potter, a spring intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Sarah is a junior at the George Washington University majoring in political science and anthropology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sarah for all the fine work she has done and wish him continued success in the years to come.●

RECOGNIZING JOANNA RODRIGUEZ

● Mr. RUBIO. Mr. President, today I recognize Joanna Rodriguez, a press intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Joanna is a graduate of Our Lady of Lourdes Academy in Coral Gables, FL. Currently, she is a junior at The George Washington University majoring in political communications. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Joanna for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING SHAWN ROGERS

● Mr. RUBIO. Mr. President, today I recognize Shawn Rogers, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Shawn is a graduate of Durant High School in Plant City, FL. Currently, he is a junior at the United States Military Academy majoring in American politics and minoring in terrorism studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Shawn for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING NICHOLAS SCHER

● Mr. RUBIO. Mr. President, today I recognize Nicholas Scher, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Nick is a graduate of Christopher Columbus High School in Miami, FL. Currently he is a senior at Florida State University majoring in political science and english with a concentration in literature. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Nick for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING JAMES WILLIAMS

● Mr. RUBIO. Mr. President, today I recognize James Williams, a spring intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

James is a graduate of Gulliver Preparatory School in Miami, FL. Currently, he is a senior at Catholic University of America majoring in politics and minoring in philosophy and theology. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to James for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CASSIE ZABALO

● Mr. RUBIO. Mr. President, today I recognize Cassie Zabalo, an intern in my Doral, FL office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Cassie is a senior at the Florida International University in Miami, FL

majoring in political science with hopes of attending law school. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Cassie for all the fine work she has done and wish her continued success in the years to come.●

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 messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:59 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

ENROLLED BILL SIGNED

The President pro tempore [Mr. INOUYE] reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

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–6825. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances'' (FRL No. 9352–2) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dicloran and Formetanate; Tolerance Actions'' (FRL No. 9353–7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerances'' (FRL No. 9354–1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerances'' (FRL No. 9353–8) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pasteuria spp. (Rotylenchulus reniformis nematode)—Pr3; Exemption from the Requirement of a Tolerance'' (FRL No. 9353–5) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6830. A communication from the Secretary of Energy, transmitting, pursuant to 42 U.S.C. 2286e, a report entitled ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board Fiscal Year 2011''; to the Committees on Appropriations; and Armed Services.

EC–6831. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal and accompanying report relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC–6832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits'' (FRL No. 9690–1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC–6833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Chemical Reporting: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II)'' (FRL No. 9674–1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC–6834. 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; Maryland; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard'' (FRL No. 9697–9) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC–6835. 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; Pennsylvania; Nonattainment New Source Review; Fine Particulate Matter (PM2.5)'' (FRL No. 9698–2) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC–6836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; Gila River Indian Community'' (FRL No. 9698–7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC–6837. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9694–7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC–6838. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the U.S. Economic Development Administration (EDA), Department of Commerce, for fiscal year 2011; to the Committee on Environment and Public Works.

EC–6839. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on June 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6840. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Effective Date of Requirement for Premarket Approval for a Pacemaker Programmer'' (Docket No. FDA–2011–N–0526) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6841. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Effective Date of Requirement for Premarket Approval for an Implantable Pacemaker Pulse Generator'' (Docket No. FDA–2011–N–0522) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–6842. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Twenty-Fifth

Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2010''; to the Committee on Health, Education, Labor, and Pensions.

EC–6843. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Feed Materials Production Center (FMPC) in Fernald, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6844. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Aging Services Technology Study''; to the Committee on Health, Education, Labor, and Pensions.

EC–6845. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Annual Report for 2011 on Disability-Related Air Travel Complaints''; to the Committee on Health, Education, Labor, and Pensions.

EC–6846. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of Defense (DoD) plan for complying with the Improper Payments Elimination and Recovery Act (IPERA) of 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6847. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''The Interagency Security Classification Appeals Panel (ISCAP) Bylaws, Rules, and Appeal Procedures'' (RIN3095–AB76) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–6848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–385, ''Fiscal Year 2013 Budget Support Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–6849. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to the Garden not being able to file its audit report within six months of the close of its fiscal year ending December 31, 2011; to the Committee on the Judiciary.

EC–6850. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2011; to the Committee on the Judiciary.

EC–6851. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''2011 Annual Report of the National Institute of Justice''; to the Committee on the Judiciary.

EC–6852. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco'' (RIN1513–AB72) received during adjournment of the Senate in the Office of the President of the Senate on July 5, 2012; to the Committee on the Judiciary.

EC–6853. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''2011 Wiretap Report''; to the Committee on the Judiciary.

EC–6854. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act'' (RIN0651–AC66) received in the Office of the President of the Senate on July 9, 2012; to the Committee on the Judiciary.

EC–6855. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement the Preissuance Submissions by Third Parties Provision of the Leahy-Smith America Invents Act'' (RIN0651–AC67) received in the Office of the President of the Senate on July 9, 2012; to the Committee on the Judiciary.

EC–6856. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Dependency and Indemnity Compensation Payable to a Surviving Spouse with One or More Children Under Age 18'' (RIN2900–AO38) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Veterans' Affairs.

EC–6857. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Dependency and Indemnity Compensation (DIC) Benefits for Survivors of Former Prisoners of War Rated Totally Disabled at Time of Death'' (RIN2900–AO22) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes (Rept. No. 112–180).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1409. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending (Rept. No. 112–181).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 2554, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017 (Rept. No. 112–182).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3902. A bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1744. A bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Jesus G. Bernal, of California, to be United States District Judge for the Central District of California.

Lorna G. Schofield, of New York, to be United States District Judge for the Southern District of New York.

Danny Chappelle Williams, Sr., of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

(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. LIEBERMAN (for himself and Ms. SNOWE):

S. 3377. A bill to amend the Internal Revenue Code of 1986 to exempt private foundations from the tax on excess business holdings in the case of certain philanthropic enterprises which are independently supervised, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 3378. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Mr. ENZI):

S. 3379. A bill to standardize the definition of the term ''small business refiner'' for purposes of laws administered by the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Mr. BEGICH, Mr. ISAKSON, Ms. SNOWE, Mr. RUBIO, and Mr. TESTER):

S. 3380. A bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. FRANKEN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BROWN of Ohio):

S. 3381. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. LEE, Mr. PAUL, and Mr. COBURN):

S. 3382. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. SESSIONS):

S. 3383. A bill to reject the final 5-year Outer Continental Shelf Oil and Gas Leasing Program for fiscal years 2012 through 2017 of the Administration and replace the plan with a 5-year plan that is more in line with the energy and economic needs of the United States; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. CONRAD, Mr. TESTER, and Mr. JOHNSON of South Dakota):

S. 3384. A bill to extend supplemental agricultural disaster assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 971

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 971, a bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services.

S. 1385

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1385, a bill to terminate the $1 presidential coin program.

S. 1744

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1744, a bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

S. 1832

At the request of Mr. ENZI, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3252

At the request of Mr. PORTMAN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. KOHL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3252, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 3286

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 3286, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

S. 3319

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3319, a bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes.

S. 3323

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3323, a bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes.

S. 3326

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3326, a bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. 3372

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3372, a bill to amend section 704 of title 18, United States Code.

S.J. RES. 43

At the request of Mr. JOHANNS, his name was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 43, supra.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as ''Juneteenth Independence Day''.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs.

HUTCHISON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

AMENDMENT NO. 2492

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 2492 intended to be proposed to 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.

AMENDMENT NO. 2493

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2493 intended to be proposed to 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.

AMENDMENT NO. 2499

At the request of Mr. CRAPO, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 2499 intended to be proposed to 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.

AMENDMENT NO. 2514

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. KYL) was withdrawn as a cosponsor of amendment No. 2514 intended to be proposed to 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.

AMENDMENT NO. 2516

At the request of Mr. FRANKEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2516 intended to be proposed to 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.

AMENDMENT NO. 2518

At the request of Mr. THUNE, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 2518 intended to be proposed to 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.

AMENDMENT NO. 2521

At the request of Ms. LANDRIEU, the names of the Senator from Delaware (Mr. COONS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 2521 proposed to 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 3378. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, the criminal justice system relies on forensic science to identify and prosecute criminals and exonerate the falsely accused. But in a pathbreaking 2009 report to Congress, the National Academy of Sciences found that the interpretation of forensic evidence is severely compromised by the lack of supporting science and standards. They concluded, ''The bottom line is simple: In a number of forensic science disciplines, forensic science professionals have yet to establish either the validity of their approach or the accuracy of their conclusions, and the courts have been utterly ineffective in addressing this problem.''

In a series of recent articles, the Washington Post reported on flawed forensic work that may be responsible for the wrongful convictions in thousands of criminal cases. An April Post editorial urged the Justice Department to conduct a full review of all cases that ended in conviction, and a July 11 story reports that the Justice Department and the FBI have now launched such a review. The National Academy of Sciences, the Washington Post, the Innocence Project, and the National Association of Criminal Defense Lawyers, among others, have all called for strengthened forensic science and standards.

The Forensic Science and Standards Act of 2012 responds to this call by promoting research. The bill would establish a National Forensic Science Coordinating Office, housed at the National Science Foundation, NSF, to develop a research strategy and roadmap and to support the implementation of that roadmap across relevant Federal agencies.

NSF would establish a forensic science grant program to award funding in areas specifically identified by the research strategy. NSF would be directed to award two grants to create forensic science research centers to conduct research, build relationships with forensic practitioners, and educate students. All agencies with equities in forensic science would be encouraged to use prizes and challenges to stimulate innovative and creative solutions to satisfy the research needs and priorities identified in the research strategy.

The bill requires standard development. The National Institute of Standards and Technology, NIST, would be directed to develop forensic science standards, in consultation with standards development organizations and other stakeholders. NIST could establish and solicit advice from discipline-specific expert working groups to identify standards development priorities and opportunities.

The bill requires implementing uniform standards. To advise on the application of the new standards, a Forensic Science Advisory Committee chaired by the Director of NIST and the Attorney General would be established. The Advisory Committee, composed of research scientists, forensic science practitioners, and users from the legal and law enforcement communities, would make recommendations to the Attorney General on adoption of standards. The Attorney General would direct the standards' implementation in Federal forensic science laboratories and would encourage adoption in non-Federal laboratories as a condition of Federal funding or for inclusion in national databases.

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. 3378

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Forensic Science and Standards Act of 2012''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) at the direction of Congress, the National Academy of Sciences led a comprehensive review of the state of forensic science and issued its findings in a 2009 report, ''Strengthening Forensic Science in the United States: A Path Forward'';

(2) the report's findings indicate the need for independent scientific research to support the foundation of forensic disciplines;

(3) the report stresses the need for standards in methods, data interpretation, and reporting, and the importance of preventing

cognitive bias and mitigating human factors; and

(4) according to the report, forensic science research is not financially well supported, and there is a need for a unified strategy for developing a forensic science research plan across Federal agencies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Forensic Science Advisory Committee established under section 8.

(2) COORDINATING OFFICE.—The term ''Coordinating Office'' means the National Forensic Science Coordinating Office established under section 4.

(3) FORENSIC SCIENCE.—

(A) IN GENERAL.—The term ''forensic science'' means the basic and applied scientific research applicable to the collection, evaluation, and analysis of physical evidence, including digital evidence, for use in investigations and legal proceedings, including all tests, methods, measurements, and procedures.

(B) APPLIED SCIENTIFIC RESEARCH.—In subparagraph (A), the term ''applied scientific research'' means a systematic study to gain knowledge or understanding necessary to determine the means by which a recognized and specific need may be met.

(C) BASIC SCIENTIFIC RESEARCH.—In subparagraph (A), the term ''basic scientific research'' means a systematic study directed toward fuller knowledge or understanding of the fundamental aspects of phenomena and of observable facts without specific applications towards processes or products.

(4) STANDARDS DEVELOPMENT ORGANIZATION.—The term ''standards development organization'' means a domestic or an international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate openness, a balance of interests, consensus, due process, and an appeals process.

SEC. 4. NATIONAL FORENSIC SCIENCE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—There shall be a national forensic science research program to improve, expand, and coordinate Federal research in the forensic sciences.

(b) NATIONAL ACADEMY OF SCIENCES REPORT ON FORENSIC SCIENCE.—The Director of the National Science Foundation shall contract with the National Academy of Sciences to develop, not later than 180 days after the date of enactment of this Act, a report that—

(1) identifies the most critical forensic science disciplines, which may include forensic pathology and digital forensics, that require further research to strengthen the scientific foundation in those disciplines; and

(2) makes recommendations regarding research that will help strengthen the scientific foundation in the forensic science disciplines identified under paragraph (1).

(c) NATIONAL FORENSIC SCIENCE COORDINATING OFFICE.—

(1) ESTABLISHMENT.—There is established a National Forensic Science Coordinating Office, with a director and full time staff, to be located at the National Science Foundation. The Director of the Coordinating Office shall be responsible for carrying out the provisions of this subsection.

(2) UNIFIED FEDERAL RESEARCH STRATEGY.—The Coordinating Office established under paragraph (1) shall coordinate among relevant Federal departments, agencies, or offices—

(A) the development of a unified Federal research strategy that—

(i) specifies and prioritizes the research necessary to enhance the validity and reliability of the forensic science disciplines; and

(ii) is consistent with the recommendations in the National Academy of Sciences report on forensic science under subsection (b);

(B) the development of a 5-year roadmap, updated triennially thereafter, for the unified Federal research strategy under subparagraph (A) that includes a description of—

(i) which department, agency, or office will carry out each specific element of the unified Federal research strategy;

(ii) short-term and long-term priorities and objectives; and

(iii) common metrics and other evaluation criteria that will be used to assess progress toward achieving the priorities and objectives under clause (ii); and

(C) any necessary programs, policies, and budgets to support the implementation of the roadmap under subparagraph (B).

(3) ADDITIONAL DUTIES.—The Coordinating Office shall—

(A) evaluate annually the national forensic science research program to determine whether it is achieving its objectives; and

(B) report annually to Congress the findings under subparagraph (A).

(4) DEADLINES.—The Coordinating Office shall submit to Congress—

(A) not later than 1 year after the date of enactment of this Act, the unified Federal research strategy under paragraph (2)(A);

(B) not later than 1 year after the date of enactment of this Act, the initial 5-year roadmap under paragraph (2)(B); and

(C) not later than 1 month after the date it is updated, each updated 5-year roadmap under paragraph (2)(B).

SEC. 5. FORENSIC SCIENCE RESEARCH GRANTS PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the National Science Foundation shall establish a forensic science research grants program to improve the foundation and practice of forensic science in the United States based on the recommendations in the unified Federal research strategy under section 4.

(b) MERIT REVIEW.—Each grant under this section shall be awarded on a merit-reviewed, competitive basis.

(c) PUBLICATION.—The National Science Foundation shall support, as appropriate, the publication of research results under this section in scholarly, peer-reviewed scientific journals.

(d) FORENSIC SCIENCE RESEARCH CENTERS.—

(1) IN GENERAL.—As part of the forensic science research grants program under subsection (a), the Director of the National Science Foundation shall establish 2 forensic science research centers—

(A) to conduct research consistent with the unified Federal research strategy under section 4;

(B) to build relationships between forensic science practitioners and members of the research community;

(C) to encourage and promote the education and training of a diverse group of people to be leaders in the interdisciplinary field of forensic science; and

(D) to broadly disseminate the results of the research under subparagraph (A).

(2) TERMS OF DESIGNATION.—

(A) IN GENERAL.—The Director shall designate each forensic science research center for a 4-year term.

(B) REVOCATION.—The Director may revoke a designation under subparagraph (A) if the Director determines that the forensic science research center is not demonstrating adequate performance.

(C) AMOUNT OF AWARD.—Subject to subsection (f), the Director shall award a grant up to $10,000,000 to each forensic science research center. A grant awarded under this subparagraph shall be for a period of 4 years.

(D) LIMITATION ON USE OF FUNDS.—No funds authorized under this section may be used to construct or renovate a building or structure.

(3) REPORTS.—Each forensic science research center shall submit an annual report to the Director, at such time and in such manner as the Director may require, that contains a description of the activities the center carried out with the funds received under this subsection, including a description of how those activities satisfy the requirement under paragraph (2)(D).

(e) EVALUATION.—

(1) IN GENERAL.—The Director of the National Science Foundation shall conduct a comprehensive evaluation of the forensic science research grants program every 4 years—

(A) to determine whether the program is achieving the objectives of improving the foundation and practice of forensic science in the United States; and

(B) to evaluate the extent to which the program is contributing toward the priorities and objectives described in the roadmap under section 4(c)(2)(B).

(2) REPORT TO CONGRESS.—The Director of the National Science Foundation shall report to Congress the results of each comprehensive evaluation under paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) $34,000,000 for fiscal year 2013;

(2) $37,000,000 for fiscal year 2014;

(3) $40,000,000 for fiscal year 2015;

(4) $43,000,000 for fiscal year 2016; and

(5) $46,000,000 for fiscal year 2017.

SEC. 6. FORENSIC SCIENCE RESEARCH CHALLENGES.

(a) PRIZES AND CHALLENGES.—

(1) IN GENERAL.—A Federal department, agency, or office may assist in satisfying the research needs and priorities identified in the unified Federal research strategy under section 4 by using prizes and challenges under the America COMPETES Reauthorization Act (124 Stat. 3982) or under any other provision of law, as appropriate.

(2) PURPOSES.—The purpose of a prize or challenge under this section, among other possible purposes, may be—

(A) to determine or develop the best data collection practices or analytical methods to evaluate a specific type of forensic data; or

(B) to determine the accuracy of an analytical method.

(b) FORENSIC EVIDENCE PRIZES AND CHALLENGES.—

(1) IN GENERAL.—A Federal department, agency, or office, or multiple Federal departments, agencies, or offices in cooperation, carrying out a prize or challenge under this section—

(A) may establish a prize advisory board; and

(B) shall select each member of the prize advisory board with input from relevant Federal departments, agencies, or offices.

(2) PRIZE ADVISORY BOARD.—The prize advisory board shall—

(A) identify 1 or more types of forensic evidence for purposes of a prize or challenge;

(B) using the samples under paragraph (3), recommend how to structure a prize or challenge that requires a competitor to develop a forensic data collection practice, an analytical method, or a relevant approach or technology to be tested relative to a known outcome or other proposed judging methodology; and

(C) through the Coordinating Office, advise relevant Federal departments, agencies, or offices in designing prizes or challenges that satisfy the research needs and priorities identified in the unified Federal research strategy under section 4.

(3) SAMPLES.—The National Institute of Standards and Technology or the Department of Justice shall provide or contract with a non-Federal party to prepare, for each type of forensic evidence under paragraph (2)(A), a sufficient set of samples, including associated digital data that could be shared without limitation and physical specimens that could be shared with qualified parties, for purposes of a prize or challenge.

(4) FINGERPRINT DATA INTEROPERABILITY.—At least 1 prize or challenge under this section shall be focused on achieving nationwide fingerprint data interoperability if the prize advisory board, the Coordinating Office, or a Federal department, agency, or office identifies an area where a prize or challenge will assist in satisfying a strategy related to this issue.

SEC. 7. FORENSIC SCIENCE STANDARDS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Institute of Standards and Technology shall—

(A) identify or coordinate the development of forensic science standards to enhance the validity and reliability of forensic science activities, including—

(i) authoritative methods, standards, and technical guidance, including protocols and best practices, for forensic measurements, analysis, and interpretation;

(ii) technical standards for products and services used by forensic science practitioners;

(iii) standard content, terminology, and parameters to be used in reporting and testifying on the results and interpretation of forensic science measurements, tests, and procedures; and

(iv) standards to provide for the interoperability of forensic science-related technology and databases;

(B) test and validate existing forensics standards, as appropriate; and

(C) provide independent validation of forensic science measurements and methods.

(2) CONSULTATION.—

(A) IN GENERAL.—In carrying out its responsibilities under paragraph (1), the National Institute of Standards and Technology shall consult with—

(i) standards development organizations and other stakeholders, including relevant Federal departments, agencies, and offices; and

(ii) testing laboratories and accreditation bodies to ensure that products and services meet necessary performance levels.

(3) PRIORITIZATION.—When prioritizing its responsibilities under paragraph (1), the National Institute of Standards and Technology shall consider—

(A) the unified Federal research strategy under section 4; and

(B) the recommendations of any expert working group under subsection (b).

(4) REPORT TO CONGRESS.—The Director of the National Institute of Standards and Technology shall report annually, with the President's budget request, to Congress on the progress in carrying out the National Institute of Standards and Technology's responsibilities under paragraph (1).

(b) EXPERT WORKING GROUPS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology may establish 1 or more discipline-specific expert working groups to identify gaps, areas of need, and opportunities for standards development with respect to forensic science.

(2) MEMBERS.—A member of an expert working group shall—

(A) be appointed by the Director of the National Institute of Standards and Technology;

(B) have significant academic, research, or practical expertise in a discipline of forensic science or in another area relevant to the purpose of the expert working group; and

(C) balance scientific rigor with practical and regulatory constraints.

(3) FEDERAL ADVISORY COMMITTEE ACT.—An expert working group established under this subsection shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this section—

(1) $5,000,000 for fiscal year 2013;

(2) $12,000,000 for fiscal year 2014;

(3) $20,000,000 for fiscal year 2015;

(4) $27,000,000 for fiscal year 2016; and

(5) $35,000,000 for fiscal year 2017.

SEC. 8. FORENSIC SCIENCE ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the National Institute of Standards and Technology and the Attorney General, in collaboration with the Director of the National Science Foundation, shall establish a Forensic Science Advisory Committee.

(b) DUTIES.—The Advisory Committee shall provide advice to—

(1) the Federal departments, agencies, and offices implementing the unified Federal research strategy under section 4;

(2) the National Institute of Standards and Technology, including recommendations regarding the National Institute of Standards and Technology's responsibilities under section 7; and

(3) the Department of Justice, including recommendations regarding the Department of Justice's responsibilities under section 9.

(c) SUBCOMMITTEES.—The Advisory Committee may form subcommittees related to specific disciplines in forensic science or as necessary to further its duties under subsection (b). A subcommittee may include an individual who is not a member of the Advisory Committee.

(d) CHAIRS.—The Director of the National Institute of Standards and Technology and the Attorney General, or their designees, shall co-chair the Advisory Committee.

(e) MEMBERSHIP.—The Director of the National Institute of Standards and Technology and the Attorney General, in consultation with the Director of the National Science Foundation, shall appoint each member of the Advisory Committee. The Advisory Committee shall include balanced representation between forensic science disciplines (including academic scientists, statisticians, social scientists, engineers, and representatives of other related scientific disciplines) and relevant forensic science applications (including Federal, State, and local representatives of the forensic science community, the legal community, victim advocate organizations, and law enforcement).

(f) ADMINISTRATION.—The Attorney General shall provide administrative support to the Advisory Committee.

(g) FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee established under this section shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 9. ADOPTION, ACCREDITATION, AND CERTIFICATION.

The Attorney General—

(1) shall promote the adoption of forensic science standards developed under section 7, including—

(A) by requiring each Federal forensic laboratory to adopt the forensic science standards;

(B) by encouraging each non-Federal forensic laboratory to adopt the forensic science standards;

(C) by promoting accreditation and certification requirements based on the forensic science standards; and

(D) by promoting any recommendations made by the Advisory Committee for adoption and implementation of forensic science standards; and

(2) may promote the adoption of the forensic science standards as a condition of Federal funding or for inclusion in national data sets.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY FUNCTIONS.

Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) to identify and coordinate the development of forensic science standards to enhance the validity and reliability of forensic science activities.''.

By Mr. DURBIN (for himself, Mr. FRANKEN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BROWN of Ohio):

S. 3381. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. 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. 3381

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Employees and Retirees in Business Bankruptcies Act of 2012''.

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

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Business bankruptcies have increased sharply in recent years and remain at high levels. These bankruptcies include several of the largest business bankruptcy filings in history. As the use of bankruptcy has expanded, job preservation and retirement security are placed at greater risk.

(2) Laws enacted to improve recoveries for employees and retirees and limit their losses in bankruptcy cases have not kept pace with the increasing and broader use of bankruptcy by businesses in all sectors of the economy. However, while protections for employees and retirees in bankruptcy cases have eroded, management compensation plans devised for those in charge of troubled businesses have become more prevalent and are escaping adequate scrutiny.

(3) Changes in the law regarding these matters are urgently needed as bankruptcy is used to address increasingly more complex and diverse conditions affecting troubled businesses and industries.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

SEC. 101. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''$10,000'' and inserting ''$20,000'';

(B) by striking ''within 180 days''; and

(C) by striking ''or the date of the cessation of the debtor's business, whichever occurs first,'';

(2) in paragraph (5)(A), by striking—

(A) ''within 180 days''; and

(B) ''or the date of the cessation of the debtor's business, whichever occurs first''; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by $20,000.''.

SEC. 102. CLAIM FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))) for the benefit of an individual who is not an insider, a senior executive officer, or any of the 20 next most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to either employer contributions by the debtor or an affiliate of the debtor, or elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon, if an employer or plan sponsor who has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.''.

SEC. 103. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor (but not under an individual contract of employment), or owed pursuant to a collective bargaining agreement, for layoff or termination on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment; and''.

SEC. 104. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code is amended—

(1) by adding at the end the following:

''(17) The plan provides for recovery of damages payable for the rejection of a collective bargaining agreement, or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 (to the extent that such returns are paid under, rather than outside of, a plan).''; and

(2) by striking paragraph (13) and inserting the following:

''(13) With respect to retiree benefits, as that term is defined in section 1114(a), the plan—

''(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time before the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or if no modifications are made before confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor before the date of the filing of the petition; and

''(B) provides for recovery of claims arising from the modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).''.

SEC. 105. PRIORITY FOR WARN ACT DAMAGES.

Section 503(b)(1)(A)(ii) of title 11, United States Code is amended to read as follows:

''(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay or damages attributable to any period of time occurring after the date of commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which the award is based or to whether any services were rendered on or after the commencement of the case, including an award by a court under section 2901 of title 29, United States Code, of up to 60 days' pay and benefits following a layoff that occurred or commenced at a time when such award period includes a period on or after the commencement of the case, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case under this title.''.

TITLE II—REDUCING EMPLOYEES' AND RETIREES' LOSSES

SEC. 201. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

''(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with this section. Hereinafter in this section, a reference to the trustee includes a reference to the debtor in possession.

''(b) No provision of this title shall be construed to permit the trustee to unilaterally terminate or alter any provision of a collective bargaining agreement before complying with this section. The trustee shall timely pay all monetary obligations arising under the terms of the collective bargaining agreement. Any such payment required to be made before a plan confirmed under section 1129 is effective has the status of an allowed administrative expense under section 503.

''(c)(1) If the trustee seeks modification of a collective bargaining agreement, then the trustee shall provide notice to the labor organization representing the employees covered by the agreement that modifications are being proposed under this section, and shall promptly provide an initial proposal for modifications to the agreement. Thereafter, the trustee shall confer in good faith with the labor organization, at reasonable times and for a reasonable period in light of the complexity of the case, in attempting to reach mutually acceptable modifications of such agreement.

''(2) The initial proposal and subsequent proposals by the trustee for modification of a collective bargaining agreement shall be based upon a business plan for the reorganization of the debtor, and shall reflect the most complete and reliable information available. The trustee shall provide to the labor organization all information that is relevant for negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the labor organization to evaluate the trustee's proposals and any application for rejection of the agreement or for interim relief pursuant to this section.

''(3) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, modifications proposed by the trustee—

''(A) shall be proposed only as part of a program of workforce and nonworkforce cost

savings devised for the reorganization of the debtor, including savings in management personnel costs;

''(B) shall be limited to modifications designed to achieve a specified aggregate financial contribution for the employees covered by the agreement (taking into consideration any labor cost savings negotiated within the 12-month period before the filing of the petition), and shall be not more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

''(C) shall not be disproportionate or overly burden the employees covered by the agreement, either in the amount of the cost savings sought from such employees or the nature of the modifications.

''(d)(1) If, after a period of negotiations, the trustee and the labor organization have not reached an agreement over mutually satisfactory modifications, and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the labor organization representing the employees covered by the agreement. Only the debtor and the labor organization may appear and be heard at such hearing. An application for rejection shall seek rejection effective upon the entry of an order granting the relief.

''(2) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, the court may grant a motion seeking rejection of a collective bargaining agreement only if, based on clear and convincing evidence—

''(A) the court finds that the trustee has complied with the requirements of subsection (c);

''(B) the court has considered alternative proposals by the labor organization and has concluded that such proposals do not meet the requirements of paragraph (3)(B) of subsection (c);

''(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the labor organization are not likely to produce an agreement;

''(D) the court finds that implementation of the trustee's proposal shall not—

''(i) cause a material diminution in the purchasing power of the employees covered by the agreement;

''(ii) adversely affect the ability of the debtor to retain an experienced and qualified workforce; or

''(iii) impair the debtor's labor relations such that the ability to achieve a feasible reorganization would be compromised; and

''(E) the court concludes that rejection of the agreement and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term.

''(3) If the trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subsection (c)(3)(C).

''(4) In no case shall the court enter an order rejecting a collective bargaining agreement that would result in modifications to a level lower than the level proposed by the trustee in the proposal found by the court to have complied with the requirements of this section.

''(5) At any time after the date on which an order rejecting a collective bargaining agreement is entered, or in the case of an agreement entered into between the trustee and the labor organization providing mutually satisfactory modifications, at any time after such agreement has been entered into, the labor organization may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request only if the increase or other relief is not inconsistent with the standard set forth in paragraph (2)(E).

''(e) During a period in which a collective bargaining agreement at issue under this section continues in effect, and if essential to the continuation of the debtor's business or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by the collective bargaining agreement. Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee. The implementation of such interim changes shall not render the application for rejection moot.

''(f) Rejection of a collective bargaining agreement constitutes a breach of the agreement, and shall be effective no earlier than the entry of an order granting such relief. Notwithstanding the foregoing, solely for purposes of determining and allowing a claim arising from the rejection of a collective bargaining agreement, rejection shall be treated as rejection of an executory contract under section 365(g) and shall be allowed or disallowed in accordance with section 502(g)(1). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by a labor organization shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (d) or pursuant to subsection (e), and no provision of this title or of any other provision of Federal or State law may be construed to the contrary.

''(g) The trustee shall provide for the reasonable fees and costs incurred by a labor organization under this section, upon request and after notice and a hearing.

''(h) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.''.

SEC. 202. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting '', whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program'' before the period at the end;

(2) in subsection (b)(2), by inserting after ''section'' the following: '', and a labor organization serving as the authorized representative under subsection (c)(1),'';

(3) in subsection (f), by striking ''(f)'' and all that follows through paragraph (2) and inserting the following:

''(f)(1) If a trustee seeks modification of retiree benefits, then the trustee shall provide a notice to the authorized representative that modifications are being proposed pursuant to this section, and shall promptly provide an initial proposal. Thereafter, the trustee shall confer in good faith with the authorized representative at reasonable times and for a reasonable period in light of the complexity of the case in attempting to reach mutually satisfactory modifications.

''(2) The initial proposal and subsequent proposals by the trustee shall be based upon a business plan for the reorganization of the debtor and shall reflect the most complete and reliable information available. The trustee shall provide to the authorized representative all information that is relevant for the negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the authorized representative to evaluate the trustee's proposals and an application pursuant to subsection (g) or (h).

''(3) Modifications proposed by the trustee—

''(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

''(B) shall be limited to modifications that are designed to achieve a specified aggregate financial contribution for the retiree group represented by the authorized representative (taking into consideration any cost savings implemented within the 12-month period before the date of filing of the petition with respect to the retiree group), and shall be no more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

''(C) shall not be disproportionate or overly burden the retiree group, either in the amount of the cost savings sought from such group or the nature of the modifications.'';

(4) in subsection (g)—

(A) by striking ''(g)'' and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

''(g)(1) If, after a period of negotiations, the trustee and the authorized representative have not reached agreement over mutually satisfactory modifications and further negotiations are not likely to produce mutually satisfactory modifications, then the trustee may file a motion seeking modifications in the payment of retiree benefits after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the authorized representative. Only the debtor and the authorized representative may appear and be heard at such hearing.

''(2) The court may grant a motion to modify the payment of retiree benefits only if, based on clear and convincing evidence—

''(A) the court finds that the trustee has complied with the requirements of subsection (f);

''(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do

not meet the requirements of subsection (f)(3)(B);

''(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the authorized representative are not likely to produce a mutually satisfactory agreement;

''(D) the court finds that implementation of the proposal shall not cause irreparable harm to the affected retirees; and

''(E) the court concludes that an order granting the motion and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or a successor to the debtor) in the short term.

''(3) If a trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly-compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subparagraph (f)(3)(C).''; and

(B) by striking ''except that in no case'' and inserting the following:

''(4) In no case''; and

(5) by striking subsection (k) and redesignating subsections (l) and (m) as subsections (k) and (l), respectively.

SEC. 203. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.''.

SEC. 204. CLAIM FOR PENSION LOSSES.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(l) The court shall allow a claim asserted by an active or retired participant, or by a labor organization representing such participants, in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.

''(m) The court shall allow a claim of a kind described in section 101(5)(C) by an active or retired participant in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))), or by a labor organization representing such participants. The amount of such claim shall be measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case.''.

SEC. 205. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: ''If employees have not received wages, accrued vacation, severance, or other benefits owed under the policies and practices of the debtor, or pursuant to the terms of a collective bargaining agreement, for services rendered on and after the date of the commencement of the case, then such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or a successor or predecessor in interest.''.

SEC. 206. PRESERVATION OF JOBS AND BENEFITS.

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

''SEC. 1100. STATEMENT OF PURPOSE.

''A debtor commencing a case under this chapter shall have as its principal purpose the reorganization of its business to preserve going concern value to the maximum extent possible through the productive use of its assets and the preservation of jobs that will sustain productive economic activity.'';

(2) in section 1129(a), as amended by section 104, by adding at the end the following:

''(18) The debtor has demonstrated that the reorganization preserves going concern value to the maximum extent possible through the productive use of the debtor's assets and preserves jobs that sustain productive economic activity.'';

(3) in section 1129(c), by striking the last sentence and inserting the following: ''If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm—

''(1) consider the extent to which each plan would preserve going concern value through the productive use of the debtor's assets and the preservation of jobs that sustain productive economic activity; and

''(2) confirm the plan that better serves such interests.

A plan that incorporates the terms of a settlement with a labor organization representing employees of the debtor shall presumptively constitute the plan that satisfies this subsection.''; and

(4) in the table of sections for chapter 11, by inserting the following before the item relating to section 1101:

''1100. Statement of purpose.''.

SEC. 207. TERMINATION OF EXCLUSIVITY.

Section 1121(d) of title 11, United States Code, is amended by adding at the end the following:

''(3) For purposes of this subsection, cause for reducing the 120-day period or the 180-day period includes the following:

''(A) The filing of a motion pursuant to section 1113 seeking rejection of a collective bargaining agreement if a plan based upon an alternative proposal by the labor organization is reasonably likely to be confirmed within a reasonable time.

''(B) The proposed filing of a plan by a proponent other than the debtor, which incorporates the terms of a settlement with a labor organization if such plan is reasonably likely to be confirmed within a reasonable time.''.

SEC. 208. CLAIM FOR WITHDRAWAL LIABILITY.

Section 503(b) of title 11, United States Code, as amended by section 103 of this Act, is amended by adding at the end the following:

''(11) with respect to withdrawal liability owed to a multiemployer pension plan for a complete or partial withdrawal pursuant to section 4201 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381) where such withdrawal occurs on or after the commencement of the case, an amount equal to the amount of vested benefits payable from such pension plan that accrued as a result of employees' services rendered to the debtor during the period beginning on the date of commencement of the case and ending on the date of the withdrawal from the plan.''.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

SEC. 301. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following: ''Except for compensation subject to review under paragraph (5), payments or other distributions under the plan to or for the benefit of insiders, senior executive officers, and any of the 20 next most highly compensated employees or consultants providing services to the debtor, shall not be approved except as part of a program of payments or distributions generally applicable to employees of the debtor, and only to the extent that the court determines that such payments are not excessive or disproportionate compared to distributions to the debtor's nonmanagement workforce.''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking ''and'' at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting the following: ''; and

''(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court as reasonable when compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 302. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting '', a senior executive officer, or any of the 20 next most highly compensated employees or consultants'' after ''an insider'';

(B) by inserting ''or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,'' after ''remain with the debtor's business,''; and

(C) by inserting ''clear and convincing'' before ''evidence in the record''; and

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

''(3) other transfers or obligations, to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the debtor's request for such payments, that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that

the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 303. ASSUMPTION OF EXECUTIVE BENEFIT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''and (d)'' and inserting ''(d), (q), and (r)''; and

(2) by adding at the end the following:

''(q) No deferred compensation arrangement for the benefit of insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days before the date of the commencement of the case.

''(r) No plan, fund, program, or contract to provide retiree benefits for insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if the debtor has obtained relief under subsection (g) or (h) of section 1114 to impose reductions in retiree benefits or under subsection (d) or (e) of section 1113 to impose reductions in the health benefits of active employees of the debtor, or reduced or eliminated health benefits for active or retired employees within 180 days before the date of the commencement of the case.''.

SEC. 304. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

''SEC. 563. RECOVERY OF EXECUTIVE COMPENSATION.

''(a) If a debtor has obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, by which the debtor reduces the cost of its obligations under a collective bargaining agreement or a plan, fund, or program for retiree benefits as defined in section 1114(a), the court, in granting relief, shall determine the percentage diminution in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement, or with respect to retiree benefits, as of the date of the commencement of the case under this title before granting such relief. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under of such Act as a result of any such termination.

''(b) If a defined benefit pension plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, then the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities before such termination. The court shall not take into account pension benefits paid or payable under title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

''(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a nonqualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman or lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 or, if no such relief has been granted, the termination of the defined benefit plan.

''(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

''(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section.''.

SEC. 305. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate.''.

TITLE IV—OTHER PROVISIONS

SEC. 401. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting '', including a labor organization,'' after ''A creditor''.

SEC. 402. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding.''.

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. LEE, Mr. PAUL, and Mr. COBURN):

S. 3382. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce important regulatory reform legislation.

Recently, when describing the state of our economy, President Obama said that the private sector was ''doing fine.''

I disagree. I think that the American people disagree with the President's statement.

There are 12.7 million Americans unemployed and another 8.2 million underemployed. 5.4 million Americans have been unemployed for 27 weeks or more.

That's not ''doing fine.''

The Federal Government needs to do everything possible to create an environment that will allow private sector employers to create jobs. To accomplish that, common sense would tell us that the government needs to remove barriers to job creation rather than erect new ones. The Federal Government needs to listen to employers so it can learn from them exactly what it can do to help.

Unfortunately, the Obama administration hasn't listened. In fact, unbelievably it is actually doing the opposite of what employers are saying they need.

Employers are saying that they need relief from job killing regulations.

For example, according to a Gallup survey, small-business owners in the United States are most likely to say that complying with government regulations is the biggest problem facing them today.

Indeed, the burden of regulations is overwhelming. Recently, the Small Business Administration estimated that the Federal regulatory burden has reached $1.75 trillion per year.

So what has the Obama administration's response been?

It is planning to increase the number of regulations.

The Obama administration's regulatory agenda has thousands of regulations in its production line, more than a hundred of which will have a major impact on the economy. Those are on

top of more than one thousand regulations already completed.

I am sorry to say that the news gets even worse. On top of the thousands of new regulations it to impose, it appears that the administration is trying to get around the procedures governing how regulations are enacted.

In recent years, consent decrees and settlement agreements have been used to circumvent the laws and procedures that govern how regulations are enacted and to speed up the process in ways that limit the public's ability to fully participate and to exercise the rights guaranteed by our laws.

These consent decrees or settlement agreements may come as a surprise to the regulated industry and the public. They usually establish truncated deadlines for the agency to promulgate a regulation.

The lack of advance notice and the expedited schedule for the proposal and promulgation of regulations allows an agency to avoid the input that comes with meaningful public participation. It may also allow agencies to short-circuit the analytical requirements of regulatory process statutes, such as the Administrative Procedure Act. Expedited deadlines further allow agencies to undercut the review of proposed regulations by the Office of Management and Budget's Office of Information and Regulatory Affairs OIRA.

The practice of using consent decrees and settlement agreements to enact regulations has become known as ''sue-and-settle'' litigation.

The dangers of sue-and-settle litigation and of government by consent decree are not a new problem.

Nearly 30 years ago, Judge Malcom Wilkey of the D.C. Circuit warned about the dangers of collusive consent decrees. In his dissenting opinion in Citizens for a Better Environment v. Gorsuch, Judge Wilkey explained:

> Government by consent decree enshrines at its very center those special interest groups who are party to the decree. They stand in a strong tactical position to oppose changing the decree, and so likely will enjoy material influence on proposed changes in agency policy.
>
> As a policy device, then, government by consent decree serves no necessary end. It opens the door to unforeseeable mischief; it degrades the institutions of representative democracy and augments the power of special interest groups. It does all of this in a society that hardly needs new devices that emasculate representative democracy and strengthen the power of special interests.

Because the Obama administration is trying to dramatically increase the number of regulations, we must make sure that the laws and procedures governing rulemaking are followed and followed in a meaningful way.

The debate about sue-and-settle litigation is important because it raises questions about fairness, transparency and public participation in administrative rulemaking. It also raises the issue of whether meaningful judicial review is taking place.

Under the Administrative Procedure Act and other laws, the public and affected persons, in particular, have a right to adequate notice and an opportunity to comment on a proposed regulation. They also have a right to have their comments fully considered.

However, when sue-and-settle litigation is used real, public participation is effectively eliminated.

Generally speaking, the agreement on how to regulate is reached without the full input of the people and businesses that are affected. Discussions are held and agreements may be reached between government officials and special interest groups outside the public process. This is particularly true where career employees and political appointees at agencies share the agenda of the special interest group suing the agency and use the lawsuit as an opportunity to implement their common goals.

Also, the negotiated deadlines for creating the new regulation can be so accelerated that the public's comments might receive little or no true consideration.

Keep in mind that these regulations often involve complex scientific and economic issues. Those issues cannot generally be fully and properly considered under a truncated time frame.

Another fundamental aspect of rulemaking is the opportunity to challenge a decision by participating as an intervenor. However, with sue-and-settle litigation, special interest groups and the government may reach an agreement before a lawsuit is even filed. This eliminates the opportunity for members of the public to intervene in the case to protect their interests.

Even where a settlement occurs after affected parties may have been granted intervention, these parties have little or no chance to participate in settlement discussions because they are not invited by the government and the special interest groups.

Moreover, when an agency creates a regulation through sue-and-settle litigation, it reorganizes its work by promising to take specific actions at specific times, before or instead of other projects that may be of greater benefit to the public.

Also, sue-and-settle litigation helps officials and administrations to avoid accountability. Instead of having to answer to the public for controversial regulations and policy decisions, officials are able to point to a court order and maintain that they were required or forced to promulgate a controversial regulation.

The case of American Nurses Association v. Jackson is an example of the sue-and-settle phenomenon.

In that case, a group of environmental organizations sued the Environmental Protection Agency, EPA, in December 2008, challenging the agency's failure to create emissions standards for pollutants from power plants under the Clean Air Act. Subsequently, the Utility Air Regulatory Group, UARG, representing the utility industry, intervened as a defendant in the case.

On October 22, 2009, the plaintiffs and the EPA filed a proposed consent decree. It was the result of a deal struck exclusively between them. They did not include the UARG in their discussions. Although the judge expressed concerns about the exclusion of the UARG from the settlement discussions, she was satisfied when the plaintiffs and the EPA informed her that this practice was the ''norm.''

Under the consent decree, the EPA conceded that it had failed to perform a mandatory duty under the Clean Air Act by failing to issue a ''maximum achievable control technology'', MACT, regulation for power plants. The EPA pledged that it would issue a proposed regulation by March 16, 2011 and a final regulation by November 16, 2011.

The UARG objected to the consent decree. It argued that the proposed decree improperly limited the government's discretion because it required the EPA to find that standards under 112(d) of the Clean Air Act were required. Consequently, the decree prevented the agency from either declining to issue standards or adopting other standards instead of the more burdensome MACT standard.

Although acknowledging the significance of the UARG's arguments, the judge nevertheless rejected them in its short opinion approving the consent decree.

As to the language limiting the EPA's discretion in the rulemaking, the judge stated that the EPA believed itself to be obligated to promulgate 112(d) standards and, ''and by entering this consent decree the Court [wa]s only accepting the parties' agreement to settle, not adjudicating whether EPA's legal position [wa]s correct.'' The judge simply believed that ''[i]f necessary, [the] UARG c[ould] challenge [the] EPA's final rule and its legal position.''

With regard to the UARG's argument that the time frame within which the EPA proposed to carry out the rulemaking was insufficient, the judge noted that she ''appreciate[d]'' the concern that the schedule was too short for the critical and expensive regulatory decisions that would be made. Nevertheless, she held that it was enough that the proposed consent decree allowed for a change of the schedule if needed.

The judge's reasoning on this point was interesting given that she acknowledged in a footnote that under the consent decree, the UARG could not petition for an extension of the deadlines.

In the end, the judge acknowledged that the concerns raised by the UARG were not insubstantial. However, she did not believe that she could gauge the adequacy, or lack thereof, of the schedule. Consequently, in a somewhat cavalier manner the judge concluded that: ''[s]hould haste make waste, the resulting regulations will be subject to successful challenge''. . . . If EPA needs more time to get it right, it can seek more time.''

Unfortunately, it appears that the EPA's proposed regulation contained significant errors. Indeed, the EPA did not analyze the impact of its regulation on electric reliability or provide sufficient time for industry to do so.

In November of 2011, the UARG brought its concerns to the judge, asking for relief from the consent decree.

In particular, it argued that more time was needed to respond to the voluminous comments submitted during the rulemaking process, to fix the serious flaws, and to then more carefully consider the promulgation of a rule with such serious and far-reaching consequences. For example, the schedule under the consent decree only allowed 104 days for the EPA to consider and respond to 20,000 unique, public comments received before it published the final rule. In total, there were 960,000 comments submitted.

The UARG's motion was supported by twenty-four states and Governor Terry Branstad on behalf of the people of Iowa. As part of their amicus brief, they pointed out that the American Coalition for Clean Coal Electricity, ACCCE, had estimated that the rule promulgated under the consent decree would result in the loss of 1.44 million jobs in the United States between 2013 and 2020. Because of the rule, the ACCCE also predicts national electricity price increases in 2016 to average 11.5 percent, with an increase of 23.5 percent in some regions.

The EPA issued a final rule on December 21, 2011, and has argued that the UARG's motion is moot.

As it stands, the rule is among the most costly of rules ever promulgated by the EPA with the agency estimating that the annualized cost at $9.6 billion in 2015. Industry estimates are even higher. Petitions for reconsideration of the rule are pending and more lawsuits are likely.

The EPA could have done it right the first time by crafting a sensible, workable rule that both protects the environment and can be implemented without causing unnecessary job losses or higher electricity prices for hard-working families. Instead, we have flawed, controversial regulation that may have to be rewritten.

Although we don't know how this will all turn out, we have to remember that the process by which this rule was created was the product of a consent decree.

In sum, when special interest groups and agencies engage in sue-and-settle litigation, the end product is a regulation that implements the priorities of the special interest groups. Moreover, these regulations are created under schedules that render notice-and-comment rights a mere formality, eliminating the opportunities for regulated entities, the public and the OIRA to have any input on the content of final regulations.

That is why I'm introducing the Sunshine for Regulatory Decrees and Settlements Act of 2012. Senators KYL, CORNYN, COBURN, LEE and PAUL are cosponsors of the bill.

Representative BENJAMIN QUAYLE of Arizona has introduced a companion bill in the House.

The Sunshine bill endeavors to solve the problems I have outlined. It does this by enacting reasonable pro-transparency measures. I'll just outline a few of those measures.

First, the Sunshine bill provides for greater transparency, requiring agencies publicly to post and report to Congress information on sue-and-settle complaints, decrees and settlements.

Second, the bill prohibits same-day filing of complaints and pre-negotiated consent decrees and settlement agreements in cases seeking to compel agency action. Instead, it requires that consent decrees and settlement agreements be filed only after interested parties have been able to intervene in the litigation and join settlement negotiations and only after any proposed decree or settlement has been published for notice and comment.

Third, the Sunshine bill requires courts considering whether to approve proposed consent decrees and settlement agreements to account for public comments and compliance with regulatory process statutes and executive orders. This bill would facilitate public participation by allowing comment on any issue related to the matters alleged in the complaint or addressed in the proposed agreement. Government agencies would be required to respond to comments, and the court would assess whether the proposed schedule allows sufficient time for real and meaningful, public comment on the regulation.

Fourth, the bill requires the Attorney General or, where appropriate, the defendant agency's head, to certify to the court that he or she has approved any proposed consent decree or settlement agreement that includes terms that: convert into a duty a discretionary authority of an agency to propose, promulgate, revise, or amend regulations, commit an agency to expend funds that have not been appropriated and budgeted, commit an agency to seek a particular appropriation or budget authorization, divest an agency of discretion committed to it by statute or the Constitution, or otherwise afford any relief that the court could not enter under its own authority.

Finally, the Sunshine bill makes it easier for succeeding administrations to successfully move the courts for modifications of a prior administration's consent decrees by providing for de novo review of motions to modify if the circumstances have changed.

Sue-and-settle litigation damages the transparency, public participation and judicial review protections Congress has guaranteed for all of our citizens in the rulemaking process.

Regulations are laws. The procedure and process used to create them are important. They are part of our system. The American system of lawmaking and judicial review is a model for the world. Our system should not be distorted or manipulated.

Regulations must be made in the open, through the procedures and processes established under our laws.

The Sunshine for Regulatory Decrees and Settlements Act will help to ensure that established and well-grounded protections remain in place, while maintaining the government's ability to enter into consent decrees and settlement agreements, when appropriate.

I urge all of my colleagues to work with me and to support this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2532. Mr. VITTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 2533. Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2534. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2535. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2536. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2537. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2538. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2539. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2540. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2541. Mr. PAUL submitted an amendment intended to be proposed by him to the

bill S. 2237, supra; which was ordered to lie on the table.

SA 2542. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2543. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2544. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2545. Mr. MANCHIN (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2546. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2547. Mr. ROBERTS (for himself, Mr. HATCH, Mr. RUBIO, Mr. BURR, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. COBURN, Mr. ALEXANDER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2548. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2549. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2550. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2551. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2552. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2553. Mr. REID (for Mrs. GILLIBRAND (for herself, Mr. ISAKSON, Mr. CHAMBLISS, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2527, to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

TEXT OF AMENDMENTS

SA 2532. Mr. VITTER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.

Section 3506 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), is amended by adding at the end the following:

''(j) SMALL BUSINESSES.—

''(1) SMALL BUSINESS CONCERN.—In this subsection, the term 'small business concern' has the same meaning given as in section 3 of the Small Business Act (15 U.S.C. 632).

''(2) IN GENERAL.—In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of the agency shall not impose a civil fine on the small business concern unless the head of the agency determines that—

''(A) the violation has the potential to cause serious harm to the public interest;

''(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

''(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

''(D) the violation was not corrected on or before the date that is 6 months after the date on which the small business concern receives notification of the violation in writing from the agency; or

''(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

''(3) DANGER TO PUBLIC HEALTH OR SAFETY.—

''(A) IN GENERAL.—In any case in which the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (2)(E), determine not to impose a civil fine on the small business concern if the violation is corrected not later than 24 hours after receipt by the owner of the small business concern of notification of the violation in writing.

''(B) CONSIDERATIONS.—In determining whether to allow a small business concern 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all of the facts and circumstances regarding the violation, including—

''(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

''(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

''(iii) whether the small business concern has obtained a significant economic benefit from the violation.

''(C) NOTICE TO CONGRESS.—In any case in which the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not allow the small business concern 24 hours to correct the violation under subparagraph (A), the head of the agency shall notify Congress regarding the determination not later than 60 days after the date on which the civil fine is imposed by the agency.

''(4) LIMITED TO FIRST-TIME VIOLATIONS.—

''(A) IN GENERAL.—This subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by an agency if the small business concern previously violated any requirement regarding collection of information by the agency.

''(B) OTHER AGENCIES.—For purposes of making a determination under subparagraph (A), the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.''.

SA 2533. Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROTECTING PATIENTS FROM HIGHER PREMIUMS.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is repealed.

SA 2534. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. NO MORTGAGE INTEREST DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 163(h)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

''(i) IN GENERAL.—Except as provided in clause (ii), no deduction shall be allowed by reason of paragraph (2)(D) for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(ii) TERMINATION.—Clause (i) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. __. NO RENTAL EXPENSE DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 212 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

''Paragraph (2) shall not apply for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year. The preceding sentence shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and

Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. __. NO GAMBLING LOSS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 165(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''In the case of a taxpayer with an adjusted gross income equal to or greater than $1,000,000 for the taxable year, the preceding sentence shall not apply for any taxable year beginning before the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. __. NO DISCHARGE OF INDEBTEDNESS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 108 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no exclusion shall be allowed by reason of this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. __. NO ELECTRIC PLUG-IN VEHICLE TAX CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 30D(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no credit described in subsection (c)(2) shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. __. NO HOUSEHOLD AND DEPENDENT CARE CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. __. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than $1,000,000 for such taxable year.

''(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 2535. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING HIGHER INCOME INDIVIDUALS TO PAY MORE FOR THEIR SHARE OF MEDICARE PART B.

(a) IN GENERAL.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended by adding at the end the following new subsection:

''(j) PAYMENT OF UNSUBSIDIZED PART B PREMIUM AMOUNT BY HIGHER INCOME INDIVIDUALS.—

''(1) IN GENERAL.—In the case of an individual whose modified adjusted gross income exceeds the applicable amount described in paragraph (2), the monthly premium determined under subsection (a) for a month after December 2012 shall be equal to the unsubsidized part B premium amount, adjusted as required in accordance with subsections (b), (c), and (f), and to reflect any credit under section 1854(b)(1)(C)(ii)(III).

''(2) APPLICABLE AMOUNT DESCRIBED.—

''(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (C), the applicable amount described in this paragraph is $150,000.

''(B) JOINT RETURNS.—In the case of a joint return, subparagraph (A) shall be applied by substituting a dollar amount which is twice the dollar amount otherwise applicable under such subparagraph for the calendar year.

''(C) INFLATION ADJUSTMENT.—In the case of any calendar year beginning after 2013, each dollar amount in this paragraph shall be increased as described in subsection (i)(5).

''(3) DEFINITIONS.—In this subsection:

''(A) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' has the meaning given such term in subparagraph (A) of subsection (i)(4), determined for the taxable year applicable under subparagraphs (B) and (C) of such section.

''(B) UNSUBSIDIZED PART B PREMIUM AMOUNT.—The term 'unsubsidized part B premium amount' means 200 percent of the monthly actuarial rate for enrollees age 65 and over (as determined under subsection (a)(1) for the year).''.

(b) CONFORMING AMENDMENTS.—(1) Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by inserting '', subject to subsection (j),'' before ''(without regard'' in the first sentence.

(2) The table in section 1839(i)(3)(C) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)) is amended—

(A) in the second line—

(i) by striking ''but not more than $150,000'' and inserting ''but not more than the applicable amount described in subsection (j)(2)''; and

(ii) by adding a period at the end; and

(B) by striking the third and fourth lines.

(3) Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended, in each of subsections (a)(1)(C) and (c), by striking ''section 1839(i)'' and inserting ''subsections (i) and (j) of section 1839''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months after December 2012.

SEC. ___. REQUIRING HIGHER INCOME INDIVIDUALS TO PAY MORE FOR THEIR SHARE OF MEDICARE PART D.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended by adding at the end the following new paragraph:

''(8) PAYMENT OF UNSUBSIDIZED PART D PREMIUM AMOUNT BY HIGHER INCOME INDIVIDUALS.—

''(A) IN GENERAL.—In the case of an individual whose modified adjusted gross income exceeds the applicable amount described in section 1839(j)(2) (including application of subparagraph (C) of such section) for the calendar year, the monthly amount of the beneficiary premium applicable under this section for a month after December 2012 shall be equal to the unsubsidized part D premium amount.

''(B) DEFINITIONS.—In this paragraph:

''(i) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' has the meaning given such term in subparagraph (A) of subsection (i)(4), determined for the taxable year applicable under subparagraphs (B) and (C) of such section.

''(ii) UNSUBSIDIZED PART D PREMIUM AMOUNT.—The term 'unsubsidized part D premium amount' means the national average

monthly bid amount (computed under paragraph (4)) for the month.''.

(b) CONFORMING AMENDMENTS.—Section 1860D–13(a)(1) of the Social Security Act (42 U.S.C. 1395w–113(a)(1)) is amended—

(1) in subparagraph (A), by striking ''The monthly'' and inserting ''Except as provided in paragraph (8), the monthly''; and

(2) in subparagraph (G), by inserting ''and paragraph (8)'' after ''and (F)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months after December 2012.

SA 2536. Mr. COBURN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE BY PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term ''seriously delinquent tax debt'' does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—

(1) GRANTS, CONTRACTS, LOANS, AND OTHER SUBSIDIES.—An individual or entity who has a seriously delinquent tax debt shall be ineligible to receive financial assistance (including any payment, loan, grant, contract, or subsidy) from the Federal government during the pendency of such seriously delinquent tax debt.

(2) TAX CREDITS.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subpart:

''Subpart K—Certain Taxpayers Ineligible for Credits

''Sec. 59AA. Certain taxpayers ineligible for credits.

''SEC. 59AA. CERTAIN TAXPAYERS INELIGIBLE FOR CREDITS.

''Notwithstanding any other provision of this part, no credit shall be allowed to a taxpayer under this part for any taxable year if such taxpayer has seriously delinquent tax debt on the last day of such taxable year.''.

(c) REGULATIONS.—The Secretary of Treasury shall issue such regulations as the Secretary considers necessary to carry out this section.

SA 2537. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF HEALTH INSURANCE TAX.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is repealed.

SA 2538. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. 1-YEAR EXTENSION OF 2012 ESTATE AND GIFT TAX RULES.

(a) IN GENERAL.—Paragraph (2) of section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) CONFORMING AMENDMENT.—Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by inserting ''in the same manner and to the same extent such section applies to the amendments made by title V of such Act'' after ''title''.

SA 2539. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PERMANENT EXTENSION OF 2012 ESTATE AND GIFT TAX RULES.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to—

(a) title V of such Act (relating to estate, gift, and generation-skipping transfer tax provisions), or

(b) title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

SA 2540. Mr. KYL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. MODIFICATIONS TO IMPLEMENTATION OF INCREASES IN TAX RATES ON INVESTMENT INCOME.

(a) RATES ON CAPITAL GAINS AND DIVIDENDS.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended—

(1) by striking ''All'' and inserting the following:

''(a) IN GENERAL.—All'',

(2) by striking ''to taxable years beginning after December 31, 2012'' and inserting ''to the first termination taxable year and to all taxable years after such first termination taxable year'', and

(3) by adding at the end the following new subsection:

''(b) TERMINATION TAXABLE YEAR.—For purposes of this section—

''(1) IN GENERAL.—The term 'termination taxable year' means, with respect to any taxpayer, the later of—

''(A) the first taxable year beginning after December 31, 2012, or

''(B) the first taxable year ending after the date on which both the integrated capital gains rate and the integrated dividend rate do not exceed the average integrated OECD rate.

''(2) INTEGRATED CAPITAL GAINS RATE.—The term 'integrated capital gains rate' means the sum of—

''(A) the highest rate of tax imposed on corporations under section 11 of the Internal Revenue Code of 1986,

''(B) the average of the highest rate of tax imposed on corporations under the laws of the States,

''(C) the highest rate of tax imposed on capital gains under section 1 of such Code, and

''(D) the rate of tax imposed under section 1411 of such Code.

''(3) INTEGRATED DIVIDENDS RATE.—The term 'integrated dividends rate' means the sum of—

''(A) the highest rate of tax imposed on corporations under section 11 of the Internal Revenue Code of 1986,

''(B) the average of the highest rate of tax imposed on corporations under the laws of the States,

''(C) the highest rate of tax imposed on dividends under section 1 of such Code, and

''(D) the rate of tax imposed under section 1411 of such Code.

''(4) AVERAGE INTEGRATED OECD RATE.—The term 'average integrated OECD rate' means the average of the highest rates of tax imposed on corporations (including taxes imposed by regional, local, or sub-central authorities) by countries with membership in the Organisation of Economic Co-operation and Development.''.

(b) ADDITIONAL TAX ON UNEARNED INCOME.—Section 1411(e) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', or'', and by adding at the end the following new paragraph:

''(3) to any other taxpayer for any taxable year ending before the date on which both the integrated capital gains rate and the integrated dividend tax rate do not exceed the average integrated OECD rate (as such terms are defined under section 303(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003).''.

SA 2541. Mr. PAUL submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. PERMANENT REPATRIATION OF FOREIGN EARNINGS TO THE UNITED STATES.

(a) REPATRIATION SUBJECT TO 5 PERCENT TAX RATE.—Subsection (a)(1) of section 965 of the Internal Revenue Code of 1986 is amended

by striking ''85 percent'' and inserting ''85.7 percent''.

(b) PERMANENT EXTENSION TO ELECT REPATRIATION.—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

''(f) ELECTION.—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.''.

(c) REPATRIATION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(b) of such Code is amended by striking paragraphs (2) and (4) and by redesignating paragraph (3) as paragraph (2).

(B) Section 965(c) of such Code is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(C) Paragraph (3) of section 965(c) of such Code, as redesignated by subparagraph (B), is amended to read as follows:

''(3) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.''.

(d) CLERICAL AMENDMENTS.—

(1) The heading for section 965 of the Internal Revenue Code of 1986 is amended by striking ''**TEMPORARY**''.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking ''Temporary dividends'' and inserting ''Dividends''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(f) EMERGENCY RELIEF.—Section 125 of title 23, United States Code, as in effect on October 1, 2012, is amended by adding at the end the following:

''(h) EMERGENCY TRANSPORTATION SAFETY FUND.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Emergency Transportation Safety Fund' (referred to in this section as the 'Fund'), to be administered by the Secretary and to remain available without fiscal year limitation, for use in accordance with paragraph (3).

''(2) TRANSFERS TO FUND.—The Fund shall consist of amounts equal to 50 percent of the total revenues received in the Treasury resulting from the amendments made to section 965 of the Internal Revenue Code of 1986 by the Small Business Jobs and Tax Relief Act.

''(3) USE OF FUND.—

''(A) IN GENERAL.—Subject to subparagraph (E), the Secretary, in consultation with a representative sample of State and local government transportation officials, shall create a prioritized list of emergency transportation projects, which the Secretary shall use to provide funding to States to carry out those projects using amounts from the Fund.

''(B) CRITERIA.—In creating the list under subparagraph (A), the Secretary, in addition to any other criteria established by the Secretary, shall rank priorities in descending order, beginning with—

''(i) whether the project is part of the interstate highway system;

''(ii) whether the project is a road or bridge that is closed for safety reasons;

''(iii) the impact of the project on interstate commerce;

''(iv) the volume of traffic affected by the project; and

''(v) the overall value of the project or entity.

''(C) REPORT.—Not later than 120 days after October 1, 2012, the Secretary shall submit to Congress a report that includes—

''(i) a prioritized list of emergency transportation projects to be funded through the Fund; and

''(ii) a description of the criteria used to establish the list under this subsection.

''(D) QUARTERLY UPDATES.—Not less frequently than 4 times per year, the Secretary shall—

''(i) update the report submitted under subparagraph (C);

''(ii) send a copy of the updated report to Congress; and

''(iii) make a copy of the updated report available to the public on the website of the Department of Transportation.

''(E) USE OF AMOUNTS.—At the end of each fiscal year, the Secretary shall make available all unobligated amounts remaining in the Fund in excess of $500,000,000 to carry out the national highway performance program under section 119.

''(4) ANNUAL REPORTS ON FUND.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2013, the Secretary shall submit to Congress a report on the operation of the Fund during the fiscal year.

''(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

''(i) A statement of the amounts deposited into the Fund.

''(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

''(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.''.

SA 2542. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—FEDERAL RESERVE INDEPENDENCE

SEC. 701. SHORT TITLE.

This title may be cited as the ''Federal Reserve Independence Act''.

SEC. 702. FINDINGS.

Congress finds the following:

(1) In October 2011, the Government Accountability Office found the following:

(A) Allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System.

(B) Eighteen former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis.

(C) Many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions.

(D) Under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in ''hazardous'' condition.

(E) Twenty-one members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System.

(F) The Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

SEC. 703. END CONFLICTS OF INTEREST.

(a) CLASS A MEMBERS.—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking ''chosen by and be representative of the stockholding banks'' and inserting ''designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank''.

(b) CLASS B.—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking ''be elected'' and inserting ''be designated by the Board of Governors of the Federal Reserve System''.

(c) LIMITATIONS ON BOARDS OF DIRECTORS.—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

''No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

''No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.''.

SEC. 704. REPORTS TO CONGRESS.

The Comptroller General of the United States shall report annually to Congress beginning 1 year after the date of enactment of this Act to make sure that the provisions in this title are followed.

SA 2543. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—FEDERAL RESERVE INDEPENDENCE

SEC. __01. SHORT TITLE.

This title may be cited as the ''Federal Reserve Independence Act''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) In October 2011, the Government Accountability Office found the following:

(A) Allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System.

(B) Eighteen former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis.

(C) Many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions.

(D) Under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in ''hazardous'' condition.

(E) Twenty-one members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System.

(F) The Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

SEC. __03. END CONFLICTS OF INTEREST.

(a) CLASS A MEMBERS.—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking ''chosen by and be representative of the stockholding banks'' and inserting ''designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank''.

(b) CLASS B.—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking ''be elected'' and inserting ''be designated by the Board of Governors of the Federal Reserve System''.

(c) LIMITATIONS ON BOARDS OF DIRECTORS.—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

''No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

''No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.''.

SEC. __04. REPORTS TO CONGRESS.

The Comptroller General of the United States shall report annually to Congress beginning 1 year after the date of enactment of this Act to make sure that the provisions in this title are followed.

SA 2544. Mr. WYDEN submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VII—WIRELESS TAX FAIRNESS

SECTION 701. SHORT TITLE.

This title may be cited as the ''Wireless Tax Fairness Act of 2012''.

SEC. 702. FINDINGS.

Congress finds the following:

(1) It is appropriate to exercise congressional enforcement authority under section 5 of the 14th amendment to the Constitution of the United States and Congress' plenary power under article I, section 8, clause 3 of the Constitution of the United States (commonly known as the ''commerce clause'') in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

(2) In light of the history and pattern of discriminatory taxation faced by providers and consumers of mobile services, the prohibitions against and remedies to correct discriminatory State and local taxation in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) provide an appropriate analogy for congressional action, and similar Federal legislative measures are warranted that will prohibit imposing new discriminatory taxes on providers and consumers of mobile services and that will assure an effective, uniform remedy.

SEC. 703. MORATORIUM.

(a) IN GENERAL.—No State or local jurisdiction shall impose a new discriminatory tax on or with respect to mobile services, mobile service providers, or mobile service property, during the 5-year period beginning on the date of enactment of this Act.

(b) DEFINITIONS.—In this title:

(1) MOBILE SERVICE.—The term ''mobile service'' means commercial mobile radio service, as such term is defined in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of enactment of this Act, or any other service that is primarily intended for receipt on, transmission from, or use with a mobile telephone or other mobile device, including but not limited to the receipt of a digital good.

(2) MOBILE SERVICE PROPERTY.—The term ''mobile service property'' means all property used by a mobile service provider in connection with its business of providing mobile services, whether real, personal, tangible, or intangible (including goodwill, licenses, customer lists, and other similar intangible property associated with such business).

(3) MOBILE SERVICE PROVIDER.—The term ''mobile service provider'' means any entity that sells or provides mobile services, but only to the extent that such entity sells or provides mobile services.

(4) NEW DISCRIMINATORY TAX.—The term ''new discriminatory tax'' means a tax imposed by a State or local jurisdiction that is imposed on or with respect to, or is measured by, the charges, receipts, or revenues from or value of—

(A) a mobile service and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by, the charges, receipts, or revenues from other services or transactions involving tangible personal property;

(B) a mobile service provider and is not generally imposed, or is generally imposed at a lower rate, on other persons that are engaged in businesses other than the provision of mobile services; or

(C) a mobile service property and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the value of, other property that is devoted to a commercial or industrial use and subject to a property tax levy, except public utility property owned by a public utility subject to rate of return regulation by a State or Federal regulatory authority;

unless such tax was imposed and actually enforced on mobile services, mobile service providers, or mobile service property prior to the date of enactment of this Act.

(5) STATE OR LOCAL JURISDICTION.—The term ''State or local jurisdiction'' means any of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision that has the authority to assess, impose, levy, or collect taxes or fees.

(6) TAX.—

(A) IN GENERAL.—The term ''tax'' means a charge imposed by a governmental entity for the purpose of generating revenues for governmental purposes, and excludes a fee imposed on a particular entity or class of entities for a specific privilege, service, or benefit conferred exclusively on such entity or class of entities.

(B) EXCLUSION.—The term ''tax'' does not include any fee or charge—

(i) used to preserve and advance Federal universal service or similar State programs authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(ii) specifically dedicated by a State or local jurisdiction for the support of E–911 communications systems; or

(iii) used to preserve and advance Federal telecommunications relay services or State programs implementing this Federal mandate pursuant to title IV of the Americans with Disabilities Act of 1990 (Public Law 101–336; 104 Stat. 327) and codified in section 225 of the Communications Act of 1934 (47 U.S.C. 225).

(c) RULES OF CONSTRUCTION.—

(1) DETERMINATION.—For purposes of subsection (b)(4), all taxes, tax rates, exemptions, deductions, credits, incentives, exclusions, and other similar factors shall be taken into account in determining whether a tax is a new discriminatory tax.

(2) APPLICATION OF PRINCIPLES.—Except as otherwise provided in this title, in determining whether a tax on mobile service property is a new discriminatory tax for purposes of subsection (b)(4)(A)(iii), principles similar to those set forth in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) shall apply.

(3) EXCLUSIONS.—Notwithstanding any other provision of this title—

(A) the term ''generally imposed'' as used in subsection (b)(4) shall not apply to any tax imposed only on—

(i) specific services;

(ii) specific industries or business segments; or

(iii) specific types of property; and

(B) the term ''new discriminatory tax'' shall not include a new tax or the modification of an existing tax that—

(i) replaces one or more taxes that had been imposed on mobile services, mobile service providers, or mobile service property; and

(ii) is designed so that, based on information available at the time of the enactment of such new tax or such modification, the amount of tax revenues generated thereby with respect to such mobile services, mobile service providers, or mobile service property is reasonably expected to not exceed the amount of tax revenues that would have been generated by the respective replaced tax or taxes with respect to such mobile services, mobile service providers, or mobile service property.

SEC. 704. ENFORCEMENT.

Notwithstanding any provision of section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of this title.

(1) JURISDICTION.—Such jurisdiction shall not be exclusive of the jurisdiction which any Federal or State court may have in the absence of this section.

(2) BURDEN OF PROOF.—The burden of proof in any proceeding brought under this title shall be upon the party seeking relief and shall be by a preponderance of the evidence on all issues of fact.

(3) RELIEF.—In granting relief against a tax which is discriminatory or excessive under this title with respect to tax rate or amount only, the court shall prevent, restrain, or terminate the imposition, levy, or collection of not more than the discriminatory or excessive portion of the tax as determined by the court.

SA 2545. Mr. MANCHIN (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend hours depreciation for an additional year, and for other purposes; which was ordered to lie on table; as follows:

At the end, add the following:

TITLE ____—COMMUNITY INVESTMENT AND JOB CREATION

SEC. __01 SHORT TITLE.

This title may be cited as the ''Community Investment and Job Creation Act of 2012''.

SEC. __02. SHORT FORM REPORTS OF CONDITION FOR CERTAIN COMMUNITY BANKS.

(a) IN GENERAL.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following:

''(12) SHORT FORM REPORTS OF CONDITION FOR COMMUNITY BANKS.—

''(A) IN GENERAL.—With respect to reports of condition required under paragraph (3) for each calendar quarter, an insured depository institution described in subparagraphs (A), (B), (C), and (D) of section 10(d)(4) may submit a short form of any such report of condition in 2 nonsequential quarters of any calendar year.

''(B) ASSET ADJUSTMENTS.—For purposes of this paragraph—

''(i) section 10(d)(4)(A) shall be applied by substituting '$10,000,000,000' for '$500,000,000'; and

''(ii) section 10(d)(4)(C) shall be applied by substituting '$1,000,000,000' for '$100,000,000'.

''(C) SHORT FORM DEFINED.—In this paragraph, the term 'short form' means a report of condition required under paragraph (3) that is in a format established by the appropriate Federal banking agency, after notice and opportunity for comment, that—

''(i) is significantly and materially less burdensome for the insured depository institution to prepare than the format of the report of condition otherwise required under paragraph (3); and

''(ii) provides sufficient material information for the appropriate Federal banking agency to assure the maintenance of the safe and sound condition of the depository institution and safe and sound practices.''.

(b) REGULATIONS.—Any regulation required to carry out section 7(a)(12) of the Federal Deposit Insurance Act, as added by subsection (a) of this section, shall be published in final form not later than 6 months after the date of enactment of this Act.

SEC. __03. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

''(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution shall not be required to provide an annual disclosure under this section until such time as the financial institution—

''(1) fails to provide nonpublic personal information in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

''(2) shares information with affiliates described in section 603(d)(2)(A) of the Fair Credit Reporting Act; or

''(3) changes its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section.

''(g) EXCEPTION TO NOTICE REQUIREMENT.—A financial institution shall not be required to provide any disclosure under this section if—

''(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State, the District of Columbia, or any territory of the United States; or

''(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State, the District of Columbia, or any territory of the United States.''.

SEC. __04. AGRICULTURE LOAN GUARANTEES.

(a) FEES.—Section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)) is amended by inserting before the period the following: '', except that for a loan in an amount of less than $5,000,000, the Secretary may assess a 1-time fee of 1 percent or less of the guaranteed principal portion of the loan''.

(b) GUARANTEE AMOUNTS.—Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''standards that are not less stringent than''; and

(B) in paragraph (4), by inserting before the period the following: '', except that the Secretary may guarantee not more than 90 percent of a loan made by a certified lender if such loan is in an amount of less than $5,000,000''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) in the absence of a demand for or experience with guaranteed loans made under a rural development program, proven experience in making small business loans.''; and

(B) in paragraph (5)(A), by inserting before the semicolon the following: '', except that the Secretary may guarantee not more than 90 percent of a loan made by a certified lender if such loan is in an amount of less than $5,000,000''.

SEC. __05. QUALIFYING INVESTMENTS IN SMALL BANK ISSUERS.

(a) GENERALLY.—The principles of Internal Revenue Service Notice 2010–2 shall apply to any qualifying investment by any person in a small bank issuer in the same manner as if such investment had been made by the Department of the Treasury pursuant to any of the Programs (as defined in Notice 2010–2).

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''qualifying investment'' means any investment in the equity of a small bank issuer that otherwise would have constituted an ownership change under section 382(g) of the Internal Revenue Code of 1986 (relating to limitations on net operating loss carry forward and certain built-in losses following an ownership change); and

(2) the term ''small bank issuer'' means any insured depository institution, as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)), which—

(A) was required under a prompt corrective action order issued pursuant to section 38 of

the Federal Deposit Insurance Act (12 U.S.C. 1831o), or a formal or informal enforcement order, to raise capital as a result of an examination that took place during calendar years 2008 through 2012 by the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the Federal Deposit Insurance Corporation; and

(B) at the time of the order referred to in subparagraph (A), had total consolidated assets of $10,000,000,000 or less.

SEC. __06. CAPITAL FORMATION FOR COMMUNITY BANKS.

Section 413(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77b note) is amended—

(1) by striking ''(a) IN GENERAL.—The'' and inserting the following:

''(a) ADJUSTMENTS.—

''(1) IN GENERAL.—The''; and

(2) by adding at the end the following:

''(2) EXCEPTION FOR COMMUNITY BANK PURCHASES.—The Commission shall adjust its net worth standard for an accredited investor, as set forth in the rules of the Commission under the Securities Act of 1933, by allowing for the inclusion of the value of the primary residence of the natural person, but only if the natural person is purchasing securities from a community bank.

''(3) DEFINITION.—As used in paragraph (2), the term 'community bank' means a depository institution having assets of less than $10,000,000,000.''.

SA 2546. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION B—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Energy Savings and Industrial Competitiveness Act of 2012''.

TITLE I—BUILDINGS

Subtitle A—Building Energy Codes

SEC. 2101. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

''(14) MODEL BUILDING ENERGY CODE.—The term 'model building energy code' means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

''(A) the Council of American Building Officials;

''(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

''(C) other appropriate organizations.''; and

(2) by adding at the end the following:

''(17) IECC.—The term 'IECC' means the International Energy Conservation Code.

''(18) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).''.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) IN GENERAL.—The Secretary shall—

''(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

''(2) support full compliance with the State and local codes.

''(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

''(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

''(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

''(i) the energy savings of the updated model building energy code; or

''(ii) the targets established under section 307(b)(2).

''(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

''(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

''(B) if the determination is positive, validate the certification.

''(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

''(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

''(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

''(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

''(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

''(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

''(B) an alternative method that yields an accurate measure of compliance.

''(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

''(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

''(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

''(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

''(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

''(B) has met the most recent target under subparagraph (A).

''(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

''(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

''(B) if the determination is positive, validate the certification.

''(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

''(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

''(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

''(B) a plan for meeting the requirements and submitting the certification.

''(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

''(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

''(4) ANNUAL REPORTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

''(i) the status of model building energy codes;

''(ii) the status of code adoption and compliance in the States and Indian tribes;

''(iii) implementation of this section; and

''(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

''(B) IMPACTS.—The report shall include estimates of impacts of past action under this

section, and potential impacts of further action, on—

''(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

''(ii) resulting energy costs to individuals and businesses; and

''(iii) resulting overall annual building ownership and operating costs.

''(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

''(1) to improve and implement State residential and commercial building energy codes;

''(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

''(3) to document the rate of compliance with a building energy code; and

''(4) to otherwise promote the design and construction of energy efficient buildings.

''(f) AVAILABILITY OF INCENTIVE FUNDING.—

''(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

''(A) to implement the requirements of this section;

''(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

''(C) to promote building energy efficiency through the use of the codes.

''(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

''(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

''(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

''(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed $750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

''(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

''(g) STRETCH CODES AND ADVANCED STANDARDS.—

''(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

''(A) an option for adoption as a building energy code by local, tribal, or State governments; and

''(B) guidelines for energy-efficient building design.

''(2) TARGETS.—The stretch codes and advanced standards shall be designed—

''(A) to achieve substantial energy savings compared to the model building energy codes; and

''(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

''(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

''(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

''(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

''(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

''(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 $200,000,000, to remain available until expended.''.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking ''voluntary building energy code'' each place it appears in subsections (a)(2)(B) and (b) and inserting ''model building energy code''.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

''SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

''(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

''(b) TARGETS.—

''(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

''(2) TARGETS.—

''(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

''(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

''(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1–2010 for commercial buildings.

''(D) SPECIFIC YEARS.—

''(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

''(I) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

''(II) is higher than the preceding target; and

''(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

''(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

''(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

''(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104–121).

''(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

''(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

''(B) advancement of distributed generation and on-site renewable power generation technologies;

''(C) equipment improvements for heating, cooling, and ventilation systems;

''(D) building management systems and SmartGrid technologies to reduce energy use; and

''(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

''(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

''(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

''(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

''(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

''(A) evaluating code or standards proposals or revisions;

''(B) building energy analysis and design tools;

''(C) building demonstrations;

''(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

''(E) performance-based standards;

''(F) evaluating economic considerations under subsection (b)(4); and

''(G) developing model building energy codes by Indian tribes in accordance with tribal law.

''(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and

standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

''(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

''(d) DETERMINATION.—

''(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

''(A) improve energy efficiency in buildings compared to the existing model building energy code; and

''(B) meet the applicable targets under subsection (b)(2).

''(2) CODES OR STANDARDS NOT MEETING TARGETS.—

''(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

''(i) whether the modified code is technically feasible and life-cycle cost effective;

''(ii) available appliances, technologies, materials, and construction practices; and

''(iii) the economic considerations under subsection (b)(4).

''(B) INCORPORATION OF CHANGES.—

''(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

''(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

''(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

''(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

''(f) VOLUNTARY CODES AND STANDARDS.—Nothwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.''.

Subtitle B—Worker Training and Capacity Building

SEC. 2111. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as defined in section 316(b) of that Act (20 U.S.C. 1059c(b)) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

TITLE II—BUILDING EFFICIENCY FINANCE

SEC. 2201. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

''SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CREDIT SUPPORT.—The term 'credit support' means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

''(2) EFFICIENCY OBLIGATION.—The term 'efficiency obligation' means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

''(3) PROJECT.—The term 'project' means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

''(b) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

''(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

''(c) GUIDELINES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

''(A) establish guidelines for credit support provided under this section; and

''(B) publish the guidelines in the Federal Register; and

''(C) provide for an opportunity for public comment on the guidelines.

''(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

''(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

''(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

''(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

''(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

''(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

''(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

''(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

''(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

''(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

''(II) minimum debt-to-income levels of the borrower;

''(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

''(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

''(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

''(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

''(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

''(VIII) recovery of payments equally by the Secretary and the retrofit.

''(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

''(A) loans, including loans made by the Federal Financing Bank;

''(B) power purchase agreements, including energy efficiency power purchase agreements;

''(C) energy services agreements, including energy performance contracts;

''(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

''(E) aggregate on-meter agreements that finance retrofit projects; and

''(F) any other efficiency obligations the Secretary determines to be appropriate.

''(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

''(A) the maximization of energy savings with the available credit support funding;

''(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

''(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

''(D) projects designed to achieve whole-building retrofits.

''(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

''(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

''(2) $10,000,000 for any single project.

''(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

''(f) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

''(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

''(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

''(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

''(C) the project meets any technical criteria described in the program guidelines;

''(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

''(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

''(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

''(E) any other assurances that the Secretary determines to be necessary.

''(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

''(g) FEES.—

''(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

''(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

''(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

''(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

''(1) the manner in which this section is being carried out;

''(2) the number and type of projects supported;

''(3) the types of funding mechanisms used to provide credit support to projects;

''(4) the energy savings expected to result from projects supported by this section;

''(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

''(6) any plans to improve the tracking efforts described in paragraph (5).

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

''(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.''.

TITLE III—INDUSTRIAL EFFICIENCY AND COMPETITIVENESS

Subtitle A—Manufacturing Energy Efficiency

SEC. 2301. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) is amended—

(1) in the section heading, by inserting ''**AND INDUSTRY**'' before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

''(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

''(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

''(B) improve the industrial competitiveness of the United States.

''(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

''(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

''(B) lead a partnership that includes participation by, at a minimum—

''(i) a State government agency; and

''(ii) a private financial institution or other provider of loan capital;

''(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

''(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

''(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed $100,000,000 for any fiscal year.

''(4) RECAPTURE OF AWARDS.—

''(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

''(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

''(i) the amount of non-Federal funds matched by the eligible lender;

''(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

''(iii) any other appropriate factor, as determined by the Secretary.

''(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

''(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

''(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

''(B) enhance the industrial competitiveness of the United States; and

''(C) achieve such other goals as the Secretary determines to be appropriate.

''(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

''(A) the description of the program to be carried out with the cost-matched Federal funds;

''(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

''(C) program sustainability over a 10-year period;

''(D) the capability of the applicant;

''(E) the quantity of energy savings or energy feedstock minimization;

''(F) the advancement of the goal under this Act of 25-percent energy avoidance;

''(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

''(H) such other factors as the Secretary determines appropriate.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $400,000,000 for the period of fiscal years 2012 through 2021.''.

SEC. 2302. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial

Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

SEC. 2303. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term ''industrial energy efficiency'' means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term ''industrial sector'' means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of $5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) RECOMMENDATIONS AND GUIDANCE.—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

SEC. 2304. FUTURE OF INDUSTRY PROGRAM.

(a) IN GENERAL.—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following: ''**FUTURE OF INDUSTRY PROGRAM**''.

(b) DEFINITION OF ENERGY SERVICE PROVIDER.—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

''(5) ENERGY SERVICE PROVIDER.—The term 'energy service provider' means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.''.

(c) INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

(1) IN GENERAL.—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

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

(B) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: '', including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes''; and

(D) by adding at the end the following:

''(2) CENTERS OF EXCELLENCE.—

''(A) IN GENERAL.—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

''(B) DUTIES.—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than $500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

''(3) EXPANSION OF CENTERS.—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

''(4) COORDINATION.—

''(A) IN GENERAL.—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

''(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

''(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

''(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

''(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

''(v) identify opportunities for reducing greenhouse gas emissions; and

''(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

''(5) OUTREACH.—The Secretary shall provide funding for—

''(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

''(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

''(i) Federal and State efforts;

''(ii) the efforts of utilities and energy service providers;

''(iii) the efforts of regional energy efficiency organizations; and

''(iv) the efforts of other centers in the region of the center of excellence.

''(6) WORKFORCE TRAINING.—

''(A) IN GENERAL.—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

''(B) FEDERAL SHARE.—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

''(C) FUNDING.—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall

use to carry out this paragraph not less than $5,000,000 for fiscal year 2012 and each fiscal year thereafter.

''(7) SMALL BUSINESS LOANS.—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).''.

SEC. 2305. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) IN GENERAL.—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

''SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

''(a) IN GENERAL.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

''(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

''(2) preventing pollution and minimizing waste;

''(3) improving efficient use of water in manufacturing processes;

''(4) conserving natural resources; and

''(5) achieving such other goals as the Secretary determines to be appropriate.

''(b) COORDINATION.—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

''(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be to carry out this section $10,000,000 for the period of fiscal years 2012 through 2021.''.

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

''Sec. 376. Sustainable manufacturing initiative.''.

SEC. 2306. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 2307. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

Subtitle B—Supply Star

SEC. 2311. SUPPLY STAR.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

''SEC. 324B. SUPPLY STAR PROGRAM.

''(a) IN GENERAL.—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

''(b) COORDINATION.—In carrying out the program described in subsection (a), the Secretary shall—

''(1) consult with other appropriate agencies; and

''(2) coordinate efforts with the Energy Star program established under section 324A.

''(c) DUTIES.—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

''(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

''(2) work to enhance industry and public awareness of the Supply Star program;

''(3) collect and disseminate data on supply chain energy resource consumption;

''(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

''(5) develop guidance at the sector level for improving supply chain efficiency;

''(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

''(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

''(A) developing and sharing best practices; and

''(B) providing opportunities to benchmark supply chain efficiency.

''(d) EVALUATION.—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

''(e) GRANTS AND INCENTIVES.—

''(1) IN GENERAL.—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

''(A) studying supply chain energy resource efficiency; and

''(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

''(2) USE OF INFORMATION.—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

''(f) TRAINING.—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

''(g) EFFECT OF IMPACT ON CLIMATE CHANGE.—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

''(h) EFFECT OF OUTSOURCING OF AMERICAN JOBS.—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for the period of fiscal years 2012 through 2021.''.

Subtitle C—Electric Motor Rebate Program

SEC. 2321. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) AUTHORIZED AMOUNT OF REBATE.—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) $25.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

Subtitle D—Transformer Rebate Program

SEC. 2331. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITION OF QUALIFIED TRANSFORMER.—In this section, the term ''qualified transformer'' means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(b) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(c) REQUIREMENTS.—

(1) APPLICATION.—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) AUTHORIZED AMOUNT OF REBATE.—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as ''kVA'') shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, $15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, $5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

TITLE IV—FEDERAL AGENCY ENERGY EFFICIENCY

SEC. 2401. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 180 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

SEC. 2402. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

''(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

''(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).''.

SEC. 2403. BEST PRACTICES FOR ADVANCED METERING.

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e) is amended by striking paragraph (3) and inserting the following:

''(3) PLAN.—

''(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

''(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

''(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

''(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

''(4) BEST PRACTICES REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

''(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

''(C) COMPONENTS.—The report shall include, at a minimum—

''(i) summaries and analysis of the reports by agencies under paragraph (3);

''(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

''(I) potential common communications standards to allow data sharing and reporting;

''(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

''(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

''(iii) an analysis of—

''(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

''(II) existing techniques used within the private sector or other non-Federal government buildings.''.

SEC. 2404. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110–140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

''(i) to certify compliance with the requirements for—

''(I) energy and water evaluations under paragraph (3);

''(II) implementation of identified energy and water measures under paragraph (4); and

''(III) follow-up on implemented measures under paragraph (5); and

''(ii) to publish energy and water consumption data on an individual facility basis.''.

SEC. 2405. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.''.

SEC. 2406. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking ''electric energy'' each place it appears and inserting ''electric, direct, and thermal energy'';

(2) in subsection (b)(2)—

(A) by inserting '', or avoided by,'' after ''generated from''; and

(B) by inserting ''(including ground-source, reclaimed, and ground water)''after ''geothermal'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

''(d) SEPARATE CALCULATION.—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

''(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

''(2) may be used individually or in combination to comply with subsection (a).''.

SEC. 2407. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum

of 800 Federal data center closures by October 1, 2015.

(b) COORDINATION.—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

TITLE V—MISCELLANEOUS

SEC. 2501. OFFSETS.

(a) ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) $50,000,000 for each of fiscal years 2009 through 2012;

''(3) $100,000,000 for fiscal year 2013; and

''(4) $200,000,000 for each of fiscal years 2014 through 2018.''.

(b) ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) (as redesignated by section 2301(2)) is amended—

(1) in paragraph (1), by striking ''through 2013'' and inserting ''and 2010, $100,000,000 for each of fiscal years 2011 and 2012, and $250,000,000 for fiscal year 2013''; and

(2) in paragraph (2), by striking ''through 2013'' and inserting ''and 2010, $100,000,000 for each of fiscal years 2011 and 2012, and $425,000,000 for fiscal year 2013''.

(c) WASTE ENERGY RECOVERY INCENTIVE PROGRAM.—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

''(A) $100,000,000 for fiscal year 2008;

''(B) $200,000,000 for each of fiscal years 2009 and 2010;

''(C) $100,000,000 for each of fiscal years 2011 and 2012; and''.

(d) ENERGY-INTENSIVE INDUSTRIES PROGRAM.—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking ''$202,000,000'' and inserting ''$102,000,000''; and

(2) in subparagraph (E), by striking ''$208,000,000'' and inserting ''$108,000,000''.

SEC. 2502. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 2503. ADVANCE APPROPRIATIONS REQUIRED.

The authorization of amounts under this division and the amendments made by this division shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

SA 2547. Mr. ROBERTS (for himself, Mr. HATCH, Mr. RUBIO, Mr. BURR, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. COBURN, Mr. ALEXANDER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SA 2548. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

TITLE ___—ENTREPRENEURIAL TRAINING

SEC. ___. RULEMAKING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Labor shall establish alternate guidelines for measuring State and local performance, under section 136 of the Workforce Investment Act of 1998 (42 U.S.C. 2871), regarding entrepreneurial training services, as authorized in section 134(d)(4)(D)(vi) of such Act (29 U.S.C. 2864(d)(4)(D)(vi)), and provide the State and local workforce investment boards with specific guidance on successful approaches to collecting performance information on entrepreneurial training, notwithstanding section 136(f)(2) of such Act (42 U.S.C. 2871(f)(2)).

(b) CONSIDERATIONS.—In determining the alternate guidelines, the Secretary shall consider utilizing authorities granted under the Workforce Investment Act of 1998, including a State's waiver authority, as authorized in section 189(i)(4) of such Act (29 U.S.C. 2939(i)(4)).

(c) REPORT.—Not later than 12 months after publication of the final rule establishing the guidelines, the Secretary shall issue a report on the progress of State and local workforce investment boards in implementing new entrepreneurial training programs and any ongoing challenges to offering entrepreneurial training programs, with recommendations to Congress on how best to address those challenges.

SA 2549. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES

SEC. __01. SHORT TITLE.

This title may be cited as the ''Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. __03. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) the economic effects on small entities directly regulated by the rule; and

''(B) the reasonably foreseeable economic effects of the rule on small entities that—

''(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

''(ii) are directly regulated by other governmental entities as a result of the rule; or

''(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.''.

SEC. __04. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''603,'' after ''601,'';

(2) in paragraph (2), by inserting ''603,'' after ''601,'';

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

''(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

''(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

''(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.''; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.''.

SEC. __05. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, each agency shall establish a plan for the periodic review of—

''(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

''(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

''(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

''(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

''(B) continue in effect without change.

''(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

''(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

''(b) Each plan established under subsection (a) shall provide for—

''(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

''(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

''(B) every 9 years thereafter; and

''(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

''(A) not later than 9 years after the publication of the final rule in the Federal Register; and

''(B) every 9 years thereafter.

''(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the economic impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

''(C) the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

''(A) Congress; and

''(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

''(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

''(1) a brief description of each rule or guide;

''(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

''(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

''(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

''(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

''(B) notify the head of the agency of—

''(i) the results of the determination under subparagraph (A); and

''(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

''(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

''(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

''(i) determine whether the agency has addressed the issues identified in the notice; and

''(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

''(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

''(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).''.

SEC. __06. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''a covered agency'' and inserting ''an agency designated under subsection (d)''; and

(B) by striking ''a covered agency'' each place it appears and inserting ''the agency'';

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

''(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, the Environmental Protection Agency, the Bureau of Consumer Financial Protection, and the Occupational Safety and Health Administration of the Department of Labor shall be—

''(A) agencies designated under this subsection; and

''(B) subject to the requirements of subsection (b).

''(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

''(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012;

''(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012; and

''(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012.

''(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.''; and

(3) in subsection (e)(1), by striking ''the covered agency'' and inserting ''the agency''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(B) in paragraph (2), by striking ''A covered agency, as defined in section 609(d)(2),'' and inserting ''The Bureau of Consumer Financial Protection''.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(ii) by striking ''the agency'' and inserting ''the Bureau''.

SEC. __07. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after ''public comment'' the following: ''and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)''.

SEC. __08. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking ''but only'' and all that follows through the period at the end and inserting ''but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.''.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section __03 of this title, is amended—

(1) in paragraph (6), by striking ''and'' at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

''(7) the term 'collection of information' has the meaning given that term in section 3502(3) of title 44;

''(8) the term 'recordkeeping requirement' has the meaning given that term in section 3502(13) of title 44; and''.

SEC. __09. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking ''Each agency'' and inserting the following:

''(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency''; and

(B) by adding at the end the following:

''(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.''; and

(2) in subsection (c)—

(A) by striking ''Agencies shall report'' and all that follows through ''the scope'' and inserting ''Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope''; and

(B) by striking ''and the total amount of penalty reductions and waivers'' and inserting ''the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)''.

SEC. __10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

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

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is required—

''(A) a reasonable period before publication of the rule by the agency; and

''(B) in any event, not later than 3 months before the date on which the agency publishes the rule.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (2)—

(i) by inserting ''detailed'' before ''statement'' each place it appears; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(C) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation''; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111–240; 124 Stat. 2251), by inserting ''detailed'' before ''statement''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.''.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.''.

SEC. __11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

''(A) publishing an initial regulatory flexibility analysis for public comment; or

''(B) re-proposing the rule with an initial regulatory flexibility analysis.

''(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

''(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

''(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

''(C) the number of affected small entities for which that cost will be significant.

''(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

''(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

''(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.''.

SEC. __12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.''.

SEC. __13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended, in the section heading, by striking ''**Avoidance**'' and all that follows and inserting the following: ''**Incorporations by reference and certification.**''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.'';

and

(2) by striking the item relating to section 607 inserting the following:

''607. Quantification requirements.''.

SA 2550. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES

SEC. __01. SHORT TITLE.

This title may be cited as the ''Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. __03. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) the economic effects on small entities directly regulated by the rule; and

''(B) the reasonably foreseeable economic effects of the rule on small entities that—

''(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

''(ii) are directly regulated by other governmental entities as a result of the rule; or

''(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.''.

SEC. __04. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''603,'' after ''601,'';

(2) in paragraph (2), by inserting ''603,'' after ''601,'';

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

''(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

''(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

''(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.''; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.''.

SEC. __05. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, each agency shall establish a plan for the periodic review of—

''(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

''(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

''(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

''(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

''(B) continue in effect without change.

''(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

''(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

''(b) Each plan established under subsection (a) shall provide for—

''(1) the review of each rule and small entity compliance guide described in subsection

(a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

''(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

''(B) every 9 years thereafter; and

''(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

''(A) not later than 9 years after the publication of the final rule in the Federal Register; and

''(B) every 9 years thereafter.

''(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the economic impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

''(C) the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

''(A) Congress; and

''(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

''(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

''(1) a brief description of each rule or guide;

''(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

''(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

''(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

''(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

''(B) notify the head of the agency of—

''(i) the results of the determination under subparagraph (A); and

''(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

''(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

''(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

''(i) determine whether the agency has addressed the issues identified in the notice; and

''(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

''(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

''(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).''.

SEC. __06. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''a covered agency'' and inserting ''an agency designated under subsection (d)''; and

(B) by striking ''a covered agency'' each place it appears and inserting ''the agency'';

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

''(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, the Environmental Protection Agency, the Bureau of Consumer Financial Protection, and the Occupational Safety and Health Administration of the Department of Labor shall be—

''(A) agencies designated under this subsection; and

''(B) subject to the requirements of subsection (b).

''(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

''(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012;

''(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012; and

''(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012.

''(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.''; and

(3) in subsection (e)(1), by striking ''the covered agency'' and inserting ''the agency''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(B) in paragraph (2), by striking ''A covered agency, as defined in section 609(d)(2),'' and inserting ''The Bureau of Consumer Financial Protection''.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(ii) by striking ''the agency'' and inserting ''the Bureau''.

SEC. __07. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after ''public comment'' the following: ''and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)''.

SEC. __08. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking ''but only'' and all that follows through the period at the end and inserting ''but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.''.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section __03 of this title, is amended—

(1) in paragraph (6), by striking ''and'' at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

''(7) the term 'collection of information' has the meaning given that term in section 3502(3) of title 44;

''(8) the term 'recordkeeping requirement' has the meaning given that term in section 3502(13) of title 44; and''.

SEC. __09. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking ''Each agency'' and inserting the following:

''(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency''; and

(B) by adding at the end the following:

''(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.''; and

(2) in subsection (c)—

(A) by striking ''Agencies shall report'' and all that follows through ''the scope'' and inserting ''Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope''; and

(B) by striking ''and the total amount of penalty reductions and waivers'' and inserting ''the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)''.

SEC. __10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

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

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is required—

''(A) a reasonable period before publication of the rule by the agency; and

''(B) in any event, not later than 3 months before the date on which the agency publishes the rule.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (2)—

(i) by inserting ''detailed'' before ''statement'' each place it appears; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(C) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation''; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111–240; 124 Stat. 2251), by inserting ''detailed'' before ''statement''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.''.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.''.

SEC. __11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

''(A) publishing an initial regulatory flexibility analysis for public comment; or

''(B) re-proposing the rule with an initial regulatory flexibility analysis.

''(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

''(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

''(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

''(C) the number of affected small entities for which that cost will be significant.

''(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

''(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

''(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.''.

SEC. __12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.''.

SEC. __13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended, in the section heading, by striking ''**Avoidance**'' and all that follows and inserting the following: ''**Incorporations by reference and certification.**''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.'';

and

(2) by striking the item relating to section 607 inserting the following:

''607. Quantification requirements.''.

SA 2551. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking ''RECORDKEEPING REQUIREMENT.—The'' and inserting ''the''; and

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

(4) by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) the economic effects on small entities directly regulated by the rule; and

''(B) the reasonably foreseeable economic effects of the rule on small entities that—

''(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

''(ii) are directly regulated by other governmental entities as a result of the rule; or

''(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.''.

SA 2552. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking ''RECORDKEEPING REQUIREMENT.—The'' and inserting ''the''; and

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

(4) by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) the economic effects on small entities directly regulated by the rule; and

''(B) the reasonably foreseeable economic effects of the rule on small entities that—

''(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

''(ii) are directly regulated by other governmental entities as a result of the rule; or

''(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.''.

SA 2553. Mr. REID (for Mrs. GILLIBRAND (for herself, Mr. ISAKSON, Mr. CHAMBLISS, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2527, to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Baseball Hall of Fame Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 12, 1939, the National Baseball Hall of Fame and Museum opened in Cooperstown, New York. Ty Cobb, Walter Johnson, Christy Mathewson, Babe Ruth, and Honus Wagner comprised the inaugural class of inductees. This class set the standard for all future inductees. Since 1939, just one percent of all Major League Baseball players have earned induction into the National Baseball Hall of Fame.

(2) The National Baseball Hall of Fame and Museum is dedicated to preserving history, honoring excellence, and connecting generations through the rich history of our national pastime. Baseball has mirrored our Nation's history since the Civil War, and is now an integral part of our Nation's heritage.

(3) The National Baseball Hall of Fame and Museum chronicles the history of our national pastime and houses the world's largest collection of baseball artifacts, including more than 38,000 three dimensional artifacts, 3,000,000 documents, 500,000 photographs, and 12,000 hours of recorded media. This collection ensures that baseball history and its unique connection to American history will be preserved and recounted for future generations.

(4) Since its opening in 1939, more than 14,000,000 baseball fans have visited the National Baseball Hall of Fame and Museum to learn about the history of our national pastime and the game's connection to the American experience.

(5) The National Baseball Hall of Fame and Museum is an educational institution, reaching 10,000,000 Americans annually. Utilizing video conference technology, students and teachers participate in interactive lessons led by educators from the National Baseball Hall of Fame Museum. These award-winning educational programs draw upon the wonders of baseball to reach students in classrooms nationwide. Each educational program uses baseball as a lens for teaching young Americans important lessons on an array of topics, including mathematics, geography, civil rights, women's history, economics, industrial technology, arts, and communication.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the National Baseball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of the coins, the $1 coins and $5 coins minted under this Act should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the National Baseball Hall of Fame;

(B) the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2014''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION AND APPROVAL PROCESS FOR OBVERSE DESIGN.—

(1) IN GENERAL.—The Secretary shall hold a competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the game of baseball.

(2) SELECTION AND APPROVAL.—Proposals for the design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary. The Secretary shall encourage 3-dimensional models to be submitted as part of the design proposals.

(3) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than $5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a).

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall depict a baseball similar to those used by Major League Baseball.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only

during the 1-year period beginning on January 1, 2014.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations.

(c) AUDITS.—The National Baseball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 12, 2012, at 2:30 p.m. in room SR–253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Medication and Performance Enhancing Drugs in Horse Racing.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 12, 2012, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 12, 2012, at 10:15 a.m. in room SD–406 of the Dirksen Senate Office Building to conduct a hearing entitled, ''The Latest Science on Lead's Impacts on Children's Development and Public Health.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 12, 2012, at 9 a.m. to hold a hearing entitled, ''Convention on the Rights of Persons with Disabilities (Treaty Doc. 112–7).''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 12, 2012, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled, ''Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students'' on July 12, 2012, at 10:30 a.m. in room SD–106 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 12, 2012, at 10 a.m. to conduct a hearing entitled, ''The Future of Homeland Security: The Evolution of the Homeland Security Department's Roles and Missions.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 12, 2012, at 2:30 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 12, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Federal Recognition: Political and Legal Relationship between Governments.''

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 12, 2012, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 12, 2012, at 2:30 p.m.

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

DISTRICT OF COLUMBIA SPECIAL ELECTION REFORM ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 448.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3902) to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and the Senate proceed to passage of the bill.

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

The bill (H.R. 3902) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is, Shall the bill pass?

The bill (H.R. 3902) was passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2527 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that a Gillibrand substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 2553) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Baseball Hall of Fame Commemorative Coin Act'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 12, 1939, the National Baseball Hall of Fame and Museum opened in Cooperstown, New York. Ty Cobb, Walter Johnson, Christy Mathewson, Babe Ruth, and Honus Wagner comprised the inaugural class of inductees. This class set the standard for all future inductees. Since 1939, just one percent of all Major League Baseball players have earned induction into the National Baseball Hall of Fame.

(2) The National Baseball Hall of Fame and Museum is dedicated to preserving history, honoring excellence, and connecting generations through the rich history of our national pastime. Baseball has mirrored our Nation's history since the Civil War, and is now an integral part of our Nation's heritage.

(3) The National Baseball Hall of Fame and Museum chronicles the history of our national pastime and houses the world's largest collection of baseball artifacts, including more than 38,000 three dimensional artifacts, 3,000,000 documents, 500,000 photographs, and 12,000 hours of recorded media. This collection ensures that baseball history and its unique connection to American history will be preserved and recounted for future generations.

(4) Since its opening in 1939, more than 14,000,000 baseball fans have visited the National Baseball Hall of Fame and Museum to learn about the history of our national pastime and the game's connection to the American experience.

(5) The National Baseball Hall of Fame and Museum is an educational institution, reaching 10,000,000 Americans annually. Utilizing video conference technology, students and teachers participate in interactive lessons led by educators from the National Baseball Hall of Fame Museum. These award-winning educational programs draw upon the wonders of baseball to reach students in classrooms nationwide. Each educational program uses baseball as a lens for teaching young Americans important lessons on an array of topics, including mathematics, geography, civil rights, women's history, economics, industrial technology, arts, and communication.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the National Baseball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of the coins, the $1 coins and $5 coins minted under this Act should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the National Baseball Hall of Fame;

(B) the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year ''2014''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION AND APPROVAL PROCESS FOR OBVERSE DESIGN.—

(1) IN GENERAL.—The Secretary shall hold a competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the game of baseball.

(2) SELECTION AND APPROVAL.—Proposals for the design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary. The Secretary shall encourage 3-dimensional models to be submitted as part of the design proposals.

(3) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than $5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a).

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall depict a baseball similar to those used by Major League Baseball.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2014.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations.

(c) AUDITS.—The National Baseball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

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

The bill (H.R. 2527), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 6079

Mr. REID. Mr. President, there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. I now ask for a second reading, but in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

ORDERS FOR MONDAY, JULY 16, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, July 16, 2012; 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; at that time that I be recognized; that at 5 p.m. the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes on Monday evening. Beginning at 5:30, there will be a vote on the McNulty nomination. Following that vote, there will be 10 minutes of debate and then we will vote on cloture to S. 3369, the DISCLOSE Act.

ADJOURNMENT UNTIL MONDAY, JULY 16, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Monday, July 16, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARK A. BARNETT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE JUDITH M. BARZILAY, RETIRED.

DEPARTMENT OF JUSTICE

ANGELA TAMMY DICKINSON, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE MARY ELIZABETH PHILLIPS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

JOELLE-ELIZABETH BEATRICE BASTIEN, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

ROSALYN ADAMS, OF CALIFORNIA
MIRIAM R. ASNES, OF MASSACHUSETTS
RICHARD A. BAKEWELL, OF VIRGINIA
WILLIAM D. BARRY, OF FLORIDA
JEN M. BAUER, OF MARYLAND
LINDA MARIE BLOUNT, OF VIRGINIA
KELLY HAMILTON BUSBY, OF VIRGINIA
GINA MARIELA CABRERA-FARRAJ, OF VIRGINIA
CHRISTIAN R. CALI, OF VIRGINIA
NORMAN LUCZON CAPISTRANO, OF CALIFORNIA
JANE CARTER, OF CALIFORNIA
CHRISTINA JEANNE CAVALLO, OF VIRGINIA
ALAN M. CLARK, OF FLORIDA
JORDANA MICHELLE COX, OF CALIFORNIA
SHAYNA COLLEEN CRAM, OF TEXAS
KELIA EILEEN CUMMINS, OF FLORIDA
PETER J. DAVIS, OF VIRGINIA
CHRISTIAAN EDWARD NICHOLAS DE LUIGI, OF VIRGINIA
JASON M. DEROSA, OF MASSACHUSETTS
PHILIP M. DIMON, OF GEORGIA
LAURA GAVINSKI DJURAGIC, OF PENNSYLVANIA
DAWN MARIE DOWLING, OF VIRGINIA
STEVEN JAMES DUBÉ, OF FLORIDA
KONSTANTIN DUBROVSKY, OF VIRGINIA
JAMES COE ECONOMOU, OF NEW YORK
STEPHANIE TERESA ESPINAL, OF THE DISTRICT OF COLUMBIA
SPENCER MICHAEL FIELDS, JR., OF VIRGINIA
JOHN H. FLETCHER, OF VIRGINIA
JENNIFER MARIE FOLTZ, OF MICHIGAN
GRETCHEN M. FRANKE, OF THE DISTRICT OF COLUMBIA
RUTH H. GALLANT, OF CALIFORNIA
NEIL H. GIBSON, OF VIRGINIA
COURTNEY C. GILLESPIE, OF TEXAS
TORREY ANDREW GOAD, OF WASHINGTON
BETTINA DANETTE GORCZYNSKI, OF VIRGINIA
SARAH MARIE GOURDE, OF OREGON
JASON H. GREEN, OF TENNESSEE
ANN DELONG GREENBERG, OF NEW HAMPSHIRE
JAMES RYAN GRIZZLE, OF VIRGINIA
GISCARD G. GUILLOTEAU, OF FLORIDA
STEPHANIE MARIE HACKENBURG, OF PENNSYLVANIA
MAXWELL J. HAMILTON, OF LOUISIANA
GRAHAM B. HARLOW, OF COLORADO
ROBIN A. HARTSELL, OF ILLINOIS
ROBERT B. HAWKINS III, OF CALIFORNIA
NICHOLAS WILLIAM HELTZEL, OF VIRGINIA
EILEEN T. HIGGINS, OF FLORIDA
BRADFORD HOPEWELL, OF VIRGINIA
ETHAN ROBERT HYCHE, OF CALIFORNIA
CHRISTIAAN K. JAMES, OF TEXAS
BLAKE A. JOHNSTON, OF COLORADO
C. MELORA JOHNSTON, OF COLORADO
TYLER JAMES JOHNSTON, OF FLORIDA
DAVID MAURICE JONES, OF ILLINOIS
SUSAN KOPP KEYACH, OF PENNSYLVANIA
JONATHAN LOREN KOEHLER, OF ILLINOIS
STEPHANIE KOTECKI-BONHOMME, OF WASHINGTON
KEITH ROBERT KRAUSE, JR., OF THE DISTRICT OF COLUMBIA
MARTIN L. LAHM III, OF NEW YORK
SCOTT JOHN LANG, OF ILLINOIS
LISA CHRISTINE LARSON, OF MINNESOTA
ELLISON S. LASKOWSKI, OF THE DISTRICT OF COLUMBIA
JANETTE ELISE LEHOUX, OF UTAH
ANDREA K.S. LINDGREN, OF MINNESOTA
SEAN PATRICK LINDSTONE, OF VIRGINIA
KENDRICK M. LIU, OF CALIFORNIA
CHRISTIE L. LIVINGSTON, OF NEW YORK
MARISA LEIGH MACISAAC, OF MAINE
JONATHAN JOSEPH MAGSAYSAY, OF THE DISTRICT OF COLUMBIA
BRIAN STEVEN MANNING, OF OKLAHOMA
ERIN NICHOLE MARKLEY, OF MISSOURI
NAOMI AMANDA MATTOS, OF VIRGINIA
STACEY L. MAUPIN, OF ILLINOIS
RUTH J. NEWMAN, OF COLORADO
VICTORIA LEIGH NIBARGER, OF KANSAS
PAUL M. NICHOLS, OF THE DISTRICT OF COLUMBIA
NICHOLAS R. NOVAK, OF WASHINGTON
ERIN T. O'CONNOR, OF TEXAS
ALETA TURNER OKEDIJI, OF THE DISTRICT OF COLUMBIA
DOUGLAS H. OSTERTAG, OF CALIFORNIA
JEFFREY L. OTTO, OF NEW YORK
LISA INGRID OVERMAN, OF FLORIDA
MARK SEBASTIAN PALERMO, OF THE DISTRICT OF COLUMBIA
JOHN REED PAYNE, OF TEXAS
RICHARD PAYNE—HOLMES, OF VIRGINIA
KIMBERLY MICHELLE PEREZ, OF TEXAS
JOSÉ FRANCISCO PEREZ ETRE, OF THE DISTRICT OF COLUMBIA
ANN PERRELLI, OF MARYLAND
DAVID CONRAD PETERSON, OF MISSOURI
JAMES D. PLASMAN, OF ILLINOIS
KATHERINE PARRINDER PLONA, OF MICHIGAN
PAMELA ROSS DIEFENDERFER PONTIUS, OF TEXAS
ERIK S. PUGNER, OF CALIFORNIA
MICHAEL JOHN RALLES, OF MINNESOTA
REBECCA CAROL RAMAN, OF TENNESSEE
ERIN BROOK RENNER, OF THE DISTRICT OF COLUMBIA
LUCY AVENT REYNO, OF VIRGINIA
JENNIFER A. RIZZOLI, OF TEXAS
BRETT ROSE, OF ARIZONA
STEPHANIE KYLEEN FAIN SANDOVAL, OF TEXAS
ROCCO CHRISTOPHER SANTORO, OF NEW YORK
SHELLEY WALKER SAXEN, OF FLORIDA

LUKE AARON SCHTELE, OF NEVADA
CHARLES FREDERICK SETEN, OF ILLINOIS
REBECCA ANN SEWERYN, OF PENNSYLVANIA
JENNIFER TERESE SIREGAR, OF FLORIDA
SARAH F. SKORUPSKI, OF THE DISTRICT OF COLUMBIA
JASON A. SMITH, OF VIRGINIA
SETH A. SNYDER, OF MISSOURI
DOMINIC K. SO, OF CALIFORNIA
JOHN W. STABLES, OF TEXAS
SALLY STERNAL, OF VIRGINIA
LIAM LYNCH SULLIVAN, OF NEW HAMPSHIRE
GLENN EDWARD TOSTEN II, OF MARYLAND
JAMES STEPHEN TOWN, OF PENNSYLVANIA
VINCENT CHARLES TRAVERSO, OF CALIFORNIA
CHAD M. TWITTY, OF ARIZONA
STEPHEN J. VALEN, OF CALIFORNIA
BEENA MARY VARNAN, OF TEXAS
ANDREW M. VEVEIROS, OF MARYLAND
KENNAN DANIEL WATT, OF UTAH
STEPHEN C. WEEKS, OF FLORIDA
TRESSA ANNE WEYER, OF FLORIDA
TIMOTHY H. WILEY, OF MASSACHUSETTS
JARED M YANCEY, OF VIRGINIA
JENNIE YOUNG, OF FLORIDA
KIRA ZAPORSKI, OF WISCONSIN

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE SECRETARIES OR CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DULCE MARIA ACOSTA—LICEA, OF CALIFORNIA
CHARLES M. ADAMS, OF VIRGINIA
MARK R. ANDERSON, OF VIRGINIA
A. JUSTINE AUTRY, OF VIRGINIA
ARI AVIDAR, OF VIRGINIA
HENRY NICHOLAS BAKER, JR., OF KENTUCKY
MICHAEL GEORGE BARRERA, OF TEXAS
JASON J. BARTMESS, OF VIRGINIA
MARIJANA KATALINA BATES, OF FLORIDA
THOMAS G. BELL, OF WYOMING
BRANT BEYER, OF INDIANA
SHELLA A. BIALLAS, OF WASHINGTON
KEITH M. BIERD, OF VIRGINIA
TIMOTHY DAVID BIRNER, OF VIRGINIA
PAUL S. BLOOM, OF VIRGINIA
SUZANNE D. BOOTH, OF TEXAS
STEVEN A. BOWEN, OF VIRGINIA
JAMES BOYDEN, OF WASHINGTON
SAMANTHA L. BRAHAM, OF VIRGINIA
ALLISON BROWNING, OF VIRGINIA
DAVID S. BURNSTEIN, OF KENTUCKY
PATRICIA A. BURROWS, OF MAINE
DEVIN M. CAHILL, OF ILLINOIS
ROBERT CHAMBERS, OF MARYLAND
LAP NGUYEN CHANG, OF WASHINGTON
LISA CHIU, OF VIRGINIA
NICHOLAS W. CHRISTIANSON, OF VIRGINIA
ROBERT CLARK, OF CALIFORNIA
COLIN D. CLAY, OF FLORIDA
SCOTT K. CLAYTON, OF OHIO
ERIN E. CONCORS, OF ARIZONA
ERIN J. COYLE, OF VIRGINIA
THOMAS P. COYNE, OF VIRGINIA
DAVID W. CRONIN, OF VIRGINIA
LUCAS E. DABNEY, OF OHIO
MOLLY J. DALESSANDRO, OF WASHINGTON
JOHN KEEGAN DE LANCIE, OF CALIFORNIA
KAITLYN JEAN DEUTSCH, OF VIRGINIA
DANNY DEVRIES, OF MICHIGAN
JEREMIAS N. DIRK, OF MICHIGAN
JEFFREY DOUGLAS, OF VIRGINIA
SAMUEL CALLAN DOWNING, OF WASHINGTON
ELISE M. EDWARDS, OF THE DISTRICT OF COLUMBIA
RYAN MCCRAY ELY, OF THE DISTRICT OF COLUMBIA
KYLE BROCK ENSLEY, OF OKLAHOMA
LANCE C. ERICKSON, OF ILLINOIS
JAMES E. ERMARTH, OF NEW HAMPSHIRE
DOUGLAS SOMERVILLE EVANS, OF VIRGINIA
DAVID FARRAR, OF VIRGINIA
SHAWN E. FAST, OF VIRGINIA
JOHN D. FIELD, OF VIRGINIA
VICTOR MANUEL GARCIA—RIVERA, OF FLORIDA
CARRIE GIARDINO, OF MASSACHUSETTS
JOHN R. GIBBS, OF VIRGINIA
SARAH DEVIN GLASSBURNER—MOEN, OF OREGON
JOSEPH R. GOCHAL, OF THE DISTRICT OF COLUMBIA
ARON F. GOLD, OF PENNSYLVANIA
BARTHOLOMEW GOLDYN, OF VIRGINIA
BRENDAN P. GOUGH, OF VIRGINIA
BRIAN H. GRANDJEAN, OF VIRGINIA
JOHN GRANOS, OF THE DISTRICT OF COLUMBIA
THOMAS WITTEN GRAVES, OF VIRGINIA
CORETTA GREEN, OF VIRGINIA
KATHERINE HALL, OF COLORADO
KELLY R. HARRIS, OF VIRGINIA
JENNIFER HENGSTENBERG, OF IOWA
JULIE ELIZABETH HENNINGER, OF THE DISTRICT OF COLUMBIA
ELIZABETH W. HERMAN, OF VIRGINIA
CALANDRA HERSRUD, OF NEVADA
TANYA T. HICKS, OF VIRGINIA
MATTHEW S. HSIEH, OF VIRGINIA
LAUREN N. HUOT, OF FLORIDA
SURIYA CASSIS JAYANTI, OF CALIFORNIA
BRITTANY K. JENKINS, OF VIRGINIA
PETER G. JESCHKE, OF VIRGINIA
PRIYA JINDAL, OF OHIO
KEVIN M. JOHNS, OF VIRGINIA
ALAN J. JOHNSON, OF VIRGINIA
DANIEL C. JOHNSON, OF TEXAS
HELENA ULRIKA JOYCE, OF CALIFORNIA
JON T. KAKASENKO, OF VIRGINIA
JAMES F. KILDAY, OF VIRGINIA
SARAH E. KINDIG, OF VIRGINIA
ALEXANDRA J. KING, OF MARYLAND
ANTHONY C. KING, OF WASHINGTON
JARED P. KNAB, OF OHIO
JOSEPH ROBERT KNUPP, OF PENNSYLVANIA
BROOKE KREGER, OF VIRGINIA
CAROLYN ANNE KRUMME, OF TEXAS
CHANDNI KUMAR, OF MARYLAND
JENNIFER LANDAU-CARTER, OF OREGON
KARL D. LANDSBERG, OF VIRGINIA
MALLORIE S. LAVALLAIS, OF VIRGINIA
ANDREW LEROSE LEAHY, OF OREGON
EUNA LEE, OF VIRGINIA
JOHN T. LONG, OF VIRGINIA
KELLI SHANNON LONG, OF NEW YORK
KIMBERLY K. MAGEE, OF MARYLAND
AGATA MARIA MALEK, OF NEW MEXICO
MERIDETH S. MANELLA, OF NEW JERSEY
LYNN ALEXANDRIA MARSHALL, OF MICHIGAN
JAMES J. MARTELL, OF VIRGINIA
STEPHEN L. MARTELLI, OF DELAWARE
LUKE MARTIN, OF CALIFORNIA
CHARLES S. MATICH, JR., OF THE DISTRICT OF COLUMBIA
BENJAMIN W. MEDINA, OF VIRGINIA
LUKE MEINZEN, OF KANSAS
PARINAZ K. MENDEZ, OF FLORIDA
DEREK MASON MILLS, OF CONNECTICUT
ROBERT V. MOELLER, OF VIRGINIA
ROBYN MOFSOWITZ, OF THE DISTRICT OF COLUMBIA
DORIAN MOLINA, OF NEW YORK
DONNA RENEE MOLINARI, OF THE DISTRICT OF COLUMBIA
TRAVIS MUIR, OF THE DISTRICT OF COLUMBIA
KEITH W. MURPHY, OF THE DISTRICT OF COLUMBIA
JEANNE B. NIENHAUS, OF VIRGINIA
BARRY E. NORMAN, OF VIRGINIA
DOUGLAS A. OLIVA, OF VIRGINIA
MARY L. OLNEY, OF NORTH CAROLINA
KATIE ANN OSTERLOH, OF FLORIDA
KENDRA E. PACE, OF FLORIDA
THOMAS E. PAJUSI, OF NEW JERSEY
BENJAMIN PARISI, OF FLORIDA
STRADER PAYTON, OF MISSOURI
VICTOR M. PEREZ, OF FLORIDA
ANKITA B. PERRY, OF THE DISTRICT OF COLUMBIA
MALCOLM G. PERRY, OF THE DISTRICT OF COLUMBIA
ADRIAN PETRISOR, OF ARIZONA
JOSSELIN PHAN, OF THE DISTRICT OF COLUMBIA
BRIAN CHRISTOPHER PHELPS, OF NORTH CAROLINA
JENNIFER A. PIERSON, OF TEXAS
DENISE M. PONTACOLONI, OF THE DISTRICT OF COLUMBIA
CASEY K. POST, OF PENNSYLVANIA
KEVIN JOHN POWERS, OF THE DISTRICT OF COLUMBIA
STACIE J. PRIDOTKAS, OF VIRGINIA
TAMARA PRZYLEPA, OF GEORGIA
NATHANIEL D. REIN, OF THE DISTRICT OF COLUMBIA
ROBERT B. REVERE, OF THE DISTRICT OF COLUMBIA
RONALD S. RHINEHART, OF WASHINGTON
TYRA E. RIVKIN, OF VIRGINIA
BRUCE ROBINSON, OF VIRGINIA
BENJAMIN R. ROODE, OF THE DISTRICT OF COLUMBIA
ROBERT S. ROSE, OF VIRGINIA
KERYN ROSS, OF VIRGINIA
ROBIN MERCEDES ROTMAN, OF ILLINOIS
JOHN ROWOLD, OF FLORIDA
SUJOYA S. ROY, OF NEW YORK
CLAIRE E. RUFFING, OF NEW YORK
KATHLEEN MEARA RYAN, OF MASSACHUSETTS
ANDREW D. SABO, OF VIRGINIA
OSCAR SAENZ, OF TEXAS
KRISTIN M. SALAZAR, OF NEW MEXICO
SARA L. SALINAS, OF ARIZONA
MEGAN MARIE SALMON, OF WASHINGTON
DIANA SANTOS, OF VIRGINIA
JOSHUA EDWARD SAXTON, OF VIRGINIA
ROBERT SCHRIER, OF MARYLAND
SHANNA SCOTT, OF INDIANA
CHRISTOPHER J. SENECA, OF VIRGINIA
GABRIEL D. SHARAF, OF CALIFORNIA
SHANA SHERRY, OF CALIFORNIA
JOSHUA STEVEN SHRAGER, OF PENNSYLVANIA
CRAIG SIMONS, OF CALIFORNIA
ERIK E. SKAGGS, OF VIRGINIA
WILLIAM G. SKELTON, OF VIRGINIA
AUDREY SUE-JUNE CHAN SLOVER, OF COLORADO
ALEXIS KOTARBA SMALLRIDGE, OF THE DISTRICT OF COLUMBIA
ANDREW C. SNAVELY, OF NORTH CAROLINA
LAUREN STARRETT, OF THE DISTRICT OF COLUMBIA
ADAM J. STECKLER, OF NORTH CAROLINA
JASON B. STEGMAN, OF MARYLAND
HELAINA M. STEIN, OF NEW YORK
EMILY M. STOLL, OF VIRGINIA
ELIZABETH A. STREETT, OF WASHINGTON
WILLIAM DANIEL STURGEON, OF VIRGINIA
BRUCE W. SULLIVAN, OF NEW JERSEY
GURU KIRN KAUR SUMLER, OF TEXAS
CAROLE F. SUN, OF THE DISTRICT OF COLUMBIA
STEPHEN M. SUSANN, OF VIRGINIA
RAMONA L. TAN, OF VIRGINIA
ALINE TASLAKIAN, OF VIRGINIA
JERAD SCOTT TIETZ, OF MARYLAND
BRYAN P. TIKALSKY, OF VIRGINIA
JOHN B. TILSTRA, OF MARYLAND
TRI TRAN, OF CALIFORNIA
CARL W. TREICHEL, OF VIRGINIA
DAVID WAGNER, OF MASSACHUSETTS
NATHAN D. WALLACE, OF THE DISTRICT OF COLUMBIA
JONATHAN P. WEDD, OF CALIFORNIA
HEATH H. WHITE, OF VIRGINIA
AZAR SOUGHAY WILLIAMS, OF TENNESSEE
BRIAN P. WILLIAMS, OF FLORIDA
KEVIN L. WOMACK, OF THE DISTRICT OF COLUMBIA
NOAH WOODIWISS, OF MASSACHUSETTS
TODD A. WOODRUFF, OF VIRGINIA
ALAN A. WRIGHT, OF MARYLAND
JOHN YANG, OF VIRGINIA
JENNIFER L. YOUNG, OF VIRGINIA
SERGIO ZABALA, OF THE DISTRICT OF COLUMBIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KENNETH R. PROPP, OF VIRGINIA

HOUSE OF REPRESENTATIVES—*Thursday, July 12, 2012*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 12, 2012.

I hereby appoint the Honorable SHELLEY MOORE CAPITO to act as Speaker pro tempore on this day.

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

PRAYER

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

God of the universe, we give You thanks for giving us another day.

As the Members of this people's House deliberate these days, give them the wisdom and magnanimity to lay aside what might divide us as a people to forge a secure future for our country.

We pray for all people who have special needs. May Your presence be known to those who are sick, that they might feel the power of Your healing spirit. Be with those who suffer persecution in so many places in our world, and bless our troops who are engaged in the easing of those sufferings. Give to all who are afraid or anxious or whose minds are clouded by uncertain futures the peace and confidence that come from trust in Your goodness and mercy.

Inspire the men and women who serve in this House to be their best selves, that they may in turn be an inspiration to the Nation and to the world.

May all that is done here this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HULTGREN led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

MASSIVE DEFENSE CUTS

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

Mr. WITTMAN. Madam Speaker, I rise today to express concerns on behalf of my constituents. Paralysis, uncertainty—these are the effects of inaction, inaction on looming, massive defense cuts that will go into effect in January 2013.

In America's First District, many small businesses exist to support our military, to innovate and to build systems and resources—resources for our troops that save lives and help them do their job on the battlefield. But these businesses face an uncertain future as the question of looming defense cuts, or sequestration, remain unresolved. Do they stop production? Do they lay off workers?

This spring, I voted with the majority in this House to avoid these massive defense cuts while putting the Nation's budget on a path to balance. The Senate has failed to act. The President has threatened to veto.

Our military and those who support it—and the national security of this country—demand our attention and respect. Leaving this issue to the last minute is irresponsible. Now is the time for action.

WESTERN NEW YORKERS COMPETING IN THE OLYMPIC GAMES

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

Ms. HOCHUL. Madam Speaker, 2 weeks from tomorrow Olympic athletes from all over this world will parade into the stadium in London to officially launch the 2012 Olympics.

I am so proud to say that five of them will be western New Yorkers that we represent in upstate New York. These include archer Jake Kaminski from Elma; the current number one ranked women's pole vaulter, Jenn Suhr of Churchville; volleyball player Matt Anderson, born in Buffalo; swimmer Ryan Lochte, born in Rochester; and two time U.S. Soccer Female Athlete of the Year, Abby Wambach of Rochester.

Throughout their lifetimes of training, hard work, and sacrifices, these athletes embody what it means to be an American, and they carry with them to London the pride of western New York and the entire Nation.

As we wish them and the entire team good luck, my wish is that that sense of common purpose that joins all of us as Americans during that Olympic period will join us on this floor of Congress as we seek to form a more perfect Union.

FARM BILL

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

Mr. BERG. Madam Speaker, last night the House Agriculture Committee finished its work on the farm bill, late last night, and I applaud Chairman LUCAS and Ranking Member PETERSON for their work. I rise today to call for full consideration of the farm bill before the House.

Agriculture is the backbone of North Dakota, and North Dakota farmers and ranchers deserve the stability and certainty that a long-term reauthorized farm bill would provide.

With the farm bill passing through committee with bipartisan support, including strong crop insurance, now is the time for the full House to act on it. I urge my colleagues to join with me and work together to get this bipartisan farm bill passed.

HONORING PRISCILLA DEWEY HOUGHTON

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

Mr. BLUMENAUER. Madam Speaker, Priscilla Dewey Houghton, beloved wife of our dear colleague of 18 years, Amo Houghton, passed away last Friday.

She was a playwright, a linguist, a poet who, together with Amo, formed a special type of power couple. Priscilla was intelligent, curious, and gracious. She was the perfect partner for Amo.

While her efforts 40 years ago led her to introduce children and adolescents to joy and creativity in Massachusetts, here in D.C., with Amo, she fought against rancor and mean spiritedness in our Nation's capital.

Priscilla was the first honorary member of the Congressional Bike Caucus. Cycling was significant to her because of an early bout with polio that left her bedridden for a year. Priscilla was a very special woman whose battle with adversity never slowed her down or dimmed her spirits.

Our hearts go out to Amo and her family and friends gathering for her memorial service in Boston this Saturday.

LIFE SAFETY EDUCATOR OF THE YEAR: MARSHA GIESLER

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

Mrs. BIGGERT. Madam Speaker, today I rise to honor Marsha Giesler, an Illinois native and a recipient of the 2012 National Fire Protection Association's Fire and Life Safety Educator of the Year award.

Marsha serves as the Downers Grove Fire Department public information officer, and in that role she coordinates with emergency service personnel to provide Downers Grove residents with valuable, lifesaving information and safety-related materials. She is also assistant to the chief and a juvenile fire interventionist. To help others promote safety within their own communities, she published a 400-page reference book, ''Fire and Life Safety Educator,'' the most easily accessible reference book of its kind.

Madam Speaker, Marsha Giesler's more than 20 years of excellent public service have demonstrated her commitment to keeping our community safe, and I want to commend Marsha for her leadership, her dedication, and her hard work.

NEW YORK STATE'S I-STOP LAW

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

Mr. HIGGINS. Madam Speaker, yesterday New York State's Eric Schneiderman was in western New York to celebrate the passage of New York State's I-STOP law. This law uses online databases to connect doctors and pharmacists helping to combat the tragic prescription drug abuse epidemic.

I was pleased to join the effort by leading a bipartisan State delegation letter in support of this law. While there are many important players in the passage of this bill, I would like to especially congratulate Senator Tim Kennedy, Avi and Julie Israel for their efforts.

The passage of I-STOP raises awareness of the growing importance of integrating health information technology and electronic medical records into the field of health care.

Madam Speaker, I am hopeful that other States move to implement this and other electronic medical record technologies. This is a serious problem, and it is our responsibility to act swiftly.

□ 0910

GETTING SPECIFIC ON HEALTH CARE

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

Mr. HULTGREN. Madam Speaker, now that the health care law is out of the judicial process, it's back in the hands of the legislature. It's time to face the real consequences of this law.

This week, the Ways and Means Committee has started examining the tax effects. The Oversight Committee is looking at the impact on patients and doctors and on the economy. But in reality, we know what to expect. An average American family will see a $1,200 increase in health care premiums after this law is fully in effect. More than 1 million Americans are at risk of losing their plan because their plan was denied a waiver. The Congressional Budget Office has estimated that we will see 800,000 fewer jobs by 2012. The law contains 22 new tax increases. And 9 in 10 seniors with retiree benefits will lose their retiree prescription drug coverage through their employers.

It's time to get specific with the American people about what this law means for them.

PROTECTING THE STUDENT LOAN INTEREST RATE

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

Mr. COURTNEY. Last Friday, President Obama signed into law a bipartisan compromise which extended a lower student interest rate of 3.4 percent. Incredibly, the ink was barely dry on that measure when the Romney campaign introduced their higher education plan, which would take us back to wasteful taxpayer subsidies to private student loan lenders.

This is what the conservative Cato Institute said about that proposal:

> A meaningless change from a college affordability standpoint. Obviously, it would have an effect for banks, who would be happy to go back to that. It was a great gig for them.

A Romney supporter at the new New America Foundation said on this issue:

> On this issue, Romney is just ridiculous. His campaign staff doesn't have any new ideas. So they just said, Let's go back to what we were doing before the Obama administration.

For young Americans, the choice this fall is becoming clearer. We have a President who successfully challenged this Congress to protect the lower student loan interest rate, and his opponent, who is looking to take $60 billion in taxpayer funds and give it away to special interests.

THE PULSE OF TEXAS: AVA

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

Mr. POE of Texas. Madam Speaker, when I am back in southeast Texas, I hear from individuals and businesses who are concerned about how ObamaCare will affect them. Ava, a senior from Houston, tells me this:

> I am a senior who is very concerned that I will lose the great health care that I am presently receiving under Medicare. I am pleased with my doctors and with my health care plan. At the present, I can afford it, and I am concerned I will not be able to in the future if ObamaCare goes completely through and that I might not get the care I need for the health issues I already have.
>
> Seniors cannot afford ObamaCare, nor do they want it. Living on limited income today is hard enough without this new health care plan wanting more of my money. Seniors seem to be taking it on the chin tremendously on this issue.

Madam Speaker, Ava is right: ObamaCare is not good for seniors on Medicare. They will pay more for less care because of this expensive government takeover of America's health.

And that's just the way it is.

FOOD SHOULD BE OUT OF THE CONVERSATION

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

Mr. BUTTERFIELD. One of the most significant congressional accomplishments in 1965 was to create a program whereby American citizens could have the opportunity for nutritious foods. The SNAP program allows 46 million Americans to avoid being hungry. The benefits go to deserving individuals. Fifteen percent are elderly; 20 percent are disabled. The average gross monthly income for a food stamp household is $731. The average net income is $336.

Now we see an effort to roll back these benefits to these vulnerable populations. The Ryan House budget calls for $35 billion in cuts. The Lucas-Peterson plan marked up last night calls for $16 billion. That will result in 3 million Americans losing basic nutrition.

Madam Speaker, this proposal will hurt real people and literally take food off of their table. It's wrong, it's immoral, and it's irresponsible to take food away from deserving American citizens to balance a budget that is unbalanced because of reckless policies that have benefited the rich.

I urge my colleagues to develop a balanced approach to deficit reduction, to include cuts and new revenue. But food should be out of the conversation.

NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2012

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 4402.

The SPEAKER pro tempore (Mr. POE of Texas). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 726 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4402.

The Chair appoints the gentlewoman from West Virginia (Mrs. CAPITO) to preside over the Committee of the Whole.

□ 0915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, with Mrs. CAPITO in the chair.

The Clerk read the title of the bill.

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

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Chair, the United States of America is rarely last at anything. Unfortunately, that is not the case when it comes to permitting mining projects. In 2012, the U.S. was ranked dead last, along with Papua New Guinea, out of 25 major mining companies on the pace of mining permitting. Now I can't speak for Papua New Guinea, but the reason the U.S. is so slow to issue new mining permits is simple: government bureaucracy.

Burdensome red tape, duplicative reviews, frivolous lawsuits, and onerous regulations can hold up new mining projects for more than a decade. These unnecessary delays cost Americans jobs as we become more and more dependent on foreign countries for raw ingredients to fuel manufacturing and our economy. The lack of American-produced strategic and critical minerals are prime examples of how America has regulated itself into 100 percent dependence on at least 19 unique elements.

Rare Earth elements, a special subset of strategic and critical minerals, are often used as core components for the manufacturing of everything from national security systems to consumer electronics to medical equipment to renewable energy components and everyday household items. Even though America has a plentiful supply of rare Earth elements, our negative approach to producing these crucial materials has resulted in China producing 97 percent of the world's rare Earth elements. Just like the United States' dependence on foreign oil causes pain at the pump, Americans will soon feel the impact of China's monopoly on the rare Earth element market. Those impacts will be felt when they need a CAT scan or they want to buy a new computer for their small business or purchase an iPhone or install solar panels on their roof.

H.R. 4402, the National Strategic and Critical Minerals Production Act, introduced by our colleague from Nevada (Mr. AMODEI) will help to end this foreign dependence by streamlining government red tape that blocks strategic and critical mineral production. First and foremost, this is a jobs bill, and the positive impact of this bill's intent will extend beyond the mining industry. For every metals mining job created, an estimated 2.2 additional jobs are generated. And for every nonmetal mining job created, another 1.6 jobs are created. This legislation gives the opportunity for American manufacturers, for small business technology companies, and construction firms to use American resources to help make the products that are essential for our everyday lives, and in the process this will put Americans back to work.

As China continues to tighten global supplies of rare Earth elements, we should respond with an American mineral mining renaissance that will bring mining and manufacturing jobs back to the United States. The National Strategic and Critical Minerals Production Act will help supply our national security, high-tech, health care, agriculture, construction, communications, and energy industries with homemade American materials. This bill is the latest example of House Republicans' commitment to and focus on American job creation. The House has passed over 30 job creation bills that still sit in the Senate, where their leaders, unfortunately, refuse to take any action.

□ 0920

This includes several bills from the Natural Resources Committee to increase production of our all-of-the-above energy resources and to protect our public access to public land.

H.R. 4402 will enable new American mineral production. We must act now to cut the government red tape that is stopping American mineral production that furthers our dependence on foreign minerals.

So I urge my colleagues to vote ''yes'' for this underlying legislation; and with that, I reserve the balance of my time.

Mr. MARKEY. I yield myself as much time as I may consume.

It is really quite fitting that the Republican-controlled House of Representatives is taking up a bill today to weaken environmental regulations for the hard rock mining industry. Because just last night the Republican candidate for President held a lavish $25,000-a-plate fundraising dinner out in Montana. For those who don't know, the Daly mansion where that event was held was owned by a famous guy, Marcus Daly, was one of the three ''copper kings'' of Montana during the Gilded Age. He was infamous for his epic battles with other robber barons for control over the copper industry in Montana and around the country.

In fact, the Supreme Court's recent 5–4 decision to invalidate the Montana election law of 1912 overturned a law that was originally enacted to respond to the very excesses of mining barons like Marcus Daly.

So here we are out here on the House floor embracing the Gilded Age. But here in the Republican House, we are not in a Gilded Age; we are in a Giveaway Age where every week the Republicans seek to hand even more giveaways to the oil, the gas, the timber, the coal, and the mining industries. The bill we are considering today is so broadly drafted where apparently sand, gravel, and crushed stone are considered rare and strategic that the majority actually appears to be trying to usher in a new stone age. Under this bill, the next time you go to the beach, you should put some sand in your pocket because the majority apparently believes that it is a rare element. That gravel in your driveway is protected because, under this bill, it is apparently strategic to America's national security.

Rare Earth elements are indispensable to a wide range of military, electronic, and industrial applications, as well as a variety of clean energy technologies. But this bill isn't giving us just the futuristic technologies of the Jetsons. It's giving us the prehistoric technologies of the Flintstones. Volumes of reports have been written about rare Earth minerals and other critical and strategic minerals; and none of them define things like gravel,

sand, and clay as critical or strategic minerals.

What we could be doing and what we should be doing on this House floor is developing a policy to break China's grip on the rare Earth minerals that are important to our high-technology sector and to national defense. But we aren't doing that with this bill. No, what we are doing here is using strategic and critical minerals as a pretext for gutting environmental protections relating to virtually all mining operations.

Now, because the majority has cast so many votes to benefit these industries that it gets hard to keep track, we have created this chart to help everyone keep track of which industry is benefiting each week in the GOP giveaway game show. Yesterday, my colleague from Utah seemed extremely interested in making sure this chart functioned properly in order to aid the body. So I brought it back today so we can give it a spin and make sure we all remember who is getting a special giveaway today. But for the Republican Congress, this isn't the game show ''Wheel of Fortune.'' This is the Wheel of Fortune 500 Companies where we can spin to see which large, multinational companies will get handouts.

In ''Jeopardy,'' you state your answer in the form of a question. In the GOP House of Giveaways, answers are stated in the form of questionable policies. And the GOP's final answer in their running game of ''Who Wants to Be a Millionaire'' is always the same: it is the largest corporations in America at the expense of American taxpayers and the environment. In fact, the majority is bringing this bill chock-full of giveaways to the mining industry on the floor without addressing the 140-year-old loophole that allows mining companies to extract gold, silver, uranium, and other hard rock minerals from public lands without paying taxpayers any royalty payments.

This rip-off is even worse when you see that every western State actually charges royalties of between 2 and 12 percent for companies to mine hard rock minerals on State lands; but on Federal lands, which might be right next door, the mining companies don't have to pay taxpayers a dime in royalties.

The robber barons are long gone, but mining companies can still operate under a law put in place during their heyday. Yet the majority's answer is not only to do nothing to end this free mining on public lands. They are trying to hand even more giveaways to this industry in this bill. This is a bad bill, and it should be defeated. I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who is the chairman of the Energy and Mineral Resources Subcommittee on the Committee on Natural Resources.

Mr. LAMBORN. I thank the chairman.

Madam Chairman, I am pleased to speak in support of H.R. 4402, the National Strategic and Critical Minerals Production Act of 2012, introduced by my colleague, Representative AMODEI, of which I am a cosponsor. This bill was heard in our Energy and Mineral Resources Subcommittee on April 26.

Although Americans hear a lot about our dependence on foreign oil, they may not know about our dependence on foreign countries for minerals critical to our manufacturing, national defense, communications, and medical care needs.

Over the years, we have allowed frivolous lawsuits and unnecessary regulations to stifle our domestic production of these vital minerals. Today, the United States is nearly 100 percent reliant on countries such as China for rare Earth elements that are essential to our economy. We should all be troubled by China's recent policies restricting exports of these critical minerals. But rather than complain about that to the World Trade Organization, as the Obama administration is doing, we should simply support our efforts to allow production of and access to our own vast domestic supplies.

This bill is a bipartisan plan that cuts red tape by streamlining the permitting process for mineral development which will create jobs and help grow the economy. Under current laws and regulations, it could take a developer up to 10 years to get all the government permits in place. This bill would shorten that time down to just over 2 years.

These minerals are essential components of technologies in everyday items ranging from cell phones, computers, medical equipment, renewable energy products, high-tech military equipment, and building supplies. They are vital to our country's manufacturing sector and our ability to create jobs. Every job in metals mining creates an estimated 2.3 additional job.

It's time for America to get serious about rare Earth and strategic minerals. We can start by opening up our $6 trillion worth of untapped mineral resources.

I urge my colleagues to support this bill.

Mr. MARKEY. I yield to the gentleman from New Jersey as much time as he may consume.

Mr. HOLT. I thank my friend, the ranking member.

Madam Chair, today we're considering the so-called National Strategic and Critical Minerals Production Act of 2012. Now, despite the bill's title, it has almost nothing to do with national strategic and critical minerals production.

□ 0930

In fact, under the guise of promoting the development of minerals critical to the United States' national security, this legislation would reshape mining decisions on public lands for almost all minerals. You heard Mr. MARKEY talk about gravel and sand and other things that can fall under the definition here of critical minerals.

There's a list of problems with this bill that is long, and several of the amendments we'll consider today will attempt to address the egregious provisions that would truncate important environmental review.

Make no mistake, this is a giveaway. It is free mining, no royalties, no protection of public interest, exemption from royalty payments, near exemption from environmental regulations, near exemption from legal enforcement of the protections. And it's unnecessary.

Madam Chairman, the Natural Resources Committee has already reported out legislation, on a bipartisan basis, to lay the groundwork for developing critical and strategic mineral production. Nearly a year ago, July of 2011—yes, 12 months ago—the committee reported out H.R. 2011, on a bipartisan basis, the National Strategic and Critical Minerals Policy Act of 2011, by unanimous consent. That bill would improve our understanding of critical strategic mineral deposits and aid in their development.

That legislation is not only bipartisan, it's supported by the National Mining Association, for heaven's sake. The president and CEO of the National Mining Association, Hal Quinn, issued a statement when the bill was passed out of committee, saying, ''The House Natural Resources Committee took important bipartisan action today to ensure U.S. manufacturers, technology innovators, and our military have a more stable supply of minerals vital to the products they produce and use.''

He went on to say that legislation ''will provide a valuable assessment of our current and future mineral demands and our ability to meet more of our needs through domestic minerals production.''

Yes, a year ago we reported out a bill, on a bipartisan basis, that would do what this legislation purports to do. Instead, we're taking up this legislation, which is a giveaway.

The legislation we could be dealing with actually deals with strategic and critical minerals. If the majority were to bring it to the floor, I'm sure it would pass in an overwhelming, bipartisan way and would likely be passed by the other body and signed into law.

We should be able to work in this fashion when it comes to improving our supply of rare earths and other strategic minerals and ensuring that we're not dependent on China and other nations for their supply, but the

majority is not interested, evidently, in working in a bipartisan fashion. Instead, they're moving this bill, H.R. 4402, which has almost nothing to do with strategic minerals and is really about giveaways to the mining industry. This bill is a Trojan horse and has no chance of becoming law.

Why are we playing these games? Why are, I should say, they playing these games with our need to develop strategic minerals? We should be working in the kind of fashion that led to last year's bill.

The majority should shelve this giveaway to the mining industry and bring up the other Critical Minerals Policy Act to the floor immediately.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 2 minutes to the author of this legislation, the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. Madam Chair, I'm going to follow on the theme from my colleague from the Garden State: Why? Why an 11½-page bill that does two things; sets a 30-month—not rock-hard, no pun intended—time limit on Federal permitting decisions for mines and says, if you don't like that decision, you've got to sue in 60 days?

Why are you not talking about what's the problem with 2½ years to talk about the permit? What's the problem with providing some predictability to the timing of the permitting process? What's the problem with not stringing people out under NEPA for over a decade for mine decisions? Why are we not hearing about that?

The giveaway stuff is phenomenally entertaining. This does nothing to tax law. This does nothing to safety law. This does nothing to supplant NEPA, and this does nothing to supplant any State fix. This is an 11-plus-page bill that says you've got 30 months—and by the way, if you both agree, you can use more than 30 months. Now, what's the translation of that? God forbid we have collaboration between an applicant and a Federal land use agency in this process.

Why are you afraid of collaboration? Why are you afraid of setting a time limit? And where in the 1969 NEPA law—since we're talking about old stuff—does it say this is a marathon, and if you can outwait them—forget about the facts, forget about the science, forget about the technology—we're going to obfuscate and delay and hope that you will go away? Because, you know what—my hat's off—it's become a great weapon in this.

But when less than 1 percent of the surface area of Federal land in this Nation is impacted by mining, I think what it's really about is we don't want any predictability for this because we're basically against an industry.

Everybody's got a definition of ''strategic.'' When you talk about transportation, medical devices, national defense, the economy, I think those are strategic and critical things.

So I would urge your support on this, to bring some collaboration, truly, instead of making this an administrative marathon for purposes of permitting.

Mr. MARKEY. I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Madam Chair, the bill we are considering today isn't about ensuring our supply of ''strategic and critical minerals.'' This bill is about deregulating the mining industry and the pipeline industry.

It's misnamed. It should be renamed the Koch Brothers Mining and Pipeline Deregulatory Act of 2012. It's consistent with everything that my colleagues on the other side of the aisle have been about during this 112th Congress. It's been about deregulation; it's been about tax breaks for the wealthy; and it's been about cutting the ability of the government to do what it needs to do.

While they're cutting the ability of the Federal agencies to assess the propriety of these kinds of activities—mining and gas line production—while they are cutting the ability to do that, they are reducing the time within which the remaining assets of the various agencies have to do the work that they are supposed to do. I'll tell you, it's important that we assess the environmental impact of various proposals on our environment, but my colleagues on the other side don't care about the environment.

Almost a year ago, the Natural Resources Committee produced H.R. 2011, the National Strategic and Critical Minerals Policy Act, a bipartisan bill that actually did address supply vulnerabilities for truly strategic and critical minerals policy. I was proud to work with Ranking Member MARKEY and Chairman HASTINGS to coauthor that legislation, and it was passed unanimously by their committee.

That bill, H.R. 2011, would have passed this body with broad bipartisan support and would probably have passed the Senate, too. It could have been a rare glimpse of actual governance in this totally politicized Tea Party House of Representatives. Unfortunately, I understand that bill was obstructed by Republican leadership. I wonder why.

Could it be the Koch brothers? Things go better with Coke. Could it be because the mining industry instructed them to attack environmental regulations instead? Did someone get a phone call from Rush Limbaugh with instructions?

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. Rather than bringing the bipartisan H.R. 2011, here we have a wolf in sheep's clothing, a bill that purports to serve our national security interests but, in truth, just seeks to undermine environmental regulations that protect the health and well-being of Americans throughout this great country.

□ 0940

It's just another episode in a long saga of misleadingly named Republican legislation, bills that claim to help the country, but really just help the special interests. What a shame.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself 30 seconds, and I would yield to the gentleman from Georgia, if he can tell me, in this 11-page bill, where environmental laws are gutted, and I'll yield to the gentleman if he can give me a specific, what page.

I'm asking you a question, and I'll yield to you if you respond to my question.

Mr. JOHNSON of Georgia. You asked me a question and I'm going to answer it.

Mr. HASTINGS of Washington. What page?

Mr. JOHNSON of Georgia. The overall scheme of this bill——

Mr. HASTINGS of Washington. What page?

Mr. JOHNSON of Georgia. The overall scheme of this bill is to take away——

Mr. HASTINGS of Washington. What page? I asked the gentleman—I'm yielding to him to respond to me at what page. The gentleman cannot respond.

Mr. JOHNSON of Georgia. You're not interested in debate.

Mr. HASTINGS of Washington. The gentleman obviously can't respond. I reclaim my time.

I am very pleased at this point to yield 2 minutes to the gentleman from Arizona (Mr. GOSAR), a member of the Natural Resources Committee.

Mr. GOSAR. Madam Chairman, I rise today in support of H.R. 4402.

My home State of Arizona is known for the five Cs: cattle, cotton, citrus, climate, and, lastly, copper. People have been digging in Arizona for precious metals like copper for centuries. In the 1850s, nearly one in every four people in Arizona were miners. Without a doubt, mining fueled the growth that makes Arizona the State it is today.

Today, the Arizona mining industry is alive, but it is not what it used to be. A wide array of other critical minerals such as copper, coal, uranium, lime, and potash are mined throughout my district. These projects employ hundreds of my constituents with high-paying jobs, jobs that pay over $50,000 to $60,000 a year plus benefits. In rural Arizona, those types of jobs are few and far between—in fact, they are few and far between across this country.

But there is some potential, and there's so much more. As you can see

from the graphic, rare Earth and other critical minerals have been discovered throughout rural Arizona and are suitable for development. These are minerals our country badly needs to meet the demands for production of everyday items like cell phones, computers, batteries, and cars.

So what is the holdup?

As I travel throughout rural Arizona talking with companies that do business throughout my State, the message is clear. The length, the complexity, the uncertainty of the permitting process is stymieing the development of and discouraging investors from committing to U.S. mining.

If you do not believe this, how about a real life example? I will give you an example right out of rural Arizona. Down here in Safford, in the southeastern part of my district, is the home of the newest mine in North America. It took 13 years for all the necessary permitting. Imagine that. Time is money.

I was the first cosponsor of H.R. 4402 because the government has to work more efficiently. This legislation streamlines the process and sets benchmarks while ensuring continued environmental protection.

Let me be clear. Despite what the opposition says, this bill does not exempt the industry from complying with environmental regulations. It tackles the problems on the government approval process.

Let's restore some sanity into the permitting process.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. GOSAR. If the current bureaucratic gridlock was in place 150 years ago, I do not believe Arizona could exist as it does today. Copper would not be one of our five founding Cs.

Let's restore some sanity to the permitting process and get American miners back to work. Vote ''yes'' on the National Strategic and Critical Minerals Production Act. Our economy deserves and depends on it.

Mr. MARKEY. I yield as much time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

I just wanted to address the point raised by the committee chair. Where in the bill, he asks, are there exemptions from environmental review?

Well, section 102 is where they are, right at the front of this bill, page 4, if he wanted to know the page number. Under section 102, the lead agency can determine whether the NEPA law, the National Environmental Policy Act, even applies to a particular project. The whole idea of the National Environmental Policy Act is that there would be an independent review that involves public input, input from all affected interests, and input from somebody who speaks for the land and somebody who speaks for the trees.

One of my colleagues a few moments ago said mining affects only a tiny, tiny fraction of the land. Well, that is, if you ignore everybody who's downstream and downwind.

Section 102 allows deferring and relying on data from reviews that have been performed not under NEPA standards. The majority says, well, State reviews should suffice.

Well, does anybody remember a State called Montana that was controlled by copper interests? Do you think that State's reviews of a copper mining environmental impact would suffice?

Well, that's the kind of thing that would be permitted under this legislation. It would be whether to prepare a document, the determination of the scope of any review, the submission and review of any comments from the public. They could say no public comments are permitted. I consider that a real abrogation of our responsibility and, yes, a real removal of environmental protection.

Mr. HASTINGS of Washington. I yield myself 30 seconds to respond to my friend from New Jersey.

He talked about section 102. Section 101, which is the basis of all this really, talks about what the President did with his executive order, by improving performance of Federal permitting and review of infrastructure projects. Now, we are simply duplicating what the President has already said is okay in other areas.

With that, Madam Chairman, I am very pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Chair, I rise in support of H.R. 4402, the National Strategic and Critical Minerals Production Act.

It's nice to hear on the floor who it is that's speaking for the trees in New Mexico. We've just burned down 300,000 acres of those trees in New Mexico because of the voices coming from Washington saying don't cut a single one of them. Let the fuels build up in those forests until they burn down.

All this bill is doing is saying, let's hold our government accountable to some standard of performance. We want our government servants to do the same work they would do in 10 years in maybe 30 months. That is not an unreasonable assumption for us in America, who are looking for the jobs.

New Mexico used to be the home to 11 rare Earth mineral mines. Those are the ones that create cell phone batteries, the minerals that create technological things. And we now have pushed those out of New Mexico and the rest of the West, and we've pushed them over to China so that they have the jobs and we no longer have them in this country.

We have people here who are willing to scream foul on every single thing when we ask the government to simply do its job in a little bit more efficient manner.

We actually did that in the 2005 Energy Policy Act. An amendment placed in the Resources Committee actually improved the permitting process. It had categorical exclusions. It created pilot offices.

I just had a chance to visit with the State director of BLM last week. He said that our processes are so much better today because of that bill. That's all we're trying to do in this bill here today.

H.R. 4402 simply listens to the President. We were talking about, from the other side of the aisle, we should rename it. Well, why don't we rename it, We're Listening to You, Mr. President? You asked on March 22 that our Federal permitting and review processes must provide a transparent, consistent, and predictable path. The President is asking for it, and this bill simply gives it.

The reason that we don't have jobs in this country is because we're sending them to other countries. Companies cannot wait for 10, 12, 15 years. They can't invest in that permitting process to get to the point of where their process is finished.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. PEARCE. They can't invest 10 to 12 years in a permitting process to be told at the end of it, we're sorry; we're not going to do it.

We could call this the Let's Reinvest in American Green Jobs. Green jobs require aluminum; 100 percent of that is imported. Green jobs require nickel; 100 percent of that is imported. Green jobs require platinum; 91 percent of that is imported.

Our friends on the other side of the aisle speak from both sides of their mouth. We want green jobs, but we don't want to have any of the productive assets here. We want to import them from other countries. Let's reinvest in America.

□ 0950

Mr. MARKEY. Madam Chair, how much time remains on either side?

The CHAIR. The gentleman from Massachusetts has 12½ minutes remaining. The gentleman from Washington has 15 minutes remaining.

Mr. MARKEY. I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman for giving me a chance to clarify further the point raised by the chairman that this does not eviscerate environmental protections.

I talked about section 102, and the chairman came back and said, well,

section 101 just refers to the Presidential order that allows certain infrastructure projects to move ahead with expedited environmental review. First of all, it is only expedited environmental review—it is not with removal of environmental review—and that was talking about specific critical construction projects.

What this would do would allow the exemption, essentially, from environmental review for any of the materials that go into the construction project, including gravel and sand. All of that would be exempt because the mining companies could negotiate a timetable for each step of the review process. The mining companies could enter into a negotiation for determining whether there would be public comment or whether partial previous reviews would suffice.

Furthermore, section 103 directs the agency overseeing this project to prioritize, to give the highest priority, to maximizing the production of the mineral resource. In other words, that relegates any review, any challenge to the regulatory process, to secondary, tertiary or nonexistent status. It says maximizing production has the highest priority. This is a giveaway to mining companies. This is not about providing strategic and critical minerals.

The other side has talked at length about the importance of these minerals to our modern technology today for batteries and cars and magnets and all sorts of other things. They're right, we should be ensuring a good supply of these things; but this bill does not do it.

Mr. HASTINGS of Washington. Before I yield to the gentleman from Michigan, I yield myself 30 seconds.

The gentleman from New Jersey disparaged, I guess, sand and gravel. Madam Chairman, I would point out to you that I think, after the earthquakes in northern California, when roads collapsed, and after the earthquakes in southern California, when the roads collapsed, and when the bridge collapsed in Minnesota, I have to believe that those people felt that sand and gravel were very critical minerals at that time. That's why this bill is broad in its definition of ''critical minerals.''

With that, I am very pleased to yield 2 minutes to a member of the Natural Resources Committee, the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Thank you, Mr. Chairman.

I come to the floor today to express my support for H.R. 4402, the National Strategic and Critical Minerals Production Act. This bill will expedite responsible mineral production in the United States by reducing Federal red tape and by speeding up the Federal permitting process to create new mining jobs.

My northern Michigan district is blessed with abundant mineral resources. From copper mines in Keweenaw and Houghton to the iron mines in Marquette and the western parts of the Upper Peninsula, mining has been the foundation of northern Michigan's economy. Currently, mining contributes over $4 billion to Michigan's economy annually and employs over 30,000 people. Today, new mining operations in northern Michigan are being explored. These mines have the potential to create thousands of new jobs. In fact, just last week, I visited one of these new mine sites and was able to see firsthand the work that they are doing to responsibly utilize Michigan's vast copper resources.

Regrettably, the Federal Government and Washington bureaucrats have been standing in the way of new mines across this country. Due to lawsuits and government inefficiency, the current process of acquiring permits for a new mining project can take more than a decade. That's right, a decade. While our economy is struggling, we can not afford to wait 10 years while the Federal Government sits on its hands. We need to encourage the responsible use of our mineral resources to create jobs and keep America competitive with the rest of the world.

Madam Chair, I encourage all Members to support this commonsense legislation to speed up this process and create jobs. If we can get the Federal Government out of the way, I am confident areas like northern Michigan can flourish once again.

Mr. MARKEY. I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chair, I have used the phrase ''giveaway,'' as have others today several times. The ranking member spoke about the wheel of giveaways. One day, it's oil. Another day, it's timber. Today, it's mining. There is also a lot of concern about the special interests that are represented here by this.

I offered an amendment to this bill to ensure that the companies involved, the mining companies, could not continue to extract valuable minerals for free, minerals that belong to the American people, without accountability for their expenditures to obtain political influence. My amendment, which unfortunately was not allowed by the Rules Committee, would have simply required that mineral exploration and mining companies disclose their contributions for political influence over the previous 5 years in order to obtain new leases—perfectly legal and, I would say, perfectly reasonable.

The Supreme Court decision in Citizens United ruled that corporations may spend freely in elections, which I believe constituted a blow to popular democracy. It overturned a century-old doctrine going back to Teddy Roosevelt restricting corporate money in campaigns. The flawed decision opened floodgates on corporate spending to influence, maybe even to dominate, our elections. Because of that decision, American democracy has come to be defined by super PACs and similar organizations.

The amendment I offered would have helped to restore some sanity and transparency to this process by requiring that mining companies disclose their campaign contributions over the previous 5 years in order to receive new leases for public lands.

As Speaker BOEHNER said on ''Meet the Press'' a few years back:

> I think what we ought to do is we ought to have full disclosure, full disclosure of all of the money that we raise and how it is spent. I think that sunlight is the best disinfectant.

I agree. We should be doing that in this case as well. Promoting the development of minerals that are critical to core national priorities and that are genuinely susceptible to supply disruption, like rare Earth elements, should be an area where Democrats and Republicans can work together, not one where special interests advance one partisan interest over another. Unfortunately, the majority's hurry to give yet another handout to the mining industry means that we are not having that debate here today.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chairman, thank you for the time.

I stand here today in support of the bill of my friend and colleague, MARK AMODEI.

I think it's really important that we use America's resources responsibly to grow jobs in this country. We need American jobs using American resources and not relying on foreign imports and driving our jobs offshore. This is especially important when it comes to our mineral resources. We've heard all the rhetoric on the other side of the aisle, all that stuff. Let me just talk to you about the eastern Oregon miners.

They are individual men and women. They are very blue collar. They are not part of the wealthy class you hear talked about here. They've just been trying to work with this Federal Government for over a decade to be able to use the mining claims that they have. Back in 2001 and 2004, the Forest Service grouped together 49 mining plans of operations for analysis and approval. Then in 2005, the Forest Service decision to approve the plans was then litigated, and it resulted in the requirement that the Agency reduce some of its analysis.

□ 1000

Today, 11 years later, the Federal Government still can't get their work done. This is in an area that at one time in our history produced some of

the most substantial gold, silver, and minerals that we need in the United States.

When we pull out all our little electronic gadgets—you know what?—if it weren't for the mining interests in America, you wouldn't have those gadgets, because that's what goes into what we use. We need to be able to use America's resources. This allows us to do it.

The 42 mining operations in Baker County, if they were allowed to work—and these are just average Americans just trying to do what they're allowed to do under Federal law but held up because of the Federal agency's inability to get their work done or unwillingness to in the North Fork and the Burnt River and elsewhere. If they could just move forward, if they could just get an answer out of the Federal Government in something short of 10 or 11 years, they could be producing jobs. They could be producing mineral resources and wealth for this country, the United States of America. We can create jobs here using our mineral resources.

Some of these people have died waiting. You shouldn't have to die waiting for your Federal Government to get its work done. That's why we need this bill.

Mr. MARKEY. I ask once again how much time is remaining.

The CHAIR. The gentleman from Massachusetts has 7 minutes remaining, and the gentleman from Washington has 10½ minutes remaining.

Mr. MARKEY. At this point, Madam Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, I'm honored to rise in support of H.R. 4402, with my colleague MARK AMODEI, and to support this.

This is about setting a definitive timeline for permits, which creates certainty and encourages private investment. This is not about government investment; this is about private investment. This is not about taxpayer dollars, but taxpayers. This is about jobs and the American economy.

Everything from your automobile to your iPhone requires rare Earth minerals. Every solar panel, every wind turbine, every electric battery for every car, every fluorescent light bulb, your UV glass, audio speakers, fiber optics, precision guide munitions, metal alloys, magnets, and a whole lot more all require rare Earth minerals.

We need to understand that China now controls the international market of rare Earth minerals, not because they have beaten us in the market, but because we have beaten us. We have the resources, but we simply made the permitting process so long, complicated, and unpredictable that we've killed our supply and allowed other Nations to control our future.

In my district, there is a magnet manufacturing plant that creates high-tech magnets dependent on rare Earth minerals. Last year, they were able to purchase a certain rare Earth mineral for $4 a pound. Now, with China as the only supplier, that is now $55 per pound. That drives up the cost of everything that we use those high-tech magnets for, and it's very difficult on the manufacturing industry.

We have allowed China to have the monopoly. We should have the ability to produce our own materials here.

You cannot turn on your car, your lights, your computer without China sending us the materials to do it. When we are fighting to get control of our energy future, we must not forget that it doesn't matter if we have our own energy future if we can't even turn on what we plug in because we don't have the rare Earth minerals to produce it.

We have a manufacturing future if we actually manufacture, and that means rare Earth minerals now in this modern economy. Jobs like mining, geologists, engineers, truck drivers, manufacturing, service industry, yes, even government regulators are all dependent on us getting moving on producing our own stuff.

Right now, as the price goes up, it's time for us to bring the price down with more mining.

Mr. MARKEY. Madam Chair, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to my colleague from the great State of Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I thank the chairman from the great State of Washington for yielding, and I rise in strong support of Mr. AMODEI's important legislation, the National Strategic and Critical Minerals Production Act, because if we want to build it in America, then we need to be able to mine it in America.

This legislation is important in identifying and promoting strategic and critical minerals here in America. It will make us more competitive by addressing permitting delays, improving the NEPA process, and revitalizing our domestic critical minerals supply chain.

Madam Chairman, it takes longer to receive a mining development permit in the United States than in any of the other 25 mining nations in the world. The average waiting period for a permit is 7 to 10 years, and in many examples, it's much longer. We can improve this process without changing our environmental standards.

The Kettle River-Buckhorn mine in eastern Washington that employs over 400 people in Ferry County knows this all too well. The EIS schedule and now the important exploratory permits to keep them operating have been delayed for years and was recently delayed for an additional year without much explanation.

This bill is important. It's important to bringing jobs to America, bringing job certainty to Ferry County and eastern Washington.

Right now, many foreign countries are requiring companies that buy raw materials from them to produce the products those minerals are a part of in that foreign country. If you are concerned about American infrastructure, if you are concerned about American manufacturing, if you are concerned about American energy independence, American mining, or American jobs, I urge you to support H.R. 4402.

Mr. MARKEY. Madam Chair, I yield myself such time as I may consume.

This legislation is fundamentally a solution in search of a problem. According to the analysis of data provided by the BLM for hard rock mines on public lands for which we have complete data, the average time it takes to approve a plan of operation for a mine has actually decreased under the Obama administration.

According to the BLM data, plans of operation for hard rock mines are being approved roughly 17 percent more quickly under the Obama administration than under the Bush administration. Thank you again, President Obama, for the great job you're doing in changing the way in which the Bush administration held up those permits.

Despite the majority's claims, 82 percent of plans of operation for hard rock mines are approved within 3 years under the Obama administration. According to the BLM, it takes, on average, 4 years to approve a mining plan of operations for a large mine. That's more than 1,000 acres on public lands.

My colleagues on the other side have asked repeatedly what the problem is with their legislation that would truncate and eviscerate proper review of all mines on public lands if the majority of plans are approved within 3 years. It is because a little more than 15 percent of hard rock mines take more than 4 years to approve. For these mines, where mining companies may not have submitted a complete application and may not have posted a sufficient bond to ensure the mine is cleaned up where additional environmental review is required because the mine is large or potentially damaging to our environment and public health, this bill would prevent proper review.

We're already approving hard rock mines more quickly under the Obama administration than under the Bush administration. We should not be eviscerating proper review of virtually all mining operations on public lands, as this Republican bill would do, and we should certainly not be doing it under the pretense of developing critical and strategic minerals.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman for yielding.

We're here talking about H.R. 4402 that's going to minimize the permitting process and the delays and streamline bureaucracy around mining.

I want to be clear that there is no conversation in this House that is saying we should do away with the permitting process or we should do away with the bureaucracy. We're here to say, Let's streamline it. Let's make it easier. Let's make sure that we don't have the bureaucracy and the permitting process stand in the way of good projects and good paying jobs.

In my home district in the northwest corner of Wisconsin, we had a similar issue come up that we dealt with in our State.

□ 1010

We have a great vein of iron ore up in Iron County and Ashland County. It's a vein that, if mined, would create 600 to 700 new, good-paying jobs in the northern part of Wisconsin, jobs that pay anywhere from $60,000 to $80,000 a year. Many of those jobs would be union jobs.

What we try to do in the State of Wisconsin is say let's streamline the permitting process so those who want to invest in that mine can get an answer in a reasonable amount of time. And if we go through a permitting process—any of us who live in northern Wisconsin who would have found information that would say that this mine would damage Lake Superior, which all of us love, we live up there because we love the outdoors, we love the lake—if it was going to damage the lake, we would all stand opposed to the mine.

If you can do it in a safe manner and if you can get a permit in a reasonable amount of time, why are we saying no to good-paying jobs? This is an area that has an unemployment rate of over 10 percent. They need good-paying jobs, and we have the permitting process standing in the way of these people going back to work.

We see more and more rules and regulations that stand in the way of job growth. That's wrong.

Let's stand together, let's streamline this process, make sure that we're environmentally safe and we're also creating jobs.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, may I inquire as to how much time remains on both sides.

The CHAIR. The gentleman from Washington has 4½ minutes remaining, and the gentleman from Massachusetts has 5 minutes remaining.

Mr. HASTINGS of Washington. I yield 1 minute again to the author of this legislation, the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. Madam Chair, I would just briefly indicate—and I want to thank you for finally looking at section 102 and talking about the bill. I appreciate that. It's a great day in my young career that that has happened.

Let's look at what section 102 does that is so insidious for the wheel of giveaways, which by the way we want to borrow and paste over it. Instead of what you've got, how about the wheel of takeaways? Takeaways from national defense, takeaways from communications, takeaways from national infrastructure, takeaways from balance of trade; oh, and let's talk about takeaways from living-wage jobs without standing benefits, some of which are, in fact, union jobs. So the wheel of takeaways we won't bore you with, but that wheel can go both ways.

Section 102, interestingly enough, if you like this, this is a bad thing. It requires best practices, Madam Chair, for things like considering State agency reports that have jurisdiction over the issue. That's a pretty frivolous takeaway. It already exists.

Or how about considering best practices for conducting reviews concurrently? Oh, my God, the Republicans are giving something away, conducting reviews concurrently. Oh, my goodness. How about expediting rather than delaying the process?

Mr. MARKEY. I yield myself 1 minute.

Again, this bill is not aimed at ensuring that we can guarantee that we increase the production of the kinds of rare Earth that we need in order to compete against China. By the way, if we're really going to be using China as the guise for the reduction in the environmental laws in the United States because they have rare Earth, and we're ramping up our production of rare Earth, what we should really be talking about is why in the world are the Republicans supporting the sale of our oil and our natural gas to China.

If they're using precious minerals as an economic weapon against the United States, then why don't we use natural gas and oil, which we have, against them because that's the most precious of all minerals.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I yield myself an additional 1 minute.

Oil and gas really drive the economy of the world, and every time I bring an amendment out here on the floor that says, well, let's drill for oil and natural gas on the public lands of the United States, but we can't export it after we discover it here, drill for it here, to China, the Republicans, every time, vote not to put a ban on that. At the same time, they are over there with crocodile tears very concerned about China having all of these precious metals that they won't sell to us.

Well, you want to know the best way to get China to sell that stuff to us? For us not to sell the stuff we have to them, that they need to manufacture those materials. That's the game.

So you can't have it both ways. You just can't have it both ways. Either this is a great threat to our country and we're going to use the precious metals we have, the precious minerals that we have, oil and gas as our weapon against China, or we're doomed. We don't have a real strategy.

Again, this is not a coherent strategy to deal with the country of China and their economic strategy to undermine our competitiveness.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I would just advise my friend that I am prepared to close if the gentleman from Massachusetts is prepared to close.

Mr. MARKEY. I am prepared to close.

The CHAIR. The gentleman from Massachusetts has 3 minutes remaining.

Mr. MARKEY. I thank the Chair.

China's rare Earth policies do burn America's high-tech manufacturing competitiveness, and the Republicans just want to throw gas on the fire, American natural gas.

Our greatest competitive advantage in manufacturing right now is low-priced domestic natural gas, but the Republicans want to export that competitive edge to China and to develop a global natural gas market so that the United States natural gas prices triple here domestically, or quadruple to match the prices the rest of the world pays.

China will not send their rare Earth minerals to the United States, but Republicans have continually voted to allow exports of our low-cost natural gas, our manufacturing advantage, to China.

This is a one-way ticket to manufacturing oblivion. Natural gas in our country is six to seven times less expensive than natural gas in China. It is four times less expensive than natural gas in Europe. That is our competitive advantage.

What the Republicans have consistently done since they have taken over the majority is to put in place policies to export our natural gas that is six times less expensive to China that will then be used in the manufacture of every product that they will then sell back to us, undermining every manufacturing industry in the United States as we supply the very valuable precious natural gas they need in order to harm dramatically the American economy.

Where do they show up? They show up here with crocodile tears about the restrictions that the National Environmental Policy Act places upon mining

for sand, mining for gold, mining for silver. You really think that's the way we're going to get back into a better competitive stance against the Chinese as you're saying no, let's sell our natural gas that's six times less expensive than the natural gas they have in America fueling their industries?

That's just an upside-down policy. It's just dealing with the periphery of the challenge that China presents to us, and not even in an effective way, rather than going right to the core of how they are exploiting this mindless commitment to not the American Petroleum Institute, but we might as well call it the world petroleum institute because they don't represent American interests.

That's what we have to do here on the floor of the House of Representatives. That's what our amendments do today to make sure that we do for our country.

I yield back the balance of my time.

Mr. HASTINGS of Washington. May I inquire as to how much time I have remaining.

The CHAIR. The gentleman from Washington has 3½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

First of all, for the record, Madam Chair, natural gas is not affected at all by this bill.

Madam Chair, I will submit for the RECORD excerpts from the March 2012 Report to Congress by the Department of Defense on the rare Earth materials in defense applications on national security dependence on a secure supply of high-tech critical minerals.

□ 1020

Madam Chairwoman, my colleagues have talked about the fact that this administration claims that mining permitting timelines have been reduced. Yet this President has been in office now for 40 months, and while they are filing WTO complaints against China on rare Earth minerals, they have yet to permit one rare Earth mine here in America, and there doesn't seem like there's any on the horizon that will get approval.

I want to also talk about one other thing, Madam Chairman. President Obama has been giving a lot of speeches claiming support for insourcing jobs to the United States from foreign nations. Currently, our Nation is dependent on foreign nations such as China and India for critical materials that American manufacturers and our economy depend upon. This bill will help reverse this dependency and insource these good-paying jobs right here to the United States. Yet the official position of the Obama administration is that they strongly oppose this jobs bill. Not only will this bill help create mining jobs in Nevada, Colorado, New Mexico, and many other States, it will also help produce the critical materials and minerals that American manufacturers need and that millions of jobs depend on in Ohio, Michigan, and Pennsylvania.

So President Obama can give speech after speech claiming support for insourcing jobs, but when he should take action to make that happen, the Obama administration essentially goes the other way, as he has done with this bill.

Once again, Madam Chairman, this bill simply says that in a given time period there should be a decision made. It doesn't say it should be a positive or negative, but that a decision should be made. That's all. And when we're dealing with materials that are so important to our economy and to American jobs, we should be very much in favor of this legislation.

For that reason, Madam Chairman, I urge my colleagues to vote for H.R. 4402, and I yield back the balance of my time.

ASSESSMENT OF RARE EARTH MATERIALS SUPPLY CHAIN

A. INTRODUCTION

This report is prepared pursuant to section 843 the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) and Senate Report 111–201, accompanying S. 3454, page 174. The Act requires the Secretary of Defense to submit a report to Congress on the supply and demand for rare earth materials in defense applications and Senate Report 111–201 requests discussion of national security issues related to rare earth materials in the defense supply chain.

C. CONGRESSIONALLY MANDATED ASSESSMENT CRITERIA

In section 843 of the National Defense Authorization Act (NDAA) for Fiscal Year 2011, Congress mandated that the Department assess which, if any, of the rare earth materials meet the following two criteria:

Criterion 1: ''The rare earth material is critical to the production, sustainment, or operation of significant United States military equipment.''

Criterion 2: ''The rare earth material is subject to interruption of supply, based on actions or events outside the control of the government of the United States.''

For each rare earth material that meets both criteria, section 843 requires a plan to ensure long-term availability, with a goal of establishing an assured source of supply of such material in critical defense applications by December 31, 2015.

Section 843 states that the plan shall include consideration of risk mitigation methods and states that sintered neodymium iron boron (NdFeB) magnets meet the criteria for inclusion in the plan.

F. FORECAST OF U.S. SUPPLY VS. KEY DEFENSE CONSUMPTION—2013

	Supply	Consumption	Surplus	Deficit
Dysprosium	7	7	0	
Erbium	1.2	1.14	0.056	
Europium	21	11	10	
Gadolinium	42	4	38	
Neodymium	2,232	110	2,122	
Praseodymium	824	14	810	
Yttrium	26	119		93

Rare earth materials are widely used within the U.S. defense industrial base. Markets for rare earth materials are dominated by commercial end-uses, and the defense industrial base represents a small fraction of overall U.S. consumption. The seven rare earth elements in the preceding table are those which are the most prevalent among defense consumption for the purposes of procurement. The assessment determined that by 2013 U.S. production could satisfy the level of consumption required to meet defense procurement needs, with the exception of yttrium (estimates based on model using 2010 data). Since 2010, both expected DoD demand, and, more significantly, actual U.S. commercial demand have decreased significantly. As importantly, the U.S. and global market has responded to market conditions with new investments, corporate restructuring, and technical advances. All are trending positive for a market capable of meeting future U.S. Government demand. It is anticipated the domestic supply of REEs and rare-earth-containing products will continue to grow between now and 2015, and it will be possible for manufacturers within the defense industrial base to obtain some rare-earth-containing products from reliable foreign sources of supply. Despite the many positive developments that indicate an increasingly diverse and robust domestic and global supply chain for rare earth materials, the Department will continue to monitor these supply chains and take actions as indicated in the following sections.

G. DOD'S RECOMMENDED PLANS TO ASSURE SUPPLIES OF RARE EARTH MATERIALS

The DoD plan for ensuring the long-term availability of rare earth materials applies a multi-pronged approach. The following options could be used in conjunction with existing DoD Defense Production Act Title I authorities (e.g., priority claim on U.S. supplies and foreign supplies that are imported into the United States):

DoD will engage in continuous, rigorous monitoring of markets and production levels;

DoD will undertake recurring reviews of defense industrial base materials supply chains;

DoD will make preparations for the possible need to establish buffer stocks that are contractor-owned, U.S. Government-subsidized but not implemented unless certain predetermined marked indicators are met; and

DoD will make preparations for the possible need to establish contingency measures to obtain vendor-managed inventories when pre-determined market and/or supply chain indicators occur.

In addition to the elements of supply assurances in the plan above, the following methods will be considered during implementation of the DoD plan, as outlined in section 843:

Assessment of available financing to industry, universities and not-for profits;

Assessment of Defense Production Act benefits;

Assessment of research and development funding for alternatives and substitutions; and

Assessment of foreign trade practices with relevant U.S. Government components.

H. CONCLUSIONS

Rare earth materials are widely used within the defense industrial base. However, such end uses represent a small fraction of U.S. consumption. As a result, when looked at in isolation, the growing U.S. supply of these materials is increasingly capable of meeting the consumption of the defense industrial

base. Over the past year, there have been a number of positive developments with regard to both supply and demand within the rare earth materials markets. Reactions to market forces have resulted in positive developments, such as prices decreasing by half from their peak levels in July 2011, increased investment and domestic supply of rare earth materials, corporate restructuring within the supply chain, and lower forecasts for non-Chinese consumption. By 2015, the Department believes this will help to stabilize overall markets and improve the availability of rare earth materials.

The Department remains committed to pursuing a three-pronged approach to this important issue: diversification of supply, pursuit of substitutes, and a focus on reclamation of waste as part of a larger U.S. Government recycling effort. In addition to the many positive developments that indicate an increasingly diverse and robust domestic and global supply chain for rare earth materials, the Department will continue to monitor these supply chains, prepare possible contingency plans for ensuring their availability, and implement such plans as appropriate.

Mr. SCHOCK. Madam Chair, I rise today in strong support of H.R. 4402 the National Strategic and Critical Minerals Production Act.

Many Americans might not be aware, but our country is facing a crisis when it comes to rare earth elements. These naturally occurring elements are vital to our national security because they are essential components in defense weapon systems. However, their importance does not end there. Everyday items that Americans are accustomed to, such as cell phones and computers, require rare earth elements. Our energy infrastructure is dependent on these resources, including: pipelines, refining capacity, electrical power generation and transmission, and renewable energy production. Strategic and critical minerals are also used to support the manufacturing, agriculture, housing, and telecommunications industries. Even medical equipment utilizes these elements.

During the 1960s and continuing to the 1980s, America was the premiere leader in rare earth element production. However, since then production has moved almost exclusively to China. They now produce about 97 percent of rare earth oxides, are the single exporter of commercial quantities of rare earth refined metals, and are the manufacturer of the world's strongest magnets.

What is most disturbing is that China appears to be cutting its rare earth exports and restricting other countries' access to these resources. America has become almost totally dependent on China for rare earth elements, and we have lost our domestic capacity to tap into our own supply.

Madam Chair, this House has had lengthy debates about how onerous red-tape and regulations are hurting our country's economy. Unfortunately, over-regulation is hurting our ability to produce rare earth elements. Frivolous lawsuits and a maze of a permitting process have caused America to no longer be a leader in rare earth element manufacturing. H.R. 4402 corrects this problem. This legislation will allow our country to more efficiently develop these essential resources.

The National Strategic and Critical Minerals Production Act will cut red-tape and streamline the permitting process to begin a mineral production project which can currently take over a decade. This bill will require the permitting review process to be completed within 30 months. Additionally, the legislation ensures projects are not indefinitely delayed by litigation by setting time limits to file legal challenges to mining projects.

Overall, this legislation would require the Departments of Interior and Agriculture to better help develop our rare earth elements here at home.

Madam Chair, this bill is vital to our national security and our economy, and I urge its swift passage.

Mr. VAN HOLLEN. Madam Chair, today's legislation has more to do with undermining environmental review of mining on public lands than the production of rare earths and other critical minerals, and I will oppose it today.

Specifically, H.R. 4402 would let mining companies operating on public lands set time limits for each part of the environmental review process and then arbitrarily cap total environmental review time at 30 months. The bill then elevates mining over hunting, fishing, grazing, conservation and any other public purpose and places new restrictions on judicial review. Finally, the definition of ''strategic and critical minerals'' in this legislation is so broad as to encompass virtually every mineral that is or could be mined on public lands—including such common materials as sand, clay and gravel. If the majority was seriously interested in targeting the production of strategic and critical minerals on public lands, we would have adopted the amendment offered by our colleague Rep. PAUL TONKO expressly for that purpose. Instead, the Tonko amendment was defeated on a party line vote and so we are left with the serious defects of the underlying legislation.

Madam Chair, we can responsibly develop our natural resources and protect our environment at the same time. H.R. 4402 ignores that central truth and should be opposed by every member of this body.

The CHAIR. All time for general debate has expired.

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

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–26. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 4402

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 ''National Strategic and Critical Minerals Production Act of 2012''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The industrialization of China and India has driven demand for nonfuel mineral commodities, sparking a period of resource nationalism exemplified by China's reduction in exports of rare-earth elements necessary for telecommunications, military technologies, healthcare technologies, and conventional and renewable energy technologies.

(2) The availability of minerals and mineral materials are essential for economic growth, national security, technological innovation, and the manufacturing and agricultural supply chain.

(3) The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security and general welfare of the Nation.

(4) The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of these mineral materials, as demonstrated by the following:

(A) Twenty-five years ago the United States was dependent on foreign sources for 30 nonfuel mineral materials, 6 of which the United States imported 100 percent of the Nation's requirements, and for another 16 commodities the United States imported more than 60 percent of the Nation's needs.

(B) By 2011 the United States import dependence for nonfuel mineral materials had more than doubled from 30 to 67 commodities, 19 of which the United States imported 100 percent of the Nation's requirements, and for another 24 commodities, imported more than 50 percent of the Nation's needs.

(C) The United States share of world wide mineral exploration dollars was 8 percent in 2011, down from 19 percent in the early 1990s.

(D) In the 2012 Ranking of Countries for Mining Investment, out of 25 major mining countries, the United States ranked last with Papua New Guinea in permitting delays, and towards the bottom regarding government take and social issues affecting mining.

SEC. 3. DEFINITIONS.

In this Act:

(1) STRATEGIC AND CRITICAL MINERALS.—The term ''strategic and critical minerals'' means minerals that are necessary—

(A) for national defense and national security requirements;

(B) for the Nation's energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;

(C) to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; and

(D) for the Nation's economic security and balance of trade.

(2) AGENCY.—The term ''agency'' means any agency, department, or other unit of Federal, State, local, or tribal government, or Alaska Native Corporation.

(3) MINERAL EXPLORATION OR MINE PERMIT.—The term ''mineral exploration or mine permit'' includes plans of operation issued by the Bureau of Land Management and the Forest Service pursuant to 43 CFR 3809 and 36 CFR 228A respectively.

TITLE I—DEVELOPMENT OF DOMESTIC SOURCES OF STRATEGIC AND CRITICAL MINERALS

SEC. 101. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an ''infrastructure project'' as described in Presidential Order ''Improving Performance of Federal Permitting and Review of Infrastructure Projects'' dated March 22, 2012.

SEC. 102. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) IN GENERAL.—The lead agency with responsibility for issuing a mineral exploration or

mine permit shall appoint a project lead who shall coordinate and consult with other agencies, cooperating agencies, project proponents and contractors to ensure that agencies minimize delays, set and adhere to timelines and schedules for completion of reviews, set clear permitting goals and track progress against those goals.

(b) The lead agency with responsibility for issuing a mineral exploration or mine permit shall determine any such action would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 if the procedural and substantive safeguards of the lead agency's permitting process alone, any applicable State permitting process alone, or a combination of the two processes together provide an adequate mechanism to ensure that environmental factors are taken into account.

(c) The lead agency with responsibility for issuing a mineral exploration or mine permit shall enhance government coordination on permitting and review by avoiding duplicative reviews, minimizing paperwork and engaging other agencies and stakeholders early in the process. The lead agency shall consider the following best practices:

(1) Deferring to and relying upon baseline data, analysis and reviews preformed by State agencies with jurisdiction over the proposed project.

(2) Conducting reviews concurrently rather than sequentially to the extent practicable and when such concurrent review will expedite rather than delay a decision.

(d) At the request of a project proponent, the project lead of the agency with responsibility for issuing a mineral exploration or mine permit shall enter into an agreement with the project proponent and other cooperating agencies that sets time limits for each part of the permit review process including the following:

(1) The decision on whether to prepare a document required under the National Environmental Policy Act of 1969.

(2) A determination of the scope of any document required under the National Environmental Policy Act of 1969.

(3) The scope of and schedule for the baseline studies required to prepare a document required under the National Environmental Policy Act of 1969.

(4) Preparation of any draft document required under the National Environmental Policy Act of 1969.

(5) Preparation of a final document required under the National Environmental Policy Act of 1969.

(6) Consultations required under applicable laws.

(7) Submission and review of any comments required under applicable law.

(8) Publication of any public notices required under applicable law.

(9) A final or any interim decisions.

(e) In no case should the total review process described in subsection (d) exceed 30 months unless agreed to by the signatories of the agreement.

(f) The lead agency is not required to address agency or public comments that were not submitted during the public comment periods provided by the lead agency or otherwise required by law.

(g) The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost if the lead agency were to contract with a third party to reclaim the operations according to the reclamation plan, including construction and maintenance costs for any treatment facilities necessary to meet Federal, State or tribal environmental standards.

SEC. 103. CONSERVATION OF THE RESOURCE.

In developing the mineral exploration or mine permit, the priority of the lead agency shall be to maximize the development of the mineral resource, while mitigating environmental impacts, so that more of the mineral resource can be brought to the market place.

SEC. 104. FEDERAL REGISTER PROCESS FOR MINERAL EXPLORATION AND MINING PROJECTS.

(a) PREPARATION OF FEDERAL NOTICES FOR MINERAL EXPLORATION AND MINE DEVELOPMENT PROJECTS.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the agency responsible for issuing the mineral exploration or mine permit. All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated and transmitted to the Federal Register from the office where documents are held, meetings are held, or the activity is initiated.

(b) DEPARTMENTAL REVIEW OF FEDERAL REGISTER NOTICES FOR MINERAL EXPLORATION AND MINING PROJECTS.—Absent any extraordinary circumstance or except as otherwise required by any Act of Congress, each Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior or the Department of Agriculture and be published in its final form in the Federal Register no later than 30 days after its initial preparation.

TITLE II—JUDICIAL REVIEW OF AGENCY ACTIONS RELATING TO EXPLORATION AND MINE PERMITS

SEC. 201. DEFINITIONS FOR TITLE.

In this title the term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action affecting a mineral exploration or mine permit.

SEC. 202. TIMELY FILINGS.

A covered civil action is barred unless filed no later than the end of the 60-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 203. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 204. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 205. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112–590. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. TONKO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–590.

Mr. TONKO. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, beginning at line 7, strike paragraph (1) and insert the following:

(1) STRATEGIC AND CRITICAL MINERALS.—The term ''strategic and critical minerals''—

(A) means—

(i) minerals and mineral groups identified as critical by the National Research Council in the report entitled ''Minerals, Critical Minerals, and the U.S. Economy'', dated 2008; and

(ii) additional minerals identified by the Secretary of the Interior based on the National Research Council criteria in such report; and

(B) shall not include sand, gravel, or clay.

Page 4, strike lines 1 through 6 and insert the following:

(1) MINERAL EXPLORATION OR MINE PERMIT.—The term ''mineral exploration or mine permit''—

(A) means a mineral exploration or mine permit for strategic and critical minerals; and

(B) includes any plan of operation for strategic and critical minerals that is issued by the Bureau of Land Management and the Forest Service.

The CHAIR. Pursuant to House Resolution 726, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Thank you, Madam Chair.

My amendment is very simple. It replaces the overly broad definition in H.R. 4402 with a definition that truly address the materials identified in the title of the bill: critical and strategic materials.

Since the realization that China was restricting exports of rare Earth metals in 2010, the issue of critical and strategic materials has reemerged as a concern. This isn't the first time Congress has considered our potential vulnerability to resource shortages. Just before World War II, Congress passed the Strategic and Critical Materials Stockpiling Act of 1939 to address our Nation's requirement for materials needed for national defense. We have expanded our notion of strategic and critical materials since that time to include civilian and economic needs for materials. But there is no precedent for the broad definition included in H.R. 4402. The military's current definition of strategic and critical materials in the U.S. Code is far narrower than the definition in this bill.

Nine of the ten bills introduced in this Congress dealing with strategic

and critical minerals rely on definitions or specific lists of minerals that would conform to the definition in my amendment—not to the one in H.R. 4402. The definition in H.R. 4402 would include virtually all minerals and materials no matter how available they are. No other legislation proposes a definition that would consider sand and gravel ''critical'' materials.

The National Academy of Science panel looked at this issue in 2008. The panel specified two factors that define a mineral as critical: It is essential in use and subject to the risk of supply restriction. H.R. 4402's definition captures only the first factor that the Academy considered. The panel recognized that the list of critical materials was likely to change over time due to technological developments, usage patterns, changes in mineral reserves, and many other factors.

They developed a matrix that could be used to evaluate substances and used this matrix to examine a group of minerals that are in current high demand. Two dozen minerals were identified as critical in the NAS report. The rare Earth metals, the platinum metals, and several other minerals were included in their list. Oddly enough, sand, gravel, iron, copper—all useful materials, to be sure—did not make it to the list. The current definition in H.R. 4402 is unnecessary if the purpose is to secure additional critical minerals.

H.R. 4402 undermines the protection of our public lands and elevates mining above all other public land uses. If H.R. 4402 is truly a bill to address potential shortages of critical minerals, then my amendment should be adopted. Let's concentrate on the problem at hand: Securing additional rare Earth minerals and other truly critical minerals.

I urge my colleagues to support my amendment.

Mr. MARKEY. Will the gentleman yield?

Mr. TONKO. I will yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

So what is the majority doing in this bill? They're saying that sand is a ''critical'' material; gravel, clay. There's no crisis in the sand industry. We don't need to wad it down, the environmental protections for drilling for sand or gravel or clay. There is no crisis. That's what this whole bill is. It's a Trojan horse. It's moving in to undermine environmental protections where they're working and where there's no need to reduce them.

If they want to talk about scandium or europium or cerium or terbium or some other critical strategic material that we should be discussing out here that we need for cell phones or we need for solar panels or we need for our defense systems, that's one thing. But that's not what this is about. This is about watering down environmental protections for sand and clay and endangering the health and well-being of the Nation for no reason whatsoever because there's no strategic relationship between those very prosaic minerals and our national security.

Mr. TONKO. Madam Chair, I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I rise in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Chairman, this amendment attempts to pick which minerals are winners and losers in the Federal permitting sweepstakes. The underlying bill that we are talking about focuses on the permitting of mines that meet four clear categories of domestic need—and this is important—national security, energy infrastructure, domestic manufacturing, and our national economic balance of trade.

The amendment would restrict these down to just a 2008 study done by the National Research Council that took a limited and narrow look at only the aerospace, the electronic, and automotive industries when considering each mineral critical. However—and this is important, Madam Chairman—the report also states:

> All minerals and mineral products could be or could become critical to some degree, depending on their importance and availability. The criticality of a specific mineral can and likely will change as production technologies evolve and new products are developed.

The definition of the strategic and critical minerals in H.R. 4402 is written broadly—we acknowledge that—to allow for the most flexibility when carrying out the provisions of this act. Less than 10 years ago, people were concerned about platinum group metals used for computer and electronics and the pending shortfall of copper availability.

□ 1030

Today, the focus is primarily on the availability of rare Earth elements and rare Earth metals that are in China. Tomorrow, the shortage could be lithium for batteries, silica for solar panels, and any of a host of other minerals.

Interestingly, in this talk of sand and gravel, during the U.S. Geological Survey's great shakeout in California, which simulated a massive earthquake and the problems that could be faced, they discovered that there would be a shortfall of building materials—sand and gravel, Madam Chairman—if there were a major earthquake causing significant damage in the L.A. basin and the surrounding areas. I think that would be very critical if that were to happen. It happened in the last 25 years, twice in California and once in Minnesota.

Mineral production is a key economic activity supplying strategic and critical metals and minerals essential for agriculture, communication, technology, construction, health care, manufacturing, transportation, and the arts. More specifically, strategic metals and metal alloys are an integral component of aerospace, defense, and other critical infrastructure.

Minerals, Madam Chairman, are also necessary to satisfy the basic requirements of an individual's well-being, and that includes food, clothing, shelter and a clean and healthy environment. So we should not limit ourselves today by narrowly defining what is strategic and critical. That's precisely what this amendment does, and I think that's a wrong approach. So, with that, I would urge a ''no'' vote.

Madam Chairman, I understand that the gentleman yielded back his time; is that correct?

The CHAIR. The gentleman is correct.

Mr. TONKO. Madam Chair, I ask unanimous consent to reclaim my time.

Mr. HASTINGS of Washington. I urge a ''no'' vote on the amendment. I will reserve my time, and I will not object if the gentleman wants to reclaim his time.

The CHAIR. The gentleman from New York has asked unanimous consent to reclaim the 1 minute he has remaining.

Without objection, the request is granted.

There was no objection.

Mr. TONKO. Madam Chair, I appreciate that.

I just want to state clearly that the amendment itself embraces flexibility. It understands that if there are changes in time that are requiring the list to be adjusted, we would have the academy adjust that so that the flexibility is there recognizing that if, in the course of time, the change needs to be made, if we need to further extend the list, so be it. But the flexibility is contained in the amendment.

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

Mr. HASTINGS of Washington. I yield myself the balance of the time.

The CHAIR. The gentleman is recognized for 2 minutes.

Mr. HASTINGS of Washington. I am simply saying that this underlying bill lays out four strategic areas in which we should have minerals to support those areas. And then we say there should be a timeframe, a defined timeframe, in which, unless there is an agreement it should be longer, activity should be done. It's pretty straightforward. This amendment, as offered, would very narrowly say what is critical. I think that's the wrong approach.

So with that, I urge a ''no'' vote on the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

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

Mr. TONKO. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–590.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, strike lines 8 through 10 and insert the following:

(e)(1) In no case should the total review process described in subsection (d) exceed 30 months unless—

(A) agreed to by the signatories of the agreement, or

(B) the lead agency has determined that an adequate review has not been completed due to issues arising not contained in the permit application or otherwise unforeseen by the signatories at the time of submittal of the permit application.

(2) In a case described in paragraph (1)(B)—

(A) the lead agency may extend the total review process by 6 months;

(B) if, at the end of that 6-month period, the issues referred to in paragraph (1)(B) have not been adequately addressed, the lead agency may extend the total review process by an additional 6 months;

(C) if at the end of that additional 6-month period the issues referred to in paragraph (1)(B) have not been adequately addressed, the lead agency shall issue its final determination on the permit application

The CHAIR. Pursuant to House Resolution 726, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, despite the name of this bill, the underlying legislation has, in my judgment, little to do with securing a sufficient supply of rare Earth minerals for our country. Rather, it is another Republican giveaway to large, profitable companies that do not need congressional action to pad their bottom lines.

In fact, today's bill is so broadly drafted that it is not just rare Earth mines that will no longer have to adhere to our Federal environmental laws, but virtually any mine on public land anywhere, including silver, uranium and coal mines.

Mining operations have severe and permanent consequences for the land and residents living nearby. In fact, 75 percent of existing mines end up polluting the groundwater despite the designed mitigation plans. The need for a complete and thorough review of the environmental impact before approval is therefore absolutely necessary.

What's more, Madam Chair, is that this bill's underlying intent of loosening up the permitting process is not even necessary. Mining is already the priority use for most public lands, which makes it virtually impossible to regulate and control. Mining on public lands is also already incredibly cheap. These companies pay little rent to the American taxpayer for the use of public land.

Moreover, under the Obama administration, 82 percent of plans are approved within 3 years, with an average of 4 years for the largest mines located on public lands. Any delays in permit approval usually stem from an incomplete application or problems that arise during review which were not anticipated and require supplemental information.

By giving the lead agency the option to extend the time period for review in the event of new information, my amendment makes sure agencies can get the job done right while still adhering to a predictable schedule. Prioritizing speed over accuracy—I learned early, as did all of us, that haste makes waste—as this bill does, guarantees that mining companies are able to drill additional mines at a faster rate with less consideration for the broader impact of those mines.

My amendment is necessary to give agencies the time they need to make sure that this bill will not compromise environmental protections that keep our drinking water safe, soil nourishing and nontoxic, and our air clean enough to breathe.

Madam Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I rise in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Madam Chairman, this amendment would reverse course on the goal of this legislation to streamline red tape. This amendment could add an entire year to the time allowed for the government to make a decision on a permit. This would then drag out the process 40 percent longer than provided for in the underlying bill.

The 30-month time period set by this legislation is accomplished by making government work more efficiently—and I, quite frankly, think that's what all Americans would like—by aligning some reviews and taking some actions concurrently.

Establishing a simple deadline for the government to do their job in a timely fashion is reasonable, and I think it is reasonable. This is especially true since it doesn't change the standards and requirements that must be met to get approval. It simply provides that an agency work efficiently while still complying with all, and let me emphasize all, environmental laws and regulations, studies, consultations, draft and file documents—all of them—that are required in order for a final record of decision to be issued on a mine plan. All the same review, but just in 30 months instead of what has been taking, in many cases, over a decade.

The underlying bill provides for flexibility on the 30-month permit timeline should a justifiable need arise for further analysis. Let me repeat: it allows for further time if that is needed. Yet this amendment would give a Federal agency an automatic excuse to prolong the process for a year, and there is no explanation that is needed.

So this amendment presents bureaucracy with a ''drag your feet for free'' card. It would hand over another roll of red tape to the government and invite them to string up more obstacles and delay job creators from getting a straight answer. And keep in mind, the 30-month time period that we're talking about simply says ''an answer shall be given.'' It could be negative; it could be positive.

This bill provides certainty for permit applicants by allowing the United States to be more competitive so that we can create more jobs here at home and produce more of the critical materials and minerals that are needed for our economy and therefore lessen our reliance on foreign sources.

□ 1040

So I oppose the amendment offered by my good friend from Florida, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Chair, I yield myself the balance of my time.

Madam Chair, I understand very clearly what my good friend from Washington is saying. My quarrel is in asking that the lead agency be given the option to extend the time, as I believe historically mining companies—who, under the underlying bill would have the right to sign off on the extension—are not likely to do that. There is no history showing that they do. They want to hurry up and get on with their mining business. When there are unpredictable kinds of circumstances, then it would seem to me that the lead agency would be the place that would determine the time for review.

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

Mr. HASTINGS of Washington. I yield myself the balance of the time.

In response to my friend, the legislation says that both sides have to agree. I think that's a good way. The gentleman says that there's no evidence of that. Well, there's no evidence that the contrary would work either.

So, to give more time—again, what we have heard over and over and over, and especially those Members and the author of this legislation who comes from a State that is heavily in the mining industry, the uncertainty is what the problem is. What this legislation does is provide certainty but flexibility. Now, I think that makes sense. If you probably walk to Main Street anyplace in America and said this is what the option is of a 30-month time period rather than up to 10 or more years, they would say, yeah, I think certainty makes a great deal of sense.

So this amendment offered by my good friend from Florida I think extends it, doesn't need to be there, and I urge a ''no'' vote.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

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

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–590.

Mr. MARKEY. Madam Chair, I have an amendment in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 22, insert the following new subsection:

(h) The lead agency with responsibility for issuing a mineral exploration or mine permit for hardrock minerals on Federal land after the date of enactment of this Act shall require a royalty payment of 12.5 percent of the value of the minerals produced pursuant to the permit. Amounts received by the United States as such royalties shall be available to the Secretary of the Interior, subject to the availability of appropriations and in addition to amounts otherwise available, for abandoned hardrock mine lands reclamation.

The CHAIR. Pursuant to House Resolution 726, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Madam Chair, I have an amendment in order today, and the reason I have it in order is that it's a very simple amendment. It would update an antiquated mining law to end the free ride that mining companies extracting minerals like gold and silver and uranium on public lands currently enjoy. It would then send that money to benefit Western States by dedicating the funding to cleaning up the more than 160,000 abandoned mines we have in the West.

The underlying bill would extend a host of new giveaways to the mining industry while doing nothing to ensure taxpayers are getting a proper return on these valuable minerals like gold and silver and uranium on public lands.

It is well past time to fix this law that was passed during the Presidency of Ulysses S. Grant in 1872. My amendment would require mining companies to pay taxpayers 12.5 percent of the value of these hard rock minerals taken off of the public lands. That is the same royalty rate that coal and oil and natural gas companies pay to the Federal Government to mine and drill on public lands.

While mining companies pay no royalty on Federal lands to mine for gold and silver, they do pay a royalty on State lands that would abut those Federal lands. Twelve Western States already require mining companies to pay royalties up to 12 percent on mining on their State lands. Colorado charges up to 12 percent on minerals taken from their State lands. Utah, Wyoming, and California all charge up to 10 percent. Nevada charges up to 5 percent. But when it comes to mining on Federal lands, which could be right next door to the State lands, these multinational mining companies, they still get to play Uncle Sam for Uncle Sucker. They pay Federal taxpayers—all of the rest of us in the country—no royalties while reaping this massive windfall. So what my amendment would do is it would ensure that the States where this mining is occurring reap the benefits.

According to the GAO, there are more than 160,000 abandoned gold and silver and copper and uranium and other mines in the West. Some estimates put that number as high as 500,000 abandoned mines. These mines stopped production decades or, in some cases, more than a century ago and have no responsible parties to carry out the proper environmental remediation. The result is that the streams and the rivers, the aquifers, the soils continue to be contaminated by mercury and thorium and arsenic and other toxic pollutants. In fact, the GAO says that more than 33,000 mines are already a danger to the public health and environment. Arizona has some 50,000 abandoned hard rock mines; California has more than 47,000; Utah and Nevada have 17,000 and 16,000, respectively.

According to the Congressional Research Service, cleaning up abandoned mine sites can cost tens of millions of dollars per mine. Well, my amendment would generate nearly $400 million over the next 10 years that would be dedicated to cleaning up these sites. This would ensure that mining companies are paying their fair share to aid our Western States in cleaning up these dangerous and toxic sites.

At this point, I would like to reserve the balance of my time, Madam Chair.

Mr. HASTINGS of Washington. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Chairman, this amendment is directly contrary to the intent of this bill that would create new jobs in the United States and ensure a stable domestic supply of the critical minerals that are so important to our economy.

This amendment would impose an entirely new, retroactive fee on mining operations on Federal lands. It would impose a royalty that would be one of the highest of any country in the world and, thus, would probably drive more mining jobs overseas and put American manufacturing, once again, at risk.

In the past, when we've had this issue in front of the Natural Resources Committee, we've had Democrat witnesses that have testified that an 8 percent gross royalty was unprecedented in the world and would not make economic sense, and yet this amendment is talking about a 12.5 percent gross royalty.

In 2006, the World Bank report cautioned against gross royalty approaches as compared to ability-to-pay or profit-based approaches. Madam Chair, let me quote directly from that report:

> Nations should carefully weigh the immediate fiscal rewards to be granted from high levels of royalty against the long-term benefits to be gained from a sustainable mining industry that will contribute to long-term development, infrastructure, and economic diversification.

So they argue directly against this type of approach.

Let us keep our focus on what is important here today. We are dependent on foreign sources for minerals that sustain our economy.

We all know that the more you tax something, the less you get. That's what this approach is. I could take the gentleman's, my good friend from Massachusetts, math that he had out there and change it a little bit and say this is where there would be a lot of job losses if this amendment were adopted and this were to become law, because that's the area that would be affected, the Western part of the United States.

So, Madam Chair, I urge a ''no'' vote on this amendment, and I reserve the balance of my time.

□ 1050

Mr. MARKEY. Madam Chair, could you advise us as to how much time is remaining?

The CHAIR. The gentleman from Washington has 2½ minutes remaining. The gentleman from Massachusetts has 1 minute remaining.

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

Mr. HASTINGS of Washington. I yield 1 minute to the gentleman from Nevada (Mr. AMODEI), once again, the sponsor of this legislation.

Mr. AMODEI. Madam Chair, I appreciate the comments.

I would just like to point out, for the RECORD, since we're talking about Western abandoned mines, what's your definition of abandoned mine? Because if it's where somebody pushed up a little dirt and that's considered an abandoned mine, quite frankly, we're pretty proud in Nevada of the job that our Division of Environmental Protection has done on abandoned mine projects. We collaborate with the Feds.

Quite simply, I believe the phrase was used earlier today, it's a solution in search of a problem. We're getting on it. We're doing very well. And quite frankly, I hope the Chair is not on this committee, but when you see a 12½ gross proceeds tax subject to the appropriations process of my colleagues here, no thank you very much.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, who has the right to close on this amendment?

The CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. I would just advise the gentleman that I have no more requests for time.

Mr. MARKEY. Then I yield myself the balance of my time.

So this is a very simple amendment. What it says is this: that these big mining companies—and the ones I'm talking about have a market capitalization of $90 billion—well, they just have to pay to drill on public lands, Federal public lands.

Right now they're paying to drill on State public lands, and when they come over to the Federal public lands it's like free parking, free rent. You don't have to pay anything.

Well, where are you going? You're going to where it's free. And who's letting them have it for free? Uncle Sam. Uncle Sucker.

So what the Markey amendment says is we're going to raise $400 million, charging them to drill for these precious minerals on Federal lands, and we're going to give the $400 million over to the States so that they can clean up their old mines where there are environmental problems.

So if you care about the environmental problems in these Western States, here's your ability to send $400 million in, collected where the big companies are now paying nothing to mine on Federal lands, in order to help deal with environmental problems there. Not in Massachusetts, not in the East, but right here, right where this mining goes on, right where the environmental disasters occur.

Vote ''aye'' on the Markey amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself the balance of the time.

Once again, as that map is moving away, that's where the jobs would go if you add a gross tax to this activity.

Let me point out just an economic issue here. Like oil and gas, probably not quite the same, you really don't know if there's any minerals in the ground until you dig. And if you put a royalty of 12½ percent, you are going to discourage that activity.

What does that mean?

When you discourage that activity, it means the potential for job creation and mineral production in this country goes away.

Now, if that's the intent of some in this country and maybe some on the other side, okay, be honest about it.

I don't think that's the right approach, so I would urge my colleagues to reject this gross tax amendment. And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. YOUNG OF ALASKA

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–590.

Mr. YOUNG of Alaska. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 22, insert the following:

(h) With respect to strategic and critical materials within a federally administered unit of the National Forest System, the lead agency shall—

(1) exempt all areas of identified mineral resources in Land Use Designations, other than Non-Development Land Use Designations, in existence as of the date of the enactment of this Act from the procedures detailed at and all rules promulgated under part 294 of title 36, Code for Federal Regulations;

(2) apply such exemption to all additional routes and areas that the lead agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of identified mineral resources described in paragraph (1); and

(3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit of the National Forest System.

The CHAIR. Pursuant to House Resolution 726, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Madam Chairman, this is a simple amendment. It addresses the roadless areas in national forests but, specifically, in Alaska. It does not overturn the roadless areas.

This is an attempt, as previously stated in this Congress, that highly mineralized areas would not be affected by the roadless area. It directly affects the Vulcan find of rare minerals, rare Earth.

And I have to address my colleagues for a sense. Now, right now China controls the rare Earths of this world. Yet, we have tremendous deposits in Alaskan lands and in other lands of this Nation. But rare Earth is the future of all this high technology that people do support, and the so-called things that we try to develop are from rare Earth.

It's wrong to have China control the price, control the quantity and availability for modern technology when we have our own. All we're asking in this is to make sure that an area that has high potential areas of rare Earth be accessible to the water.

And the rules of roadless area do not apply. They were exempted before. They should be exempted now. But a ruling in 2011 made this area unaccessible for the development of rare Earth for this Nation.

If you believe in the independence of this Nation, if you believe the importance of technology for the future, then you'll support this amendment. This is the right amendment for the right time to make sure we have this development.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. And I think that his amendment makes eminently good sense. It's exactly these sort of rulings that tie up our natural resources, and we should be utilizing them.

I think the gentleman has a good amendment, and I support it.

Mr. YOUNG of Alaska. I thank the gentleman.

Again, this is specific for an area of rare Earth that's for the future of this Nation. This amendment should be adopted, and I urge a ''yes'' on my amendment.

I reserve the balance of my time.

Mr. HOLT. Madam Chair, I rise in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Almost 15 years ago, the Forest Service began the process of reviewing the management of the last remaining, undeveloped forests, the so-called roadless areas.

In 2001, the Bush administration, yes, the George W. Bush administration,

issued regulations to protect these areas in an effort recognized as one of the most far-reaching conservation initiatives taken by the Federal Government in decades.

Now, a decade later, after litigation, 60 million acres of our forests, and the clean water derived from those forests, are now protected from harmful development. Three hundred fifty four municipal water supplies flow through roadless areas on their way to homes and businesses. These areas include sacred sites for Native Americans. They include biological strongholds for fish and wildlife. The continued protection of these areas is something that people all over America care about.

I know the gentleman thinks that this is somehow infringing on Alaska. The point that must be made is this is in the national interest, and continued protection of these areas is common sense. It is what I know my constituents tell me they want.

For the record, there are already 380,000 miles of roads in the rest of our national forests, with only 20 percent maintained to adequate standards of safety.

The gentleman from Alaska offers an amendment that purports to waive the roadless rule for the purposes of mineral development. However, both the Forest Service and the Bureau of Land Management say that the current policy does not prevent mineral developers from accessing development sites in our forests. All the current policy requires is careful consideration before access for mining operations is permitted.

I recognize that southeast Alaska, we all recognize that southeast Alaska is a unique place that requires access by boat and helicopter. However, mine operators have been able to get the approval necessary for that access. This is a waiver that is overly broad, which Federal agencies tell us is unnecessary for the purposes purported here. And it just invites conflict where, for a decade now, there has been resolution.

□ 1100

Congress has debated the roadless policy for a decade—actually for many decades, but for a decade—and opponents of the policy have had their day in court. Congress, the public, and the courts agree that they have supported the protections, including protections for those holding valid existing mineral rights. This amendment is not necessary, and I urge its defeat.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, with all due respect, I enjoy people from Massachusetts and New Jersey talking about my State. It really always excites me that they really know a lot. They know nothing.

This roadless area was open for mining development; and, actually, exemptions of certain rules couldn't allow it. Last year, they said, no, this couldn't be done, having access to this rare Earth for the Nation—for the Nation—this small area. All they want to do is get to the water. What good is rare Earth for this Nation if you can't get to it? We might as well stake a claim on the Moon. I mean, this is 17 million acres of land that have already been set aside, all but 1 million acres. All I'm asking for is access for the American people, access to this mineral deposit for the American people for the future, for the technology that is needed so as not to be dependent on China.

Now, he may be representing China instead of New Jersey, and I respect that; but I'm talking about respect for this Nation. This amendment should be adopted for the good of the people of this Nation if you're thinking about the future. Ironically, that side offered an amendment to narrow this bill to only rare Earths. That amendment was offered, and I can't understand that.

All I'm saying is, if you want access to rare Earth, then pass this amendment. Make it good for the Nation. Let's not be listening to somebody who, very frankly, doesn't understand the need—and this is a person who is a doctor, bless his heart, who understands the physical needs for the future, yet he says we're going to protect this little, narrow spot just to access water for the people of America. This is what this amendment does.

I'm trying to get something done for America. I'm not playing politics in this. It really doesn't affect Alaska to that extent other than the fact that it's in the State of Alaska. It does affect other States, but quite frankly, I want it for Alaska. It's my job. I'm not affecting New Jersey. I don't ever introduce an amendment or oppose anything for New Jersey. If he wants something in New Jersey, if he wants to drill in New Jersey, I'd support it. If he wouldn't want to drill in New Jersey, I wouldn't support it. If you follow what I'm saying, this is important for the people of America, and I urge the passage of this amendment.

I reserve the balance of my time.

Mr. HOLT. The gentleman is right, this affects more than Alaska. This affects the country at large. The roadless rule has been debated. It has been litigated. It should be considered settled.

The Young amendment, as the gentleman has explained, derives from his interest in having road access for mineral development in Alaska. Both the Forest Service and the Bureau of Land Management—I repeat—say that the current policy does not prevent the mineral developers from accessing development sites. We don't need to overturn a well-debated, well-litigated, settled matter of the roadless rule.

Just to be clear, the amendment that the gentleman from Alaska offers would exempt all areas of identified mineral resources in land use designations, et cetera, from the procedures detailed and the rules promulgated under title 36, Code of Federal Regulations.

This is sweeping and it is not necessary.

Again, I urge the defeat of this amendment, and I reserve the balance of my time.

The Acting CHAIR (Mr. SIMPSON). The gentleman from Alaska has 1 minute remaining. The gentleman from New Jersey has 30 seconds remaining.

Mr. YOUNG of Alaska. I yield 30 seconds to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I just want to point out that the areas that this amendment affects have already been set aside for mineral development. I want to repeat that, Mr. Chairman: these have already been set aside for mineral development. That policy has not changed at all. All it ensures is that we are going to have access to it.

I just want to address the irony that the gentleman pointed out. This is for rare Earth. This particular one in his State is where we have rare Earth, and now they say they don't want it. There is some irony here, and I can't quite get my arms around it.

Mr. HOLT. Mr. Chair, of course we want this country to have the minerals that it's dependent on; but need I repeat again that the Forest Service and Bureau of Land Management say that current policy does not prevent mineral developers from accessing the development sites. This amendment is not necessary, and it would overturn very important resolutions that protect the public lands in the public interest.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Alaska has 30 seconds remaining.

Mr. YOUNG of Alaska. One last comment.

He says there is no restriction and that we can go ahead and mine this Earth. You can't develop it. It's that simple. All exploration had to be done by helicopter. There was no access by road. To develop it, we must have this road to water access. This is a good amendment. It provides this Nation with the right minerals that are necessary for future technology. We should adopt this overwhelmingly if you're thinking of the Nation instead of an interest group.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Alaska will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CRAVAACK

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–590.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 22, insert the following:

(h) This section shall apply with respect to a mineral exploration or mine permit for which an application was submitted before the date of the enactment of this Act if the applicant for the permit submits a written request to the lead agency for the permit. The lead agency shall begin implementing this section with respect to such application within 30 days after receiving such written request.

The Acting CHAIR. Pursuant to House Resolution 726, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Today, I rise in support of my amendment, as well as in support of the underlying bill.

H.R. 4402 is a commonsense, progrowth piece of legislation that would simply facilitate a timely permitting process for very important mining projects throughout the United States.

The United States cannot continue to depend on foreign countries to supply critical precious and rare Earth metals. This is a vital strategic disadvantage to the security of the United States. What happens if, one day, a supplying country decides it doesn't want to export or decides to restrict precious metals? What if our sea lanes become controlled by those who are not friendly to the United States? These mines are not something we can turn on and off at the flip of a switch.

These mines are multi-million if not billion, dollar projects that take years of capital investment just to get going. This bill is as much a strategic defense bill as it is a jobs bill. According to a University of Minnesota-Duluth study, 2.5 ancillary jobs are produced for every mining job. These are good-paying jobs that we cannot afford to lose.

My amendment will also allow mining projects that have already applied for a permit and are currently in the permitting process access to the new expedited procedures. My amendment falls along the same commonsense thinking that the underlying bill comes from, which is that 30 months is plenty of time to complete the total review process for permitting a mine. Currently, there are numerous projects in the permitting pipeline that have taken way too long and that still have no definitive end in sight.

One such project is in my district. PolyMet Mining initiated an environmental review of its proposed NorthMet copper and nickel mine back in 2005. Since then, the company has invested over $40 million for EIS inquiries. That is 7 years and counting for just environmental reviews. Another project that is just getting under way in the Eighth District is the Twin Metals project, which will also produce thousands of Minnesota jobs for both construction and long-term operations.

In a 2009 study, the University of Minnesota-Duluth found that more than 12,000 Minnesota construction jobs will be created in Minnesota if all strategic metal mining projects currently under study move forward.

□ 1110

In 2009, the UMD study also estimated that more than 5,000 direct long-term Minnesota mining jobs will be created when all strategic metal mining projects currently under study become operational.

Minnesota needs these jobs, and the country needs the minerals that these mines produce, and everyone needs a definitive permitting timeline that is reliable. Unfortunately, PolyMet is not a unique project. Seven years and $40 million is not even the worst example of inefficient permitting. Many other mining projects have been stalled for even longer due to inefficient and, at times, an agenda-driven permitting process.

Another example is the Montanore mine in Montana. It has been in the permitting process since 2003. The Montanore project was previously permitted by the State of Montana, the U.S. Forest Service, and other cooperating Federal agencies in 1993, following a full EIS process. The company chose not to proceed with the project until 2003 and has been working to obtain the same Federal permits since that time.

Mr. Chairman, I could give example after example of how inefficient and onerous our Federal permitting process is, but there's just not enough time to do so. These multiyear delays in processing Federal permits for many good projects are impeding thousands of jobs, massive investments across the country, and are blocking domestic production of much-needed rare Earth strategic and critical precious metals.

This amendment would ensure that these projects, like all future projects, are given a firm timeline that communities can count on while, at the same time, more than addressing concerns.

I urge passage of this amendment and the underlying bill.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. CRAVAACK. I will be happy to yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for his amendment.

This is, as he said in his opening remark: simply a commonsense approach that those that are in the process now should avail themselves of potential changes in law.

It is an excellent amendment, and I support it.

Mr. CRAVAACK. I thank the chairman, and I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This bill is ostensibly a bill that is supposed to be discussing rare Earth. It's supposed to be discussing strategic minerals that we can use in our competition to produce high-tech products that we're competing with the Chinese and others in order to produce in our country.

The kinds of strategic materials that we're talking about are scandium, cerium, europium, and terbium. These are not minerals that people ordinarily hear about. And from the high-tech manufacturing sector, we hear that they're central to their ability to be able to compete.

What the underlying bill would do is to reduce or eliminate the proper review of mining operations on public lands for virtually all types of minerals; not just for those rare Earths that I just mentioned, but also for gold, silver, uranium, and things like sand and gravel that are clearly—I think we should all be able to agree upon the fact that sand and gravel are not strategic minerals for our country. They're plentiful. They're available. We don't need to be watering down environmental laws in our attempt to be able to have enough sand and gravel and clay in the United States of America.

This amendment would not only allow for insufficient review for future mining operations, it would allow mining operations that are currently being reviewed to also escape proper scrutiny. Even worse, this amendment is drafted in such a way that it could potentially even apply to mining operations that already have been approved.

Following environmental review, mines sometimes have to put in place mitigation measures to protect the public health and the environment. Under this amendment, there is the potential that those companies could seek to have those mitigation measures thrown out. In an effort to save potentially millions of dollars, I understand what the company is trying to do. That might be good for that company, but it's not good for the environment or for the American people who already have mitigation agreements in place to protect against the mining company endangering the health, the well-being, and the water table of the

area where the mining is going on. It wouldn't just cover europium; it would cover, potentially, gravel, sand, and other elements that clearly don't need that kind of protection.

This amendment would likely invite a hailstorm of litigation, which I would think that my colleagues on the other side would like to avoid. I would also like to think that my colleagues on the other side would rather have the Department of the Interior, the Forest Service, and other Federal agencies continue to move forward to approve new mines, not be bogged down relitigating mines that have already been approved.

This amendment makes a bad bill even worse and would have a number of unintended consequences that could invite litigation and actually delay the approval of future mines.

I urge defeat of the amendment, and I reserve the balance of my time.

Mr. CRAVAACK. Mr. Chairman, I inquire as to the time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 30 seconds remaining.

Mr. CRAVAACK. Mr. Chairman, I would just like to remind our colleagues that mines aren't just permitted and then forgotten. They're constantly monitored.

The precious metals we're talking about go into our cell phones, our computers, our weaponry, and even our catalytic converters. We need these materials now, and we cannot be held ransom by China. May I remind you, 600 pounds of copper goes into every windmill.

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

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Again, I understand the business plan here of these mining interests that don't even pay royalties to drill on the Federal lands of our country. Let's just continue this business plan. That's what they're saying to themselves. Maybe we can get it out of this Republican Congress. So, in addition to not paying, let's also have rules that say we're going to water down the environmental laws, as well, not only for europium and cerium and other rare Earths, but also for sand and for gravel and for clay. I understand. That's a great business plan.

It's not for the American people. They get watered-down environmental laws, and they also don't even get paid the royalties on the Federal lands of our country. It's just one big, bad deal for the United States taxpayers, and I urge a ''no'' vote on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–590.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 4, before ''Sections'' insert ''(a) IN GENERAL.—''.

Page 10, after line 9, add the following:

(b) LIMITATION ON APPLICATION.—Subsection (a) does not apply to a covered civil action filed by—

(1) a not-for-profit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(2) an individual.

The Acting CHAIR. Pursuant to House Resolution 726, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, this bill is an irresponsible giveaway to the mining industry that has taken enormous profits at American taxpayer expense.

One section in particular is extremely disturbing. Section 205 of the bill eliminates awarding of attorneys' fees to litigants bringing successful legal challenges against certain agencies' actions, like the issuance of a mining permit.

Eliminating the possibility of fee shifting makes litigation prohibitively expensive for groups and individuals that don't have the deep pockets of large corporate entities. Indeed, the whole reason fee shifting exists in the first place is so that a party does not have to be wealthy in order to file a lawsuit.

Justice should be accessible to all, regardless of their individual financial circumstances. Eliminating the awarding of attorneys' fees means that the traditional parties for these kinds of lawsuits, such as nearby landowners, small business owners, and environmental groups, will no longer be reimbursed for the cause of successfully litigating a claim.

The only reason to eliminate this fee shifting is to discourage parties from filing these kinds of suits.

Who is the biggest beneficiary of reducing the number of permit challenges? The permit-holding mine companies, of course. Since litigation can be extremely expensive, these cash-strapped plaintiffs usually only bring those lawsuits with the most likelihood of success because they literally cannot afford to lose.

□ 1120

Eliminating the awarding of attorneys' fees will increase the predictability of the permitting process only by stifling access to the courts.

Mr. Chairman, my amendment creates an exception for the awarding of attorneys' fees to successful challenges submitted by either individual citizens or nonprofit entities so that justice in this country is not reserved for only those who can afford the hefty entrance fee.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 3 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I oppose this amendment, because it would have allowed ideological special interest groups to block mining permits through lawsuits funded by taxpayer dollars.

The Equal Access to Justice to Act of 1980 is a law in need of reform. Recognizing the Federal Government's vast resources, it was intended to help protect small businesses, charities and ordinary Americans from unreasonable litigation or administrative proceedings.

To this end, the EAJA allows individuals with a net worth of under $2 million and businesses worth less than $7 million to collect attorneys' fees up to $125 per hour. Last year the Judiciary Committee Subcommittee on Courts, Commercial and Administrative Law held a hearing on the need for EAJA reform.

The subcommittee learned that particular groups, particularly environmental organizations, are aggressively exploiting the EAJA. The EAJA exempts all not-for-profit organizations from the net worth cap, and it allows attorneys' fees over $125 per hour if a special factor justifies such an award.

Well-heeled environmental organizations take full advantage of these provisions to collect large awards for attorneys' fees. For example, the Center for Food Safety recently awarded more than $2.6 million under the EAJA, with its lead counsel compensated at a rate of $650 per hour. It's a good gig if you can get it.

Simply by reviewing public court records, a witness of the subcommittee's hearing found that 20 environmental organizations collected $5.8 million in fees between September 1, 2009, and August 31, 2010.

The EAJA was meant to help give small businesses, charities, and ordinary citizens a fighting chance against the Federal Government. Considering the pressing need for reform, the National Strategic and Critical Minerals Production Act of 2012 was wisely written to prevent any organization or straw man plaintiff who was a member

of and whose attorneys may be paid by such an organization from slowing down the permitting process or advancing its ideological agenda in court using public money.

Now, of course, they can still bring suit, but not on the taxpayers' dime.

For these reasons, I oppose this amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. May I inquire how much time remains?

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I just want to make a point here. The Natural Resources Committee I have the privilege to chair has been investigating the payment of attorneys' fees and court costs to revolving door plaintiffs in environmental lawsuits.

For example, we have learned that based on information that's supplied by the Department of Justice, over $2 million in taxpayer dollars have been paid to a single organization, the Center for Biological Diversity, and they have done that for 50 lawsuits that have been filed under a single environmental statute.

This organization, which would qualify, by the way, for payments if the gentleman from Florida's amendment is adopted, they have offices in 15 States and they pay their executive director in the six figures. The question arises: Why should taxpayers be paying for their attorneys?

It seems like these lawsuit-happy environmental groups make a living from suing the Federal Government. When they sue the Federal Government, they divert resources from the Federal Government to carry out its statutory duties when it comes to environmental issues or permitting issues or whatever. I think that this amendment is ill advised by singling out some people that should not be covered.

I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–590.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. PROTECTION OF HUNTING, FISHING, GRAZING, AND RECREATION.

This Act shall not apply with respect to any mineral exploration or mining permit a lead agency determines would diminish opportunities for hunting, fishing, grazing, or recreation on public lands.

The Acting CHAIR. Pursuant to House Resolution 726, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, my amendment states that nothing in this bill should diminish opportunities for hunting, fishing, grazing, or recreation on public lands.

H.R. 4402 would elevate the interests of the mining industry above all others. This legislation contains language requiring that the priority of the Federal Government ''shall be to maximize the development of the mineral resources, while mitigating environmental impacts, so that more of the mineral resources can be brought to the marketplace.''

This legislation would put mineral extraction on public lands above all other uses, jeopardizing hunting, fishing, livestock grazing, outdoor recreation, and many other critical uses of our public lands.

When open pits cover the American West, tourists to Arizona may have another Grand Canyon to visit. This time, instead of marveling at the geologic forces that over the courses of millions of years shaped one of the Nation's most awe-inspiring sites, they will be forced to ponder chains of manmade chasms left behind by unaccountable mining companies. My amendment will make sure that other important uses are not pushed aside, that all Americans continue to have access to their public lands.

In fact earlier this week the Department of the Interior issued a report on the agency's economic contributions to the Nation. Many of these contributions come from uses other than mining. In 2011, there were over 435 million recreational visits to Interior-managed lands. This activity contributed $48.7 billion in economic activity and supported approximately 403,000 jobs nationwide, including 14,000 jobs in my home State of Arizona. By elevating the interests of mining companies above hunters, anglers, and ranchers, as H.R. 4402 would do, we threaten that revenue that local communities have come to rely on.

Last month we considered so-called urgent legislation from the majority here on the House floor that was billed as vitally necessary to protect hunting and fishing on public lands. Now my colleagues on the other side of the aisle are doing just the opposite by elevating mining on our public lands above hunting and fishing. It seems that when the majority was fishing around for new sweetheart deals and ways to help the mining, oil, and gas industry, they decided to forget about their commitment the previous month to the hunting and angling communities.

My amendment would in no way hamper mining on Federal lands. It would simply reaffirm that we should not bury the other important uses of our public lands below energy development, as the underlying bill would do.

Our public lands belong to the American people and have many important uses. We should not undermine the ability of the American people to hunt and fish on public lands by destroying the current law.

I can't get my head around the idea that the mining industry will have first use above all other uses on our public lands while paying no royalties to the American taxpayer. On top of that, the bulk of the resources taken from our public lands is exported worldwide to countries like China.

Multinational mining companies get our resources free of charge while visitors have to pay a user fee to use some of our public lands. Now their needs are not as important to the Republicans as free access for the mining interests in this country.

It's very sad and ironic. I would urge a ''yes'' vote on my amendment to maintain a balance for the American people in their use of their public lands.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this is an anti-mining, anti-jobs amendment, and it is not a pro-sportsman amendment.

I believe strongly in multiple uses of our Federal lands. It is something that as chairman of the Natural Resources Committee, I take very, very seriously, and multiple means economic activity and recreational activity.

□ 1130

Earlier this year, this House worked to promote legislation advocating hunting and fishing on Federal lands. It was primarily aimed at promoting and protecting sportsmen's access to Federal lands. Sportsmen's access includes hunting and fishing. This bill had strong bipartisan support from most of America's sportsmen's organizations, and it received strong bipartisan support here in this body. However, Mr. Chairman, I must note that the sponsor of this amendment, my good friend from Arizona, opposed that bill that was for hunting and fishing for sportsmen.

Federal Land Management allows one use to be disrupted to ensure that we make the best and highest use of our lands. That's common sense. If the

best use is rare Earth mining to secure our Nation against foreign resource nationalism and so forth, we should use the land for that. While at the same time that mine is being developed, we allow for mitigation to balance out disturbance of other activities. If a company disturbs an acre here, they can mitigate that with an acre there. The amendment completely ignores that reality.

So we should call this amendment for what it is. It's an attempt to stop mining on Federal lands, which, of course, will make us more dependent on foreign minerals. This amendment contradicts the express purpose of this legislation, which is to require the lead agency responsible for permitting strategic and critical mineral exploration and mining projects to reduce the permitting timelines through better coordination. This amendment would empower a Federal agency to unilaterally choose to red-tape another process that can take—which we've seen in the past—up to a decade long to complete a permitting process.

As a matter of fact, I might say, Mr. Chairman, the only effect of this amendment and other amendments that we've heard is to protect bureaucratic red tape, which is what the underlying bill wants to streamline. It makes sense. But every amendment we've heard coming from the other side seems to want to protect that point.

So this amendment falls under that same category. It does not deserve our support. I urge rejection, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, can I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. GRIJALVA. I yield the balance of my time to my good friend from New Mexico and a member of the Natural Resources Committee, Mr. LUJÁN.

Mr. LUJÁN. This amendment is straightforward. It's about protecting hunting and fishing. That's how simple this is. Sadly, a similar amendment was rejected by the Rules Committee, who had a similar debate over oil and gas leasing. But I rise in strong support of the Grijalva amendment, and I urge my Republican colleagues to take a step back and consider the true impacts their policies are having on public lands.

Public lands are just that: lands for the public to enjoy and use for the great benefits that they provide. Generations of New Mexicans have used our State lands for hunting, fishing, recreation, and grazing. Mineral development is important, but let's do it where it makes sense.

We have seen bill after bill on this floor that are giveaways to Big Oil companies, mining companies, and corporate interests that don't consider the long-term detrimental impacts to wildlife habitat and public use for recreational use. Today's bill would require the Federal Government to maximize the development of mining on public lands and limit access to land for hunting, fishing, and recreational shooting. All the Grijalva amendment says is let's protect that little area.

This is a bad bill to hunters, anglers, and ranchers, and I urge support of the Grijalva amendment to H.R. 4402 to protect our access to public lands.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I would just simply say that this is an amendment, as I mentioned in my earlier remarks, that simply is antimining at its best, because there is, in current law, a procedure for giving higher access to certain activities and then there is the mitigation process. But to suggest that this is something that would protect sportsmen defies logic. As a matter of fact, Mr. Chairman, the NRA has come out against the Grijalva amendment.

So with that, I urge a ''no'' vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–590 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. TONKO of New York.

Amendment No. 2 by Mr. HASTINGS of Florida.

Amendment No. 3 by Mr. MARKEY of Massachusetts.

Amendment No. 4 by Mr. YOUNG of Alaska.

Amendment No. 7 by Mr. GRIJALVA of Arizona.

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

AMENDMENT NO. 1 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 251, not voting 18, as follows:

[Roll No. 462]

AYES—162

Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—251

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry

Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Connolly (VA)
Costa
Dicks
Gallegly
Gutierrez
Jackson (IL)
Jackson Lee (TX)
Jenkins
Lowey
Lummis
Murphy (PA)
Rush
Welch

□ 1158

Messrs. FRELINGHUYSEN, MCINTYRE and TURNER of Ohio changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 252, not voting 17, as follows:

[Roll No. 463]

AYES—162

Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—252

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

NOT VOTING—17

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Costa
Dicks
Gallegly
Gutierrez
Hanna
Jackson (IL)
Jackson Lee (TX)
Jenkins
Lowey
Lummis
Rush
Velázquez

□ 1203

Mr. TURNER of Ohio changed his vote from ''aye'' to ''no.''

Mr. WELCH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 253, not voting 15, as follows:

[Roll No. 464]

AYES—163

Andrews
Baca
Bachmann
Baldwin
Barber
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Himes
Hinchey
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—253

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

NOT VOTING—15

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Dicks
Gallegly
Hirono
Jackson (IL)
Jackson Lee (TX)
Jenkins
Lowey
Lummis
Ribble
Rush

□ 1207

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Chair, on rollcall No. 464, the Markey amendment, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. YOUNG OF ALASKA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 178, not voting 15, as follows:

[Roll No. 465]

AYES—238

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

NOES—178

Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Wilson (FL)
Wolf
Woolsey
Yarmuth

NOT VOTING—15

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Davis (IL)
Dicks
Gallegly
Jackson (IL)
Jackson Lee (TX)
Jenkins
Lowey
Lummis
Ribble
Rush

□ 1211

Mr. POE of Texas changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. CONYERS. Mr. Chair, during rollcall vote No. 465 on H.R. 4402, the Young (AK) Amendment, I mistakenly recorded my vote as "aye" when I should have voted "no."

Ms. HIRONO. Mr. Chair, I intended to vote "no" on rollcall vote No. 465, the amendment offered by my friend Congressman YOUNG of Alaska.

AMENDMENT NO. 7 OFFERED BY MR. GRIJALVA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 248, not voting 16, as follows:

[Roll No. 466]

AYES—167

Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—248

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

NOT VOTING—16

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Dicks
Gallegly
Hinojosa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Lowey
Lummis
Rush
Ryan (OH)
Smith (WA)

□ 1214

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WEST). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

SIMPSON) having assumed the chair, Mr. WEST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, and, pursuant to House Resolution 726, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Ms. SLAUGHTER. Mr. Speaker, I have a motion to recommit at the desk.

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

Ms. SLAUGHTER. In its present form, I am.

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

The Clerk read as follows:

Ms. Slaughter moves to recommit the bill H.R. 4402 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 9, after line 2, insert the following:

SEC. 105. PROHIBITION ON ISSUANCE OF PERMITS TO PERSONS, CORPORATIONS, AND SUBSIDIARIES THAT ARE DELINQUENT ON TAXES.

No Federal mineral exploration or mine permit shall be issued pursuant to this Act to a person, corporation, partnership, trust, or other form of business organization that has failed to pay any tax required under State or Federal law, or to a subsidiary of such a corporation, partnership, or other form of business organization.

SEC. 106. PROHIBITIONS REGARDING CHINA AND IRAN.

(a) PROHIBITION ON EXPORT.—Each Federal mineral exploration or mine permit issued pursuant to this Act shall include provisions that prohibit export to the China or Iran of strategic and critical minerals produced under the permit.

(b) PROHIBITION ON ISSUANCE OF PERMITS.—No Federal mineral exploration or mine permit may be issued pursuant to this Act to—

(1) any company in which China or Iran has an ownership interest; and

(2) any person (including any successor, assign, affiliate, member, or joint venturer with an ownership interest in any property or project any portion of which is owned by such person) that is in violation of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

(c) PRESIDENTIAL WAIVER OF PROHIBITIONS WITH RESPECT TO CHINA.—The President may waive the prohibitions under subsections (a) and (b) with respect to China upon certification that the Government of China has removed its export restraints on strategic and critical minerals.

SEC. 107. PERMIT REQUIREMENTS REGARDING USE OF AMERICAN MINING EQUIPMENT AND OUTSOURCING OF AMERICAN JOBS.

Each Federal mineral exploration or mine permit issued pursuant to this Act shall include provisions that—

(1) require, to the extent practicable, that all mining equipment used under the permit must be manufactured in the United States; and

(2) prohibit the permit holder from outsourcing American jobs.

Ms. SLAUGHTER (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes on her motion.

Ms. SLAUGHTER. Mr. Speaker, we've just concluded debate on a bill that will make it easier for the mining industry to profit from digging up valuable minerals on land owned by the American taxpayer.

□ 1220

What would the American people get in return? Nothing, except poorer public health, a dirtier environment, and fewer opportunities for hunting, fishing, and recreation.

Instead of the bill we are considering today, we should be amending the statute that was signed into law by Ulysses S. Grant. Can you imagine that? The mining law of 1872, which is our mining law today, gives away the valuable minerals we should be saving for ourselves or, at the very least, getting some revenue from. But no, 140 years later, we still have this bill which has long outlived its usefulness.

Over the 25 years that I've served in Congress, every attempt to repeal this law has failed. Today, we compound the problem by voting on legislation that will give even more power to mining interests. Adding insult to injury, the companies benefiting from this bill can continue to take minerals owned by the American taxpayers royalty free, even if they're foreign companies and even if they have cheated or are delinquent on their taxes.

There is still time to fix three of the most glaring loopholes contained in this bill, and my amendment does just that. It will not kill the bill, and we will immediately move forward with the final vote on its passage. However, if adopted, my amendment will insert safeguards into the final legislation to protect our national security and to protect American jobs.

First, my amendment prevents mining contracts from being awarded to companies that have failed to pay their taxes. Last week, the Las Vegas Sun reported that mining companies in Nevada have underpaid their taxes by $8.7 million since 2008. At a time when cities and towns across America are going bankrupt and we're facing disaster in many areas of the country and some in Congress threaten to cut Medicare and food stamps in the name of fiscal responsibility, we must and should hold corporations accountable for the taxes they owe to the American people. If mining companies are to profit from our natural resources, they must be required to pay their fair share.

I'm the author of the Reciprocal Market Access Act, a bipartisan bill that would finally put an end to the wholesale exporting of American manufacturing jobs to China. My amendment today echos this plan. With the passage of this amendment today, we would make sure that the door is closed when China comes knocking to profit from our precious natural resources.

Finally, my amendment protects American jobs by prohibiting outsourcing and requiring mining companies to use mining equipment made in the United States. Isn't that little enough to ask?

The sweat and blood of middle class Americans built the United States, and it's time this Congress put their interests first. With my amendment today, we can do just that, by putting in place safeguards that will protect American jobs and ensure that mining equipment is made in America.

I'm introducing my amendment on behalf of the people of Rochester, New York. Some of the greatest workers that the country has ever known live there. My constituents are among the 300 million rightful owners of our Nation's natural resources, and not a single one of them wants this Congress to simply give them away to China or outsource precious American jobs.

Over the last 2 years, the majority has consistently pandered to corporate interests. Listen to this, because we've been very concerned this week with how many times we voted to repeal health care. Try this one on. We have voted more than 100 times this term, the last 18 months, over 100 times to benefit the oil industry. As demonstrated last night by a wonderful CBS News program, it costs millions and millions of dollars. They estimate that just the health care votes over and over cost the taxpayers $50 million.

Last year, we voted—as you remember, I voted against it, of course—to give Federal land to a single foreign

mining company that has ties to Iran's nuclear program. That was mining of uranium, free, about 8 miles from the Grand Canyon. I don't know how much more stupid we can get. I think it is absolutely obvious to us that a law passed in 1872 is nowhere near adequate for what we need today.

I urge a ''yes'' vote on this amendment to protect American workers, American resources, and to protect our friends who are extremely worried about Iran by making sure that they do not benefit at all.

Mr. Speaker, we've just concluded debate on a bill that will make it easier for the mining industry to profit from digging up valuable minerals on land owned by the American taxpayer. And what would the American people get in return? Nothing except poorer public health, a dirtier environment, and fewer opportunities for hunting, fishing and recreation.

Instead of the bill we are considering today, we should be amending the statute that was signed into law by Ulysses S. Grant in 1872. In an effort to spur development of the West, the law gave almost unlimited power to mining companies. 140 years later, this law has outlived its usefulness, yet over the 25 years I've been in Congress, every attempt to repeal this law has failed. Now today, we compound the problem by voting on legislation that will give even more power to mining interests.

Adding insult to injury, the companies benefitting from this bill can continue to take minerals owned by American taxpayers—royalty-free—even if they're foreign companies, and even if they have cheated on their taxes.

There is still time to fix three of the most glaring loopholes contained in this bill, and my amendment does just that. The amendment will not kill the bill, and we will immediately move forward with a final vote on its passage.

However, if adopted, my amendment will insert safeguards into the final legislation that will protect our national security and protect American jobs.

First, my amendment prevents mining contracts from being awarded to companies that have failed to pay their taxes. Last week, the Las Vegas Sun reported that mining companies in Nevada have underpaid their taxes by $8.7 million since 2008. At a time when cities and towns across America are going bankrupt, and some in Congress threaten to cut Medicare and other vital programs in the name of fiscal responsibility, we must hold corporations accountable for the taxes they owe to the American people. If mining companies are to profit from our natural resources, they must be required to pay their fair share.

Second, my amendment ensures that neither Iran nor China is allowed to profit from today's bill. Under my amendment, mineral resources deemed critical or strategic will be prohibited from export to Iran or China. No company that is owned by Iran or China will be allowed to mine American minerals, and under no circumstances will American minerals be exported to either of these nations.

In an age when Iran is threatening the security of our ally Israel, and the stability of the entire Middle East, this Congress must ensure that not a single American resource goes to supporting the dangerous Iranian regime. My amendment would leave no doubt that the United States stands by our allies and that not an ounce of American minerals ends up in Iranian hands.

Furthermore, as my constituents know all too well, China routinely engages in unfair and anti-competitive behavior that has stolen American jobs and weakened our middle class. It is time that this Congress, and this country, stops the decades-long giveaway to China.

I am the author of the Reciprocal Market Access Act, a bipartisan bill that would finally put an end to the wholesale exporting of American manufacturing jobs to China, and my amendment today echoes this plan. With passage of my amendment today, we would make sure that the door is closed when China comes knocking to profit from our precious natural resources.

Finally, my amendment protects American jobs by prohibiting outsourcing, and requiring mining companies to use mining equipment that is made in the United States.

The sweat and blood of middle class Americans built the United States, and it is time that this Congress put their interests first. With my amendment today, we can do just that, by putting in place safeguards that protect American jobs and ensure that mining equipment is made in the USA.

I am introducing my amendment on behalf of the people of Rochester NY—they are some of the greatest workers that the world has ever known. My constituents are among the 300 million rightful owners of our Nation's natural resources, and I know that not a single one of them wants this Congress to simply give away our valuable assets to China, or outsource precious American jobs.

Over the last 2 years, the Majority has consistently pandered to corporate interests. The Majority has voted more than 100 times to benefit the oil industry, and even voted last year to give away Federal land to a single foreign mining company that has ties to Iran's nuclear program.

The Majority has also answered the wishes of the health insurance industry, including voting more than 30 times to dismantle historic healthcare reforms. They've continued this corporate care-giving right up until today as we prepare to vote on a bill that is a giveaway to corporate mining interests.

What we should be doing is voting on a jobs bill that helps people, not fattens corporate profits. But if the Majority insists on moving forward with flawed bills, we can at least close loopholes in order to protect the American people. By fixing three vital flaws within today's bill, my amendment will allow each of us to vote for our constituents and stand up for the middle class.

Again, my amendment will not kill the bill. If my amendment is adopted, the bill as amended will immediately be voted upon. I urge my colleagues to support my amendment, and stand with me as I fight to protect our natural resources and American-made jobs.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. HASTINGS of Washington. Mr. Speaker, the underlying bill is about American jobs and not only American mining jobs. Our manufacturing sector, as part of it, uses the minerals from these mining jobs. So it is much broader than that.

I have to comment on the tone here that we've heard over and over from the other side on this issue. The bill streamlines the bureaucracy and red tape. Every amendment that was offered today and the tone of all of their debate on this was to side with the bureaucracy that imposes more red tape.

What is even more ironic is that this is about mining in America. The arguments from the other side all day were ''don't mine in America.'' What's the motion to recommit? Don't sell what we're going to mine in America. They didn't want to mine in the first place, and now they're saying we can't sell it if we mine it. It doesn't make any sense.

Mr. Speaker, this is a jobs bill for American workers. I urge rejection of the motion to recommit and ''yes'' on the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Ms. SLAUGHTER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 181, noes 231, not voting 19, as follows:

[Roll No. 467]

YEAS—181

Altmire	Clay	Fudge
Andrews	Cleaver	Garamendi
Baca	Clyburn	Gonzalez
Baldwin	Cohen	Green, Al
Barber	Connolly (VA)	Green, Gene
Barrow	Conyers	Grijalva
Bass (CA)	Cooper	Gutierrez
Becerra	Costa	Hahn
Berkley	Costello	Hanabusa
Berman	Courtney	Hastings (FL)
Bishop (GA)	Crowley	Heinrich
Bishop (NY)	Cuellar	Higgins
Blumenauer	Cummings	Himes
Bonamici	Davis (CA)	Hinchey
Boren	Davis (IL)	Hinojosa
Boswell	DeFazio	Hirono
Brady (PA)	DeGette	Hochul
Braley (IA)	DeLauro	Holden
Brown (FL)	Deutch	Holt
Butterfield	Dingell	Honda
Capps	Doggett	Hoyer
Capuano	Donnelly (IN)	Israel
Carnahan	Doyle	Johnson (GA)
Carney	Edwards	Johnson, E. B.
Carson (IN)	Ellison	Jones
Castor (FL)	Engel	Kaptur
Chandler	Eshoo	Keating
Chu	Farr	Kildee
Cicilline	Fattah	Kind
Clarke (MI)	Filner	Kissell
Clarke (NY)	Frank (MA)	Kucinich

Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—231

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

NOT VOTING—19

Ackerman
Akin
Bishop (UT)
Cardoza
Carter
Coble
Dicks
Flores
Gallegly
Jackson (IL)
Jackson Lee (TX)
Jenkins
Lowey
Lummis
Marchant
Rush
Scott, Austin
Towns
Woodall

□ 1243

Mr. YODER changed his vote from ''yea'' to ''nay.''

Messrs. COSTELLO, GONZALEZ, PETERSON, and BOREN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on rollcall No. 467 I was unavoidably detained. Had I been present, I would have voted "nay."

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 160, not voting 15, as follows:

[Roll No. 468]

AYES—256

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

NOES—160

Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver

Pallone	Sánchez, Linda T.	Thompson (MS)
Pascrell	Sanchez, Loretta	Tierney
Pastor (AZ)	Sarbanes	Tonko
Pelosi	Schakowsky	Towns
Perlmutter	Schiff	Tsongas
Peters	Schrader	Van Hollen
Pingree (ME)	Schwartz	Velázquez
Polis	Scott (VA)	Visclosky
Price (NC)	Scott, David	Walz (MN)
Quigley	Sherman	Wasserman Schultz
Rahall	Sires	Waters
Rangel	Slaughter	Watt
Richardson	Smith (WA)	Waxman
Richmond	Speier	Welch
Rothman (NJ)	Stark	Wilson (FL)
Roybal-Allard	Sutton	Woolsey
Ruppersberger	Thompson (CA)	Yarmuth
Ryan (OH)		

NOT VOTING—15

Ackerman	Gallegly	Lummis
Akin	Jackson (IL)	Reyes
Bishop (UT)	Jackson Lee (TX)	Rush
Cardoza	Jenkins	Serrano
Coble	Lowey	
Dicks		

□ 1250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 468, had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 835

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 835.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3001. An act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

H.R. 4155. An act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Madam Speaker, I yield to the gentleman from Virginia, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Madam Speaker, on Monday, the House is not in session. On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Madam Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business tomorrow.

In addition, the House will consider H.R. 5872, the Sequestration Transparency Act, sponsored by Congressman JEB HENSARLING. This is a bill that will bring needed transparency to the administration's process for implementing devastating cuts to our national defense and many social programs on January 2. Chairman PAUL RYAN and the Budget Committee passed this bill in a bipartisan fashion, so I expect it to be brought up under suspension of the rules.

Finally, and in keeping with funding our national security, the House will consider H.R. 5856, the Department of Defense Appropriations Act, sponsored by Congressman BILL YOUNG. This will be the House's seventh appropriations bill of the year.

I expect the defense funding bill to be on the floor for the balance of the week. Members should be aware that late evening votes are possible on Wednesday, July 18, and Thursday, July 19.

Mr. HOYER. I thank the gentleman for that scheduling information.

As the gentleman knows, we have, as I calculate, 12 legislative days left to go in July and the beginning of August, of which 3 of those days we will be coming in at 6:30. As a result, we don't have much time left, and I would ask the gentleman if there is any expectation of having bills other than the regulatory—I understand one of those weeks will be the regulatory week. Other than the regulatory bills, will we have any jobs legislation on the floor?

Mr. CANTOR. I thank the gentleman for the question.

Madam Speaker, we've been, as the gentleman knows, very transparent about scheduling the floor, sending out a memo making Members aware of where we're headed for the remainder of the July period. I would say to the gentleman that, after next week, we will be focusing on cutting red tape, reducing the regulatory burden on our job creators. As we know, the regulatory atmosphere in this country is making it more difficult and more expensive for small businesses and large to create jobs. We'll be focusing on that.

The following week, Madam Speaker, will be the week in which we will bring forward a piece of legislation to stop the tax hikes to ensure that all Americans know we are not going to see taxes go up for them at the end of this year.

In addition to that, we'll bring forward a bill that will be focused on how we get to a pro-growth tax system in this country, laying out the principles for tax reform and suggesting an expedited procedure so that we can actually achieve results for the American people so that our job creators and working families can get back to work.

Mr. HOYER. I understand the gentleman's answer, and I think we have consensus on this floor about cutting red tape and facilitating decisions by the Federal Government or by the State government or by local government. We have all heard that complaint throughout our careers. I think that's a legitimate concern for us to have. However, when I ask about a jobs bill, the gentleman responds on a couple of levels.

I think I may have mentioned this before, but what concerns me is that Bruce Bartlett, whom I think the gentleman probably knows, a former President Reagan and President H. W. Bush administration official, says that no hard evidence is offered for the claim that regulatory issues have increased. But he says that Republicans have embraced ''the idea that government regulation is the principal factor holding back employment. They assert that Barack Obama has unleashed a tidal wave of new regulations, which has created uncertainty among businesses and prevents them from investing and hiring.''

□ 1300

As I said, he says no hard evidence is offered for this claim. He then says:

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it's a simple case of political opportunism, not a serious effort to deal with high unemployment.

Now, that's his opinion, I understand that. But my concern is, if you ask an economist whether or not many of the pieces of legislation we've passed that we've called jobs bills—the gentleman's pointed that out—economists say in the short term—which is really what we need to deal, we need to deal in the short term and the long term—is not going to create jobs. This week, we haven't done anything to create jobs.

By the way, might I ask the gentleman, because I didn't see it next week, do we expect a 32nd or a 33rd vote on repealing the Affordable Care Act either next week, the week after, or the week after that? As the gentleman knows, CBS opines that we've spent some 80 hours on that issue, with whatever cost is attendant to that. You can answer both questions, I suppose, but certainly I would be interested and the Members would be interested to

know whether or not we're going to have another vote on repealing the Affordable Care Act.

I yield to my friend.

Mr. CANTOR. Madam Speaker, I thank the gentleman for yielding.

I would say to the gentleman about this week's vote—in fact, today—today we voted on a bill that helps us ''Mine it in America.'' The gentleman likes to speak about ''making it in America.'' Why shouldn't we also be mining it in America? So it's very much a bill to facilitate that business and industry in this country in an environmentally sensitive way. In fact, 22 of the gentleman's caucus Members joined us in that vote—''Mine it in America,'' Madam Speaker.

As to the gentleman's question about the suggestion that perhaps the regulatory environment does not affect the potential growth or real growth in this country, that is something that I don't believe the gentleman agrees totally with that statement, because I know he and I both have worked on trying to streamline regulations here. We don't want overly burdensome regulations on small or large businesses or working families.

So again, I would take issue with the suggestion that economists would say that regulatory atmosphere and framework don't have anything to do with job creation. Of course it does. It has to do with the environment for one to take a risk, for investors to put capital to work, for entrepreneurs to go out and sign their name on the dotted line with the bank. Of course regulation has something to do with job creation and growth. That is exactly our point. And I hope the gentleman will join us in the week that we bring these red tape reduction bills to the floor to help us accomplish something so that we can roll back the unduly burdensome framework and make sure we have a smart framework of regulation so that we can see America grow.

As to the gentleman's final question about scheduling another repeal vote of ObamaCare, if the gentleman would like to do so, I'm happy to meet with him. Right now, as the gentleman knows, we have done that this week. And I would say to the gentleman, the reason why perhaps we spent so much time on that issue, it is the most personal issue to many millions of Americans. It's their health care; it's their family's health care. At the end of the day, this election season will underscore the importance of people engaging in this discussion and participating in our democracy because the kind of health care that we will have in this country will be determined by the outcome of the election.

The real question is, Madam Speaker, are we going to have Washington-based health care or patient-based health care? That's what it comes down to. Who's in the driver seat, patients and their doctors, or Washington-based bureaucrats deciding what kind of coverage we can have? We all know what's happened with that approach under ObamaCare: costs have gone up, employers are beginning to shed the plans, and people will not be able to have the health care they have. That's why we've spent the time we have on this bill.

Mr. HOYER. Well, the gentleman knows full well I think you have wasted a lot of time on this House floor, wasted a lot of effort on this House floor knowing full well that that had no chance of passage and that you were simply appealing to the base that you were just appealing to. In fact, this gentleman believes that what you would do if your bill is passed, you would take away benefits from millions and millions and millions of people. I think that's incontestable. It's incontestable that seniors, who are now getting more help with the doughnut hole for their prescription drugs which enhance their quality and length of life, would lose it if we repealed the Affordable Care Act.

It is incontrovertible, I will tell my friend, that millions of young people who can't find a job unfortunately in this economy—and we haven't gotten any immediate jobs legislation that was offered by the President on this floor to even consider, pass or fail—millions of young people would lose their insurance.

Millions of children who have a preexisting condition, who now, under the Affordable Care Act, cannot be precluded by the insurance companies—which is really who you want to put in—not you personally, but who the defeat of the Affordable Care Act would put insurance companies back in charge, not government bureaucrats, but insurance companies.

So many of your Republican Governors don't want to set up the exchanges. All the exchanges are is setting up a free market of private sector insurers where people can make a judgment: Do they like policy A, B or C? It's very tough for consumers to determine right now whether they're getting a good bargain for the price they're paying for their health insurance, which is very expensive. And I will tell the gentleman that the Affordable Care Act will also create—CBO says, economists say—millions of jobs in the health care area. So, contrary to the gentleman's assertion that we are taking away care, in fact we are adding 30 million people access to affordable quality health care.

As Mr. Romney said, we are requiring responsibility. So everybody takes personal responsibility to make sure that, if they can, they will insure themselves. So, what? So that the rest of us won't have to pay when they go to the hospital or get sick. They will be responsible for themselves. And if they need help, as Mr. Romney said in Massachusetts when RomneyCare was adopted—a model just like we've adopted for the Nation—it's important to make sure that they get some help. That's what that bill does.

In addition to that, we've made sure that people didn't have a serious illness and have the insurance companies—not government bureaucrats, not the government, but insurance companies—say you're too sick, we're not going to cover you anymore.

So I will tell my friend, he and I have a radically different view on what the consequences are of the 31 votes that we've had, that the gentleman knew were not going to pass the Senate, knew the President wasn't going to sign, and knew you didn't have the votes to override. You're making a political point, I understand that. There are people who disagree with the Affordable Care Act; I understand that as well. But I frankly think that, had we dealt with jobs legislation during that period of 80 hours and considered the President's jobs bill, we would have millions of more people employed today in America right now.

Now, let me just, so that there's no misunderstanding, so I don't neglect to respond to the gentleman's assertion, he's right. He and I agree: we need to cut government red tape; we need to speed approvals; we need to make sure that we do not impede, by regulation, the growth of our economy and the growth of jobs. I couldn't agree with him more. I think we ought to deal with that on a bipartisan basis, and hopefully we will continue—or perhaps start to do that, I might say, or continue to do that in some instances. But the gentleman is correct.

Now, let me ask you something, however, about the tax vote, because you also mentioned bringing taxes down. Let me ask you something: Do you expect that vote to come the last week that we are in session before the August break? I yield to my friend.

Mr. CANTOR. I'd say, Madam Speaker, to the gentleman, can you repeat the question?

Mr. HOYER. Yes. Do you expect the vote on taxes, which you have referred to, to occur the last week—which I believe is the 29th of July, the week of 29 July—to be on that week?

Mr. CANTOR. I would respond to the gentleman, Madam Speaker, that, yes, we have scheduled for that week a vote on the bill to extend existing rates. That extension will be for a year.

We will also be bringing up a bill that will outline the principles for tax reform that I know the gentleman also has said we need to reform our Tax Code so that we can help make it fairer, more simple, and so that we can see the economy grow again. Those vehicles will be brought up that week, yes, Madam Speaker.

Mr. HOYER. I'll look forward to seeing the latter bill because the gentleman is correct, I think we do need to reform our tax system. We need to make it simpler. I would like to see us reduce preference items and bring rates down, as the Bowles-Simpson/ Domenici-Rivlin—Gang of Six, whoever you want to refer to—has suggested. I think that's moving in the proper direction.

□ 1310

I also think we have to, however, frankly, make sure that we bring down the deficit and debt confronting this Nation. And I think, as Bowles-Simpson pointed out, you've got to do that in a balanced way.

Let me ask you something on these packages that you said are coming that last week. There have not yet been hearings on the ramifications of either of those bills, as I understand it, in the Ways and Means Committee.

Does the gentleman expect there to be hearings on those? And does the gentleman expect there to be a markup of either one of those bills in the Ways and Means Committee?

I yield to my friend.

Mr. CANTOR. Madam Speaker, I'd say to the gentleman, I think I disagree with the gentleman, there haven't been hearings.

I think, for the last year and a half, Chairman CAMP and his committee have been fast about looking at the Tax Code, talking about tax reform, divulging what it would mean for us to have an increased tax environment for this economy. We've been all about the economy and growth.

I'd say to the gentleman, he likes to say, why can't we do jobs bills? We have been doing jobs bills. He complains about the 30-some bills we've been doing relating to ObamaCare. I would say we've done even more than that relating to jobs.

I would ask the gentleman to just remember where those bills sit right now. They're on the doorstep of the Senate, and the leader over there refuses to bring them up.

And so, again, I'd say to the gentleman, we stand ready to work together so that we can produce results for the people that sent us here, and that is the purpose of bringing forward the bills that have been talked about, have been dissected, in terms of existing tax rates, where they may or may not go, how they affect growth in this economy. That's what we're doing.

We've had multiple votes, multiple hearings on tax reform, on what the tax rates mean, and this vote will be very clear. If you want to stop the tax hike for all Americans, at all income levels, you'll vote for the bill. If you want to engage in tax reform, if you feel the Tax Code is too complicated, it needs to be simplified, rates brought down, loopholes closed, you'll vote for the bill. It's that simple.

Mr. HOYER. When you say, I presume, as the gentleman said, we're talking about two different bills, are we not?

Mr. CANTOR. I would say to the gentleman, that is correct.

Mr. HOYER. I thank the gentleman for that clarification.

Let me say to the gentleman that when the gentleman says there have been hearings on tax reform, I think that's probably accurate. What there has not been, in my view and in Mr. LEVIN's, who's the ranking member of the committee, there's been no hearing on the ramifications of the bill, which, apparently, is going to be brought to the floor, which simply extends all the Bush-era tax cuts, ramifications to the deficit, ramifications to the debt and, indeed, ramifications to the economy.

I would say, with all due respect to my friend, the majority leader, I don't believe there have been hearings on that issue. There have been hearings on, should we reform the Tax Code. The gentleman and I agree. We should simplify it. We should reform the Tax Code. We should make it more compatible with economic growth, and very frankly, for average individual Americans who want to pay their taxes, would like to pay as little as possible, all of us would like to do that, but want to support their country as well.

So I don't really share the gentleman's view that there have been hearings on the ramifications of the bill that the gentleman says he's going to bring to the floor, and that's what I asked.

Now, let me ask you the other question, which was the second part of it. Is there going to be a markup of the bill which you're going to bring to the floor in terms of taxes? To clarify, so that Members on both sides of the aisle will have an opportunity to offer amendments in committee, make observations in committee as to the ramifications of that action, and that Members will have an opportunity to reflect on that bill.

I yield to my friend.

Mr. CANTOR. Madam Speaker, I would say to the gentleman, this is a very simple and clear choice here. Given this economy, if one wants to raise taxes on all Americans, you vote against the bill. If you want to go and help folks through a more simple Tax Code, and you want to look towards tax reform, you vote for the next bill. Straight up or down.

There has been enough discussion, enough hearings, in the Ways and Means Committee, as well as the Budget Committee. These issues were central to our budgets. Your Members on the Budget Committee, as well as ours, I had a full open hearing on that budget document and a markup.

We believe now's not the time to raise taxes on working people, small businesses and large. The economy is anemic. We don't have enough job growth. Why do we want to take more of people's hard-earned money? That's why we're bringing this bill forward.

This bill is straight up or down. Stop the tax hike or not.

Mr. HOYER. I take it the answer is no, there will not be a markup on a bill that will have extraordinary consequences to all Americans, and possibly extraordinary consequences to the deficit and debt and to our economy. Am I correct in interpreting your answer as no, there will not be a markup of this very important bill? You will bring it straight to the floor without committee consideration? Is that an accurate interpretation of what you said?

I yield to the gentleman.

Mr. CANTOR. Madam Speaker, I think the gentleman has heard my response.

Mr. HOYER. Well, I did hear the response, and apparently I accurately characterized it. I think that's a shame, Mr. Majority Leader.

Mr. BOEHNER said that we were going to be an open House, that we were going to consider matters, and that everybody would have their opportunity to have their input.

Usually, tax bills are brought to the floor, not subject to amendment. You have just said, as I understand what you said, this bill, our way or the highway. If you don't like the bill the way we brought it to the floor, you're out of luck. You don't have an option. You can't put any of your ideas into this bill.

If that's the way you intend to consider this bill, Mr. Leader, I think that's unfortunate.

I yield to my friend.

Mr. CANTOR. Madam Speaker, the gentleman knows that his side of the aisle will have an opportunity to posit their position on taxes through the regular process of a motion to recommit. And as I had said publicly yesterday, when asked, are the Democrats in the House going to be able to offer the President's tax proposal, I said, absolutely they will.

So we'll see. We'll see, Madam Speaker, if the gentleman decides to put forward the President's tax proposal calling for a tax hike on American small businesses. We'll see if that happens, Madam Speaker. But we will see, and that will be the week it will happen.

You're either for stopping tax hikes or you're not.

Mr. HOYER. My way or the highway. That's what you just said, Mr. Leader. I understand that concept.

Very frankly, in my view, we have agreement. We have agreement on something that you won't bring to the floor, and it is that all middle class, working Americans will not get a tax hike, all of them. And everybody, up to $250,000 of income, will have no tax increase.

But we have a big deficit and a big debt, and we need to pay our bills. We have a debt limit vote coming up at the end of this year. Very frankly, we took the country to the brink of default and very adversely affected our economy by undermining confidence.

You talked a lot about confidence in the last campaign, Mr. Leader. I agreed with you. I think we need to instill confidence, not undermine confidence.

But I will tell my friend that if you wanted to work together, as you've said on a number of occasions now, as for instance we did with the Export/Import bank, the bills that you sent over there, we didn't work together on. They were passed on a partisan vote, for the most part. Not all of them. And some votes were overwhelmingly bipartisan. And guess what happened? They became law. The President signed them. Export/Import bank, the jobs bill that you promoted and which I voted for.

You said you want to work together. Now, it's interesting when you say ''work together,'' because what you say you're going to give us is a motion to recommit. And what you will instruct, and what your whip will instruct, is for all of your Members, vote ''no,'' and your side will inaccurately say it is a purely procedural vote. And as you have for the last 18 months, your Members will vote ''no'' on motions to recommit, notwithstanding the fact that they may agree with the substance.

And the fact of the matter is, Mr. Leader, we can have a vote that ought to pass with 435 votes, 435 votes. Everybody in this Congress says that we ought to not have a tax increase on working Americans, on working Americans making less than $250,000 in taxable income. As you know, that's more income.

□ 1320

But we won't get that vote except on an MTR, on which you have instructed your Members to vote ''no,'' incorrectly arguing that it's a procedural vote only and not a substantive vote. I would say to my friend, not only will you not allow us an amendment on the floor, it appears, but you won't allow an amendment to be offered in committee so that we can vote on that.

Yes, we have disagreement; but you're prepared to hold hostage working Americans by saying, if the richest people in America might have a little bit of a tax increase, then everybody else is going to get a tax increase. You said it a different way, I understand; but the reality and the ramifications of the actions that you are proposing to follow will mean that we will not get a vote, which I think there is overwhelming support of, in making sure that working Americans and, yes, 97 percent of small businesses don't get any tax increase at all. We have agreement on that, Mr. Leader.

Why don't we bring that to the floor and show the American public that, yes, we can come together, as you have suggested; that yes, we can agree; and that yes, we can make sure that they don't get a tax increase? Then, yes, we can have a debate on the balance. You will take one position, and I may take another position, and the American public will see that, and then they can make a judgment as to with whom they agree.

Now, my view is an overwhelming majority of the public will agree with me, and you will think the overwhelming majority of the American public will agree with you. That's what democracy is about. Let us have this debate. Let us have this vote. Let us make sure that working Americans aren't held hostage to the wealthiest in our country.

Mr. CANTOR. Madam Speaker, what I would say to the gentleman is holding hostage working families is denying them a job. It's about jobs. The gentleman can play with the statistics all he wants and claim that 97 percent of the small businesses will get a tax break this way and that let's leave the other for later; but the significant fact is, it's with the others where the significant job growth can be.

Why would we want to go and tax job creators? We know that 50 percent of the people who will get a tax hike under the President's proposal get at least a quarter of their incomes from small business, and the more their incomes the more the percentage. That means the jobs

So why would we want to stop job creators from hiring people? Because Washington takes more of their money. Why would we want tax rates to go up on anybody in this anemic economy? And why would we want to go and raise taxes when we haven't put an end to the out-of-control spending in Washington? Because what you're doing is digging the hole deeper.

That's our position, Madam Speaker.

So I would ask the gentleman straight up: Is the gentleman going to bring to the floor a motion to recommit for his proposal, the President's proposal? Is that going to be the motion to recommit? Will the gentleman actually put his words to work and have that be their motion to recommit?

Mr. HOYER. If the gentleman is asking me am I for the President's proposal, the answer is absolutely yes. I don't want the gentleman confused in any way. If the motion to recommit is the only option we have available, we are certainly going to discuss that option, but we're not going to pretend, either to ourselves or to the American people, that your side will treat it as a real vote.

Do you want to put it on the floor as an amendment? Do you want to have a real debate on it, not 5 minutes on one side and 5 minutes on the other side, which the motion to recommit is limited to?

You're shutting us down—you're gagging us—and, yes, you're putting middle class taxpayers at risk because you know, I know, and the American people know the President of the United States has said he would veto your bill. He has said he will sign a bill that together we could pass making sure that 98 percent of Americans do not get a tax increase. What you are proposing to do, Mr. Leader, is to bring to the floor a bill which simply protects the 2 percent, that says that the 2 percent should not pay more. The gentleman says, oh, they're great job creators. I understand what the gentleman is saying.

By the way, the program you're going to offer, it was in place. It was in place from 2001, 2003 to 2009. You and I both know what happened, not solely because it was in place, of course—let us stipulate to that. The fact is we had the deepest recession in your lifetime and my lifetime and the lifetimes of anybody who is younger than 90 years of age under the program that you're proposing we continue with. I will tell you, Mr. Leader, I don't think that's a great way to proceed. At least we ought to have the opportunity to debate it. At least we ought to have more than 5 minutes on our side to tell the American people where we're coming from. At least we ought to have a vote where you don't instruct your Members it's a procedural vote and don't vote for it.

I will tell the gentleman with all clarity that the consequences of your act—and you do it knowledgeably—will be that middle class taxpayers will be put at risk. Why? Whether you agree with it or not, the President will veto it. The Senate, I don't think will pass it. The fact of the matter is we can do for 98 percent of Americans that which we agree on. You don't want them to have a tax increase. I don't want them to have a tax increase. We agree on that. Americans can not understand, when we agree on that, why we can't at least pass something on which we agree which will help 98 percent of Americans in this struggling economy, which is as you clearly point out.

Now, you point out—you didn't use the term—that we only added 80,000 jobs last month. I was disappointed by that; that was unfortunate. But in the last month of the previous administration, we lost 818,000 jobs in 1 month with your program in place. That's an 890,000, almost 900,000, turnaround. From 818,000 minus to 80,000 plus, we created 4.4 million jobs in the last 28 months. Not enough. Not enough by far.

I want to work with the gentleman to create many more—work with him on

jobs legislation, economic growth legislation, Make It in America legislation. If we could get some of that legislation to the floor, we think it would be helpful.

So I say to my friend that I feel very strongly, as you can tell, that if we are going to have this vote, which is an extraordinarily consequential vote, at least we ought to have a substitute—at least—not just an MTR, which your side incorrectly argues is just a procedural vote, not just a 5-minute debate on our side and a 5-minute debate on your side. Don't you think Americans expect more of us in terms of a very substantive debate on the floor of this House, not in a political forum but in a legislative policy forum? I would urge the gentleman to consider that objective.

If the gentleman has nothing further, I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further when the House adjourns on that day, it adjourn to meet at noon on Tuesday, July 17, 2012, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Ms. HERRERA BEUTLER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

RULE BY THE FEW PLUTOCRATS THREATENS OUR REPUBLIC

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

Ms. KAPTUR. Madam Speaker, I rise today to draw attention to how campaign super PACs are contributing unlimited campaign spending, which shifts enormous political power to the superwealthy. Rule by the few plutocrats truly threatens our Republic and greatly harms representative government.

Here is a great cartoon. It was in the Toledo Blade by Paul Kirk. It shows how the super PACs really have a stranglehold on the politics of this country.

With the Citizens United ruling by the Supreme Court, they threw away decades of legal precedent governing campaign contributions. The result has been a growing stranglehold by the money barons on good government and our political process. The American people know it, and they know we're not doing anything about it.

At a minimum, we should demand greater transparency of who is actually giving this money. No more hidden donors. I urge my colleagues to sign discharge petition 4010, which is here on the floor today, to move a bill for disclosure to the floor. What we really should do is pass a constitutional amendment to allow for campaign spending and contribution limits. I had that bill; and I've had that bill Congress, after Congress, after Congress. It's House Resolution 8. I encourage my colleagues to join me as cosponsors.

Let's do what Canada and Britain have done, and that's to rein in the control of the many by the few money barons.

□ 1330

MADE IN AMERICA, AN ECONOMIC SOLUTION

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

Mr. ISRAEL. Madam Speaker, today we learn that American athletes competing in the Olympics will wear uniforms made in China. That not only hurts our pride; it hurts our economy.

''Made in America'' is not just a label; it is an economic solution. Today there are 600,000 vacant manufacturing jobs in this country, and the Olympic committee is outsourcing the manufacturing of uniforms to China. That is not just outrageous; it is just plain dumb. It is self-defeating.

I understand and my constituents understand the hard work, the skills, and the dedication of athletes competing in the Olympics. I think the Olympic committee has to understand the hard work, the dedication, and the skills of America's apparel manufacturers, designers, and small businesses. That's why today I'm calling on the Olympic committee to reverse this decision and make sure that American athletes competing in the Olympics are competing with labels that say ''Made in America.''

THE WORDS OF MARK HELPRIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mark Helprin is an author who was educated at Harvard, Oxford, Princeton, Columbia, having also served in the British Merchant Navy and Israeli Military. I will simply convey his words in an article first printed in Hillsdale College's Imprimis 3 years before 9/11 propelled us into the realization that we had been at war for over 20 years, but only the other side knew it was a war, and also before we knew how crushing and debilitating our enormous debt would be and has become.

I've shortened the words a bit and provided them here as they express my heart more exquisitely than my own written words could:

When letters took a month by sea and the records of the United States Government could be moved in a single wagon pulled by two horses, we had great statesmanship. We had men of integrity and genius: Washington, Hamilton, Franklin, Jefferson, Adams, Madison, Monroe. These were men who were in love with principle, as if it were an art, which in their practice they made it.

They studied empires that had fallen for the sake of doing what was right in a small country that had barely risen and were able to see things so clearly that they surpassed in greatness each and every one of the classical models that they had approached in awe.

Now, lost in the sins and complexity of a Xanadu, when we desperately need their high qualities of thought, their patience of deliberation and their unerring sense of balance, we have only what we have, which is a political class that in the main has abandoned the essential qualities of statesmanship with the excuse that these are inappropriate to our age. They are wrong. Not only do they fail to honor the principles of statesmanship, they fail to recognize them, having failed to learn them, having failed to want to learn them.

In the main, they are in it for themselves. Were they not, they would have a higher rate of attrition, falling with the colors of what they believe rather than always landing on their feet—adroitly, but in dishonor. In light of their vows and responsibilities, this constitutes not merely a failure, but a betrayal. And it is a betrayal of not only statesmanship and principle, but of country and kin.

Why is that? It is because things matter. Even though it be played like a game by men who excel at making it a game, our life in this country, our history in this country, the sacrifices that have been made for this country, the lives that have been given to this country, are not a game. My life is not a game. My children's lives are not a game. My parents' lives were not a game. Your life is not a game.

Yes, it's true, we do have accumulated great stores of power, of wealth, and decency against which those who pretend to lead us can draw when, as a result of their vanities and ineptitudes, they waste and expend the gifts of previous generations. The margin of error bequeathed to them allows them to present their failures as successes.

They say, as we are still standing, and a chicken is in the pot, What does it matter if I break the links between action and consequence, work and reward, crime and punishment, merit and advancement? I myself cannot imagine a military threat and never could. So what does it matter if I weld shut the silo hatches on our ballistic missile submarines? What does it matter if I weld shut my eyes to the weapons of mass destruction in the hands of lunatics who are building long-range missiles?

Our jurisprudence is the envy of the world, so what does it matter if now and then I perjure myself a little? What is an oath? What is a pledge? What is a sacred trust? Are not these things the province of the kinds of people who were foolish enough to do without all of their lives, to wear ruts in the Oregon Trail, to brave the seas, to die on the beaches of Normandy and Iwo Jima, and on the battlefields of Shiloh and Antietam for me so that I can draw from America's great accounts and look good, and be Presidential, and have fun in all kinds of ways?

That is what they say—if not in words, then indelibly in actions. They who, in robbing Peter to pay Paul, present themselves

as payers and forget that they are also robbers. They who, with studied compassion, minister to some of us at the expense of others. They who make goodness and charity a public profession, depending on their election upon a well-mannered embrace of these things and the power to move them not from within themselves or by their own sacrifices but, by compulsion, from others. They who, knowing very little or next to nothing, take pride in eagerly telling everyone else what to do. They who believe absolutely in their recitation of pieties, not because they believe in the pieties, but because they believe in themselves.

Nearly 400 years of America's hard-earned accounts, the principles we established, the battles we fought, the morals we upheld for century after century, our very humility before God, now flow promiscuously through our hands like blood onto sand, squandered and laid waste by a generation that imagines history to have been but a prelude for what it would accomplish. More than a pity, more than a shame, it is despicable. And yet this parlous condition, this agony of weak men, this betrayal, and this disgusting show are not the end of things.

Principles are eternal. They stem not from our resolution or lack of it, but from elsewhere where, in patient and infinite ranks, they simply wait to be called. They can be read in history.

□ 1340

They arise as if of their own accord when, in the face of danger, natural courage comes into play and honor and defiance are born. Things such as courage and honor are the mortal equivalent of certain laws written throughout the universe. The rules of symmetry and proportion, the laws of physics, the perfection of mathematics, human will, that not only natural law but our own best aspirations have a life of their own. They have lasted through far greater abuse than abuses them now. They can be neglected, but they cannot be lost. They can be thrown down, but they cannot be broken.

Each of them is a different expression of a single quality, from which each arises in its hour of need. Some come to the fore as others stay back, and then, with changing circumstance, those that have gone unnoticed rise to the occasion.

Rise to the occasion. The principle suggests itself from a phrase, and such principles suggest easily and flow generously. You can grab them out of the air from phrases, from memories, from images.

A statesman must rise to the occasion. Democrats can do this. Harry Truman had the discipline of plowing a straight row 10, 12, and 14 hours a day, of rising and retiring with the sun, of struggling with temperamental machinery, of suffering heat and cold and one injury after another. After a short time on a farm, presumptions about ruling others tend to vanish. It is as if you are pulled to earth and held there.

The man who works the land is hard put to think that he would direct armies and nations. Truman understood the grave responsibility of being President of the United States, and that it was a task too great for him or anyone else to accomplish without doing a great deal of injury—if not to some, then to others. He understood that, therefore, he had to transcend himself. There would be little enjoyment of the job, because he had to be always aware of the enormous consequences of everything he did. Contrast this with the unspeakably vulgar pleasure in office of President Clinton.

Truman, absolutely certain that the mantle he assumed was far greater than he could ever be, was continually and deliberately aware of the weight of history, the accomplishments of his predecessors, and, by humble and imaginative projection, his own inadequacy. The sobriety and care that derived from this allowed him a rare privilege for modern Presidents to give to the Presidency more than he took from it. It is not possible to occupy the Oval Office without arrogantly looting its assets or nobly adding to them. May God bless the President who adds to them, and may God condemn the President who loots them.

America would not have come out of the Civil War as it did had it not been led by Lincoln and Lee. The battles raged for 5 years, but for 100 years in the country, both North and South, modeled itself on their character. They exemplified most perfectly Churchill's statement, ''Public men charged with the conduct of the war should live in a continual stress of soul.''

The continual stress of soul is necessary as well in peacetime, because for every good deed in public life, there is a counterbalance. Benefits are given only after taxes are taken. That is part of governance. The statesman, who represents the whole Nation, sees in the equilibrium for which he strives a continual tension between victory and defeat. If he did not understand this, he would have no stress of soul, he would merely be happy—about money showered upon the orphan, taken from the widow; about children sent to day care, so that they may be long absent from their parents; about merciful parole of criminals, who kill again. Whereas a statesman knows continual stress of soul, a politician is happy, for he knows not what he does.

It is difficult for individuals or nations to recognize that war and peace alternate, but they do. No matter how long peace may last, it will end in war. Though most people cannot believe at this moment that the United States of America will ever actually fight for its survival, history guarantees that it will. And, when it does, most people will not know what to do. They will believe of war, as they did of peace, that it is everlasting.

The statesman, who is different from everyone else, will, in the midst of common despair, see the end of war, just as during the peace he was alive to the inevitability of war, and saw it coming in the far distance, as if it were a gray wave moving quietly across a dark sea.

The politician will revel with his people and enjoy their enjoyments. The statesman, in continual stress of soul, will think of destruction. As others move in the light, he will move in the darkness, so that as others move in darkness, he may move in the light. This tenacity, that is given to those of long and insistent vision, is what saves nations.

A statesman must have a temperament that is suited for the Medal of Honor, in a soul that is unafraid to die. Electorates rightly favor those who have endured combat, not as a matter of reward for service, as is commonly believed, but because the willingness of the soldier to give his life is a strong sign of his correct priorities, and that in the future he will truly understand that statesmen are not rulers but are servants. It seems clear, even in these years of squalid degradation, that having risked death for the sake of honor is better than having risked dishonor for the sake of life.

No matter what you're told by the sophisticated classes that see virtue in every form of corruption and corruption in every form of virtue, I think you know, as I do, that the American people hunger for acts of integrity and courage. The American people hunger for a statesman magnetized by the truth, unwilling to give up his good name, uninterested in calculation only for the sake of victory, unable to put his interests before those of the Nation.

What this means in practical terms is no focus groups, no polls, no triangulation, no evasion, no broken promises, and no lies. These are the tools of the chameleon. They are employed to cheat the American people of honest answers to direct questions. If the average politician, for fear that he may lose something, is incapable of even a genuine ''yes'' or ''no,'' how is he supposed to rise to the great occasions of state? How is he supposed to face a destructive and implacable enemy? How is he supposed to understand the rightful destiny of his country and lead it there?

□ 1350

At the coronation of an English monarch, he is given a sword. Elizabeth II took it last, and as she held it before the altar, she heard these words:

''Receive this kingly sword, brought now from the altar of God and delivered to you by us, the Bishops and servants of God, though unworthy. With this sword do justice, stop the growth of iniquity, protect the holy Church of God, help and defend widows and orphans, restore the things that are gone to decay, maintain the things that are restored, punish and reform what is amiss, and confirm what is in good order; that doing these things may be glorious in all virtue; and so faithfully serve our Lord.''

Would that we in America come once again to understand that statesmanship is not the appetite for power but—because things matter—a holy calling of self-abnegation and self-sacrifice. We have made it something else. Nonetheless, after and despite its betrayal, statesmanship remains the manifestation, in political terms of beauty, and balance, and truth. It is the courage to tell the truth, and thus discern what is ahead. It is a mastery of symmetry of forces, illuminated by the genius of speaking to the heart of things.

Statesmanship is a quality that, though it may be betrayed, is always ready to be taken up again merely by honest subscription to its great themes. Have confidence that even in idleness its strengths are growing, for it is a providential gift given to us in times of need. Evidently we do not need it now, but as the world is forever interesting, the time will surely come when we do. And then, so help me God, I believe that, solely by the grace of God, the corrupt will be thrown down and the virtuous will rise up.

Slavery was an abomination, but statesmen arose and fought until its demise. But 13 years after the foregoing words were first said, we do so desperately need that statesmanship, and God's unmitigated grace, so that His providential gift of this Nation to us may endure for additional generations and, in the process, may God resume blessing these United States of America.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. CANTOR) for today on account of personal reasons.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of business in district.

Mr. RUSH (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 13, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6872. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 10-02; to the Committee on Appropriations.

6873. A letter from the Chairman, National Labor Relations Board, transmitting notification of two violations of the Antideficiency Act, as required by section 1351 of Title 31, United States Code, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6874. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6875. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2011 Annual Report of the Securities Investor Protection Corporation; to the Committee on Financial Services.

6876. A letter from the Surgeon General, Department of Health and Human Services, transmitting third annual Status Report from the National Prevention, Health Promotion and Public Health Council; to the Committee on Energy and Commerce.

6877. A letter from the Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform-Mobility Fund [WC Docket No.: 10-90] [GN Docket No.: 09-51] [WC Docket No.: 07-135] [WC Docket No.: 05-337] [CC Docket No.: 01-92] [CC Docket No.: 96-45] [WC Docket No.: 03-109] [WT Docket No.: 10-208] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6878. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees; Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band [WT Docket No.: 12-64] [WT Docket No.: 11-110] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6879. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireline Competition Bureau Announces Support Amounts For Connect America Fund Phase One Incremental Support [WC Docket Nos.: 10-90, 05-337] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6880. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6881. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; High-Cost Universal Service Support; [WC Docket No.: 10-90] [WC Docket No.: 05-337] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6882. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste [NRC-1999-0005] (RIN: 3150-AG41) received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6883. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Enforcement Policy Revision [NRC-2011-0176] received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6884. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed follow-on lease with the Government of Singapore (Transmittal No. 04-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6885. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

6886. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6887. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Foreign Affairs.

6888. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Foreign Affairs.

6889. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6890. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6891. A letter from the Associate General Counsel, Department of Agriculture, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6892. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Treasury Inspector General and the Treasury Inspector General for Tax Administration; to the Committee on Oversight and Government Reform.

6893. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management report for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6894. A letter from the Special Counsel for Congressional/Intergovernmental Affairs, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6895. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6896. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6897. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No.: 110722404-1073-02] (RIN: 0648-BA56) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6898. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC061) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6899. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC064) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6900. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 24 [Docket No.:101202599-2122-02] (RIN: 0648-BA52) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6901. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Accountability Measures for the Recreational Sector of Gray Triggerfish in the Gulf of Mexico for the 2012 Fishing Year [Docket No.: 120417412-2412-01] (RIN: 0648-XC036) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6902. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area [Docket No.:111213751-2102-02] (RIN: 0648-XC052) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6903. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure (RIN: 0648-XC044) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6904. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; Modification of American Samoa Large Vessel Prohibited Area [Docket No.: 110909578-2120-02] (RIN: 0648-BB45) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6905. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 18A [Docket No.: 120309176-2075-02] (RIN: 0648-BB56) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6906. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 47 [Docket No.: 120109034-2171-01] (RIN: 0648-BB62) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6907. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures; Correction [Docket No.: 110707371-2136-02] (RIN: 0648-BB28) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6908. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BC11) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6909. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Recreational Accountability Measures [Docket No.: 111128700-2405-02] (RIN: 0648-BB66) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6910. A letter from the Clerk, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit, Exelon Generation Company, LLC v. Local 15, International Broth, No. 11-2423, (May 31, 2012); to the Committee on the Judiciary.

6911. A letter from the Auditor, Congressional Medal of Honor Society, transmitting the annual financial report of the Society for calendar year 2011, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3120. A bill to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes; with an amendment (Rept. 112–595). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. EDWARDS, and Mr. LIPINSKI):

H.R. 6106. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. THOMPSON of Pennsylvania, Mrs. CHRISTENSEN, Mr. JONES, Mr. MEEKS, Mr. MCCAUL, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Ms. RICHARDSON, Ms. BERKLEY, Ms. CHU, Mr. PLATTS, and Mr. KELLY):

H.R. 6107. A bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans via telemedicine; to the Committee on Veterans' Affairs.

By Mr. FLORES:

H.R. 6108. A bill to reduce the pay of Members of Congress who miss votes because of campaigning for election to another office; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, and Ms. BERKLEY):

H.R. 6109. A bill to amend the Internal Revenue Code of 1986 to extend the research and development tax credit, to limit treaty benefits with respect to certain deductible related-party payments, and to treat general aviation aircraft as 7-year property; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. LATOURETTE, Mr. MICHAUD, Ms. KAPTUR, and Mr. CONYERS):

H.R. 6110. A bill to establish educational seminars at United States ports of entry to improve the ability of U.S. Customs and Border Protection personnel to classify and appraise articles that are imported into the United States in accordance with the customs laws of the United States; to the Committee on Ways and Means.

By Mr. HECK (for himself and Mr. RENACCI):

H.R. 6111. A bill to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance; to the Committee on Financial Services.

By Mr. WOODALL (for himself, Mr. FRANKS of Arizona, Mr. MCCLINTOCK, Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. CAMPBELL, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. JONES, Mr. LONG, Mr. OLSON, Mr. SCOTT of South Carolina, and Mr. FITZPATRICK):

H.R. 6112. A bill to require Federal contractors and other recipients of Federal funds to participate in the E-Verify Program for employment eligibility verification, to permanently reauthorize the E-Verify Program,

and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LUMMIS (for herself and Mr. RAHALL):

H.R. 6113. A bill to repeal a limitation on annual payments under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Natural Resources.

By Mr. BENISHEK:

H.R. 6114. A bill to amend title 40, United States Code, to grant veterans access to Federal excess and surplus property; to the Committee on Oversight and Government Reform.

By Ms. BUERKLE (for herself and Mr. KELLY):

H.R. 6115. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limit for Coverdell education savings accounts from $2,000 to $10,000; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. CLAY, Mr. CLEAVER, Ms. LEE of California, Mr. TOWNS, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. WATT, Ms. CLARKE of New York, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Mr. BUTTERFIELD, Ms. FUDGE, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Ms. EDWARDS, Ms. WATERS, Mr. MEEKS, Mr. BISHOP of Georgia, Ms. BASS of California, Ms. MOORE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Ms. RICHARDSON, Ms. WILSON of Florida, Ms. BROWN of Florida, Mr. RUSH, and Ms. JACKSON LEE of Texas):

H.R. 6116. A bill to amend the Revised Organic Act of the Virgin Islands to provide for direct appeals to the United States Supreme Court of decisions of the Virgin Islands Supreme Court; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Ms. ZOE LOFGREN of California, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. CHU, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DINGELL, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mr. KUCINICH, Mr. CAPUANO, Mr. FILNER, Ms. LEE of California, Mr. GUTIERREZ, Mr. DOGGETT, and Mr. GRIJALVA):

H.R. 6117. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. GRIMM (for himself, Mr. ROSKAM, Mr. WOMACK, and Mr. ROSS of Arkansas):

H.R. 6118. A bill to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification; to the Committee on Energy and Commerce.

By Mr. HONDA:

H.R. 6119. A bill to establish a program to accelerate entrepreneurship and innovation by partnering world-class entrepreneurs with Federal agencies; to the Committee on Oversight and Government Reform.

By Mr. HONDA (for himself, Mr. CARNAHAN, Mr. CARNEY, Mr. CICILLINE, Mr. ELLISON, Mr. LARSEN of Washington, Ms. LEE of California, Mr. RYAN of Ohio, and Mr. WELCH):

H.R. 6120. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified manufacturing facility construction costs; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. SHUSTER, Mr. CUMMINGS, Mr. DOLD, Mr. LEWIS of Georgia, Mr. YOUNG of Alaska, Mr. CHANDLER, Mr. COOPER, Mr. TIBERI, Mr. ROONEY, Mr. CRITZ, Ms. EDWARDS, Mr. WALZ of Minnesota, Mr. YARMUTH, Ms. ESHOO, Mr. SIRES, Ms. ZOE LOFGREN of California, Mr. TOWNS, Mr. MCDERMOTT, Mr. SERRANO, Ms. MATSUI, Mr. BOSWELL, Mr. THOMPSON of California, Mr. DICKS, Mr. DEFAZIO, Mr. MCGOVERN, Mr. QUIGLEY, Mr. GENE GREEN of Texas, Mr. BLUMENAUER, Ms. SUTTON, Ms. PINGREE of Maine, Mr. TIERNEY, Mr. LANGEVIN, Mr. DEUTCH, Ms. SEWELL, Mr. CARSON of Indiana, Ms. JACKSON LEE of Texas, Mr. ISRAEL, Ms. DEGETTE, Mr. ALTMIRE, Mr. THOMPSON of Mississippi, Mr. RUPPERSBERGER, Mr. ACKERMAN, Mr. BISHOP of Georgia, Ms. BASS of California, Mr. PERLMUTTER, Mr. REYES, Ms. MOORE, Mr. LUJÁN, Mr. HINOJOSA, Ms. HAHN, Mr. BACA, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Mr. ROSS of Arkansas, Mr. MARINO, Mr. BARLETTA, Mr. MCNERNEY, Mr. GERLACH, Mr. DENT, Mr. WATT, Mr. FLEISCHMANN, Mr. HASTINGS of Florida, Mr. GUTHRIE, Mr. MURPHY of Pennsylvania, Mr. SHULER, Mr. HEINRICH, Mr. THOMPSON of Pennsylvania, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. MCHENRY, Mrs. BONO MACK, Mr. DOYLE, Mr. TURNER of Ohio, Mr. RICHMOND, Mr. ANDREWS, Ms. WOOLSEY, Mrs. MALONEY, Mr. WELCH, Mrs. MCCARTHY of New York, Ms. BONAMICI, Ms. DELAURO, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. CAPUANO, Mr. GRIJALVA, Mr. HOLDEN, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. BISHOP of New York, Mr. FATTAH, Mr. CARNAHAN, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Mr. RANGEL, Ms. BORDALLO, Mr. VISCLOSKY, Ms. RICHARDSON, Ms. CLARKE of New York, Ms. MCCOLLUM, Ms. KAPTUR, Ms. NORTON, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. HIGGINS, Mr. HIMES, Mr. CONNOLLY of Virginia, Ms. HOCHUL, Ms. CHU, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. CICILLINE, and Mr. LANCE):

H.R. 6121. A bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6122. A bill to revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, and for other purposes; to the Committee on House Administration.

By Ms. MATSUI:

H.R. 6123. A bill to clarify the authority of the Secretary of the Army to correct erroneous Army College Fund benefit amounts; to the Committee on Armed Services.

By Mr. NADLER:

H.R. 6124. A bill to direct the Secretary of Transportation to issue regulations with respect to ensuring families are able to sit together on flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENACCI (for himself and Mr. PERLMUTTER):

H.R. 6125. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act with respect to privilege of information provided to Federal and State agencies, and for other purposes; to the Committee on Financial Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ELLISON, Mr. CARSON of Indiana, Mr. CONYERS, Mr. HOLT, Mr. CONNOLLY of Virginia, Mr. RUSH, Ms. BORDALLO, Mr. CARNAHAN, Ms. FUDGE, Ms. LEE of California, Mr. VISCLOSKY, Ms. MOORE, Mr. STARK, Mr. GRIJALVA, Mr. PASCRELL, Mr. HONDA, Mr. TOWNS, Mr. SHERMAN, Ms. MCCOLLUM, Ms. JACKSON LEE of Texas, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, and Mr. FILNER):

H. Res. 728. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 6126) for the relief of Azucena Salazar Bazan; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 6106.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States.

By Mr. RANGEL:

H.R. 6107.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Congress is given the power under the Constitution ''To raise and support Armies,'' ''To provide and maintain a Navy,'' and ''To make Rules for the Government and Regulation of the land and naval Forces.'' Art. I, §8, cls. 12-14. See also: ROSTKER V. GOLDBERG, 453 U. S. 57 (1981)

By Mr. FLORES:

H.R. 6108.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 which states that no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement

and Account of the Receipts and Expenditures of all public Money shall be published from time to time. The Appropriations Clause provides Congress with a mechanism to control or to limit spending by the federal government

By Mr. LEVIN:

H.R. 6109.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

Sixteenth Amendment

''The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.''

By Mr. LIPINSKI:

H.R. 6110.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article 1, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. HECK:

H.R. 6111.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Mr. WOODALL:

H.R. 6112.

Congress has the power to enact this legislation pursuant to the following:

''Commerce Clause (Art. 1 sec. 8 cl. 3)

Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

By Mrs. LUMMIS:

H.R. 6113.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

The abandoned mine land fund is a tax on coal produced, in part, on federal lands. Both the tax, and its distribution were created pursuant to the Surface Mining Control and Reclamation Act of 1977, presumably with the Constitutional authority to tax, raise revenue, and spend that revenue under Article I, Section 8, Clause 1. This legislation seeks to repeal a section of that bill dealing with the distribution of AML funds. While the Constitution gives no explicit authority to repeal, it can be inferred that what Congress has the Constitutional authority to create, it can also repeal.

By Mr. BENISHEK:

H.R. 6114.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2

''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;''

By Ms. BUERKLE:

H.R. 6115.

Congress has the power to enact this legislation pursuant to the following:

Section 8, clause 1 (''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises . . .''), and the 16th Amendment.

By Mrs. CHRISTENSEN:

H.R. 6116.

Congress has the power to enact this legislation pursuant to the following:

''Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.''

By Mr. CONYERS:

H.R. 6117.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4.

By Mr. GRIMM:

H.R. 6118.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HONDA:

H.R. 6119.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. HONDA:

H.R. 6120.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. LARSON of Connecticut:

H.R. 6121.

Congress has the power to enact this legislation pursuant to the following:

Clause 7, section 8, of article I to establish Post Offices and Post Roads, in combination with clause 18, section 8, article I to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6122.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8 and Article I, Section 8,

Clause 18 of the Constitution of the United States.

By Ms. MATSUI:

H.R. 6123.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:

H.R. 6124.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: clause 3 of section 8 of article I of the Constitution and clause 18 of section 8 of article I of the Constitution.

By Mr. RENACCI:

H.R. 6125.

Congress has the power to enact this legislation pursuant to the following:

Amendment X is cited as delegating to the states or to the people all ''powers not delegated to the United States by the Constitution.''

Additionally, Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Mr. FILNER:

H.R. 6126.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. PASTOR of Arizona and Ms. KAPTUR.

H.R. 303: Mr. STIVERS.

H.R. 409: Mr. OWENS.

H.R. 498: Mr. GRIFFIN of Arkansas.

H.R. 719: Ms. HAYWORTH, Mr. ROHRABACHER, and Mr. ANDREWS.

H.R. 735: Mr. BENISHEK.

H.R. 831: Ms. MOORE and Mr. WITTMAN.

H.R. 835: Mr. LOEBSACK.

H.R. 891: Mr. RICHMOND.

H.R. 972: Mrs. BACHMANN.

H.R. 1006: Mr. FITZPATRICK.

H.R. 1044: Mr. THOMPSON of California.

H.R. 1050: Mr. HANNA.

H.R. 1111: Mr. DUNCAN of South Carolina.

H.R. 1167: Mr. CASSIDY.

H.R. 1283: Mr. TIERNEY, Mr. AKIN, and Mr. STIVERS.

H.R. 1464: Mr. ROSKAM.

H.R. 1475: Mr. MARINO.

H.R. 1648: Mr. BOSWELL.

H.R. 1672: Mr. LOEBSACK and Mr. CAMP.

H.R. 1675: Ms. HAYWORTH and Mr. HASTINGS of Florida.

H.R. 1681: Ms. ROYBAL-ALLARD.

H.R. 1775: Mr. MARINO and Ms. JENKINS.

H.R. 1903: Mrs. CAPPS.

H.R. 2040: Mrs. ADAMS.

H.R. 2108: Mr. PASCRELL, Mr. GUTHRIE, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2139: Mr. CARNAHAN, Mr. MATHESON, Mr. SCHIFF, Mr. AL GREEN of Texas, and Ms. FUDGE.

H.R. 2239: Mr. KIND.

H.R. 2469: Mr. FARR.

H.R. 2497: Mrs. CAPITO.

H.R. 2514: Mr. CASSIDY.

H.R. 2547: Mr. SIRES.
H.R. 2563: Mr. TOWNS, Ms. BERKLEY, and Mr. RUSH.
H.R. 2780: Mr. LARSON of Connecticut.
H.R. 3067: Mr. FORBES, Mr. GRAVES of Missouri, and Mr. CARSON of Indiana.
H.R. 3125: Mr. FILNER.
H.R. 3395: Mrs. ROBY and Mrs. ELLMERS.
H.R. 3399: Mr. REED.
H.R. 3496: Mr. WALZ of Minnesota and Mr. PASTOR of Arizona.
H.R. 3510: Mr. BARLETTA.
H.R. 3526: Mr. SIRES.
H.R. 3528: Mr. HASTINGS of Florida.
H.R. 3553: Mr. MCGOVERN.
H.R. 3627: Mr. BARTON of Texas, Mr. ROGERS of Michigan and Ms. RICHARDSON.
H.R. 3661: Mr. THOMPSON of California, Mr. WALBERG, and Ms. BUERKLE.
H.R. 3886: Mrs. CAPPS and Mr. STARK.
H.R. 3974: Mr. WAXMAN.
H.R. 4010: Mr. CARNEY and Ms. HIRONO.
H.R. 4057: Mr. MCKINLEY.
H.R. 4066: Mr. LOEBSACK.
H.R. 4103: Mr. MCGOVERN and Mr. HONDA.
H.R. 4124: Mr. DINGELL.
H.R. 4215: Mr. LATHAM and Mr. AUSTIN SCOTT of Georgia.
H.R. 4242: Mr. FITZPATRICK.
H.R. 4373: Mrs. MALONEY.
H.R. 4378: Mr. COSTELLO, Mr. RANGEL, Mr. NADLER, Ms. ZOE LOFGREN of California, Mr. LATHAM, and Mr. HASTINGS of Florida.
H.R. 4385: Mr. BROUN of Georgia, Mr. HURT, Mr. BROOKS, Mr. WALBERG, Mr. GRIFFIN of Arkansas, Mr. COLE, and Mr. BUCSHON.
H.R. 5542: Mr. ELLISON.
H.R. 5647: Ms. ZOE LOFGREN of California, Mr. BISHOP of New York, Mr. ISRAEL, Mrs. NAPOLITANO, Mr. CAPUANO, Mrs. MCCARTHY of New York, and Ms. EDWARDS.
H.R. 5741: Mr. SCHIFF and Mr. MURPHY of Connecticut.
H.R. 5796: Mr. BERMAN, Ms. HAYWORTH, Mr. REYES, Mr. MORAN, and Mr. KINGSTON.
H.R. 5846: Mr. NUGENT and Mr. PITTS.
H.R. 5909: Ms. NORTON and Mr. RANGEL.
H.R. 5910: Mr. BONNER.
H.R. 5911: Mr. LATHAM.
H.R. 5953: Mr. YOUNG of Florida.
H.R. 5969: Mr. BARROW, Mr. HUNTER, and Mr. KINGSTON.
H.R. 5970: Mr. BARROW, Mr. HUNTER, and Mr. KINGSTON.
H.R. 5977: Mr. SESSIONS.
H.R. 5978: Mr. PASTOR of Arizona and Mr. BRADY of Pennsylvania.
H.R. 6004: Ms. BORDALLO.
H.R. 6025: Mr. PEARCE.
H.R. 6027: Ms. BASS of California.
H.R. 6033: Mr. BACA.
H.R. 6063: Mr. AMODEI, Mr. QUIGLEY, Mr. CARSON of Indiana, Mr. AUSTRIA, and Mr. CARNAHAN.
H.R. 6075: Mr. GIBBS.
H.R. 6087: Mr. MCGOVERN, Ms. WOOLSEY, Mr. BERMAN, and Mr. RANGEL.
H.R. 6092: Mr. GALLEGLY and Mr. GRIJALVA.
H.R. 6097: Mr. TIBERI and Mr. WALBERG.
H.J. Res. 110: Mr. REHBERG.
H. Con. Res. 107: Mr. PAUL.
H. Con. Res. 109: Mr. STARK, Mr. MILLER of Florida, Mr. MORAN, Mr. FILNER, and Mr. PITTS.
H. Res. 262: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 573: Mr. CLAY.
H. Res. 613: Mr. LARSEN of Washington.
H. Res. 623: Mrs. NOEM and Mr. PITTS.
H. Res. 704: Mr. BLUMENAUER and Ms. RICHARDSON.
H. Res. 713: Mr. SIRES, Mr. CICILLINE, Mr. PERLMUTTER, Mr. CARNAHAN, Mr. BLUMENAUER, and Ms. ROYBAL-ALLARD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 835: Mr. CRAWFORD.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5856

OFFERED BY: MR. MULVANEY

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Appropriations made in this Act are hereby reduced in the amount of $1,072,581,000.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

(1) accounts in title I;

(2) ''Other Department of Defense Programs—Defense Health Program''; and

(3) accounts in title IX.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 381, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

IN REMEMBRANCE OF NORA EPHRON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Nora Ephron, an iconic journalist, novelist, playwright, screenwriter, actress, director, and producer.

Nora was born into a Jewish family in New York City on May 19, 1941. She spent most of her childhood in Beverly Hills, California with her parents, who were also screenwriters, and her three younger sisters. Nora graduated from Wellesley College in Massachusetts in 1962 with a degree in political science.

Nora's many talents, in addition to her unique personality, equipped her for a long and very successful career that included a variety of roles. She began as an intern in the Kennedy White House upon graduation from college. Nora then moved to New York where she was a columnist and essayist for major newspaper publications including The New York Post and The New York Times Magazine. Nora later enjoyed success in the film industry. Some of her most famous films include hits such as When Harry Met Sally (1989), Sleepless in Seattle (1993), and You've Got Mail (1998), all of which were nominated for major awards. Recently, in 2009, Nora was the writer, director, and producer of the film Julie and Julia, fulfilling three of the roles traditionally not held by women in Hollywood. In addition to her ambitious career, Nora was the mother of two children, Jacob and Max Bernstein.

She will be greatly missed by those who knew her, as well as by all who enjoyed reading her work and watching her films.

Mr. Speaker and colleagues, please join me in honoring Nora Ephron, a woman who contributed invaluable works of literature and film during her lifetime and set an example for women everywhere.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. OLSON. Mr. Speaker, on rollcall No. 454 on H.R. 5892, I am not recorded because I was absent due to a weather delay.

Had I been present, I would have voted "aye."

HONORING PINE TREE LEGAL ASSISTANCE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor Pine Tree Legal Assistance in celebration of their 45th anniversary this month.

Pine Tree Legal Assistance is a non-profit organization dedicated to providing high quality, free, legal assistance to low-income individuals. Serving as the primary legal aid provider in Maine with six offices ranging from Presque Isle to Portland, Pine Tree Legal strives to provide access to legal assistance in all corners of the state.

Since its founding on July 19, 1967, Pine Tree Legal Assistance has worked to remove the barriers to justice that can be experienced by low-income Mainers. Their services range from providing basic legal advice to active representation in the most serious cases. The organization continues to place a priority on helping individuals and families meet their basic human needs, such as access to housing, food, income, safety, and education. Pine Tree Legal also boasts innovative, issue-specific divisions such as a Native American Unit and KIDS LEGAL, as well as providing help with unemployment issues and foreclosure prevention. More recently, they have been responsible for the development and ongoing support of Stateside Legal, which is an online resource to provide legal information to veterans and military families.

Pine Tree Legal Assistance maintains an excellent reputation in the field of legal advocacy. They also serve as one of six Maine nonprofits that meet the Better Business Bureau standards for charitable accountability. I am pleased to share in the celebration of Pine Tree Legal Assistance's 45th year of exemplary legal assistance to the people of Maine.

Mr. Speaker, please join me in congratulating Pine Tree Legal Assistance on achieving this tremendous milestone.

IN HONOR OF THE 20TH VENTURA COUNTY STAND DOWN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GALLEGLY. Mr. Speaker, I rise to honor the outstanding achievements of Ventura County Stand Down, which next week will mark 20 years of helping homeless veterans combat life on the streets.

During the three-day, two-night Stand Down, veterans will live on the campus of the California Army National Guard Armory in military-style tents erected by the Seabees. They will have access to showers, toiletries, new and used clean clothing, and hot meals each day.

Working in conjunction with dozens of public and private agencies, Stand Down 2012 will provide homeless veterans with a myriad of services such as medical treatment, legal services, prescription lenses, employment counseling and referrals, VA benefits, drug and alcohol counseling, general relief information, transitional housing information, along with a range of other government and social services.

It's a monumental undertaking. Ventura County Stand Down would not be a success—or have even been launched—without the skill and perseverance of Claire Hope, the founder and chairperson of Ventura County Stand Down. The daughter of a World War II veteran and mother of a veteran of Desert Storm, Claire Hope has a soft heart for veterans and a strong will to help those in need.

About 300 volunteers help Claire each year. Another nearly 300 companies, corporations, and non-profit organizations are on board. About 20 service providers take part and 20 committees oversee all aspects of the event, from planning, to execution, to cleanup, to follow-up.

Many of the volunteers have been with Claire since the beginning. While I can't name them all, I would be remiss without noting several key people whose efforts have meant so much to our veterans. They include 20-year Executive Committee Chairs J. Roger Myers, Herb Williams III, Dr. Cal Farmer, Madeline Lee, Gene Ogden, Jean Farley, and Hal Nachenberg. Other Executive Committee Chairs include Judge Pro-Tem Nancy Aronson, Jodi Prior, Yasmin Morrison, Mary Gene Ryan, Betty Zamost, Charles Lane, Jane Towley, Bob Shiverdecker, Carl Lanterman, Gary Erland, Connie Biggers, Carol Rogers, and Jim Rogers.

Special recognition for their ongoing major contributions to Stand Down belongs to: International Brotherhood of Electrical Workers, Local 952; California Army National Guard Armory, Ventura; American Legion Auxiliary; American Legion; Beacon House—San Pedro;

Salvation Army of Ventura; Veterans of Foreign Wars Post 11395 Thousand Oaks; Marjorie Mosher Schmidt Foundation; New Directions Technologies, Inc.; U.S. Department of Veterans Affairs; Beacon House San Pedro; Naval Facilities Expeditionary Logistics Center & the Thirty-First Seabee Readiness Group; Ventura County Bar Association Ventura County Public Defenders; Chief's Council of the 146th Airlift Wing of the California Air National Guard; Ventura Superior Court Homeless Court; and Neal C. Green, DDS.

Mr. Speaker, I am proud to be affiliated with Ventura County as Honorary Cochairman for the 20th year. I know my colleagues will join me in recognizing the importance of Ventura County Stand Down and in thanking Claire Hope and her myriad of volunteers for their selfless efforts in helping those who served our country and who fell on hard times to have a fighting chance to resume a life of stability and peace. It's a yeoman's effort, and one worth undertaking.

STAND WITH THOSE WHO SERVE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. REICHERT. Mr. Speaker, today, I honor ''Stand With Those Who Serve Week'' in my home state of Washington. Governor Christine Gregoire today urged all citizens to join her in ''this special observance to support the many activities and efforts of Washington's public safety personnel and services.''

The public safety and law enforcement community in Washington State has endured a lot of heartache over the past years, and those losses are always at the forefront of our thoughts. Such terrible incidents remind us that despite the risk, our police officers and other public safety personnel do not pause for fear or self-interest. They serve bravely, boldly and selflessly and continue every day to earn our respect, admiration and gratitude.

Mr. Speaker, the support that my colleagues across state and party lines have shown demonstrates our commitment to the brave men and women in the law enforcement and public safety professions. It is my hope that through all of this support they continue to have the tools and encouragement that they need.

Therefore, Mr. Speaker, I join with Governor Gregoire today, along with other elected representatives in Washington, community leaders and private citizens in standing in solidarity with our brave public servants and law enforcement personnel. While they work to reduce crime, protect the vulnerable and keep our communities safe, we will stay mindful of their efforts and in turn serve them, wherever and whenever possible.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 382 I was absent due to personal reasons.

Had I been present, I would have voted ''aye.''

FIFTH ANNIVERSARY OF EASTERN NEBRASKA VETERANS' HOME

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. TERRY. Mr. Speaker, I rise today to pay tribute to the Eastern Nebraska Veterans' Home on its fifth anniversary.

The facility and its dedicated staff have successfully provided care to 117 members during this time in the areas of assisted living, intermediate care, skilled care and Alzheimer's care. The facility is specifically designed to meet the different mobility needs of each of its members.

The ENVH stands as a testament to Nebraska's commitment to our veterans by providing them with a state of the art facility and the services that they deserve.

I also want to point out that this facility is a result of the public and private sectors working together to meet the needs of our Nation's heroes. Multiple agencies at all levels of government worked together on this project to better the lives of these individuals.

The Eastern Nebraska Veterans' Home has provided quality care for our veterans and their dependents for five years and I wish them many more years as they continue to serve our veterans and their families.

CONGRATULATING RICE UNIVERSITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. SESSIONS. Mr. Speaker, for the last one hundred years Rice University has made unique and important contributions to our Nation and the world. Despite its small size, Rice has stood as one of the most forward-thinking institutions, contributing monumental advances in science and technology, as well as to the liberal arts. It was Rice University that opened the Nation's first department of space physics and produced American business magnates like Howard Hughes. It was Rice University that was the decades-long teaching home to Nobel Prize winners Richard Smalley and Robert Curland, and it is Rice University that continues to educate some of the brightest minds in the world. At this moment, Rice students are developing coated sand that can purify water in countries without access to clean drinking water and lithium-ion batteries that can be painted onto any surface.

In 2008, Rice University was ranked the number one institution for ''industry impact.'' Education is the key to our Nation's future, and it is institutions like Rice University that will ensure that America's greatest days are not in the past. Please join me today in celebrating the many accomplishments that Rice has achieved over the last one hundred years, and many more surely to come.

RECOGNIZING MR. JEFFREY MEEK

HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to commend and congratulate Mr. Jeffrey Meek of Hot Springs Village, Arkansas, for his dedication to preserving the stories of Arkansas's World War II veterans.

Jeff's interest in the stories and lives of World War II veterans began when his own son enlisted in the U.S. Marine Corps. At that time, Jeff started researching the experiences of his father and his wife's father during World War II. Then, after joining the Akansa Chapter of the Daughters of the American Revolution, Jeff's wife, Jeanne, recommended that Jeff get involved in the Library of Congress' Veterans History Project (VHP), which is preserving oral histories of our veterans. Each oral history is recorded on a DVD and, along with VHP documentation, is sent to the Library of Congress to be preserved and made accessible to researchers, educators, and the general public.

Jeff conducted his first oral history for the VHP in 2007 and started reporting some of the stories in his local newspaper, the Hot Springs Village Voice. He later published 75 accounts in his book They Answered the Call: World War II Veterans Share Their Stories. Jeff has spent over one thousand hours collecting the moving stories of hundreds of our World War II veterans, and he has brought them to life during three sold out programs honoring them.

Jeff's dedication to World War II veterans extends beyond recording their oral histories. He accompanied a group of veterans as they participated in the ''Honor Flight'' program. This program flies World War II veterans to Washington, D.C., free of charge, so they may visit the World War II memorial and some of the other memorials in Washington, D.C.

For his devotion to our veterans, Jeff has been recognized by a number of organizations, including the Akansa Chapter of the Daughters of the American Revolution and each of Hot Springs Village's five military organizations. In addition, he received a letter of commendation from the Veterans History Project itself for his attention to detail in preserving the treasured chronicles of our nation's heroes.

Because of volunteers like Jeff, our veterans will be forever honored through the preservation of their memories. I commend Jeff for his outstanding service to Arkansas's veterans, and I would encourage other Americans to become involved with the Library of Congress' Veterans History Project by recording the stories of veterans in their own communities. I thank Jeff for giving these veterans the opportunity to tell their stories and for allowing these stories to become priceless pieces of American history.

RECOGNIZING THE 100TH ANNIVERSARY OF RICE UNIVERSITY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MARCHANT. Mr. Speaker, I rise today to recognize the 100th anniversary of Rice University. Throughout the last century, Rice has not only developed into one of the most prestigious and exemplary academic institutions in Texas, it has also matured into one of the leading research universities in the United States.

The first president of Rice University was Edgar Odell Lovett, and he set forth an ambitious vision to become a premier research university. However, since its inception in 1912, Rice has been exceptional in both academics and athletics. Rice now plays a leading role in research in many fields including nanotechnology, space, cellular technology, bioinformatics, energy, health, and the environment. Their athletic program is constantly one of the best in Conference USA and their championship win in the 2003 College Baseball World Series serves as further evidence that the Rice Owls are extraordinary across the institutional spectrum.

Rice has been ranked among the top 20 universities in the country by U.S. News & World Report every year since the rankings began in 1983. In recognition of their dedication to keeping high quality education affordable, Princeton Review ranks Rice among the top 10 best value private colleges.

Mr. Speaker, I ask all my distinguished colleagues to join me in recognizing the 100th anniversary of Rice University. Rice has pushed the boundaries of education and research since 1912, and this institution will undoubtedly be a leader for years to come.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker on rollcall No. 383 I was absent due to personal reasons.

Had I been present, I would have voted ''nay.''

RECOGNIZING THE 40TH ANNIVERSARY OF THE WOMEN LAWYERS DIVISION OF THE NATIONAL BAR ASSOCIATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the Women Lawyers Division, WLD, of the National Bar Association, NBA, on its 40th Anniversary Celebration in Las Vegas, Nevada.

The Women Lawyers Division was formally established in 1972 as a vehicle for women in the practice of law to address the issues and problems that particularly affect the interests and concerns of African-American women.

The WLD had its genesis during 1971 when an informal coalition of 19 women members of the National Bar Association discussed soliciting new NBA members to run for national offices. These women decided there were many issues they should consider addressing. Therefore, on August 5, 1971, Ruth Harvey Charity convened the first organizational meeting of NBA women lawyers in Atlanta, Georgia.

In 1975, the Women Lawyers Division sponsored its first seminar at the NBA national convention. The WLD hosts seminars at each annual convention, addressing the following subjects: impact of juvenile law on the family; domestic violence; energy law; sexual harassment; child advocacy; international law; professional ethics; post conviction relief; law teaching and trial techniques; ascending to the bench and judicial selection methods; the Internet and personal computer technology; rainmaking and leadership for women.

In 1977, Ruth Harvey Charity was elected a Vice President of the National Bar Association, which was the first time in 25 years a woman held so high a position within the NBA. In 1981, another WLD member, Arnette R. Hubbard, was elected the first President of the NBA, and Alice Bonner, another founder of the WLD, was installed as the first woman President of the NBA Judicial Council Division. Since that year, eight other WLD members have served as President of the NBA.

The Supreme Court swearing-in tradition began in 1981 and continues today. Each spring, the Women Lawyers Division supports a group of National Bar Association members for admission to appear before the U.S. Supreme Court. This ceremony is held annually in an effort to enhance the posture of African-American lawyers as legal advocates and to increase the number of minority lawyers who are readily available to represent their clients before this nation's highest court.

The WLD will kick off its 40th Anniversary Celebration with its Inaugural ''Respect Yourself'' Day, which will be a special salute to African-American women and girls to encourage love and respect for themselves and their fellow sisters. The WLD will host its Fourth Annual ''Respect Yourself'' Mentor Program to educate young, at-risk and disadvantaged African-American girls on the importance of self-respect.

Through the Women Lawyers Division, women have made a significant impact on the goals and directions of the NBA by participating at all levels of the organization. The WLD has achieved its goal of adding positive direction to the NBA by contributing and establishing a new dimension and sensitivity of the NBA as it addresses legal issues affecting women, children, the family, and the African-American community as a whole.

As the Representative for Nevada's First Congressional District, it gives me immense pride to honor the Women Lawyers Division of the National Bar Association on its 40th Anniversary Celebration in Las Vegas, Nevada, and I urge my colleagues to join me in recognizing the accomplishments of this crucial organization and its admirable efforts.

A TRIBUTE TO CAPTAIN WILBUR D. JONES

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise and ask you to join me in recognizing Captain Wilbur D. Jones, of Wilmington, North Carolina, who has earned the StarNews Lifetime Achievement Award. The StarNews Lifetime Achievement Award was established in 2003 to honor individuals who have given substantially of themselves for the improvement of the communities of Southeastern North Carolina. Captain Jones is very worthy of this honor, and I salute him for his legacy of service to our state and nation.

Captain Jones stands out as a distinguished former member of the United States Navy, historian, preservationist and award-winning author and lecturer. Born in the middle of the Great Depression, Captain Jones was only seven years old at the outset of World War II, but this history-shaping era sparked an ongoing passion for military history within him that continues to this day.

After graduating from the University of North Carolina at Chapel Hill, Captain Jones made the decision to enroll in Officer Candidate School. Beginning in 1956, he served as both a Regular Navy and Ready Reserve officer, finally retiring in 1984. During this time his tact for leadership earned him the rank of Naval Captain. He honorably commanded two Reserve units with the same dedication and strong, personal leadership that he is known for today. As Captain Jones said himself, ''Remembering how I began, I was born to be a military historian and career Armed Forces Officer in service to my country.''

Concurrently with his service to our nation, Captain Jones spent 41 years in the U.S. Department of Defense, while maintaining a role as a civilian professor and Associate Dean of Information at the Defense Acquisition University. His service included more than seven years in the Pentagon as a Captain on active duty and as a civilian assistant to the Under Secretary of Defense for Acquisition. His career took him and his family around the globe, but Captain Jones returned to his home of Wilmington, North Carolina in 1997, where he remains today.

These unique experiences would later serve him well in his role as a historian, author, lecturer and preservationist. He has produced an impressive and important collection of works on World War II. To date, he has authored 17 books on military history and national defense, along with collecting and publishing innumerable research papers, encyclopedia entries, interviews and photographic documentaries.

With his natural energy and intelligence, Captain Jones is not just North Carolina's treasure, but also a treasure to our country. The StarNews Lifetime Achievement Award Captain Jones receives today is a major honor, and is also just one of the many

awards that Captain Jones has earned in his lifetime, from the National Defense Medal, North Carolina Historian of the Year, Senior Service Award, and countless others recognizing the quality of his writing, research and dedication to leadership.

Captain Wilbur D. Jones serves as an example across generations by acting as a man of courage, a man of duty, and a man who is devoted to serving his homeland. Mr. Speaker, I wish to thank you for allowing me to honor one of North Carolina's most distinguished Naval Officers and historians, and I ask my colleagues to join me in recognizing a man whom North Carolina and the United States is proud to call their own.

IN REMEMBRANCE OF MR. JIMMY BIVINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Cleveland, Ohio's famous boxer, Mr. Jimmy Bivins.

Bivins was born in Dry Branch, Georgia on December 6, 1919. He moved to Cleveland at the age of three and attended Central High School, where he was an honor student. Weighing only 112 pounds, Bivins began his boxing career in 1936.

Bivins' professional boxing career began in 1940 and lasted until 1955. He boxed in 112 professional fights, accumulating 86 wins and 31 knockouts. Between June 22, 1942 and February 25, 1946, he went unbeaten in 26 consecutive bouts. During his fifteen year career, Bivins defeated eight of eleven world champions and four of the seven fellow Hall of Famers he faced throughout his career. Although he was never able to compete for the world title, Bivins remains the only boxer to date that has ranked as the No. 1 contender in both the Light Heavyweight and the Heavyweight divisions.

In 1999, Bivins was inducted into the International Boxing Hall of Fame. That same year, Sports Illustrated said that Bivins may have been the greatest modern heavyweight who never got a shot at the title crown. He was best known for his powerful left jab.

Following his boxing career, Bivins joined the Teamsters and drove bakery and snack trucks around the City of Cleveland. He was active in the community, spending time at the gym with local kids teaching them how to box, telling them stories and giving them fatherly advice. He also cooked food for them every Sunday to make sure that they did not go hungry as he had in the past.

Mr. Speaker and colleagues, please join me in honoring the life of Jimmy Bivins.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. OLSON. Mr. Speaker, on rollcall No. 452 on H.R. 4155 I am not recorded because I was absent due to a weather delay.

Had I been present, I would have voted "aye."

HONORING LAURIANNE CORMIER

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the 100th birthday of Laurianne Cormier. Born on July 12, 1912, in Lewiston, Maine, Mrs. Cormier has two daughters, seven grandchildren and ten great-grandchildren.

Mrs. Cormier has dedicated much of her life to working and volunteering in her community. Like many other Franco-Americans growing up in Lewiston during the Great Depression, Mrs. Cormier helped to support her family by working in a local shoe factory. After her retirement, Mrs. Cormier kept busy by volunteering at the YWCA and at St. Mary's Regional Medical Center in Lewiston. In fact, thirty-five years later, Mrs. Cormier is still volunteering there and has devoted over 18,500 hours of her time and energy to the community she loves.

Mrs. Cormier's co-workers admire her work ethic, spirit and passion for her job. In October of 2010, she was presented with the Mayoral VIBE Award (Volunteers Inspire By Example) and in April of this year, she was nominated for one of the Maine Commission for Community Service's annual Governor's Awards for Service and Volunteerism. Mrs. Cormier was recognized as a special "Volunteer Hero" at that ceremony.

On Tuesday of this week, her colleagues at St. Mary's hosted a birthday party for her and on Sunday, July 15, her family and friends will gather for a second celebration that will take place at the Franco-American Heritage Center. I am very much looking forward to congratulating Mrs. Cormier in person at Sunday's celebration.

Mr. Speaker, please join me in honoring Laurianne Cormier on this special day. She is truly an exemplary citizen whose dedication to her community and to her family is certainly an inspiration to us all.

EXPRESSING CONCERNS REGARDING THE NEGOTIATION OF THE UNITED NATIONS ARMS TRADE TREATY

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. REED. Mr. Speaker, I rise today to express my significant concerns over the negotiations with the United Nations regarding the United Nations Arms Trade Treaty (ATT). As it stands currently, the actions of the United Nations indicate that this treaty will pose serious threats to the personal freedoms, national security, foreign policy, and economic interests of the United States. Yet, the Administration has voted to participate in negotiations, despite this impact.

Our Second Amendment rights are fundamental individual rights that must be protected. However, the United Nations Arms Treaty poses a potential threat to this right held by every United States citizens. This treaty cannot be allowed to jeopardize our ability to own small arms, rifles or ammunition. Furthermore, the ATT must recognize and respect one's right of self defense and our nation's legacy of hunting and participation in shooting sports.

This treaty also has the potential to threaten our national security and foreign policy. Democracies and totalitarian regimes should not be given the same arms transfer rights, nor can we legitimize the arming of terrorists or countries that do not recognize the International Criminal Court. Importantly, the ability of the United States to provide arms to trusted allies, such as Israel, should not be infringed.

Finally, the United Nations Arms Treaty should not do anything that would hurt our economic interests here at home and abroad. American businesses should not be burdened by increased regulatory and reporting requirements that could damage domestic manufacturing, particularly in our already difficult economic times. We cannot allow the ATT to jeopardize American jobs or American industry.

Unfortunately, I am concerned that this treaty will impact all of these interests, and potentially more. Therefore, Mr. Speaker, I strongly support and urge the Administration to consider and uphold the sentiment displayed in the bi-partisan letter that my colleague MIKE KELLY and 130 co-signers sent to President Obama and Secretary Clinton.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 384 I was absent due to personal reasons.

Had I been present, I would have voted "nay."

REMEMBERING MICHIGAN STATE SENATOR BILL VAN REGENMORTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. POE of Texas. Mr. Speaker, I rise today to honor the life of a leader in the victims' rights movement, former Michigan State Senator Bill van Regenmorter.

It was fitting that flags in Michigan were flown at half-mast following Bill's death. Many news reports in Michigan detailed his significant contributions to the people of his beloved state and, most especially, his long advocacy and legislative accomplishments on behalf of crime victims and survivors. I feel it is fitting to equally recognize that Bill's contributions go far beyond the borders of Michigan. As one of the earliest state legislators to draft and enact crime victims' rights legislation, Bill was extraordinarily generous in sharing his experiences, insights and innovations with those of us in other states dedicated to the same cause. His hand can indeed be seen in similar laws in dozens of other states. Bill's tireless efforts were recognized in 2009 by the U.S. Department of Justice, when he received the Ronald Wilson Reagan Public Policy Award from the Office for Victims of Crime.

There is no question that without Bill van Regenmorter, we could not have made as much progress as we have in securing crime victims' rights throughout our entire nation. As a Texas judge, I can attest that we tapped Bill's wisdom and expertise in the late 1980s to develop our own ''Victims' Bill of Rights''—an important law that, to this day, provides a strong foundation for the fair treatment of crime victims in my state.

In Bill's own words, ''victim empowerment has brought integrity to the system that wasn't there before.'' Bill's legacy can be found in his pioneering efforts that empowered countless crime victims and those who serve them to stand up for victims' rights, and his inspiration for anyone concerned about individual and community safety to, as he did throughout his entire life, get involved and make a positive difference.

The U.S. Congressional Victims' Rights Caucus sends its condolences to Bill's wife Cheryl and his family, and his ''extended family'' of crime victims, survivors and victim advocates who benefit today and in the future from his pioneering efforts.

And that's just the way it is.

CELEBRATING THE 100TH ANNIVERSARY OF RICE UNIVERSITY

HON. BILL FLORES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FLORES. Mr. Speaker, as a Representative of the great state of Texas, I am honored to be a citizen of a state which is home to an outstanding institution like Rice University. Rice is celebrating its 100 year anniversary, as it was inaugurated in October 12, 1912, in Houston, Texas.

Rice has consistently been ranked as one of the top 20 national universities in the United States by U.S. News & World Report every year since the rankings began in 1983.

Rice also ranks among the 10 best value private colleges by Princeton Review.

The James A. Baker III Institute for public policy at Rice is world renowned for its contributions as a think tank.

Rice has constituently been ranked among the top 20 universities in the U.S. overall and for Hispanic students.

Rice University is one of three Tier One research and education universities in Texas. Rice is ranked the number 4 best value among private Universities.

Rice plays a leading role in research in many fields, including nanotechnology, space, cellular technology, bioinformatics, energy, health, and the environment.

I congratulate Rice University for 100 years of preparing its students to succeed in a highly competitive and complex world, and look forward to 100 more.

HONORING ADOLFO CALERO PORTOCARRERO

HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. RIVERA. Mr. Speaker, businessman, entrepreneur, freedom fighter and long-time friend of the United States Adolfo Calero Portocarrero died in Managua, Nicaragua on June 2.

Mr. Calero was best known as an ally of the United States in our efforts to prevent the spread of communism in Central America in the 1980s. He was leader of the Nicaraguan Democratic Force, the largest group in the broad anti-Sandinista coalition.

Mr. Speaker, I personally knew Adolfo Calero and I can attest that he was a great friend of the United States. He went to high school in New Orleans, received degrees from Notre Dame and Syracuse University, managed the Coca-Cola bottling plant in Nicaragua, and occasionally lived in Miami, Florida.

Calero was a member of the Conservative Party in Nicaragua and after the communist Sandinista (FSLN) overthrow of the Somoza regime in 1979, he was jailed and later went into exile in Florida. Eventually he joined the political directorate of the Nicaraguan Democratic Force and became its president.

What is lesser know is that Calero had also been twice jailed by the Somozas in the 1970s. He was an advocate and friend of democracy and an opponent of dictatorship whether it was on the right or left.

In the 1980s, saddened and angered by Nicaragua's fall to communism and Daniel Ortega's abuse of human rights, Calero joined the United Nicaraguan Opposition (UNO) in an effort to unify the various anti-Sandinista factions. Nicaragua's ''counter-revolutionary'' fighters or Contras were largely made up of 18–22 year olds, independent rural farmers and indigenous Christian Indians from the Caribbean Coast. The Contras also filled their ranks with disenchanted Sandinistas—at one time 6 of 14 Contra regional commanders and 13 of 52 Contra task force commanders were Sandinista defectors who wanted true freedom. At the peak of their strength, UNO had 30,000 men in the field—more than the Sandinistas ever had in their fight against the Somoza regime.

The decade-long effort to oppose the Sandinistas received typical on-again off-again support from a fickle U.S. Congress. During that time, Soviet-Cuban support for communist governments and insurgencies in Nicaragua, El Salvador, Guatemala, Honduras and Mexico was steadfast. Their goal was to spread communism throughout the hemisphere and up to the southern border of the United States. Central America was engaged in an epic struggle and Nicaragua was the epicenter. More than 3000 Cuban military intelligence and State security officers set up the repressive internal security apparatus in Nicaragua, advised the Sandinista armed forces, and participated in combat. The PLO sent 100 experienced combat officers, Libya and Iran shipped tons of weapons, the Cubans sent tens of thousands of AK–47s, Soviet MI–8 helicopters and SA–7 missiles.

Thousands of Contras were killed and maimed, but they held fast. The struggle culminated in a ceasefire in 1988 and democratic elections in 1990. In those elections, UNO's coalition of 14 political parties led by Violetta Chamorro scored an upset victory over the Sandinistas.

Calero's efforts ultimately led to victory and the restoration of democracy. Calero's dedication to freedom and democracy also led to the beginning of the end of Soviet-Cuban penetration of Central America.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 385, I was absent due to personal reasons.

Had I been present, I would have voted ''nay.''

IN HONOR OF THE LIFE OF PAT LUCE-AOELUA

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in honor of a pioneer, a leader, an advocate, and a dear friend, Pat Luce-Aoelua, who recently passed away in Los Angeles, California.

Pat was born in Fagatogo, American Samoa in 1944 to Ioane Afele Levi and Fanuaea Vaitupu Tu'ufuli Levi and was adopted by American missionaries, Maurice and Corabelle Luce, in 1946. Later, Pat and her adoptive parents immigrated to California in 1952 where Pat attended school and began her career. She received her Bachelor of Arts in Psychology from California State University at Sacramento and her Master of Science in Counseling from the University of California at Davis.

Pat was the Executive Director of the National Office of Samoan Affairs (NOSA) that was based initially in San Francisco and later moved its headquarters to Carson, California. She, together with other Samoan community leaders in California, founded NOSA in 1976

to bridge the federal and state agencies with the local Samoan communities. Some of the community leaders included Senator and Paramount Chief Galeai Tu'ufuli, High Talking Chief Leuluso'o Leatutufu, and Matau Taele. Pat and NOSA made sure that they worked closely with the elder chiefs and local Samoan church organizations in advocating for Samoans and Pacific Islanders both on the state and federal level, in better assisting the needs of the elderly, and providing opportunities for the younger generation.

In the late 1970s, Pat was very active within the Samoan community in northern California. As she became more involved in the 1980s, Pat was instrumental in allowing American Samoans to become eligible for Federal funding and programs through the Native American programs. She also spearheaded the movement in passing state legislation in California providing for the identification and tabulation of Pacific Islanders as an ethnic group in the California state and county systems.

Pat is not only a leader amongst the Samoan community but especially within all of the Asian and Pacific American communities throughout all the U.S. In 1980, through Pat's leadership and diligence, she was able to fight for the inclusion of Pacific Islanders as an identifier in the U.S. Census, a category that remains today. Pat's philosophy was ensuring that much of the needs of the Pacific Islanders could be addressed with the use of data collected through the decennial census and other government surveys.

Although Pat has left us and began a new journey, her legacy will remain vigilant through torch bearers made up of the many new young Pacific Island leaders who have been under Pat's tutelage over the past three decades who today are working closely with their communities and advocating for those who are disenfranchised.

I want to take this time to offer my personal condolences to Pat's husband, Tuimavave Aoelua, their only daughter—Corabelle, and to their many families and friends who are mourning the loss of one of Samoa's strongest daughters. I pray the Lord will comfort them during this tragic time.

Pat will be greatly missed. Ia manuia lau malaga.

CELEBRATING THE JEWISH FEDERATION OF GREATER PITTSBURGH'S 100 YEARS OF SERVICE TO THE GLOBAL JEWISH COMMUNITY

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. CRITZ. Mr. Speaker, I rise to recognize the Jewish Federation of Greater Pittsburgh for reaching its 100th year of service to Jewish communities around the globe. Since 1912, the Federation has been capably serving Jewish needs in the areas of healthcare, education and social welfare.

Since its inception, the Federation has never taken its finger off the pulse of the global Jewish community. Its efforts have always kept pace with the dynamic challenges facing Jews living in Pittsburgh, Israel and elsewhere throughout the world. The Federation serves as the central Jewish fundraising organization for Greater Pittsburgh, and has undertaken a number of initiatives to build solidarity and promote prosperity within western Pennsylvania's Jewish community.

In 1984, the Federation conducted a Comprehensive Jewish Community Study to highlight the needs of Greater Pittsburgh's Jewish population. The results led to the creation of a Jewish Community Center in Pittsburgh's South Hills and Jewish Residential Services for special needs individuals of the Jewish faith. After conducting a similar demographic study in 2002, the Federation established new outreach programs and created the Centennial Fund for a Jewish Future through the Jewish Community Foundation.

The Federation has also done a significant amount of philanthropic work abroad. Federation leaders have done a great deal to promote the Buncher Community Leadership Program, which trains Jewish professionals from vulnerable Jewish communities throughout the world. They have also played an active role in programs such as Spectrum and Passover in the FSU, which focus on rebuilding Jewish communities in the former Soviet Union. Furthermore, the Federation was on the front lines of the humanitarian responses to Hurricane Katrina, the 2004 tsunami in Asia and the 2010 earthquake in Haiti.

In Israel, the Federation has actively helped to respond to terror attacks and promote economic development in recent years by raising more than $5.5 through its Israel Emergency campaign and by sponsoring numerous educational and solidarity programs. Historically, the Federation has also helped to raise money for Israel during times of conflict. Currently, the Foundation is working to advance the Jewish Agency for Israel's Partnership Together Program, which is focused on strengthening relationships between Jews in Israel and the Diaspora, and on promoting economic development within Israel's Karmei and Misgav region.

Mr. Speaker, the Jewish Federation of Greater Pittsburgh's long history of promoting solidarity and prosperity within Jewish communities throughout the world is a testament to its abiding commitment to philanthropy. I offer this great organization my most heartfelt congratulations on 100 years of fruitful community service.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 386. I was absent due to personal reasons.

Had I been present, I would have voted "nay."

HONORING THE DEDICATED SERVICE OF PAUL HAMANN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Ms. SCHAKOWSKY. Mr. Speaker, today the White House honors leaders who had made a significant difference in the way their communities combat homelessness among children and youth. I am so proud that one of the 13 "Champions of Change" is my constituent, Paul Hamann, President and C.E.O. of the Night Ministry.

In the wealthiest nation on earth, any amount of homelessness is unacceptable, yet nearly one million Americans currently do not have a roof over their head. They include men, women and children. This Congress must do more to eradicate homelessness, and we should support people like Paul and organizations like the Night Ministry that are working to provide help and hope to the homeless.

The Night Ministry is Chicago's safety net of last-resort social services, health care, housing and outreach for homeless youth and adults and those who are isolated from the community. I have had the pleasure to witness and take part in the great work the Night Ministry does at their Health Outreach Bus and their Youth Outreach Van in the Uptown and Lakeview neighborhoods in Chicago.

Paul has dedicated his life to helping those in need through his work for non-profit organizations. He has been with the Night Ministry for 10 years and has led the organization since 2007. Under Paul's direction, the Night Ministry has broadened its impact on the Chicago community through health outreach, short-term housing assistance, support and instruction for pregnant teens, and transitional housing. His tireless work has made a difference for thousands of Chicagoans who would otherwise go without healthcare, housing, or food.

I thank Paul Hamann for his outstanding leadership of the Night Ministry and I wish him many years of continued success. He is a true Champion of Change.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, on July 9 and July 10, 2012, I was in California attending to family obligations. Had I been present, I would have voted as follows:

On rollcall vote No. 452, I would have voted "yea."

On rollcall vote No. 453, I would have voted "yea."

On rollcall vote No. 454, I would have voted "yea."

On rollcall vote No. 455, I would have voted "yea."

On rollcall vote No. 456, I would have voted "nay" on the previous question, so that instead of voting on the Patients' Rights Repeal

Act, the House could instead vote on H.R. 5542, a bill that focuses on jobs and working families.

On rollcall vote No. 457, I would have voted "nay" on the rule that will govern the 31st attempt this Congress to take away healthcare benefits and patient protections from millions of Americans.

On rollcall vote No. 458, I would have voted "nay."

TRIBUTE TO RICE UNIVERSITY'S CENTENNIAL CELEBRATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in honoring Rice University for celebrating 100 years of achievement in private higher education.

Since its foundation, Rice University has left its mark on the advancement of arts and sciences as one of America's premier schools. They have consistently been at the forefront in many areas of medical research, and played a key role in the academic and physical foundation of the Johnson Space Center, turning the dream of manned space flight into a reality.

Be it through elite research or first-rate student education, the contributions of Rice University have undoubtedly reverberated through the many areas of scientific advancement throughout the past 100 years. It is an honor to represent this university in our great State of Texas, and it is an honor to have them represent our state to the country and the world.

CONGRATULATING THE LOS ANGELES KINGS ON THEIR STANLEY CUP VICTORY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to celebrate an historic occasion in the history of Los Angeles sports teams. On June 11 the Los Angeles Kings of the National Hockey League won their first national championship. Today the Stanley Cup calls LA "home", and the nation joins us in calling the Kings, "champions".

The Kings' championship was 45 years in the making. They began the playoffs as the number eight seed. They quickly dispatched the Vancouver Canucks, the number one seed team, four games to one. Next they took on the Saint Louis Blues and swept this number two seed team in four games. They then took on the third seed team the Phoenix Coyotes and earned the title of Western Conference champions for only the second time in Kings' history. This was the first time in NHL history that an eighth seed team beat the first and second seed teams. But our champion Kings went even further by also beating the third seed team as well.

The championship series against the New Jersey Devils was a thriller and the Kings quickly took a commanding three game lead. After a couple of Devil victories, in game six of the series, the Kings regained their momentum and put New Jersey away with a 6–1 victory to clinch the Stanley Cup.

The Kings are only the second number eight seed team in NHL history to advance to the championship series and the first number eight seed team to win the Stanley Cup. Their game six victory on their home ice at the Staples Center was cause for celebration by thousands of Kings fans in Los Angeles and throughout Southern California.

In winning the NHL championship, the Kings join the prestigious ranks of Los Angeles sports teams who have brought championship titles to the City of the Angels, including the Lakers, the Dodgers, the Galaxy, UCLA Bruin and USC Trojan teams, the Strings of the World Team Tennis League, and yes, the former-Los Angeles Raiders.

Congratulations to the Kings team: Jeff Carter, Kyle Clifford, Colin Fraser, Simon Gagne, Dwight King, Anze Kopitar, Trevor Lewis, Andrei Loktionov, Jordan Nolan, Scott Parse, Dustin Penner, Mike Richards, Brad Richardson, Jarret Stoll, Kevin Westgarth, Justin Williams, Drew Doughty, Davis Drewiske, Matt Greene, Alec Martinez, Willie Mitchell, Rob Scuderi, Slava Voynov, Jonathan Bernier and Jonathan Quick.

Special congratulations to Coach Darryl Sutter, General Manager Dean Lombardi and team captain Dustin Brown for leading the team to victory, and to AEG and the entire staff of the Kings organization whose work supports, trains and promotes the team. Thank you all for giving the city of Los Angeles our first Stanley Cup win!

Mr. Speaker, the Los Angeles Kings are the kings of hockey! Let's all celebrate their historic victory!

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 387, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $15,876,457,645,132.66. We've added $5,249,580,596,219.58 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

Today marks the 150th anniversary of the authorization of the Medal of Honor by Congress. We must balance the budget so that we may continue to honor properly those who have served this country valiantly.

HONORING ZACH HUDSON, A TRUE COMMUNITY HERO

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICA. Mr. Speaker, I rise to honor and recognize Officer Zach Hudson of the Lake Mary, Florida Police Department.

Officer Hudson has dutifully served the citizens of Florida for ten years and the Lake Mary community since 2007 as their Community Relations Officer. His dedication to public safety serves as an example to his fellow officers and neighbors.

Shortly after joining the Lake Mary force, Officer Hudson was dispatched to a residence that housed two elderly ladies. Upon arriving, he realized the home contained no food and had no electricity. The little money they did have, they told Hudson, was alternated each month between food and medicines. He had seen instances such as these on his beat in the past, but he decided, in his own words, that "I'd had enough and I realized something had to be done."

Soon after, Hudson started the Seniors Intervention Group in Lake Mary. With the help of Hudson and hundreds of volunteers, this program provides seniors with essential assistance such as food, money, transportation, vehicle maintenance and help around the house. From helping change doorway illuminating light bulbs to fixing leaky sinks, tasks we can perform easily, no job is considered too small when the safety and well-being of our seniors is concerned.

In early 2010, Hudson's vision had become so popular, it became a non-profit and expanded to all of Seminole County and continues to this day as a crucial resource for hundreds of elderly seniors in Central Florida.

Officer Hudson's contribution is not merely recognized within his community, but the nation as well. Earlier this month, CNN recognized his good work by naming him one of their CNN Heroes of 2012.

Mr. Speaker, in honor of Officer Zach Hudson's service to his community, I have asked the Architect of the Capitol to fly an American Flag over the U.S. Capitol Building.

Officer Hudson represents the very finest of our nation's law enforcement. I am honored and humbled that he has served the district I represent. I ask my colleagues to join me in recognizing the heroic duty of Officer Zach Hudson.

IN HONOR OF THE ERICK J. UMSTEAD MEMORIAL FOUNDATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor Sabrina Umstead Smith, and her husband Roosevelt Smith, for their work to provide resources and financial support for the families of chronically ill children by founding the non-profit organization, The Erick J. Umstead Memorial Foundation, Inc.

In 1988, Sabrina lost her first husband in an apartment fire while expecting a child. As a result of oxygen deprivation caused by the fire, the child was born with underdeveloped lungs and cerebral palsy. Tragically, just three years later her young son succumbed to these medical disabilities.

Sabrina knows the challenges of caring for a chronically ill child. Motivated by a desire to make a tangible difference in the lives of chronically ill children and their parents and caregivers, she founded the Erick J. Umstead Memorial Foundation.

The foundation provides numerous services, to the families of chronically ill children, students, and medical professionals. Caregivers Count provides grants to financially disadvantaged parents and caregivers. Future Health Care Leaders offers scholarships for undergraduates who intend to pursue providing care to chronically ill pediatrics. The Assistive Technology Program awards grants to hospitals and pediatric facilities to purchase specialized equipment and devices that facilitate the developmental progress of chronically ill children. In addition to financial aid, the foundation also provides a resource center for parents on their website, and distributes donated pajamas for chronically ill children.

Mr. Speaker, Sabrina's endless dedication to chronically ill children and their families should not go unrecognized. I join all of South Jersey in thanking her for her efforts.

CELEBRATING THE SERVICE OF PASTOR EMERITUS LOCKS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. BUTTERFIELD. Mr. Speaker, the Reverend Sidney A. Locks, Jr., retired from the helm of Cornerstone Missionary Baptist Church (CMBC) in Greenville, North Carolina as a legendary figure in the Greenville community. Under the directive of Pastor Emeritus Locks, CMBC honed its capacity for community outreach and effected "giving" as an inseparable hallmark of CMBC's congregation.

Pastor Locks was born the son of a preacher in Opelousas, Louisiana. Through his father's ministry he was called to spread the word of God to others. After earning a Master's in Divinity from the Interdenominational Theological Center (ITC) in Atlanta, Georgia, Pastor Locks embarked on a 30 year career in the ministry, preaching to congregants about the love and compassion of God.

Determined to reflect the same spirit of love and compassion regularly evoked in his sermons, Pastor Locks weaved those virtues into the fabric of Cornerstone Missionary Baptist Church, where he began pastoring in 1989. Ten years later, Hurricane Floyd presented Locks and CMBC congregation with the opportunity to demonstrate its unwavering commitment to service. When Hurricane Floyd ravished North Carolina's shores—destroying homes and disrupting lives—CMB gathered resources to feed, clothe, and provide refuge for the victims of the storm.

CMBC leadership during the storm's recovery efforts won the Pastor and the CMBC congregation many followers, helping to position the church as an epicenter for community work. Even today, community leaders recall being cared for by the church after surviving days without food. Others starkly remember the congregation's efforts to lift the spirits of the families who felt hopeless at that time.

Under Pastor Lock's leadership, Cornerstone secured 44 apartment units to convert into a senior living facility; built a Family Life Center; and founded numerous programs to assist members of the congregation and the community.

Mr. Speaker, I commend the extraordinary work of Pastor Sidney Locks, Jr., and ask that my colleagues in the U.S. House of Representatives join me in honoring his commitment to God, to country, and to community.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 388 I was absent due to personal reasons.

Had I been present, I would have voted "aye."

H.R. 4402

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. BLUMENAUER. Mr. Speaker, today, I was disappointed that the House passed the National Strategic and Critical Minerals Production Act of 2012 (H.R. 4402). Like many people, I am deeply concerned about our country's, and the world's, increasing dependence on unstable and unreliable Chinese mining practices to provide the "rare earth minerals" that our industries need. However, the legislation passed by the House waives almost all environmental laws for all types of hardrock mining, even though the mining of these materials can be extraordinarily dangerous and toxic. This incredibly broad waiver hurts communities, public lands, and the environment, and supports big, mining industries at the expense of the American taxpayer.

I had hoped that H.R. 4402 would serve as an expression of our commitment to make sure the United States is properly supplied with these minerals that are essential for the economy and our national security. Instead, I am disappointed because my colleagues failed to tailor the legislation to specifically meet this need and included an overly broad definition of "rare earth minerals." This bill would have benefited from a clear definition of what the rare earth minerals are, which would have been achieved by an amendment offered by my colleague, Representative TONKO. Instead, the sweeping exemptions from environmental regulations have created a partisan issue where none existed before.

I sincerely hope that when this issue is revisited in the future, we are able to work in a bipartisan manner to strike a balance that allows us to acquire our necessary supplies in a way that is efficient, safe for our workers, and protects the environment.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 412, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

IN RECOGNITION OF MR. HOWARD R. MAIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recognize Mr. Howard R. Maier, who is retiring after 23 years as Executive Director of the Northeast Ohio Areawide Coordinating Agency, better known as NOACA. He is being honored on July 12, 2012, on his retirement at the City Club of Cleveland.

As the region's Metropolitan Planning Organization, or MPO, NOACA serves Cuyahoga, Geauga, Lake, Lorain, and Medina Counties in Northeast Ohio, including all of Ohio's 10th Congressional District. NOACA prepares the region's Long Range Transportation Plan and the Transportation Improvement Program. NOACA also conducts water quality and air quality planning.

Mr. Maier has overseen an annual budget of $6.5 million, a staff of 42, and a governing board of 44 elected and appointed officials. Under Howard's leadership, NOACA has received awards from the National Association of Regional Councils, the Association of Metropolitan Planning Organizations, the Ohio Department of Transportation, and Eco-City Cleveland, among others.

Howard Maier is a Fellow of the American Institute of Certified Planners. After receiving his Bachelor of Arts in Economics and his Masters in City Planning from Ohio State University, Howard earned his Master of Science in Public Management from Case Western Reserve University in 1974.

He was Director of Planning and Development for the City of Cleveland Heights and the Principal Planner for the Cuyahoga County Planning Commission before joining NOACA. He was asked by the NOACA board to step up as Acting Executive Director in 1989 when there was a leadership crisis at the agency. He was then appointed as Executive Director in 1991, where he served until his recent retirement in June 2012.

Howard Maier has distinguished himself with many awards and honors during his years with NOACA, including Honorary Membership in the American Institute of Architects, Mayfield High School Hall of Fame, Ally of the Year for the Northeast Ohio Alliance for Hope, Distinguished Alumnus of Ohio State University's College of Engineering, and NOACA's ''Wally,'' the Walter F. Ehrnfelt Award for Outstanding Regional Contribution.

Mr. Speaker, and distinguished colleagues, please join me in honoring Howard Maier as he enjoys his well-earned retirement.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. OLSON. Mr. Speaker, on rollcall No. 453 on H.R. 4367, I am not recorded because I was absent due to a weather delay.

Had I been present, I would have voted ''aye.''

RECOGNITION OF BRIGADIER GENERAL GWEN BINGHAM (U.S. ARMY)

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FORBES. Mr. Speaker, I would like to recognize a significant milestone being reached this year by Brigadier General Gwen Bingham. Brig. Gen. Bingham has been given the assignment to be the first woman ever to take command of the White Sands Missile Range in New Mexico. The White Sands Missile Range encompasses nearly 3,200 square miles and is the largest military installation in the United States, used by the Army, Navy, Air Force, NASA, and other government agencies and private enterprises for research, development and training.

Prior to this assignment, Brig. Gen. Bingham was also the first woman to hold the position of Quartermaster General and Commandant of the U.S. Army Quartermaster School at Fort Lee (Virginia). As Quartermaster General, she was responsible for overseeing the training of more than 20,000 military students annually.

This milestone marks yet another impressive achievement in an already distinguished 31-year career for Brigadier General Bingham. It is a testament to her professionalism, character, and selfless sacrifice to her country. I am honored to recognize her continued achievements.

HONORING THE 70TH WEDDING ANNIVERSARY OF MR. AND MRS. JOHN UNDERWOOD

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FINCHER. Mr. Speaker, it is my distinct pleasure to congratulate and extend my best wishes to Mr. and Mrs. John Underwood of Paris, Tennessee, on the seventieth anniversary of their wedding date.

This is truly an event to commemorate. Seventy years of marriage is a milestone that speaks to the Underwood's dedication and love to one another. No doubt their relationship has been through both times of joy and sorrow, and it has served as a stable influence in the lives of their family.

The seventieth wedding anniversary is often called the ''platinum'' anniversary. This is a fitting name, because what John and Grace share with each other, and with God, is indeed precious. The Underwoods are proud Americans and role models for us all. I am honored to salute their commitment to one another, their family, our community, and our nation. May God bless them with many more happy years together.

ANNIVERSARY OF THE SIX ASSURANCES AND THE LIFTING OF MARTIAL LAW IN TAIWAN

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MCCAUL. Mr. Speaker, I rise today to commemorate two important anniversaries that are coming up this July 14th in relation to our close friend and ally: the country of Taiwan.

Since the end of World War II, the United States and Taiwan have fostered a close relationship that has been of enormous strategic and economic benefit to both countries. When the United States shifted diplomatic relations from Taiwan to the People's Republic of China in January 1979, Congress moved quickly to pass the Taiwan Relations Act (TRA) to ensure that the United States would continue its robust engagement with Taiwan in the areas of commerce, culture, and security cooperation. On April 10, 1979, this important and lasting piece of legislation became the ''Law of the Land'' and has since served as the statutory basis for U.S.-Taiwan relations going forward.

After 33 years, the TRA still stands as a model of Congressional leadership in the history of our foreign relations, and, together with the 1982 ''Six Assurances,'' it remains the cornerstone of a very mutually beneficial relationship between the United States and Taiwan.

These ''Six Assurances'' were designed by President Reagan to further clarify U.S. policy toward Taiwan (in particular to the sale of arms to Taiwan,) to reiterate our commitment to Taiwan's security under the TRA and to reaffirm our position on Taiwan's sovereignty. It also stipulated that we would not pressure Taiwan to enter into negotiations with the PRC.

This coming July 14 marks the 30th anniversary of President Reagan issuing said Six Assurances in 1982. It also marks the 25th anniversary of the lifting of martial law in Taiwan in 1987.

Martial law was promulgated in Taiwan on May 19, 1949 by Chiang Kai-shek's Chinese Nationalist government. Its end 38 years later marked the longest imposition of martial law by a regime anywhere in the world. Even after the end of martial law, tight restrictions on the people of Taiwan's freedom of assembly, speech and the press remained in place. Nevertheless, July 14, 1987 set the stage for a momentous process of democratization in Taiwan that continues to this day.

Over the past three decades, Taiwan has remained a trusted ally of the United States that shares with us the ideals of freedom and democracy. However, the people of Taiwan continue to live day after day under the ominous shadow cast by over 1,400 short and medium-range ballistic missiles that the People's Republic of China (PRC) has aimed at them. The PRC persists in claiming Taiwan as a ''renegade province,'' refusing to renounce the use of force to prevent Taiwan's formal de jure independence.

Mr. Speaker, I invite my colleagues to join me in commemorating this July 14 the 30th anniversary of the Six Assurances and the 25th anniversary of the lifting of martial law in Taiwan, to further underline our unwavering commitment to the people of Taiwan and to affirm our support for the strong and deepening relationship between the U.S. and Taiwan.

H. RES. 711, RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND ERIC H. HOLDER, JR., ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. CUMMINGS. Mr. Speaker, the Resolution holding Attorney General Eric H. Holder, Jr. in contempt of Congress and the accompanying report approved by the Committee on Oversight and Government Reform have significant flaws. Although some are simply misleading, others are significant legal deficiencies and factual errors that may call into the question the validity of the Resolution itself. These flaws are described in detail in a document available at http://go.usa.gov/vSU and are hereby incorporated for the record into these remarks.

For example, the Resolution and report would hold the Attorney General in contempt for not producing documents that were never demanded by the Committee's subpoena. The Committee's subpoena was issued on October

11, 2011, and it explicitly demanded documents up to the date it was issued. Documents created after October 11, 2011, clearly fall outside of the scope of the subpoena.

Yet, the Resolution and report would hold the Attorney General in contempt for not producing documents created between October 11, 2011, and December 2, 2011. The Resolution states, ''That Eric H. Holder, Jr., Attorney General of the United States, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena.'' The report explicitly covers documents from the date the Department sent a letter to Senator CHARLES GRASSLEY on February 4, 2011, to the date it formally withdrew that letter on December 2, 2011. The report states that the Attorney General should be held in contempt for not producing documents regarding ''why it took so long for the Department to withdraw the letter.''

Committee Chairman DARRELL E. ISSA reiterated his demand for documents covering this time period before an ''emergency meeting'' of the Rules Committee. When asked about this deficiency, the interpretation he provided of his own subpoena was incorrect. He stated: ''. . . [runs to the end of this Congress].'' In contrast, the text of the subpoena itself states: ''With the exception of paragraphs 4 and 5, the time period covered by this subpoena is from August 1, 2009 to the present, unless otherwise specified.'' Since the subpoena was issued on October 11, 2011, it clearly covered documents only until October 11, 2011. Under the Chairman's interpretation, the subpoena's reference to ''the present'' actually would mean ''the future.''

The Committee's full subpoena is available for review at http://go.usa.gov/wuD and is hereby incorporated for the record into these remarks.

It should come as no surprise that the Resolution and Committee report contain such obvious deficiencies because Republican House leaders rushed to schedule the Floor vote only one week after the Committee voted on a strictly party-line basis to approve them.

HONORING THE 50TH ANNIVERSARY OF TELSTAR

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the 50th Anniversary of the first successful transatlantic television signal between Andover Earth Station, Maine, and Pleumeur-Bodou Telecom Center in Brittany, France, which took place on July 12, 1962.

As a Co-Chair of the Congressional French Caucus, it is often my great honor to commemorate special moments in history that recognize the historical relationship of the United States and France. It is a particular honor to recognize an event that my home State of Maine played a key part of.

Five decades ago, Andover, Maine, and Pleumeur-Bodou, France, were connected for a short 22 minutes. In our digital world, sometimes it is hard to believe how far we have come. But that short bond, less than a half an hour, played a historical role in advancing science and telecommunications forever.

Former Senator Margaret Chase Smith is synonymous with statesmanship across Maine and the United States. How proud Senator Smith, who played an important role in Telstar's success, must have been when the first image shown across the Atlantic Ocean was a live shot of the American flag being held in Andover, Maine.

Because of the unique partnership formed between Maine and France five decades ago, the world saw the potential in space and satellite communication, and in the power of sharing information around the globe.

Mr. Speaker, please join me in recognizing this special occasion.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 413, I was absent due to personal reasons.

Had I been present, I would have voted ''aye.''