

We ask Your blessing upon this assembly and upon all to whom the authority of government is given. Help them to meet their responsibilities during these days, enlightened by Your eternal Spirit.

We gather after celebrating Mother's Day. We thank You for the gift of self modeled by our mothers, who chose to place each of us before themselves in giving birth to us and nurturing us as we grew. May we all earn the pride of our mothers in the service we provide to the benefit of this Nation.

Finally, we take special notice this day, May 15, of National Peace Officers' Memorial Day, of the 163 peace officers who died this past year in the line of duty. We ask that You grant them eternal rest for having paid the ultimate price in protecting us, and give their families consolation in mourning their loss. May they be assured that we as a Nation hold them in our hearts and understand that we will always be indebted to them.

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

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. WOMACK) come forward and lead the House in the Pledge of Allegiance.

Mr. WOMACK 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.

#### NATIONAL DEFENSE AUTHORIZATION ACT

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

Mr. WILSON of South Carolina. Mr. Speaker, last Wednesday, the House Armed Services Committee met to mark up the National Defense Authorization Act for fiscal year 2013. Over the past year, the administration has targeted defense spending to shift to other programs, which destroys jobs.

Chairman BUCK MCKEON has successfully developed a bipartisan bill that will limit shifts. The Department of Defense budget accounts for less than 20 percent of our discretionary spending and does not contribute to our growing national debt. The legislation provides the support our brave servicemembers, military families, and veterans deserve as they dedicate their

lives to defend our freedoms and protect our families from foreign threats.

This week, the House will vote on the National Defense Authorization Act. I urge my colleagues to support this bill and give military families the resources they deserve as they fight to promote peace through strength.

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

#### HAPPY 150TH ANNIVERSARY TO UNITED STATES DEPARTMENT OF AGRICULTURE

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

Mr. SABLAN. Mr. Speaker, I stand today to pay tribute to a great American success story. Today marks the 150th anniversary of the founding of the United States Department of Agriculture.

President Abraham Lincoln founded USDA, as it's commonly called, and directed its focus to advancing America's agriculture industry through science and engineering. Today, our country's advanced system of production agriculture is evidence of how successful we are by being the world leader in food production, conservation innovations, in the development and use of agricultural biotechnology that helps produce biofuels, as well as helping farmers export their products that contribute to our positive balance of agricultural trade.

And so, Mr. Speaker, I pay tribute and extend my personal best wishes to USDA on its 150th anniversary. I also congratulate Secretary Vilsack and all the fine men and women who work or have worked in the Department, and I wish them another 150 years of success.

#### CONGRATULATING KENNAMETAL

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

Mr. WOMACK. Mr. Speaker, I rise today to honor a milestone achievement at Kennametal, a company headquartered in Latrobe, Pennsylvania, with facilities across the country, including one in the Third District of Arkansas.

The employees at the Rogers facility were presented with the Three Million Work Hour Award by the Arkansas Department of Labor, the Arkansas Workers' Compensation Commission, and the Arkansas Insurance Department for, as the name of the award suggests, going 3 million work hours without a lost-time accident.

Kennametal's Rogers, Arkansas, facility was established in 1953. The facility is home to 500 employees who manufacture round tool blanks, energy compacts, substrates, wear parts, pelletizing dies, hard-facing rod, and powdered metal.

Mr. Speaker, 3 million work hours without a lost-time accident is a great

accomplishment. It's a testament to what can be done when a group of employees, however large, share a common vision and come together to work toward that goal. Today, I'm honored to share this accomplishment with the Nation. Congratulations, Kennametal. You deserve it.

□ 1410

#### COMMEMORATING PEACE OFFICERS MEMORIAL DAY

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

Mr. CARNAHAN. Mr. Speaker, today is Peace Officers Memorial Day. Throughout the Nation, and in my home State of Missouri, flags fly at half staff at all our State buildings in honor of the members of our police forces who have reached the ends of their watch, including seven in 2011 and two in 2010.

These men and women gave their lives for their Nation, not on a battlefield with a foreign name, but in our neighborhoods, on streets our children walk. They're heroes, seldom recognized, frequently in danger, always ready to give what Abraham Lincoln called "the last full measure of devotion" to protect and serve our friends, our family, our community.

The peace officers lost in Missouri fell as enforcers of law and as first responders in times of need. We remember them all with an empty spot on the force and hearts full of thanks for their sacrifice and service.

#### MEDIA SPINS JOBS REPORT

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

Mr. SMITH of Texas. Mr. Speaker, according to the American Enterprise Institute, the labor force participation rate has dropped to its lowest level in 30 years. The only reason the unemployment rate fell slightly to 8 percent is because another 522,000 adults quit looking for work and are no longer counted.

Of course, it's no surprise that the liberal national media attempted to spin the numbers. Bloomberg dismissed the lack of new jobs as being a "rounding error." Time magazine described the negative reports as being "statistical noise." The liberal media fed this narrative with misleading statements like the economy is "gaining steam," as The New York Times headlined the news, or that the economy was on a "hiring surge," as the Associated Press claimed.

The liberal media show its bias when it ignores the President's failed promises and failed attempts to create jobs.

Americans are concerned about the lack of jobs and deserve the facts. When will the national media put their responsibility to the people ahead of protecting the President?

EMPLOYING AND FEEDING  
AMERICA

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

Mr. JOHNSON of Ohio. Mr. Speaker, growing up on that two-wheel wagon rut mule farm, I learned firsthand the critical role that America's farmers and ranchers play in our economy. And on the 150th anniversary of the United States Department of Agriculture, we are reminded that the average farmer in the United States feeds more than 150 people worldwide, creating countless jobs along the way.

Just think about where your bowl of cereal, your toast, and your pancakes came from this morning. The grain was planted, raised, harvested and sold, then bought, produced, marketed, and sold to you for your morning meal. Think about all those jobs that originated from one planted seed.

As the world's second largest producer and the largest exporter of agricultural products, a robust agriculture industry is critical to America's economic success. Today, I honor and thank America's farmers and ranchers who feed the world while putting America to work. And I commend the USDA on its anniversary for helping them do so.

COMMUNICATION FROM THE HONORABLE  
DARRELL ISSA, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. BISHOP of Utah) laid before the House the following communication from the Honorable DARRELL ISSA, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 7, 2012.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the District of Columbia, for trial testimony.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DARRELL ISSA,  
Member of Congress.

COMMUNICATION FROM CHAIR OF  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Oversight and Government Reform:

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,

Washington, DC, May 10, 2012.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules

of the House of Representatives that the Committee on Oversight and Government Reform has been served with a subpoena, issued by the United States District Court for the District of Columbia, for documents.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DARRELL ISSA,  
Chairman, Committee on Oversight  
and Government Reform.

COMMUNICATION FROM THE  
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 14, 2012.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol, House of Representa-  
tives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 14, 2012 at 1:34 p.m.:

That the Senate passed without amend-  
ment H.R. 4967.

That the Senate passed S. 418.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1606

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Texas) at 4 o'clock and 6 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

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

Record votes on postponed questions will be taken later.

MOBILE WORKFORCE STATE IN-  
COME TAX SIMPLIFICATION ACT  
OF 2012

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1864) to limit the authority of States to tax certain income of employees for employment duties performed in other States, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 1864

*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 "Mobile Workforce State Income Tax Simplification Act of 2012".

SEC. 2. LIMITATIONS ON STATE WITHHOLDING  
AND TAXATION OF EMPLOYEE IN-  
COME.

(a) IN GENERAL.—No part of the wages or other remuneration earned by an employee who performs employment duties in more than one State shall be subject to income tax in any State other than—

(1) the State of the employee's residence; and

(2) the State within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(b) WAGES OR OTHER REMUNERATION.—Wages or other remuneration earned in any calendar year shall not be subject to State income tax withholding and reporting requirements unless the employee is subject to income tax in such State under subsection (a). Income tax withholding and reporting requirements under subsection (a)(2) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the State during the calendar year.

(c) OPERATING RULES.—For purposes of determining penalties related to an employer's State income tax withholding and reporting requirements—

(1) an employer may rely on an employee's annual determination of the time expected to be spent by such employee in the States in which the employee will perform duties absent—

(A) the employer's actual knowledge of fraud by the employee in making the determination; or

(B) collusion between the employer and the employee to evade tax;

(2) except as provided in paragraph (3), if records are maintained by an employer in the regular course of business that record the location of an employee, such records shall not preclude an employer's ability to rely on an employee's determination under paragraph (1); and

(3) notwithstanding paragraph (2), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee's determination under paragraph (1).

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this Act:

(1) DAY.—

(A) Except as provided in subparagraph (B), an employee is considered present and performing employment duties within a State for a day if the employee performs more of the employee's employment duties within such State than in any other State during a day.

(B) If an employee performs employment duties in a resident State and in only one nonresident State during one day, such employee shall be considered to have performed more of the employee's employment duties in the nonresident State than in the resident State for such day.

(C) For purposes of this paragraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee's performance of employment duties.