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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 28, 2012.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

AFRICAN AMERICAN INVENTORS

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

Mr. WATT. Mr. Speaker, one of the few important accomplishments of the 112th Congress thus far has been the passage of the America Invents Act, a comprehensive reform of the United States patent system which was signed into law by President Barack Obama on September 16, 2011. There's little disagreement that patent reform was long overdue, and even those who voted against the bill recognized how important it was to the American inventor and to American innovation to update and streamline the patent system.

Our country has always respected and admired inventors. As young children, we were taught about famous inventors such as Thomas Edison, Alexander Graham Bell, Henry Ford, and many others. Frequently overlooked in the discussion of important inventors, however, have been the accomplishments of African American inventors. Until this year's publication of the children's book, ''What Color is My World? The Lost History of African-American Inventors'' by basketball legend Kareem Abdul-Jabbar, we've done little to teach children about the outstanding contributions African American inventors have made to innovation.

I therefore would like to use this time during Black History Month to pay tribute to some of the many, many contributions African American inventors have made. I'm not the first Member of this body to take to the floor of the House to acknowledge the long legacy of inventiveness in the African American community. On August 10, 1894, Representative George Washington Murray, the only African American in the House of Representatives at the time and himself the holder of eight patents on agricultural implements, read the names of 92 African Americans who held patents and described the inventions on the House floor.

Had time allowed, Representative Murray would likely have highlighted the achievements of even more patent holders—inventors such as Thomas L. Jennings, a free person of color and one of the earliest African Americans to patent an invention, who in 1821 was awarded a patent for developing an early drycleaning process to remove dirt and grease from clothing. Or James Forten, another freeborn man who invented a contraption to handle the sails on a sailboat. Or Judy W. Reed, the first known woman of color to receive a patent, who created an improved dough kneader and roller. Or Henry Blair, an inventor who received utility patents on a seed and cotton planter.

If Representative Murray had continued to be a Member of Congress, he would, no doubt, have come to the floor of the House many more times to brag about African American inventors and to acknowledge the major significance of their inventions. He would have reported that by the year 1900, African Americans had patented 357 inventions. And I'm certain that he would have been especially moved to share with this body that by the early to mid-20th century, African American inventors had obtained patents for innovations in countless industries, including medical, chemical, aviation, automotive, grocery, cosmetic, and apparel.

For example, Garrett Morgan invented the gas mask to protect firemen and other rescuers from breathing smoke and poisonous gas when entering dangerous fires and other situations, and he was also awarded a patent for the three-way electric traffic signal. Charles Drew created a method to mass-produce blood plasma, which led to the formation of blood banks to store plasma for victims of life-threatening emergencies. Unfortunately, he bled to death following an automobile accident which occurred in my native State of North Carolina, and his injuries were too severe for the process he invented to be used to save his life.

Frederick McKinley Jones was the first African American member of the American Society of Refrigeration Engineers. He developed a means to refrigerate perishables being transported long distances. Jack Johnson, who was best known as the great African American boxer, received two patents: one for an improvement to the monkey wrench and the other for a theft prevention device for vehicles. I suspect

that my good friend and our colleague Representative DARRELL ISSA might be surprised to learn that Jack Johnson, an African American inventor, developed a device to prevent people from stealing cars long before Representative ISSA got into the business.

I encourage my colleagues to look at the books on African American invention.

Mr. Speaker, one of the few important accomplishments of the 111th Congress thus far has been the passage of H.R. 1249, the ''America Invents Act,'' a comprehensive reform of the United States patent system which was signed into law by President Barack Obama on September 16, 2011. H.R. 1249 authorized the transition from a first-to-invent process to a first-to-file process for obtaining a patent, expanded the prior user rights defense and addressed to some extent (although not to my satisfaction) the diversion of fees collected by the Patent and Trademark Office to the general fund. There is little disagreement that patent reform was long overdue and even those who voted against H.R. 1249 recognized how important it was to the American inventor and to American innovation to update and streamline the patent system.

Our country has always respected and admired inventors. As young children we were taught about famous inventors such as Thomas Edison, Alexander Graham Bell, Henry Ford and many others. Frequently overlooked in discussions of important inventors, however, have been the accomplishments of African-American inventors. Until this year's publication of the children's book, What Color is My World?: The Lost History of African American Inventors, by basketball legend Kareem Abdul-Jabbar, we've done little to teach children about the outstanding contributions African-American inventors have made to innovation. I would, therefore, like to use this time during Black History Month to pay tribute to some of the many, many contributions African-American inventors have made.

I am not the first member of this body to take to the floor of this House to acknowledge the long legacy of inventiveness in the African-American community. On August 10, 1894, Rep. George Washington Murray, the only African-American in the House of Representatives at that time and himself the holder of eight patents on agricultural implements, read the names of ninety-two African-Americans who held patents and described their inventions on the House floor. Had time allowed, Rep. Murray would likely have highlighted the achievements of even more patent holders, inventors such as: Thomas L. Jennings (1791–1859), a free person of color and one of the earliest African-Americans to patent an invention, who in 1821 was awarded a patent for developing an early dry-cleaning process to remove dirt and grease from clothing; James Forten, another free born man who invented a contraption to handle the sails on a sail boat; Judy W. Reed (the first known woman of color to receive a patent), who created an improved dough kneader and roller; and Henry Blair, an inventor who received utility patents on a seed and cotton planter.

If Rep. Murray had continued to be a member of Congress he would no doubt have come to the floor of the House many more times to brag about African-American inventors and to acknowledge the major significance of their inventions. He would have reported that by the year 1900 African-Americans had patented 357 inventions. And I am certain that he would have been especially moved to share with this body that by the early to mid-twentieth century, African-American inventors had obtained patents for innovations in countless industries, including medical, chemical, aviation, automotive, grocery, cosmetics and apparel. For example:

Garrett Morgan (1877–1963) invented the gas mask to protect fireman and other rescuers from breathing smoke and poisonous gas when entering dangerous fires and other situations and he was also awarded a patent for the three-way electric traffic signal.

Charles Drew (1904–1950) created a method to mass-produce blood plasma which led to the formation of blood banks to store plasma for victims of life-threatening emergencies. Unfortunately, he bled to death following an automobile accident which occurred in my native state of North Carolina and his injuries were too severe for the process he invented to be used to save his life.

Frederick McKinley Jones (1893–1961) was the first African-American member of the American Society of Refrigeration Engineers. He developed a means to refrigerate perishables being transported long distances.

Jack Johnson (1878–1946), best known as the great African-American boxer, received two patents, one for an improvement to the monkey wrench and the other for a theft-prevention device for vehicles. I suspect that my good friend and our colleague Rep. Darrell Issa might be surprised to learn that Jack Johnson, an African-American inventor, developed a device to prevent people from stealing cars long before Rep. ISSA got into the business.

Norbert Rillieux (1806–1894) invented a sugar processing evaporator that provided a safer, cheaper, and easier way of evaporating sugar cane juice and made the refinement of sugar more efficient. It is still used for the production of sugar, gelatin, condensed milk and glue, among other things.

Annie Minerva Turnbo Malone (1869–1957) was the first African-American beauty entrepreneur to manufacture a line of beauty products for African-American women. In the late 1800s and the early 1900s she manufactured and sold her products door-to-door. Mme. C.J. Walker, who is often credited with starting the African-American beauty business, was actually one of her sales agents.

Dr. Lloyd Augustus Hall (1894–1971), a pioneer in the area of food chemistry, developed preservative chemicals that were used to keep food fresh without sacrificing flavor. In the 1930s he introduced ''flash-dried'' salt crystals that revolutionized the meat packing industry.

Percy Lavon Julian (1899–1975) developed synthetic cortisone, which provided cheaper relief from rheumatoid arthritis. In 1954 he founded Julian Laboratories to research steroids and in 1961 he sold his company to Smith, Kline and French.

By the start of the 21st century and on into the present day, African-Americans have also been awarded patents in many other categories, including the technology and engineering fields. For instance:

Dr. Mark Dean holds more than twenty domestic patents and was a key developer of computer architecture for IBM.

Dr. George H. Simmons obtained a patent for creating a fiber-optic extension of an optic local area network and another for designing a system to eliminate the unwanted pulses in a dial pulse stream on telephones.

Dr. James E. West is the well-regarded co-inventor of foil-electret transducers, which are the devices used to change sound into electrical signals and are used in items such as lapel microphones, hearing aids and portable tape recorders.

Lonnie Johnson invented the popular ''Super Soaker'' water gun.

I could go on ad infinitum about these and countless other examples of African-American ingenuity, but my time is limited. So I will instead encourage you to investigate for yourselves and learn more about the unique role that African-American inventors have played in the rich history of American inventiveness. For that purpose I direct you to an outstanding book called The Inventive Spirit of African Americans by Patricia Carter Sluby which details the many examples I have discussed, as well as many other outstanding innovations and patents by African-Americans. It is probably the most thorough and best researched and written history of African-American inventiveness available today. I also direct my colleagues to Kareem Abdul Jabbar's recent book written especially for children, entitled What Color is My World?: The Lost History of African-American Inventors. I commend these resources to my colleagues as we honor the exemplary achievements of African-Americans during Black History Month and throughout the year.

WE NEED TO MOVE TOWARD ENERGY INDEPENDENCE

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

Mr. BURTON of Indiana. Mr. Speaker, I watched the President on television the other night defending his energy policy, and he said, ''The Republicans say drill, drill, drill, baby, but that's not the answer.''

The fact is that the people of this country are suffering under severe energy prices that are rising at a rapid rate. Everything that we buy is affected by energy prices. I went to the store the other day to buy some apples and some tomatoes. We got three tomatoes for $5, and I think we got four apples for $5. Now, the reason those prices are going up so rapidly is because when you transport those across the country, or you use energy to produce those products, it costs more.

If you talk to the guys that drive these tractor-trailer units, they'll tell you how expensive it is to transport goods and services, clothes, food, and everything else that we buy. So we really need to move toward energy independence.

Now, the administration has had the ability to help other countries explore for oil. We sent I think $2 billion or $3 billion down to Brazil for deepwater drilling, but we cut back on the permits that we could get to drill in the Gulf of Mexico. Because of the environmental ''nut cases,'' as I call them, the President has restricted the ability of the American energy sector to drill for

oil in the gulf. We cannot drill for oil in the ANWR in Alaska. I've been up there and talked to the gentleman who represents Alaska in the Congress, DON YOUNG. He'll tell you there's nothing up there that's going to be damaged if we drill, and besides that, you can do it in an environmentally safe way. But we can't drill offshore because they've limited permits. The President is now saying he'll allow some permits, but they are very minimal.

□ 1010

We can't drill on the Continental Shelf. We can't drill in the ANWR. We can't do anything to explore really for additional energy. We have probably a couple hundred years' supply of natural gas that we can drill for and use the fracking procedure, but a lot of the environmentalists are trying to stop that as well.

Our dependency on the Middle East is unbelievable. There's a potential for a major war over there because of Iran's nuclear development program, and we continue to depend on energy from that Persian Gulf area, from the Saudis. They're using a lot of our money to support Wahhabism and the madrassas over there that create radical Islam. So we need to move away from dependency on foreign oil.

In South America, President Chavez in Venezuela—who doesn't like us—is working with Tehran. He's selling his oil to China, and yet we buy an awful lot of our oil from him because we're dependent on him. We need to move toward energy independence.

The President will not allow the gulf pipeline, the pipeline from Canada down to Texas, because of environmental concerns. That's been looked at for 3 years. There's other ways around the potential problem, but he won't let it happen because of environmentalists, the radicals.

Now, we can depend in the future, to a degree, on wind, solar, geothermal, and nuclear, but that's going to take a long time. Even if we use all of those technologies today, it will only be a drop in the bucket as far as our energy needs are concerned. You know who's demanding more and more energy all the time? China and India buy thousands and thousands of barrels of oil a day, so that oil that's coming out of other parts of the world is going to be gobbled up more and more and more by China and India. We need to move to energy independence.

The President says, oh, you know, we can't solve the problem by drilling. The fact is we can. There's a lot of things we can do: the pipeline from Canada, drill offshore, drill in the gulf, drill in the Continental Shelf, use more natural gas, do away with all the regulations that are strangling the private sector as far as energy development. So what does he want to do? He says we've got to raise taxes on energy exploration, on the oil companies. That's going to be passed on to the consumer in higher prices.

This administration, nice guy, good smile, gives a great speech, but he's not solving our problems, and our dependency continues to increase on foreign energy. We need to move toward energy independence, and we need to do it now and not wait until after the election.

CORPORATE PERSONHOOD

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

Mr. BLUMENAUER. Mr. Speaker, it's interesting listening to the fantasy Republican talking points. The fact is we are now drilling more oil in the United States than ever before. The inconvenient facts get in the way of political talking points. But what is not a fantasy is what is happening on the political screen.

In the final 3 months of 2011, the campaign to reelect President Obama and the Democratic National Committee raised $68 million, an impressive sum, all the more impressive because it was donated by 583,000 Americans who gave an average of $55 each. But earlier this month, at a retreat at the exclusive Renaissance Esmeralda Resort in southern California, the conservative billionaire Koch brothers said they would donate a combined $60 million to super PACs to defeat President Obama. Two billionaire brothers with opinions radically at variance with most of America are poised to cancel out the efforts of half a million American citizens.

To understand this gross perversion of the political process, we don't have to wait for the general election and the avalanche of negative campaign ads against the President. We can look right now at the primary election for the Republican Presidential nomination, where we've seen a handful of billionaires and their super PACs outspend all the Republican candidates and help turn that contest into a circus.

The sad reality is that the super PACs have shaped the political campaign more than the candidates. That's the world we live in since the Supreme Court's tragic decision in Citizens United, which overturned a century of settled law and opened this floodgate of unlimited campaign spending, drowning out small donors and individuals that most of us learned in school were the cornerstone of our democracy. This Supreme Court ruling was based on the perverse idea that the Court's out-of-touch majority somehow felt corporations should enjoy the same constitutional rights as people. This threatens the integrity of the political process, not just from the appearance of corruption, but actually, blatantly, distorting the process.

As companies and sham independent organizations that are actually run by candidates' friends and employees blanket the airwaves with an avalanche of vicious negative advertising, now somehow they are protected under a First Amendment right of free speech which would be beyond the comprehension of our Founding Fathers. Mitt Romney may believe that corporations are people, but do the rest of us need a comedian like Steven Colbert to remind us that only people are people?

There's an outside chance of relief from a century-old Montana law banning corporate corruption in their political landscape, which was passed after the most egregious and well-documented abuse in Montana. A case about this law would provide the Supreme Court a lifeline to climb down from the precarious and dangerous constitutional ledge, a ledge that they have not only crawled out onto, but they dragged the American people and the political process with them with their Citizens United decision.

There's a chance that the Supreme Court will use this Montana law to reestablish the basic parameters protecting the political process from the corruption of vast sums of unregulated corporate money. But in the meantime, it's important that we advance a constitutional amendment that would eliminate the notion of corporate personhood, explicitly stating that the rights of natural persons may only be afforded to real people, not corporations.

As we work to overturn Citizens United and ban corporate personhood, people should not have to wait to judge whether a candidate is representing the public or representing their benefactors. We should pass the DISCLOSE Act, H.R. 4010, to require political spending by corporations and individuals to be fully transparent. We should be unstinting in other efforts in the regulatory and legal process to make sure that shareholders of corporations have an opportunity to at least know, and maybe even have a say, about what the corporations that they are supposed to own are doing on their behalf. We should support H.R. 1404, the Fair Elections Now Act, to promote public campaign financing to ensure the public's voice is not drowned out by moneyed special interests.

The Supreme Court's decision on Citizens United was based on fantasy, the fantasy that vast sums of money from hidden special interest are not inherently corrupted; the fantasy that corporations should be afforded all the rights of citizens; the fantasy that super PACs run by individuals who are the closest allies, friends, and employees of candidates are somehow independent.

What is not a fantasy is what we see right now on the political landscape, the terrifying effect of super PACs and the flood of money hopelessly distorting the campaigns. We should all fight to change it.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, today the Republicans held a conference—the Democrats do the same thing during the week, talk about issues—and I had a couple of minutes to remind our Speaker of the House, JOHN BOEHNER, whom I like, think the world of him, that as he was talking about the domestic policies of the President and how many of them seem to be failed policies, I said, well, how about the failed policy in Afghanistan?

I had written the Speaker back in November asking him to please take just a few minutes to talk to a retired marine general who has been my adviser on Afghanistan for 3 years. He agrees with me, the general does, that we're not going to win anything there; we just let our precious resources, our children, go there and lose their legs and lives, for what, we don't know.

I asked the Speaker—we did it in a bipartisan way. In fact, the gentleman from Tennessee (Mr. DUNCAN), who will be speaking shortly after me, we did a bipartisan letter, three Democrats and three Republicans, asking Mr. BOEHNER and also Ms. PELOSI to go read the National Intelligence Estimate on Afghanistan that came out in December.

□ 1020

If they would read it, they would be better informed and better understand those of us who want to get out.

I had emailed the commandant of the Marine Corps who has been my adviser. He is retired now. Right before the burning of the Koran in Afghanistan—what I'm going to share for the record is an email that happened before the burning of the Koran. I quote the general:

Attempting to find a true military and political answer to the problems in Afghanistan would take decades, not years, and drain our Nation of precious resources—with the most precious being our sons and daughters.

Simply put, the United States cannot solve the Afghan problem, no matter how brave and determined our troops are. We need to bring our people home and prepare for the real danger that is growing in the Pacific.

Mr. Speaker, I read that today in the conference. As you know, Mr. Speaker, we only have 1 minute and a lot of Members want to speak on different subjects. In addition, I did get time to read from a VSO team leader. The VSO team leader happens to be a young marine officer. VSO means village stability operation. This young marine, this team leader, emailed a friend of mine who emailed to me:

If you ask me if it's worth a single American life to build governance here in Afghanistan, I would have to say no.

Sometimes it is very perplexing to me in terms of just where is the outrage in this country. I've seen so many wounded from my district of Camp Lejeune, of marines and soldiers who have lost legs and arms. I have even seen four young men that have no body parts below their waist. They are living and they will live, but they have nothing below their waist.

I don't know where the Congress is, quite frankly. We're going to be there until 2014 unless we get out sooner. I've got a feeling we'll probably be there a little bit longer than 2015, knowing the way both parties feel about this. There's nothing we're going to change. Karzai half the time doesn't like us; the other half he does. It is all about the $10 billion a month. He wants that money to buy some roads and fur caps and stick some money in foreign countries so when his administration collapses in Afghanistan, he's got some money to fall back on.

Mr. Speaker, I'm just going to take another minute and then I'm going to close.

In Marine Times recently there was an article called: ''TriCare Costs Would Jump in Budget Plan.'' If we forget our veterans of yesterday and our veterans of today, I think God will punish America. These young men and women and now the older veterans are older men and women and did so much for America to make it the greatest Nation in the world because they were willing to sacrifice and give of themselves. But if we're going to continue to borrow money from China to send $10 billion a month to Karzai, $120 billion a year, that to me is a sin, quite frankly.

We need to wake up in this country and figure out if we're going to fix our problems. We should start right here in America and fix our problems before we worry about the world's problems. Seventy-two of our servicepeople have been killed by the trainees in Afghanistan that they were trying to train to be policemen or soldiers. Seventy-two have been shot or killed by the people they were training. Where in the world does that make any sense? It doesn't make any sense. It is time for America to wake up and demand that Congress get our troops out now, not in 2014.

Before I close, as I always do, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate, that we will do what is right in the eyes of God for His people here in the United States of America. I ask God to please bless the President of the United States, that he will do what is right in the eyes of God for God's people here in the United States.

And I close three times: God, please, God, please, God, please continue to bless America.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 10, 2012.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
Democratic Leader, The Capitol, Washington, DC.

DEAR MR. SPEAKER AND DEMOCRATIC LEADER: I would like to bring your attention to Lieutenant Colonel Daniel Davis' recent assessment of the situation in Afghanistan that was published in the New York Times on February 6, 2012 (attached). It is vastly different than the one that the U. S. Congress has been receiving from the Obama Administration. Many of us have read the National Intelligence Estimate (NIE) for December 2011 and found it supports Lieutenant Colonel Davis' analysis. We encourage you to read the NIE as well.

Therefore, we think that Lieutenant Davis' analysis merits attention by the relevant committees of jurisdiction in the U. S. House of Representatives and we respectfully request that you encourage the relevant Chairmen to hold hearings as soon as possible and invite Lieutenant Colonel Davis to be a witness. As we withdraw from Afghanistan, it is vital that the Congress hear another perspective from what we have heard for over ten years. Thank you for your careful consideration of our request.

Sincerely,

WALTER B. JONES,
Member of Congress.
JIMMY DUNCAN,
Member Congress.
JIM MCGOVERN,
Member of Congress.
JOHN GARAMENDI,
Member of Congress.
TIMOTHY V. JOHNSON,
Member of Congress.
BARBARA LEE,
Member of Congress.

WOMEN'S HEALTH IN THE TWILIGHT ZONE

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

Ms. MOORE. Mr. Speaker, lately, I along with many other women have felt like we're a mere supporting cast in an episode of ''The Twilight Zone.'' I can just hear the narration of the show saying:

You're traveling through another dimension, a dimension not only of sight and sound, but of mind. That is the signpost up ahead: Your next stop, the Twilight Zone.

The rhetoric espoused over the last few weeks by many conservatives has me feeling as if I'm in an alternative political universe where men say the most oddly absurd things about what women should be doing with their bodies. In this universe, the House Committee on Government Oversight and Reform holds hearings on women's health and contraception with a panel made up completely of men.

This may seem odd to you folks out there in the real world; but in this alternate reality, it makes perfectly good sense that a bunch of middle-aged men, devoid of ovaries and uteruses, would be experts on women's reproductive health. In this alternate universe, you wouldn't dare ask a woman to testify on women's health and what it means to be a woman. You wouldn't invite them to talk about what it means to be susceptible to pregnancy for approximately 30 years of their lives and how important birth control is to women who wish to prevent unintended pregnancies and to preserve their health. You surely wouldn't ask a woman to testify about how birth control has helped them prevent various

diseases or manage diseases like endometriosis.

While it would be nice to believe we're in the twilight zone, the recent ploys of Republicans against women's health are all frighteningly too real. In reality, this hearing did take place with the House Government Oversight and Reform Committee blocking the testimony of women, women like Georgetown University law student Sandra Fluke, who later testified during a special hearing convened by Democratic Minority Leader NANCY PELOSI of a fellow female student at Georgetown University who had been denied contraception coverage because of the university's Catholic affiliation. Her friend experienced complications stemming from ovarian cysts that could have been treated with birth control. Sadly, due to nontreatment, doctors eventually were forced to remove her ovary.

There are so many stories just like this that need to be told; but, sadly, you won't hear them on Capitol Hill if my Republican colleagues in the majority have anything to do with it. They are too busy silencing women's voices on these very critical issues.

What if there was a hearing held on access to Viagra or vasectomies with a panel of experts being a group of six women? Could you imagine the outrage if women were allowed to legislate what happens to men's bodies? The horror.

Ladies and gentlemen, Mr. Speaker, this twilight zone is real. This attack on women's health is real, but the battle is not over. We cannot and will not allow a few to silence the voices of millions of women across this country. We must continue to stand up for women and their reproductive health.

LEAVE AFGHANISTAN

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

Mr. DUNCAN of Tennessee. Mr. Speaker, I voted to go to war in Afghanistan, but I did not vote for a forever, permanent war that has now lasted almost three times as long as World War II. We should have ended our involvement in Afghanistan many years ago, and many young American lives would have been saved.

The first war against Iraq and Kuwait lasted just 7 months. With the recent killings of four more Americans and with massive anti-American demonstrations being conducted by hundreds of thousands of Afghani citizens, we need to greatly speed up our withdrawal. We need to leave Afghanistan the sooner the better.

We've spent hundreds of billions there over the last decade, a great amount of which has really been just pure foreign aid. We've built schools and medical facilities and helped their farmers. We have trained their police and military and have had thousands of Afghanis on our payroll.

□ 1030

We've had to borrow approximately 41 percent of all of these mega-billions we have spent to help the Afghan people. No country has done nearly as much, Mr. Speaker, for another country in the entire history of the world as we have done for Afghanistan.

Now, the people there have made it very clear that they do not appreciate what we have done for them. In fact, not only are they ungrateful, but they are showing, through their actions, that they have anger or even hatred toward us. We should stop spending all these billions of taxpayer dollars just as soon as we possibly can.

I did not criticize President Obama when he apologized for the burning of the Korans. However, I did not think it was something that rose to the level that required a Presidential apology. Some person or persons made a mistake in burning the Korans. They should have apologized, or the commander of the Air Force base, or perhaps our Ambassador.

However now, where is the apology from the Afghan leadership about the Americans who have been killed or for all of the hatred and anger directed toward our country? Where is the gratitude for all that America and Americans have done for the Afghan people over the last 10 or 11 years?

We have a national debt of over $15 trillion that is headed far higher at a more rapid rate than ever before. It is far past the time that we should have been taking care of our own country and putting our own citizens first.

We need to let the Afghan people run Afghanistan, and we need to stop trying to be everything to everybody all over the world. We simply cannot afford it, and we are jeopardizing the future of ourselves, our children, and our grandchildren if we continue trying to run the whole world.

RECESS

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

Accordingly (at 10 o'clock and 31 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Adam McHugh, Vitas Hospice Center, Covina, California, offered the following prayer:

Gracious God, we acknowledge and praise You on this day that You have made.

We are reminded that all power and authority ultimately come from You. We do not wield our own power, but we are stewards who have been entrusted with a greater power.

May the work that is done today in the Halls of the powerful be done on behalf of the powerless. Would You open our ears to listen to the needs and the cries of those who are seldom heard. May the strong voices today speak out for the sake of those with no voice.

Would You grant our leaders courage and wisdom to do what is right, and would You pour out on them a spirit of peace, love, kindness, and gentleness.

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 Virginia (Mr. CONNOLLY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONNOLLY of Virginia 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.

RESIGNATION AS PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, February 28, 2012.

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

DEAR MR. SPEAKER: As you know, the skill and dedication of the team with whom I serve in the Office of the Parliamentarian and the Office of Compilation of Precedents are unsurpassed. In my judgment they are ready to continue their commitment to excellence in the procedural practice of the House without me. I appreciate your allowing me to lead the office to this juncture. Please now accept my resignation effective March 31, 2012.

I am grateful to you and your predecessors, Mr. Speaker, for supporting the exercise of independent professional judgment by your parliamentarians. It is a credit to the House that its presiding officers shed their partisan cloaks and follow our considered advice.

It has been my honor to serve in the Office of the Parliamentarian for 25 years. To whatever extent I have made good of the opportunity, I credit the steady support of my wife, Nancy Sands Sullivan, and the inspiration of our children, Michael, Margaret, and Matthew.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

APPOINTMENT AS PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Pursuant to section 287(a) of title 2, United States Code, the Chair appoints Thomas J. Wickham, Jr., as Parliamentarian of the House of Representatives to succeed John V. Sullivan, resigned.

WELCOMING REVEREND ADAM McHUGH

The SPEAKER. Without objection, the gentleman from California (Mr. DREIER) is recognized for 1 minute.

There was no objection.

Mr. DREIER. Mr. Speaker, let me first extend my congratulations to John Sullivan for his extraordinary service to this institution over the last quarter century. We're going to have a chance to talk about one of the greatest, most incisive minds in this place—and the bar is not too high for that. He has been extraordinary. I want to congratulate Mr. Wickham as well, Mr. Speaker.

With that, I rise to say, on the 28th of June 1787, Benjamin Franklin, in the midst of the Constitutional Convention, said that they should call on the assistance of Heaven and have a prayer every day as the assembly began. That's a tradition that continues today, and it's one that has just been utilized by Reverend Adam McHugh, who is a very, very capable and thoughtful guy, who is from Upland, California. He is a prolific writer as well as serving as chaplain at the Vitas Hospice Center in Covina, California.

I've got to say also, Mr. Speaker, that I believe that we are making history here in that both the Chaplain of the United States House of Representatives—our dear friend, Father Patrick Conroy—and Reverend McHugh and Reverend McHugh's wife, Lindsay, and I are all graduates of a very small institution just to the east of Los Angeles known as Claremont McKenna College.

I believe that hearing from Reverend McHugh was wonderful, and I have a copy of his book that he has just given me here. I would like to enter into the RECORD, Mr. Speaker, a list of the publications that he has put forward and to say that he has one coming next year. We all look forward to that, and I hope I get an autographed copy of that one as well.

PUBLICATIONS

BOOKS

Introverts in the Church: Finding Our Place in an Extroverted Culture (InterVarsity Press, 2009)

The Listening Life (InterVarsity Press, 2013)

ARTICLES

''Profile of Father Patrick Conroy, Chaplain of the U.S. House,'' CMC Magazine, November '11.

''Hospitality for Those Who Would Rather Stay 'In','' Conversations Journal, December 2011.

''The Introverted Leader,'' Leadership Journal, August 2011.

''The Phases of Writing,'' The Ooze, June 2011

''A Mere Lump of Humanity?'' Internet Monk, June 2011

''Why Pastors Should Get Their Heads Examined.'' Patheos, May 2011

''The Introvert Brand,'' Patheos, March '11

''Why Most Pastors Won't Tell the Truth.'' Church Leaders, Mar '11

''The Writer as Madman and Mystic,'' Crosswalk, Dec '10

''Are Happy Churchgoers Good News? The Washington Post, Dec '10

A Counter-Cultural Quiet in Advent,'' Patheos Dec '10

''Meals that Change Your Life,'' Relevant Magazine Nov '10

''Introverts in Evangelical America,'' The Washington Post Sept '10

''Conversations with the Saints,'' Patheos Aug '10

''The Ancient Art of Listening,'' Patheos June '10

''Can Introverts Thrive in the Church?'' Catalyst Space May '10

''Introverts in the Church,'' Ministry Today, January '10

''Can Introverts Lead? Breaking Down Stereotypes,'' The Christian Century Nov '09

SPEAKING HIGHLIGHTS

Westmont College Chapel, Santa Barbara, CA, April 2012.

Laity Lodge, Kearney, TX, July 2011.

Glenkirk Church, Glendora, CA, March 2011.

Irvine Presbyterian Church, Irvine, CA, September 2010.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HONORING MR. TROPHY

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

Mr. FLEISCHMANN. Madam Speaker, I rise today to honor a small business in my district, a business I was proud to give an Economic Excellence Award to last week.

Mr. Trophy, based in Red Bank, Tennessee, is a great small business which embodies the American values of hard work and success. Founded in 1972, Mr. Trophy is still a family business. It is currently owned by Dorris Prevou and is managed by her daughter Linda Herrmann.

A staple of the Chattanooga community, Mr. Trophy is well-known for both customer service and community involvement. Mr. Trophy has designed trophies, plaques, and custom awards for over 40 years, creating jobs while often weathering difficult times. Having run a business with my wife for 24 years, I can understand the challenges that have faced Mr. Trophy along the way.

Not only has Mr. Trophy met these challenges, but they have found success with their business and have become a pillar of their community. I hope that you will join me in honoring Mr. Trophy for their well-earned Economic Excellence Award.

PASS H.R. 3826 AND PROTECT COLLEGE AFFORDABILITY

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

Mr. COURTNEY. Madam Speaker, 124 days. That's how many days between today and July 1 when the interest rates for the Stafford Student Loan program are going to double from 3.4 percent to 6.8 percent unless Congress acts. I, Congressman PETERS, and Senator JACK REED in the Senate have filed legislation to lock in those rates at 3.4 percent. This Chamber must act.

Today, student loan debt now exceeds credit card debt in the United States of America—a milestone which is a disaster and a formula for failure in this country. We have fallen from number one in the world in terms of graduation rates to number 12, which is a threat in terms of our future economic vitality.

As young people will be all across this Capitol over the next 2 months or so, I hope Members of Congress will look those kids in the eyes and will do the right thing to protect college affordability. Pass H.R. 3826.

SOARING GAS PRICES

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

Mr. SAM JOHNSON of Texas. For 21 days in a row, gas prices have risen to average now $3.70 per gallon—a 30-cent increase in only 1 month. At this rate, Americans could be forking over four bucks for a gallon of gas in no time. That's insane.

American families and businesses are already struggling in this economy, so I'm calling on the IRS to provide relief for businesses by increasing the standard mileage rate like it did after Hurricane Katrina and again in 2005 and 2011. With gas prices rising higher and faster than ever, the administration and Congress need to take action now: beginning with the Keystone XL pipeline, estimated to bring 830,000 barrels of oil every day to U.S. refineries, and Keystone would create nearly 20,000 new American jobs.

Let's pursue a real all-of-the-above energy strategy, and let's give Americans the security and relief that they want, need, and deserve.

□ 1210

PREVENT CLOSING POSTAL FACILITIES

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

Mr. HIGGINS. Madam Speaker, like many Members of our body, I represent a community with a postal facility that has been slated for closure. In Buffalo, 700 workers stand to lose their

jobs if the United States Postal Service goes forward with the closure of the William Street mail processing facility. The good news is there is legislation that could have an immediate impact.

My friend and colleague, Representative STEVE LYNCH, has introduced H.R. 1351, which would recalculate the Postal Service's pension funding, easing the budget strains that necessitate this drastic facility closure proposal. Last week I sent a letter, along with my western New York colleagues, Representative LOUISE SLAUGHTER and Representative KATHY HOCHUL, urging Republican leadership to bring this bill to the floor for immediate consideration. Madam Speaker, this legislation is bipartisan and currently has 228 cosponsors, more than half the House.

Though broader reforms will be needed, this bill is what will keep the Postal Service afloat in the short term. It's time for Congress to step up, put aside politics, and do what's right for small business, working families, and postal customers nationwide.

FLORIDA KEYS OUTREACH COALITION CELEBRATES 20TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I'm so pleased to recognize the 20th anniversary of the Florida Keys Outreach Coalition.

For 20 years, Reverend Stephen Braddock and the Florida Keys Outreach Coalition have worked to empower individuals and families, assisting them in reaching their full potential by providing the resources and support they need to become self-sufficient.

In its mission to, very simply, eliminate homelessness in the Keys, Monroe County, the Florida Keys Outreach Coalition has become a model human services organization in reaching this goal. Its goal has become a reality for many families who have transitioned from homelessness into permanent housing.

I've had the great privilege of seeing their work firsthand, and it is nothing short of inspirational. I've witnessed the effectiveness of their outreach efforts, and I have seen the benefits of their emergency shelter and transitional housing programs.

I applaud everyone at the Florida Keys Outreach Coalition for their selfless efforts as they strive to better the future for the homeless. Thank you for 20 years of service to our south Florida community.

OSCAR COULD HAVE GONE TO THE HOUSE

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

Mr. CONNOLLY of Virginia. Madam Speaker, a silent movie won this year's Oscar for Best Picture. That award just as easily could have gone here to the House, because the House Republicans continue to be silent on job creation and seem intent on dragging America back to 1929 when the last silent film won the Oscar.

When Republicans recently held a hearing on contraception, they did their best to silence female voices, inviting five men and zero women to testify on the topic of female reproductive health.

Since they gained the majority, House Republicans have been painfully silent about actually creating jobs. In 2011, they voted for a budget that would have cut 700,000 of them. This year, they proposed a transportation bill that would cut another 550,000 of them. As Americans ask for real job proposals, Republicans remain silent.

It's time that someone actually started speaking up for the American people. Despite 23 straight months of job growth, there are still almost 8 million people trying to reenter the workforce. Unlike this year's Best Picture winner, this continued silent treatment from the Republican majority offers Americans no entertainment and, sadly, no employment.

FOSTERING JOB GROWTH

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

Ms. FOXX. Madam Speaker, my colleague from Virginia needs to redirect his comments about silent response to the Democrat-controlled Senate, the party of which he is a member. Fostering job growth for the American people continues to be the number one job for House Republicans, and we have a record to prove it.

With unemployment and underemployment at above 15 percent for the past 36 months, the Obama economy continues to produce the Nation's worst jobless record since the Great Depression. So far, by following the House Republican Plan for America's Job Creators, the House passed more than 30 bipartisan jobs bills on behalf of the American people.

Each of these bills is aimed at unleashing the power of our private sector to freely and confidently build, invest, innovate, and expand again—and put millions of Americans back to work. Unfortunately, the vast majority of these bipartisan House-passed jobs bills are being ignored or blocked in the Democrat-controlled Senate.

The American people are tired of waiting. It's time for Democrats in the Senate and the White House to put politics aside and pass these jobs bills.

COMMENDING JEREMY LIN

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

Mr. FALEOMAVAEGA. Madam Speaker, Linsanity is here with us today. On behalf of over 18 million Asian Pacific Americans, and as a member of the Asian Pacific Congressional Caucus, I rise today to commend rising NBA star Jeremy Lin.

A son of immigrants from Taiwan and the first American NBA player of Chinese or Taiwanese ancestry, Jeremy is the first, first Harvard—economics major, 4.0 GPA—graduate to play for the league since the 1950s. Since playing as the Knicks' point guard, he has scored the highest point total in his first five games—136 points—for any player since the 1970s.

In the history of Asian Pacific American participation in the NBA, Japanese American Wataru Misaka broke the color barrier when he played for the Knicks in the 1940s. Following Misaka, we have Japanese American Rex Walters; Filipino American Raymond Townsend; Samoan American Wally Aliifua Rank; and, currently, Samoan American James Johnson, who plays for the Toronto Raptors; and Hawaiian American Jason Kapono, who now plays for the L.A. Lakers.

Along with these pioneers, Jeremy Lin's rise to international stardom has broken ethnic stereotypes in our society.

I commend Jeremy for this tremendous achievement and for his example to the world and what America is all about: You work hard, you be true to your principles of fairness and equity, things will come your way.

CONTRACEPTION

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

Mr. PETERS. Madam Speaker, I rise today in outrage and disbelief that my Republican colleagues believe that they are more qualified to determine what a woman can do with her own body than she is.

Republicans say that they are on the side of freedom and personal responsibility. They also say that they are against Big Government intrusion. But when it comes to women in this country, it's nothing but a bunch of empty rhetoric.

Let's be clear: the debate about contraception is really about Republicans' deep-seated opposition to women making decisions about their own bodies. It is an outrage; it is unconscionable; it is insulting; and it is un-American to treat women, by virtue of their gender, as second-class citizens by denying their ability to control their own destinies.

To my Republican colleagues, shame on you for waging your hypocritical war on women.

AMERICAN POLITICS IS BECOMING MORE CORRUPT BY THE DOLLAR

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

Mr. YARMUTH. Madam Speaker, it's been more than 2 years since the Supreme Court rendered its Citizens United decision, and American politics is becoming more corrupt by the dollar.

Election season is flooded with special-interest money, confirming the deep skepticism of an American public that is estranged from and fed up with its government. In the past 2 years alone, super PACs have raised approximately $181 million, an increase of more than 1,200 percent, in outside spending during a Presidential election.

Our system allows for corporations and extremely wealthy individuals to influence elections without any accountability, and this must change. That's why I'm a cosponsor and strong supporter of the DISCLOSE 2012 Act, which would shine a light on the secret money in political campaigns.

The DISCLOSE 2012 Act requires public reporting by super PACs, corporations, unions, and outside groups within 24 hours of making a campaign expenditure. It forces leaders of other corporations and other outside groups to stand by their campaign ads by appearing in them and stating that they approve this message.

Madam Speaker, I urge Republican leadership to bring the DISCLOSE 2012 Act up for a vote. Until we get Big Money out of politics, we will never be able to responsibly address the major issues facing American families.

□ 1220

EPIDEMIC OF HUNGER

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

Ms. FUDGE. Madam Speaker, today I rise to address the epidemic of hunger in this Nation. Nearly 49 million people in the United States suffer from hunger. That is one in six in the U.S. population, including more than one in five children.

Feeding America recently reported that 46 percent of households served by its agencies must choose between paying for utilities or heating fuel and paying for food. Thirty-nine percent of households said they must choose between paying their mortgage or rent and paying for food.

Hunger is real in this country. We know that, yet some still demonize SNAP and other feeding programs. Preventing hunger is a moral imperative that should be shared by people in every party, every demographic, and every religion.

I encourage my colleagues to visit a local food bank in their district, or take the SNAP Challenge. Find out what it is like to live for just 1 day or 1 week as someone who struggles with hunger.

INVESTING IN ELECTRIC VEHICLES

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

Ms. HAHN. Madam Speaker, Californians drive a lot, so when gas prices jump, we feel it first and the most. Back home, gas has jumped 26 cents in the last week and 57 cents since this time last year. We are paying on the average $4.30 a gallon.

Our constituents need our help. They also understand the definition of insanity is doing the same thing over and over and expecting a different result.

I happen to drive a Nissan Leaf, an all-electric vehicle, which will be built right here in America in Tennessee in the near future. This gives me the benefit of driving past gas stations, but I don't have to fill up my tank to be shocked by the prices at the pump. And if given the opportunity, I think most Americans would jump at the chance to join me in driving right past those high gas prices and stop sending hundreds of billions of dollars to the Middle East.

''Drill, baby, drill'' won't lower gas prices today or tomorrow, but it will feed our addiction to dirty fossil fuels which are quickly running out. Let's work together to invest in infrastructure for electric vehicles to make them more affordable and convenient. We will create jobs, take hold of the economy of the future, and end our dependence on oil.

JOBS AND THE ECONOMY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, with the unemployment rate now at 8.3 percent, we continue to see positive signs that the U.S. economy is on the road to recovery. Now more than ever it is absolutely imperative that we continue to make critical investments in infrastructure, advanced manufacturing, and high-tech research and development. By doing so, we will address our crumbling roads and bridges, create jobs, and provide future generations with the robust economic foundation on which to build a stronger America.

The President's budget has reflected the desire to make these important investments in our economy, and I urge my colleagues to also recognize the decisions we make today will have unavoidable consequences tomorrow.

While our economy is recovering, it is still fragile. Now is not the time to be making arbitrary cuts to key components of our economy. We all bear the burden of such cuts, and we are all ultimately responsible for the country's well-being.

GET OUR NATION BACK TO WORK

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute.)

Ms. CLARKE of New York. Madam Speaker, the American people's patience is wearing thin. A majority of the American people believe that jobs should be the number one priority of the 112th Congress. However, over a year has passed since the Republican majority took control of the people's House, and we have still not passed a single significant jobs bill.

To avoid any confusion, let's discuss what a jobs bill is not. A jobs bill is not a tax cut for the multimillionaires and billionaires. A jobs bill is not protecting subsidies for corporations that ship jobs overseas. And a jobs bill is not, Madam Speaker, dismissing out of hand the President's plan for reviving American manufacturing and creating a stronger and a more skilled workforce.

As our economy continues to recover from the recent economic downturn, it is past time for the Republican majority to work with the President and get our Nation back to work.

PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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

in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 563 provides for a structured rule providing for consideration of H.R. 2117, which repeals the Department of Education's State authorization regulation and the Federal definition of a credit hour.

I think most people on both sides of the aisle would agree that our higher education system is the envy of the world. The bill we will consider today, H.R. 2117, the Protecting Academic Freedom in Higher Education Act, passed the House Education and Workforce Committee with bipartisan support on June 15, 2011, and I'm very, very proud of that.

□ 1230

A lot of Americans believe Members of Congress can't work together, but H.R. 2117 shows the opposite. I appreciate the opportunity to work with my colleagues across the aisle to pass this legislation and hope we can find more ways to work together.

In 2010, the Department of Education issued a series of regulations purportedly aimed at improving the integrity of Federal student aid programs. Included in these regulations was a new ''State authorization'' rule that imposes a one-size-fits-all Federal mandate on institutions of higher education and infringes on the rights of States to regulate their higher education systems. Institutions are already required to be authorized by the State in which they're located. However, the Federal Department of Education was not satisfied leaving these decisions solely to States and added several Federal criteria to existing State authorization processes which would unnecessarily complicate the process for institutions and further burden already strapped State governments by increasing their workload.

In addition, it is unclear whether the regulation would require online education programs to be authorized in every State in which they have students. One online university reports the State authorization regulations could cost the institution $700,000 initially, plus an additional $400,000 annually. H.R. 2117 also repeals the Federal definition of a credit hour. This definition has historically been the jurisdiction of accrediting agencies and institutions. And again, the process has worked very well. There have been no complaints about it.

Last year, Excelsior College president John Ebersole testified in front of the Subcommittee on Higher Education and Workforce Training about this regulation, stating it inserts the Department of Education into academic judgments that should be made at the institution level and could destroy accelerated learning programs that allow students to complete their education more quickly.

These regulations will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education.

Madam Speaker, with that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentlewoman from North Carolina, my good friend, Dr. FOXX, for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, here we go again. Another day in the House of Representatives and another day without a jobs bill. It's almost March, and my Republican colleagues who control this House still have not put a meaningful jobs bill on the floor. In fact, their best chance of passing a jobs bill could have been the highway reauthorization bill, but they screwed that up so badly that they had to yank it off the floor before an embarrassing bipartisan defeat.

So what are we doing today? Well, Madam Speaker, today, we're considering a bill targeting Department of Education regulations defining credit hours and setting minimum requirements that all higher education institutions must meet to be considered authorized by a State. We're targeting Department of Education regulations. We're not considering a jobs bill. There's no new, bipartisan highway bill. There's no bill that helps put cops, firefighters, and librarians back to work. And there's no new bill that helps train workers for the future.

The economy may be inching along, recovering slowly, but it still needs some help. We need a real, comprehensive jobs package. Instead, we just get a bill to dismantle a few regulations with no attempt to make our education system better. This is no way to run the House of Representatives.

Let's look at where we've been. They started off the new Congress with their health care repeal and replace, but we're still waiting on the replace part. To be clear, Republicans voted to take away health protections for seniors, they voted to take away health care protections for young people under 26, and they voted to take away health care protections for those with preexisting conditions, but they haven't proposed anything to replace those important provisions.

Since then, the Republican leadership has played legislative Russian roulette with our economy by holding the debt limit discussions hostage, by holding up the payroll tax cut and unemployment insurance extensions multiple times, and, most recently, by proposing the most partisan highway reauthorization bill I think in the history of this Congress.

On top of that, the Republican leadership has wasted our time by debating resolutions to defund National Public Radio and Planned Parenthood. We have debated resolutions making it easier for unsafe people to carry concealed weapons across State lines. We've spent a good period of time on this House floor debating a bill to reaffirm our national motto. And soon we'll probably vote on a bill to restrict contraception, another attack on women's health by this Republican-controlled House.

Madam Speaker, there are more important things we should be doing, and, yes, education should be something we debate. I'm all for bills improving our education system. In fact, I'd welcome the opportunity to act in a bipartisan way to improve our school systems across the board. What we should be talking about today is college affordability. What we should be talking about today are ways to ensure that every single American student has access to a quality education. And despite what Republican Senator Rick Santorum might think, it's not snobby to try to make sure our students have access to the best education possible.

What we should be considering on the floor of the House today is legislation to extend the tax deduction for tuition and fees that families across this country rely on to help bear the incredible burden of rising tuition costs. This deduction, Madam Speaker, of up to $4,000 expired at the end of last year, and congressional action is required to extend this tax benefit past the 2011 tax year. But that is not what we are considering today on the House floor.

We should also be considering legislation to prevent the looming increase in subsidized Stafford student loan rates—from 3.4 percent to 6.8 percent—that will occur if Congress does not act before July 1, 2012. These need-based loans are critical for students who might otherwise be unable to attend

college, and we should act now on legislation to stop the doubling of their interest rates. But, Madam Speaker, that is not what we are doing today.

Republican Governors, including the head of the Republican Governors Association, Virginia Governor Bob McDonnell, overwhelmingly support President Obama's college education agenda. But in the House of Representatives, all we see is an effort to attack and dismantle the President's initiatives and no attempt to actually make college more accessible and more affordable.

Madam Speaker, this is just another squandered opportunity by this Republican Congress. I can't say I'm surprised, but I am disappointed. It is time for us to work in a bipartisan way to focus on how to get this economy moving again and to focus on jobs. And when we focus on education, let's focus on issues that will make a real difference in the lives of our young people.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I know my colleague is a very hardworking Member of Congress, and I know that he pays close attention to what's going on in the Congress. I'm sure he simply forgot the fact that we have passed over 30 bills in the House and sent them to the Senate, and the Senate has not acted on them. These 30 bills—we've actually passed hundreds of bills—but those 30 bills, in particular, were focused on creating jobs. Now, my colleague seems to have forgotten that. He seems also to have forgotten the fact that the Senate is controlled by his colleagues in the Democratic Party, and that's where the problem is with jobs bills.

Also, most of those 30 bills that we've passed, or a great number of them, had energy components, Madam Speaker, which would help bring down the cost of gasoline, which would help improve our energy resources in this country. So we get a twofer for most of those bills. However, again, those bills are languishing in the Senate.

We have focused on creating jobs in the House, and one of the ways that we could truly create jobs is to reduce our deficit and reduce our debt. Republicans have been very much focused on that here in the House of Representatives, and in most cases, again, we get bipartisan support for those efforts.

□ 1240

In fact, the 30 jobs bills that have passed the House have had bipartisan support. So there are ways for us to work together.

I think the focus of my colleague is to increase spending, increase Federal Government involvement; and we know that that goes against the grain. We know from history that that does not improve the economy, does not create jobs.

We have an underemployment rate of over 15 percent, created beginning with the Democrats' takeover of the Congress in January of 2007, going through their 4 years. Then it really skyrocketed when President Obama was elected and was there for 2 years with a Democrat-controlled Congress.

So I'd just like to remind my colleague that he goes back a little ways in history in talking about things that we have done here, but he fails to mention some of the effects of what he and his colleagues had.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would point out to my friend from North Carolina that the problem with the transportation bill, which had the potential to create millions of jobs in this country, was not the United States Senate. The problem with the transportation bill was the extreme right here in the House of Representatives that insisted that their leadership bring to the floor one of the most partisan, one of the most awful transportation bills we have ever, ever seen.

The sad thing is that transportation bills used to be bipartisan. In fact, they've always been bipartisan, where Democrats and Republicans would come together. This bill was so partisan that even a number of Republicans couldn't support it. So they yanked it from the House floor because they were fearful of an embarrassing defeat.

A good, robust surface transportation bill is a good jobs bill. We need to invest in our infrastructure in this country. We need to invest in our roads and our bridges and in mass transit. The transportation bill that the Republicans brought to the floor gutted mass transit, just gutted it. So that's not a problem with the United States Senate; it's a problem with the leadership here in the House of Representatives.

My colleague talks about jobs. The President of the United States came to this Chamber and addressed the Nation on the need to create more jobs, on the need to help create a climate where more private sector jobs could happen. He submitted to us a plan. We cannot even get an up-or-down vote on the President's jobs plan. We can't even get a vote on it.

So when my friends talk about jobs, you know, we have this opportunity to at least vote on a jobs bill. If you don't want to vote for jobs, that's one thing; but at least give us the opportunity to vote up or down on it.

Just one other thing about the deficit and the debt. I don't know of a single economist who would disagree with the statement that this debt crisis that we're currently in began with the passage of the Bush tax cuts, which were not paid for. Then the prescription drug bill—that was a lot more expensive than my Republican colleagues advertised—wasn't paid for. Add on to that two wars, Afghanistan and Iraq, not paid for. The last time this country didn't pay for a war was when we borrowed money from the French to fight the British. I mean, we're going to war and asking the brave young men and women who serve in our military to put their lives on the line, and we're not even willing to pay for it. So that's how we got in this mess.

Add to that the greed on Wall Street which brought this economy to a halt, and here we are trying to struggle to get our economy back on its feet. But I'm going to tell you that we're not going to get this economy back on its feet unless we invest in the American people, unless we invest in education, unless we invest in our infrastructure, unless we invest in medical research, unless we invest in the innovation economy so that we can compete in the global economy in the years to come.

So I don't want to hear any lectures about deficits and debt. It is not even credible for my friends on the other side to point the finger on that, given the fact that when Bill Clinton left office we had record surpluses. We know how we started in this decline, and now we need to figure out a way to dig ourselves out.

So, again, I wish we were debating a transportation bill on the floor of the House today. I wish we were debating a bill to be able to address the fact that interest rates on student loans are going to increase unless we do something. We ought to make education more affordable for people. No one in this country who wants a college education ought not to get one because they can't afford it.

Those are the things we should be talking about here today. Instead, they pulled the transportation bill and we're doing this today. And we'll be out of here on Thursday before noon, I'm told. The American people want us to work on their behalf.

I regret the fact that this bill, however well-intentioned, to me is not the legislation we should be debating right now. This is not the urgent need. We ought to be talking about jobs; and my friends on the other side of the aisle, when it comes to jobs, have an absolutely lousy record.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, there's so much to refute and so little time.

I would like to point out to my colleague that he mentions the Bush tax cuts. He conveniently forgets to mention that they actually should be called the Obama-Pelosi tax cuts because those tax cuts were extended in 2010 when President Obama was President and NANCY PELOSI was Speaker of this House. So they should no longer be called the Bush tax cuts. They should rightfully be called the Obama-Pelosi tax cuts because even those two people understood that we should not raise taxes in the middle of a horrible recession—brought on, I might say, by our colleagues across the aisle.

I'd also like to point out to my colleague from Massachusetts that—let's assume that those tax increases were

allowed to go into effect. We would still have a $400 billion deficit in this country. We know that if we took away every penny of wealth that those millionaires and billionaires—that they so desperately want to tax, if we took away every penny of their wealth—not just increased their taxes, but took all their wealth away from them, it would amount to a little over $1 trillion. And then it wouldn't be available. There would be no tax increases available on those people in the future, and we still wouldn't have solved our problem.

Now, our colleagues across the aisle want to make it worse by continuing to spend money. I know my colleague is not on the Education Committee, and maybe he isn't aware of the fact that the Department of Education has the third largest share of our discretionary spending of all the Departments in the Federal Government. Only the Departments of Defense and Health and Human Services have larger budgets than the Department of Education, but it's still not enough money. And what have we got to show for all of that money? Test scores, absolutely flat; no improvement since 1965 for over $2 trillion spent on education. Madam Speaker, I'm sorry, again, I can't allow my colleague to rewrite history in his own terms.

I'd also like to point out that when President Obama had both the House and the Senate in his control—60 votes in the Senate and 255 votes here—did he propose a jobs bill? No. He waited until he had been in office 3 years before he proposed a jobs bill.

My colleagues across the aisle were in charge of this body and the Senate for 4 years. Did they reauthorize the transportation bill? Did they reauthorize ESEA? No.

□ 1250

So I am sorry—I believe in that old saying, People who live in glass houses should not throw stones.

With that, I reserve the balance of my time, and I would advise my colleague from Massachusetts that I have no further speakers, and I am prepared to close.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Let me respond, Madam Speaker, by reminding my colleagues that when President Obama became President of the United States, he inherited the worst economy since the Great Depression. My colleagues don't like to hear that, but that's just the facts.

This has been a very difficult time not only for the U.S. economy but for the global economy. The President has been trying with little or no help from this House to get this economy back on the right track. The good news is that in spite of all the obstructionism here in the House of Representatives by my Republican colleagues, the economy is slowly but surely getting better little by little.

We could help that if we actually talked about jobs and actually voted on bills that were about investing in people and creating jobs, putting people back to work. We could accelerate this recovery, but the obstructionism continues. I should point out, Madam Speaker, that those of us on the Democratic side have nothing against rich people, millionaires or billionaires. It's fabulous that in this country people can accrue enormous wealth. Where we have problems is when Warren Buffett's secretary pays a higher tax rate than Warren Buffett. There's something fundamentally wrong with our tax system that puts all the burden on middle class families and basically provides a whole bunch of loopholes so that a lot of the wealthiest people and a lot of the wealthiest corporations in this country can escape paying taxes.

I think what people want is fairness. It's not about soaking the rich; it's about fairness. I'm going to tell you this tax system that we have right now isn't fair to middle class families at all. I would also say to my colleague, we talk about our deficits and we talk about our debt—don't exclude these wars that we're fighting. We borrow $10 billion a month for Afghanistan alone. We borrow; we don't ask anyone to pay for it. It goes on our credit card. How is that being responsible? How is that doing the right thing? I want these wars ended. I think the war in Iraq was a mistake, and I want us to get out of Afghanistan as soon as humanly possible. But whether you're for or against these wars, you ought to pay for them. If you don't, it goes onto our credit card. We pay $10 billion a month for Afghanistan alone.

Madam Speaker, I would also just say that one of the ways to get out of this deficit and out of this debt we have right now is to grow the economy, to put people back to work. The more people working, they pay taxes, and we can put it toward lowering our debt. What I fear and what has bothered me about my colleagues on the other side of the aisle is they have used the deficit as an excuse to go after programs like Medicare and Social Security and Medicaid, programs that provide a circle of protection for people in our country, our senior citizens who are the most vulnerable. Rather than going down that way, and rather than debating the bill that we're debating today, I wish we were debating the President's jobs bill. I wish we were debating something that we could send over to the Senate that would help put people back to work, that would help this economy grow faster. That's not what we're doing. We're doing the same old same old, which is not much of anything. This is a place, unfortunately, where trivial issues get debated passionately and important ones not at all.

With that, I yield back the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I have to point out again to my colleague that the Democrats took control of the House of Representatives and also the Senate in January of 2007. When they did, the unemployment rate in this country was 4.5 percent. We were projected at that time to have a surplus in our budget of about $450 billion. In just 2 short years, the unemployment rate skyrocketed and the deficit skyrocketed. The Democrats were in control of Congress when the President took office. That's why he inherited a rotten economy. He didn't inherit a rotten economy from President Bush. He inherited a rotten economy from his own party, and he's frankly done nothing to make it any better.

I would also like to point out to my colleague across the aisle that the stimulus that he voted for, which the President promised would do so much for the economy, was $1 trillion, which is 9 years' worth of spending on national defense for the war in Iraq given his figures alone.

Madam Speaker, the American people have heard a lot recently about exploding college costs, the burden of student debt. President Obama highlighted these issues in his State of the Union address. Therefore, it is ironic that the Department of Education, which reports to him, is increasing the cost of higher education with unnecessary rules and regulations.

At the Subcommittee on Higher Education's hearing on college costs in November, we heard many suggestions on how colleges and universities could cut costs. We heard from colleges who have cut their operating budgets, offered expedited degree programs, and encouraged dual enrollment for high school students.

Students and families are struggling to make ends meet, and higher education institutions must find ways to cut costs. Imposing onerous rules and regulations at the Federal level is a disincentive to the schools to do that. It's also a major disincentive to one of the major innovations in education: distance learning. As I mentioned earlier, these unnecessary Federal regulations mean increased regulatory burdens for institutions, and in turn, greater compliance costs trickle down to increase expenses for students and their families.

The Federal Government's involvement in elementary and secondary education illustrates what happens when Washington gets too big. The most recent reauthorization of ESEA, the No Child Left Behind Act, is a perfect example of good intentions at the Federal level adrift in a feckless sea of red tape and overregulation. This law is a classic example of Federal top-down attempts to improve education in America's schools. It's a noble goal, but it has completely failed.

If we can agree on anything, it is that our children should be well educated and prepared for a life of productive citizenship. However, the Federal Government's ability to accomplish this is in serious doubt. As history has shown time and again, Federal meddling has resulted in a one-size-fits-all

approach that neglects local concerns and produces a grotesque layer of wasteful bureaucracy. Right now my colleagues in the House Education and the Workforce Committee are working on the reauthorization of No Child Left Behind. While my colleagues across the aisle won't support all of our revisions, we did find consensus on charter school legislation last year. H.R. 2218 received bipartisan support in committee and passed the House by a bipartisan vote of 365–54 in September.

Although we may not always agree, I hope we can continue to find ways to work with our colleagues across the aisle to improve education in this country. Thomas Jefferson once said:

Were we directed from Washington when to sow and when to reap, we should soon want bread.

Madam Speaker, I urge my colleagues to vote for the rule and the underlying bill, which would repeal a small part of the burdensome and unnecessary Federal regulations that we're struggling with and take one step toward reducing Federal intrusion in higher education.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 171, not voting 18, as follows:

[Roll No. 74]

YEAS—244

Adams	Cassidy	Gerlach
Aderholt	Chabot	Gibbs
Alexander	Chaffetz	Gibson
Amash	Coble	Gingrey (GA)
Amodei	Coffman (CO)	Gohmert
Austria	Cole	Goodlatte
Bachmann	Conaway	Gosar
Bachus	Cravaack	Gowdy
Barletta	Crawford	Granger
Bartlett	Crenshaw	Graves (GA)
Barton (TX)	Culberson	Graves (MO)
Bass (NH)	Davis (KY)	Griffin (AR)
Benishek	Denham	Griffith (VA)
Berg	Dent	Grimm
Biggert	DesJarlais	Guinta
Bilbray	Diaz-Balart	Guthrie
Bilirakis	Dold	Hall
Bishop (NY)	Donnelly (IN)	Hanna
Bishop (UT)	Dreier	Harper
Black	Duffy	Harris
Blackburn	Duncan (SC)	Hartzler
Bonner	Duncan (TN)	Hastings (WA)
Bono Mack	Ellmers	Hayworth
Boustany	Emerson	Heck
Brady (TX)	Farenthold	Hensarling
Brooks	Fincher	Herger
Broun (GA)	Fitzpatrick	Herrera Beutler
Buchanan	Flake	Holt
Bucshon	Fleischmann	Huelskamp
Buerkle	Fleming	Huizenga (MI)
Burgess	Flores	Hultgren
Burton (IN)	Forbes	Hunter
Calvert	Fortenberry	Hurt
Camp	Foxx	Issa
Campbell	Franks (AZ)	Jenkins
Canseco	Frelinghuysen	Johnson (IL)
Cantor	Gallegly	Johnson (OH)
Capito	Gardner	Johnson, Sam
Carter	Garrett	Jones
Jordan	Neugebauer	Schock
Kelly	Noem	Schweikert
King (IA)	Nugent	Scott (SC)
King (NY)	Nunes	Scott, Austin
Kingston	Nunnelee	Sensenbrenner
Kinzinger (IL)	Olson	Sessions
Kissell	Palazzo	Shimkus
Kline	Paul	Shuler
Labrador	Paulsen	Shuster
Lamborn	Pearce	Simpson
Lance	Pence	Smith (NE)
Latham	Petri	Smith (NJ)
LaTourette	Pitts	Smith (TX)
Latta	Platts	Southerland
Lewis (CA)	Poe (TX)	Stearns
LoBiondo	Pompeo	Stivers
Long	Posey	Stutzman
Lucas	Price (GA)	Sullivan
Luetkemeyer	Quayle	Terry
Lummis	Reed	Thompson (PA)
Mack	Rehberg	Thornberry
Manzullo	Reichert	Tiberi
Marchant	Renacci	Tipton
Marino	Ribble	Turner (NY)
Matheson	Rigell	Turner (OH)
McCarthy (CA)	Rivera	Upton
McCaul	Roby	Walberg
McClintock	Roe (TN)	Walden
McCotter	Rogers (AL)	Walsh (IL)
McHenry	Rogers (KY)	Webster
McIntyre	Rogers (MI)	West
McKeon	Rohrabacher	Westmoreland
McKinley	Rokita	Whitfield
Meehan	Ros-Lehtinen	Wilson (SC)
Mica	Roskam	Wittman
Michaud	Ross (AR)	Wolf
Miller (FL)	Ross (FL)	Womack
Miller (MI)	Royce	Woodall
Miller, Gary	Runyan	Yoder
Mulvaney	Ryan (WI)	Young (FL)
Murphy (CT)	Scalise	Young (IN)
Murphy (PA)	Schilling	
Myrick	Schmidt	

NAYS—171

Ackerman	Eshoo	Meeks
Altmire	Farr	Miller (NC)
Andrews	Fattah	Miller, George
Baca	Filner	Moore
Baldwin	Frank (MA)	Moran
Barrow	Fudge	Nadler
Bass (CA)	Garamendi	Napolitano
Becerra	Gonzalez	Neal
Berkley	Green, Al	Olver
Berman	Green, Gene	Owens
Bishop (GA)	Grijalva	Pallone
Blumenauer	Gutierrez	Pascrell
Bonamici	Hahn	Pastor (AZ)
Boren	Hanabusa	Pelosi
Boswell	Hastings (FL)	Peters
Brady (PA)	Heinrich	Peterson
Braley (IA)	Higgins	Pingree (ME)
Brown (FL)	Himes	Polis
Butterfield	Hinchey	Price (NC)
Capps	Hinojosa	Quigley
Capuano	Hirono	Rahall
Carney	Hochul	Reyes
Carson (IN)	Holden	Richardson
Castor (FL)	Honda	Richmond
Chandler	Hoyer	Rothman (NJ)
Chu	Inslee	Roybal-Allard
Cicilline	Israel	Ruppersberger
Clarke (MI)	Jackson Lee (TX)	Rush
Clarke (NY)	Johnson (GA)	Ryan (OH)
Clyburn	Johnson, E. B.	Sánchez, Linda T.
Cohen	Kaptur	Sanchez, Loretta
Connolly (VA)	Keating	Sarbanes
Conyers	Kildee	Schakowsky
Cooper	Kind	Schiff
Costa	Kucinich	Schrader
Costello	Langevin	Schwartz
Courtney	Larsen (WA)	Scott (VA)
Critz	Larson (CT)	Scott, David
Crowley	Levin	Serrano
Cuellar	Lewis (GA)	Sewell
Cummings	Lipinski	Sherman
Davis (CA)	Loebsack	Sires
Davis (IL)	Lofgren, Zoe	Slaughter
DeFazio	Lowey	Smith (WA)
DeGette	Luján	Speier
DeLauro	Maloney	Stark
Deutch	Markey	Sutton
Dicks	Matsui	Thompson (CA)
Dingell	McCarthy (NY)	Thompson (MS)
Doggett	McCollum	Tierney
Doyle	McDermott	Tonko
Edwards	McGovern	Towns
Ellison	McNerney	Tsongas
Engel	Meeks	Van Hollen
Eshoo	Miller (NC)	Velázquez
Farr	Miller, George	Visclosky
Fattah	Moore	Walz (MN)
Filner	Moran	Wasserman Schultz
Frank (MA)	Nadler	Waters
Fudge	Napolitano	Watt
Garamendi	Neal	Welch
Gonzalez	Olver	Wilson (FL)
Green, Al	Owens	Woolsey
Green, Gene	Pallone	Yarmuth
Grijalva	Pascrell	
Gutierrez	Pastor (AZ)	
Hahn	Pelosi	
Hanabusa	Peters	
Hastings (FL)	Peterson	
Heinrich	Pingree (ME)	
Higgins	Polis	
Himes	Price (NC)	
Hinchey	Quigley	
Hinojosa	Rahall	
Hirono	Reyes	
Hochul	Richardson	
Holden	Richmond	
Honda	Rothman (NJ)	
Hoyer	Roybal-Allard	
Inslee	Ruppersberger	
Israel	Rush	
Jackson Lee (TX)	Ryan (OH)	
Johnson (GA)	Sánchez, Linda T.	
Johnson, E. B.	Sanchez, Loretta	
Kaptur	Sarbanes	
Keating	Schakowsky	
Kildee	Schiff	
Kind	Schrader	
Kucinich	Schwartz	
Langevin	Scott (VA)	
Larsen (WA)	Scott, David	
Larson (CT)	Serrano	
Levin	Sewell	
Lewis (GA)	Sherman	
Lipinski	Sires	
Loebsack	Slaughter	
Lofgren, Zoe	Smith (WA)	
Lowey	Speier	
Luján	Stark	
Maloney	Sutton	
Markey	Thompson (CA)	
Matsui	Thompson (MS)	
McCarthy (NY)	Tierney	
McCollum	Tonko	
McDermott	Towns	
McGovern	Tsongas	
McNerney	Van Hollen	
Velázquez		
Visclosky		
Walz (MN)		
Wasserman Schultz		
Waters		
Watt		
Welch		
Wilson (FL)		
Woolsey		
Yarmuth		

NOT VOTING—18

Akin	Lankford	Payne
Cardoza	Lee (CA)	Perlmutter
Carnahan	Lungren, Daniel E.	Rangel
Clay	Lynch	Rooney
Cleaver	McMorris Rodgers	Waxman
Jackson (IL)		Young (AK)
Landry		

□ 1326

Mr. CAPUANO changed his vote from ''yea'' to ''nay.''

Mr. BISHOP of New York changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

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. 74, I was delayed and unable to vote. Had I been present I would have voted ''yea.''

Mr. ROONEY. Mr. Speaker, on rollcall No. 74 I was unavoidably detained. Had I been present, I would have voted ''yea.''

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2117.

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 563 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. 2117.

□ 1325

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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from North Carolina (Ms. FOXX) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chair, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KLINE), chairman of the House Education & the Workforce Committee.

Mr. KLINE. I thank the gentlelady, Ms. FOXX, for yielding.

Madam Chair, I rise in support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

The legislation before us today is driven by a simple goal: to ensure Washington isn't adding to the burden of rising college costs by imposing burdensome regulations.

Last year, tuition and fees at public 4-year colleges and universities increased over 8 percent. The average 4-year public college student now graduates with roughly $22,000 in debt.

Helping more students realize the dream of an affordable higher education is a shared goal. However, solving a problem like rising college costs starts with recognizing that, as is so often the case, Washington is part of the problem.

Each year, the average higher education institution spends a significant amount of time and money complying with Federal regulations and reporting requirements, costs that can trickle down to students' tuitions and fees.

H.R. 2117 will eliminate two unnecessarily burdensome regulations advanced by the Department of Education in late 2010. The credit-hour and State authorization regulations were part of a so-called ''program integrity'' package that significantly increased Federal intrusion in academic affairs.

□ 1330

The credit-hour regulation attempts to measure student learning at the Federal level, and restricts colleges from offering outside coursework and creative learning opportunities that could help students save money and graduate early.

The State authorization regulation is even more troubling as it will lead to thousands of dollars in additional costs for colleges and universities across the Nation. In my home State of Minnesota, schools must spend between $2,000 and $3,500 per program, depending on the level of degree offered, to comply with this extreme regulation.

In order to best prepare today's students to join tomorrow's workforce, we must not overwhelm schools with poorly conceived regulations that lead to wasted time and money. H.R. 2117 will repeal two particularly problematic regulations, protecting academic institutions and prospective students from significant financial and bureaucratic burdens.

Madam Chair, I urge my colleagues to support the Protecting Academic Freedom in Higher Education Act.

Mr. GEORGE MILLER of California. Madam Chair, I yield myself 5 minutes.

Madam Chair and Members of the House, we are now considering legislation that would significantly compromise the Department of Education's ability to oversee and safeguard our Federal investment in higher education and safeguard and protect the taxpayers who are paying for that investment in higher education.

This legislation couldn't be more illtimed. In this tough budget environment, we should be concerned with how the Federal Government spends the limited resources we dedicate to Federal student aid. During the 2009–2010 school year, students relied on nearly $200 billion in Federal student aid to prepare for jobs for today and jobs for tomorrow. That's the money that they borrowed, and that's the money that was given to them in grants. If that money is not spent in a responsible way, and if it's not protected, it goes down the drain. It's lost forever, and the students are left with the debt.

Two years ago, the Department of Education's inspector general exposed a loophole that allowed a higher education institution to award more credits to get more student financial aid than was appropriate. They were charging for nine units a day that they said was graduate work. It turned out when the accreditors went through and looked at it, they deemed it was really the equivalent of 3 hours of credit work, and the level of work was at the undergraduate level. But they were able to charge the students, students had to borrow money, and at the end of the day they ended up with units that were worth nothing. Students attending this institution, many of whom were relying on Federal aid programs, were paying double the price because the school inflated the number of credits charged.

In response to the inspector general's findings and recommendations, the Department of Education promulgated rules defining a credit hour and providing other protections for students, including ensuring students have access to a complaint process if there's fraud involved. What the Department of Education did was necessary and narrowly targeted to address a very costly problem.

However, the bill before us today seeks to prevent the Department from protecting taxpayers and students. It would blow open the loophole that the inspector general concluded led to the inappropriate Federal spending. In other words, Mr. Chairman, the bill before us today explicitly increases the risk of fraud, waste, and abuse in our Federal student aid programs.

At a time when the higher education market is in so much flux, with new kinds of programs popping up around the country and online, this is the wrong time to open this loophole against the taxpayers' best interest.

The Department of Education should have tools to ensure that students who are eligible to receive Federal student aid are receiving it, and that the institutions that serve these students are upholding the integrity of the programs. This seems like a simple proposition: making sure taxpayers and students aren't getting ripped off.

This legislation eliminates those important consumer protections, and it does so under the banner of academic freedom. But the Department's protections do not interfere with academic freedom. Colleges and universities will continue to be free under the Department's rule to set whatever higher standards they see fit for their students as long as the accreditors agree. In this economy, millions of students rely on Federal student aid programs to make the college dream a reality. This is exactly why the Department of Education has moved to ensure greater accountability and taxpayer protection. And it's exactly why the legislation is misguided.

Now more than ever, we need accountability in higher education that works in the best interests of students who use Federal aid programs.

In the last Congress, Democrats worked to make sure that our student aid programs worked in the best interest of students, families, and taxpayers. We also worked hard to make higher education more accessible for families for whom degrees may have been out of reach.

One way we helped to make higher education more accessible and affordable and financially manageable for students and families was to lower the interest rates on loans. Specifically, we lowered the interest rate on need-based student loans to 3.4 percent, almost cutting the cost to those borrowers in half. The interest rate reduction is scheduled to end this summer. It will bounce back to where it was before the Democrats acted to reduce it. For the sake of our students, low rates should be extended. If Congress fails to act, interest rates on need-based student loans for more than 7 million students will double this July. This increase will cost an average borrower almost $2,800 in additional interest payments.

At a time when our economy is on fragile footing, we shouldn't be building more hurdles for young people to get the education and the skills they need to succeed. When interest rates are at historic lows, we should not be asking students to pay more on their student loan debt just because Congress failed to act.

Earlier this month, Mr. HINOJOSA and I asked the committee's majority to take immediate action on this important issue. The President has called for action as well. But just like with other economic issues that are vitally important to the American people, those requests have been met with silence.

So today, instead of saving students from interest rate hikes, we are here debating a bill that will take away the tools the Department of Education needs to oversee and protect our investment in higher education, to protect those students who are borrowing money to go to college.

I urge my colleagues to vote against this legislation. I urge the majority to take up a bill to make sure that interest rates don't double come July.

I reserve the balance of my time.

Ms. FOXX. Madam Chair, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Madam Chair, I rise today in support of the Protecting Academic Freedom in Higher Education Act, H.R. 2117. This bipartisan legislation will prevent the Department of Education from defining a

college credit hour, something that is best left to our institutions of higher learning and their accrediting agencies. It will also block a cumbersome new rule that will require States to use Federally set, one-size-fits-all criteria to regulate higher education. If these two rules were allowed to go into effect, it would create tremendous new burdens and additional cost for students.

The exploding cost of higher education is already putting the opportunity of a college education and diploma out of reach for too many Americans. Last year, tuition and fees at public, 4-year schools increased by 8.3 percent. More regulations will lead to more administrative staff, and ultimately larger tuition bills. And I might add, the fact that one institution or several institutions break the law—we have laws against robbing banks, and people do that. There are unscrupulous people out there. But this is putting a burdensome regulation on the folks that are following the rules.

The average debt of a college graduate today is approximately $22,000. When I went to medical school, I started in 1967 and graduated in 3 years in 1970. My father was a factory worker. I was able to work in medical school and graduate with no debt from college and medical school. That's unheard of today. Today, students are so far in debt that they'll spend much of their working life paying off these exorbitant loans that they have.

There is much that we can do to improve access to higher education and lower costs. Issuing new regulations, however, takes us in the opposite direction. I've taken hundreds of hours of college credit, and not one of them has been approved by the Federal Government, and yet I am a board certified physician. I think this goes way too far. Again, I urge my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Madam Chair, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the senior Democrat on the Higher Education Subcommittee.

Mr. HINOJOSA. Madam Chair, I rise today to express my opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act, misguided legislation that repeals efforts to protect students' and taxpayers' investment in higher education.

Every year, the Federal Government spends billions of dollars on student financial aid, and we must account for these Federal investments. As ranking member of the Subcommittee on Higher Education and Workforce Training, I am deeply concerned that H.R. 2117 would undermine the Secretary of Education's ability to oversee and safeguard our Federal investment in higher ed.

In my view, strong regulations strengthen the accountability and review of institutions of higher education that participate in Federal student aid programs, and help to maintain program integrity.

In a globally competitive world, our students deserve to get what they pay for—high quality educational programs that prepare them for the demands of the 21st century workforce—and nothing less.

□ 1340

H.R. 2117 repeals the U.S. Department of Education's credit-hour regulation, which sets a minimum standard for the work needed to equal a credit hour for the purposes of the Federal Student Aid program. To avoid having institutions overstate credit hours or inflate the Federal student aid paid for students attending those programs, we must have consistent measures for credit hours. The credit-hour definition provided by the Department is consistent with standard industry practice and provides needed flexibility for innovative programs.

H.R. 2117 also repeals the requirement that higher education institutions be legally authorized in the States they operate in and that they have a process in place for handling student complaints when an institution fails to live up to its promises. Repealing this regulation is clearly unacceptable. Students need to be protected from unscrupulous actors.

Most importantly, I am very disappointed that we are not using our time today to focus on making college more affordable. We must ensure that interest rates for need-based undergraduate student loans do not double from 3.4 percent to 6.8 percent in July of this year. If Congress fails to act, more than 7 million students will face approximately $2,800 in higher loan repayment costs. Now, more than ever, American students need Congress' help to afford the cost of a college education.

In closing, I urge my colleagues to vote against H.R. 2117 because Congress and the Department of Education must provide strong oversight for Federal student aid dollars and do everything possible to put students and taxpayers first and protect them from the risk of fraud, waste, and abuse in our Federal student aid programs.

Ms. FOXX. Madam Chairman, I'd like to yield 2 minutes to the distinguished gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank my friend, Ms. FOXX, for yielding to me on this important issue.

Madam Chairman, I rise today to voice my strong support for this important legislation, H.R. 2117. Recently, bureaucrats at the Department of Education promulgated a rule which would require institutions that offer distance education programs to meet State requirements in every State in which they have a distance education student. This legislation that we have here would repeal that rule, a rule that negatively affects hundreds of colleges and thousands of students around this country.

Specifically, in my district, I'm very proud that I have Central Texas College. Central Texas College may be the largest community college in the United States, possibly the world; and it consistently has students of 75,000-plus every year. They provide both on-campus and distance education for thousands of American warfighters, soldiers, sailors, airmen, and marines around the world. These folks who are in any place you could imagine are taking courses from Central Texas College, and they would be specifically impacted if the rule the bureaucrats have put upon us is not repealed. This is very important to the future of the educated warfighters.

Under this rule, only colleges that maintain significant resource reserves would be able to comply with these State authorization requirements.

Just let me point out that Central Texas College is a small public school doing great work for educating our soldiers around the world. We shouldn't let the bureaucrats in Washington take away the opportunity for an education for thousands of soldiers and other students that rely on distance education. This little school that sits on the edge of Fort Hood in Killeen, Texas, is educating soldiers around the world on shipboard and in military posts, and we need to make sure that this H.R. 2117 is passed to protect their education.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

First, let me say I agree with my friend from California that the highest priority in higher education ought to be avoiding that doubling of student loan rates this summer. We should get to work on that.

Second, I rise in support of this bill, and let me tell you why. There is no question that avoiding fraudulent or wrongful credit hours is something we need to do. If someone pays for a credit hour, it ought to really be worth what they're paying for. And certainly, if the Federal taxpayers are paying for this through a Pell Grant or a student loan, it certainly ought to be worth what we're paying for.

The question is, Who is best positioned to make that determination? For years in American higher education, we've had a system where a combination of institutions, their regional accrediting bodies—which are peer accreditors—and to some extent State governments have decided the answer to that question. Without question, there have been some abuses. Without question, there have been some wrong answers. I don't think that those abuses or wrong answers justify adding another layer of decision-making to the system, which would be the Department of Education.

I certainly do think it is worth the attention of the committee, the Congress, and the administration to think

about ways to root out the bad practices that we have seen; but I think yet another level of rulemaking is the wrong way to go.

The other objection that I would make to the rule is that I think that we've fallen into a pattern here, particularly in higher education, where too few decisions are being made in a statutory way by this body and too many decisions are being made by the Department of Education through the regulatory process. As a result of these objections, a broad coalition of educators across the country is in support of this bill, and I am pleased to join that coalition and urge a ''yes'' vote on the bill here today.

Ms. FOXX. Madam Chairman, I would like to thank Mr. ANDREWS for his pointing out that this is a very bipartisan bill, supported by a coalition of many groups.

I now would like to yield 2 minutes to my distinguished colleague from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Madam Chairman, I rise today in strong support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act. This important legislation aims to repeal two of the Department of Education's packages of regulations that will hinder colleges and universities from making decisions that best serve their students.

These Federal regulations handed down from the Department of Education are not only proving to be costly, but they're intruding into areas best handled by academic institutions individually and also States.

Today, I urge my colleagues to join me in support of H.R. 2117 to repeal two regulations specifically that affect State authorization of academic institutions and the definition of credit hours. These provisions allow the Federal Government to reach further into the educational authority of the States. The State authorization provision requires institutions offering distance-education programs to meet requirements in every State in which they have a distance-education student. This regulation threatens programs like those offered by Penn State's World Campus and limits access to quality education.

Many programs have already started to identify States where they will no longer be able to offer distance education. The credit-hour provision establishes a Federal definition of a credit hour, hindering institutions of higher education from making innovative and sensible core academic decisions related to their curriculum and imposing a one-size-fits-all approach.

While I was home in Bucks County last week, Madam Chairman, I had the opportunity to meet with the president of a local college. He was worried specifically about the impact these burdensome regulations would have on his students; and more than 60 higher-education associations and accrediting organizations have joined him in expressing their support for the repeal of these costly regulations.

Over the course of the last decade, we've seen the cost of higher education skyrocket, with the rise in tuitions and fees at public 4-year colleges and universities outpacing inflation by 5 percent. The rising cost of higher education will not be solved through more Federal mandates and programs. We must return flexibility to academic institutions and prevent Federal overreach into higher education by passing this bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chair, I thank my friend from California. And here I join the New Jersey Presidents Council, which represents all the institutions of higher education in New Jersey, in support of this legislation, as well as the Association of Independent Colleges and Universities in New Jersey who support this bill, as well as the American Council on Education, which represents 1,600 college presidents around the country in support of this bill.

□ 1350

Clearly, there have been abuses in some businesses and some institutions and those abuses have to be addressed, but this legislation I think makes sure that we go about it in the right way.

I'd like to quote from one of my constituents, President Shirley Tilghman of Princeton University. She writes:

> Unlike many nations elsewhere in the world, the United States has nurtured a vibrant and vigorous respect for academic freedom. Under such a system, American higher education has flourished.

She goes on:

> But if recent trends continue, in which the staff at accrediting agencies seek to substitute their own judgments about what mission an institution should pursue and about how the institutions can best achieve that mission and measure success, we risk damaging the country's leading institutions.

In other words, the Department's rules strike at the heart of our excellent higher education. But whether these rules are in effect or not doesn't matter if students can't afford to go to college.

My amendment to this legislation to require Pell Grants be maintained at at least the current level of $5,500 was not made in order. Now, in New Jersey, 213,000 students use Pell Grants to make college affordable.

There's bipartisan agreement on Ms. FOXX's bill, but unfortunately this is a partisan matter.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HOLT. The Republicans in the House have three times approved a budget that would slash the maximum Pell Grant award to $3,040, the lowest since 1998. Slashing Pell Grants would put college out of reach for thousands of students.

I call on the Republicans, because this is a partisan matter, to protect Pell Grants and not roll them back to their 1998 levels in their budget this year.

Ms. FOXX. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 2117. Today's debate on the Protecting Academic Freedom in Higher Education Act affords us a valuable opportunity to discuss challenges facing our higher education system.

I think that we all agree that we have a higher education system that's the envy of the world, and we all want to see it continue to enjoy the recognition that it enjoys now. But this also provides us an opportunity to show bipartisan support for the issue before us.

I want to thank my colleagues on both sides of the aisle for understanding the danger to the higher education community that the regulations are presenting to us and that they will stall the efforts in our country to make higher education more accessible and more affordable to everyone in the country.

There's no denying the cost of college is skyrocketing. Last year, tuition and fees at public 4-year colleges and universities increased 8.3 percent, even as inflation rose only by approximately 3 percent.

In recent months, students and families have urged Congress to take action on the issue of rising college costs. The administration has proposed several programs and initiatives that they claim will reduce student loan debt and rein in tuition. However, these initiatives only further entrench the Federal Government in the affairs of States and institutions. Rather than getting the Federal Government more involved in higher education, we can start by working together to remove harmful regulations that pile unnecessary financial burdens on colleges and universities.

The legislation before us today will eliminate two onerous regulations advanced by the Department of Education in October of 2010. The credit-hour and State authorization regulations will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education.

The State authorization regulation sets Federal requirements States must follow to grant colleges and universities permission to operate within the State, infringing on a State's ability to regulate in the way it chooses. For institutions that offer distance learning courses, this could mean meeting authorization requirements and paying authorization fees in all 50 States.

One online university reports the State authorization regulation could cost the institution $700,000 initially, plus an additional $400,000 required annually. Faced with this astronomical sum, the university could be forced to pass these costs along to students in

the form of higher tuition or new fees, or discontinue academic programs in some States. Either way, students will be the victims of this harmful regulation.

Higher education officials are also crying foul over a regulation that establishes a Federal definition of a credit hour. Last spring, Excelsior College President John Ebersole testified to the Subcommittee on Higher Education and Workforce Training about this regulation, stating it inserts the Department of Education into academic judgments that should be made at the institution level and could destroy accelerated learning programs that allow students to complete their education more quickly. As a result, students will have fewer opportunities to graduate early with a smaller loan burden, and schools will have less incentive to offer creative courses that promote learning outside the classroom.

I urge my colleagues on both sides of the aisle to continue to support this positive legislation, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. MILLER for yielding.

I rise in opposition to this legislation, and I'm going to focus my remarks on the credit-hour piece of the legislation.

The Department of Education has established a minimum standard for the credit hour. This is being derided as taking away institutional flexibility. It's being described as a Federal overreach. It's being described as onerous. It's being described as dangerous.

Let's read the regulation. The regulation says that a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is—here's the part I want us to pay attention to—an institutionally established equivalency that reasonably approximates not less than 1 hour of classroom instruction for 15 weeks per credit hour.

An institutionally established equivalency; that places the responsibility for determining what a credit hour is where it belongs—with the faculty and with the accreditor of that particular institution, so long as it complies with a minimum Federal baseline or minimum Federal standard.

Now, with respect to overreach, with respect to how dangerous this is, with respect to how onerous this is, let's be clear: this very definition of a credit hour has been the law in the State of New York since 1976. We have some pretty good institutions in New York that have managed to survive even in the face of this so-called ''onerous'' regulation. Columbia University is one of the best universities in the world; so, also, is NYU; so, also, is Fordham; so, also, is Syracuse. This has been the law.

I administered a school in the State of New York. Our cost of compliance for complying with the credit-hour regulation was exactly zero, and we were able to create all kinds of innovative programs—a semester at sea, cooperative education, internships, truncated courses that met in accelerated time formats for 4 and 5 weeks—all because we established an institutional equivalency that was agreed to by our faculty and agreed to by our accreditors. That's all this regulation does.

So for us to describe it as if it's going to end higher education as we know it and it's going to stifle innovation and be onerous to students and add to the length of time for their degree program simply is not true. We have a 35-year experience in New York that says that this regulation works just fine.

Lastly, let me say we define an academic year as consisting of 24 to 36 credit hours. That's what the Federal Government says. We say that you need to take at least 6 credit hours in order to be minimally eligible for financial aid, and yet we don't define the credit hour. So we base a great many of our judgments on what a credit hour is, yet we don't define it.

Let's vote against this piece of legislation.

□ 1400

Ms. FOXX. Madam Chairman, I would just like to point out very briefly to my colleague, Mr. BISHOP, that institutions have always had the authority to do institutionally approved equivalency. It isn't something that we needed the Federal Government to give us. As a former assistant dean, I did that all the time, approved institutional equivalence to courses. We have always had that approval. We didn't need the Federal Government to write it into rules and regulations.

Madam Chairman, I now yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentlewoman from North Carolina for yielding me the time, and not just for the time but for her continued leadership on the floor of this House and in the Halls of Congress. It is steady, it is dignified, it is common sense, and it is certainly a great reflection of the people she represents.

I rise this afternoon to give my strong support to this measure.

During this time of economic uncertainty and high unemployment, it is more important than ever to make sure the Federal Government does not stand in the way of Americans who wish to continue their education and gain the skills necessary for a more prosperous future. It's pretty simple. I believe a strong higher education system is critical to preparing American graduates for an increasingly competitive workforce.

In Indiana, my students are not just competing with other students in Fort Wayne and Evansville. They are competing with students from places all over the world whose names we can barely pronounce. That requires a different strategy. However, the regulatory initiatives put forth by the Department of Education will only add strain and undue burden on our colleges and universities.

One of these regulations pertains to the authorization that a college or university must obtain from a State when operating within that State. For institutions providing online education programs, which is becoming the new norm, this regulation could require them to obtain authorization in every State where enrolled students reside in order to participate in the Federal student aid programs. This regulation will only serve to negatively impact States and institutions of higher education across the country and inject the Federal Government once again into an issue that is best left to the States and the postsecondary institutions themselves.

I heard from many outstanding institutions in Indiana on this regulatory change. They are facing hundreds and potentially thousands of additional administrative hours just because they offer online programming. That is not fair. That is not American. Not only that, but if this rule goes into effect, they will likely deny entrance to students in States where they are not approved and deny financial aid to any current students living in those States, as well.

For all these reasons, I urge my colleagues to adopt this measure.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chair, we've just spent the last few hours in an Education and Workforce Committee markup debating the disastrous Republican rewrite of the Elementary and Secondary Education Act. Not content to undermine K–12 education, the majority adjourned the markup so they could come down here and inflict damage on higher education, as well.

Through the repeal of two important Department of Education regulations, H.R. 2117 undercuts college students' ability to be assured a quality education for their investment. Congresswoman Foxx's bill repeals two Department of Education regulations intended to protect consumers, students, taxpayers, and the money that we invest in higher education because it doesn't hold the spending accountable to ensure that there's real progress for the dollars that we invest.

This bill doesn't do anything to solve the problem of how to make college more affordable for more people. Why are we doing this? Why aren't we addressing the absolutely looming student loan interest rate hike that will drastically increase the cost of college? If Congress doesn't act by July, more than 7 million students will face an increase of approximately $2,800 in higher costs.

At a time when a sluggish economy is making it hard for young people to

find work, why aren't we standing here talking about cutting the barriers to higher education? Why aren't we opening a pathway to the American Dream? Why are we restricting access to a college education? Why aren't we working for these kids instead of against them? I don't understand this. We should be working together to increase accountability. We should be protecting taxpayer investments. We should be opening the door to higher education. Instead we're debating this wasteful partisan piece of legislation.

I urge all Members to vote ''no.''

Ms. FOXX. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the chairwoman for her hard work on this bill.

A year ago I spoke on the House floor urging this committee to introduce legislation repealing the program integrity regulations. Today I speak in support of H.R. 2117, which repeals two of these regulations.

While we must ensure that our small number of schools who have acted in bad faith are dealt with accordingly, the credit-hour and State licensing regulations are an overreaction with vast unintended consequences. First, these regulations will significantly alter the Federal role in the accrediting and licensing of institutions of higher education. Second, they will also drastically limit student access to educational programs and negatively impact all schools.

Let me give you an example of a school located in the Midwest in my district—Ohio Christian University—as an example of a school that will be adversely affected by these regulations. OCU is located in Pickaway County, which is a typical county in southeastern Ohio and mirrors that of many across the Midwest. It is struggling with this difficult economy. It has lost over 2,500 jobs, and only 11 percent of the residents in this county have a bachelor's degree.

In contrast, Ohio Christian University has created 150 jobs in just 5 years while graduating thousands of students since its founding in 1948. In addition to offering traditional undergraduate degrees, OCU offers an online degree program. Currently, more than 1,000 students from over 15 States are enrolled in that program. Because of the high costs and administrative burdens required to get licensing in every State where an online student resides, OCU will be forced to un-enroll at least half of its online students and lay off a large number of staff. Further, as part of the adult degree program, OCU offers a limited number of credit hours for prior learning and work experiences. This program allows nontraditional students the ability to return to school and earn their degree. To comply with the credit-hour regulation, the university will be forced to eliminate that program, which would be a significant disincentive for older students. The regulation will also negatively impact traditional students by setting a strict definition of credit hour, and this will eliminate the school's ability to credit innovative courses which provide students with the cutting-edge skills and knowledge required for future employees.

Today I urge my colleagues to protect our schools, States, and students from these burdensome, overreaching regulations by supporting H.R. 2117.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. MILLER.

I rise in opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

This legislation would remove critical safeguards ensuring that American taxpayer dollars are used responsibly in our higher education system. For example, unregulated for-profit colleges are targeting our veterans, targeting low-income students, and targeting minorities. These institutions receive a high percentage of their revenue from Federal student loan dollars, yet they're failing to properly educate their students. As a result, the students who need the most support are failing to get it. They are more likely to drop out, graduate without a degree and without the proper training they need to obtain gainful employment. And in turn, they're unable to pay back their student loan debt. H.R. 2117 would let the for-profit colleges off the hook.

We must start focusing our efforts on making college more affordable for all students. We must stop the interest rates from doubling on student loans and provide for innovative ways to help students pay back their loans rather than condemning them to early lives of debt.

□ 1410

We need to increase the maximum Pell Grant and broaden the eligibility for them. We need to invest in programs at community colleges that train students to enter into our workforce. We need to refocus our attention on assisting young Americans to obtain the education they need and deserve instead of repealing regulations that protect our investment in their future.

I urge my colleagues to join me in opposing this bill.

Ms. FOXX. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in opposition to this legislation which will enable even more fraud and abuse in the for-profit college industry.

Right now, many for-profit colleges are engaged in the same sorts of predatory lending schemes that we saw in the housing market. According to Holly Petraeus at the Consumer Financial Protection Bureau, recruiters from for-profit colleges have been signing up marines with serious brain injuries, marines who cannot even remember what they signed up for, in order to inflate their profits.

According to a 2009 Pew study, even though only 1 in 14 students, or 7 percent, attend these proprietary schools, they make up nearly half, 44 percent, of the default rate on student loans.

So, if anything, we need more comprehensive oversight over for-profit colleges. Instead, this bill repeals regulations that are already on the books and makes it easier for the institutions to commit fraud at the expense of students and taxpayers.

What the bill does is it overturns regulations for awarding the Federal student aid that are aimed at ensuring accountability and reducing fraud. It removes the ability of the Secretary of Education to define a credit hour without providing an alternative. It removes the Federal Government's ability to protect students from being overcharged and ultimately overcome by costly student loans. By getting rid of the State authorization requirement, it opens the door to billions of taxpayer dollars going to institutions that are openly flouting the law. It's about manipulating credit hours in order to receive more Federal aid.

Instead of deregulating for-profit colleges, we should be working to ensure that these institutions are fulfilling their obligations to their students. We should work to fix the real problems that students face right now: growing student debt and the upcoming interest rate increase on student loans. This bill will only cause more fraud and abuse in a sector that is already rife with it, and I urge my colleagues to oppose it.

Ms. FOXX. Madam Chairman, I would like to point out that this bill, again, has bipartisan support.

We have a letter from the National Governors Association, which talks about the need to strengthen higher education, not give more Federal control; and a letter from the American Council on Education, signed by Molly Corbett Broad and 98 institutions from across the country, mostly public and private institutions.

This is not a for-profit or a public issue. This is all institutions of higher education who are concerned with this issue.

NATIONAL
GOVERNORS ASSOCIATION,
Washington, DC, July 1, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
Speaker of the House, House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER REID, SENATOR MCCONNELL, SPEAKER BOEHNER, AND REPRESENTATIVE PELOSI: On behalf of the nation's governors, we write in support of H.R.

2117, the ''Protecting Academic Freedom in Higher Education Act.'' In June, the U.S. House Education and the Workforce Committee passed H.R. 2117 on a bipartisan basis. We urge Senate and House leadership to take action to approve this important legislation to preserve the autonomy and strength of America's higher education system.

H.R. 2117 would repeal two federal regulations issued by the U.S. Department of Education that are highly problematic for states, institutions of higher education, and our students. Specifically, the bill would repeal the new federal definition of a credit hour and a new requirement that erects federal hurdles for states to authorize higher education programs. Additionally, the bill prohibits future action by the U.S. Department of Education to promulgate new federal mandates, rules, or regulations with respect to a federal definition of a credit hour.

Perhaps at no other time in history has the quality of our higher education system been so vital to students and our national economic interests. At the same time, across the country, governors are pursuing innovative higher education reforms to expand opportunities for students, create and retain jobs, enhance state competitiveness, and expand economic development. The new federal regulations could have a chilling effect on innovation and productivity in higher education.

Governors urge your support of H.R. 2117. We look forward to working with you to continually strengthen our nation's higher education system.

Sincerely,

GOVERNOR JEREMIAH W. (JAY) NIXON,
Chair, Education, Early Childhood and Workforce Committee.

GOVERNOR ROBERT F. MCDONNELL,
Vice Chair, Education, Earl Childhood and Workforce Committee.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 27, 2012.

DEAR REPRESENTATIVE: On behalf of the higher education associations and accrediting organizations listed below, I urge you to vote for H.R. 2117, which would repeal two highly problematic and prescriptive regulations initiated by the Department of Education (ED).

The credit hour definition and state authorization regulations took effect on July 1, 2011. They are the product of a larger attempt by ED to curb abuse and bring greater integrity to the federal student aid programs. These efforts are laudable, and many portions of the regulatory package ED produced will be effective in achieving their intended goals. However, given the almost total lack of evidence of a problem in the context of credit hour or state authorization, these two portions of the package miss their mark. We see no justification for two regulations that so fundamentally alter the relationships among the federal government, states, accreditors and institutions. We believe the outcome of this unprecedented regulatory overreach will be inappropriate federal interference in campus-based decisions in which the faculty play a central role. The end result will be a curtailment of student access to high-quality education opportunities.

A federal credit hour definition opens the door to federal interference in the core academic decisions surrounding curriculum, which is the exact type of interference expressly prohibited in the act that created ED. It sets in motion the basis for perpetual regulatory intervention in multiple institutional and accreditation decisions associated with the credit hour. Moreover, the federal definition at issue poses serious challenges for institutions as they review tens of thousands of courses in an effort to ensure consistency with it. Accreditors face similar burdens as they attempt to develop or revise their own policies and practices to review institutions' credit policies for consistency with the definition. Finally, the definition places accreditors in the untenable position of being required to put aside the academic judgments of the traditional peer review process and instead substitute the federal government's judgment about a critical component of the academic enterprise.

The state authorization regulation intrudes upon prerogatives properly reserved to the states, potentially upsetting recognition and complaint resolution procedures that have functioned effectively for decades. It has also generated enormous confusion in the distance education arena and has created a market for definitive legal compilations of the extensive number of statutory requirements within each of the states with which institutions must comply. Having no way to accurately predict or control student mobility, most institutions will need to pursue authorization in all 50 states even before knowing from which states their students may ultimately enroll. State policies vary widely. They can be complex, are often ambiguous and may be accompanied by fees that may be cost-prohibitive for many public and nonprofit institutions. At the end of the day, the most pernicious consequence of the state authorization regulation might be that institutions that have been exploring the expansion of their online courses in order to lower the costs of tuition will not find it economically feasible to continue down this path.

It is important to note that neither of these regulations was developed in response to underlying legislation indicating a desire by Congress to regulate colleges and universities in these areas. To the contrary, as we have noted, the credit hour definition conflicts with ED's enabling legislation which prohibits interference in core academic matters.

We believe these regulations are misguided and will have far-reaching negative consequences for higher education. We strongly support H.R. 2117, and we ask you to vote in favor of its adoption.

Sincerely,

MOLLY CORBETT BROAD,
President.

On behalf of:

HIGHER EDUCATION ASSOCIATIONS

ACPA-College Student Educators International; American Association of Colleges for Teacher Education; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Community Colleges; American Council on Education; American Dental Education Association; American Indian Higher Education Consortium; American Psychological Association; Appalachian College Association.

Association of American Medical Colleges; Association of American Universities; Association of Benedictine Colleges and Universities; Association of Catholic Colleges and Universities; Association of Chiropractic Colleges; Association of Community College Trustees; Association of Governing Boards of Universities and Colleges; Association of Independent Colleges and Universities in New Jersey; Association of Independent Colleges and Universities of Ohio; Association of Independent Colleges of Art & Design.

Association of Independent Kentucky Colleges and Universities; Association of Jesuit Colleges and Universities; Association of Presbyterian Colleges and Universities; Commission on Independent Colleges and Universities in New York; Conference for Mercy Higher Education; Council for Christian Colleges & Universities; Council for Higher Education Accreditation; Council for Opportunity in Education; Council of Graduate Schools; Council of Independent Colleges.

EDUCAUSE; Federation of Independent Illinois Colleges & Universities; Georgia Independent College Association; Hispanic Association of Colleges and Universities; Independent Colleges and Universities of Texas; Independent Colleges of Washington; Independent Colleges of Indiana; Kansas Independent College Association; Louisiana Association of Independent Colleges and Universities; NASPA-Student Affairs Administrators in Higher Education.

National Association of College and University Business Officers; National Association of Independent Colleges and Universities; National Association of Student Financial Aid Administrators; New American Colleges and Universities; South Carolina Independent Colleges and Universities; Tennessee Independent Colleges and Universities Association; University Professional & Continuing Education Association; Wisconsin Association of Independent Colleges and Universities; Women's College Coalition; Work Colleges Consortium.

REGIONAL ACCREDITATION ORGANIZATIONS

Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; Commission on Institutions of Higher Education, New England Association of Schools and Colleges; Middle States Commission on Higher Education; Northwest Commission on Colleges and Universities; Southern Association of Colleges and Schools Commission on Colleges; The Higher Learning Commission of the North Central Association of Colleges and Schools.

OTHER ACCREDITATION ORGANIZATIONS

ABET; Accreditation Council for Pharmacy Education; Accreditation Review Commission on Education for the Physician Assistant; Accrediting Commission of Career Schools and Colleges; Accrediting Council for Independent Colleges and Schools; Accrediting Council on Education in Journalism and Mass Communications; American Board for Accreditation in Psychoanalysis, Inc.; American Board of Funeral Services Education; American Dental Association Commission on Dental Accreditation; American Occupational Therapy Association—Accreditation Council for Occupational Therapy Education.

American Speech-Language-Hearing Association; Association for Biblical Higher Education; Commission on Accreditation; Association of Advanced Rabbinical and Talmudic Schools; Association of Specialized and Professional Accreditors; Commission on Accreditation for Marriage and Family Therapy Education; Commission on Accreditation in Physical Therapy Education/American Physical Therapy Association; Commission on Accreditation of Allied Health Education Programs; Commission on Accreditation of Healthcare Management Education; Commission on Accrediting of the Association of Theological Schools; Commission on Collegiate Nursing Education.

Council for Accreditation of Counseling and Related Educational Programs; Council of Arts Accrediting Associations, including: National Association of Schools of Art and Design; National Association of Schools of Dance; National Association of Schools of Music; National Association of Schools of

Theatre; Council on Academic Accreditation in Audiology and Speech-Language Pathology; Council on Accreditation of Nurse Anesthesia Educational Programs; Council on Chiropractic Education; Council on Education for Public Health.

Council on Naturopathic Medical Education; Council on Podiatric Medical Education; Council on Rehabilitation Education; Council on Social Work Education; Distance Education and Training Council; Joint Review Committee on Education in Radiologic Technology; Joint Review Committee on Educational Programs in Nuclear Medicine Technology; National Accrediting Agency for Clinical Laboratory Sciences; National League for Nursing Accrediting Commission; Teacher Education Accreditation Council; Transnational Association of Christian Colleges and Schools.

With that, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Chairman, I rise today in opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

This legislation will simply wipe out all of the credit-hour and State authorization program integrity rules. These rules are so important and crucial because this is what prevents the widespread rip-off, fraud, and abuse in this industry.

H.R. 2117 would repeal the Department of Education's State authorization regulation, which gives States the ability to enforce their right to require that all colleges operating within their jurisdictions be authorized to do so. Without this State authorization rule, States have no way of knowing which colleges operate within their State unless they operate on physical campuses.

The State authorization rule simply requires that, as a condition for a receipt of Federal aid, colleges verify that they have authorization from the States in which they operate and are in adherence to their State education laws.

This legislation also aims to overturn the rule creating a sweeping Federal definition of credit hour. Currently, there is no common understanding of what colleges mean when they use the word ''credit.''

The most egregious result of this provision's repeal is the abuses of for-profit colleges, like the American Intercontinental University, who has been charged with inflating their credit hours to a point when they offered nine college credits for courses that were only 5 weeks long.

The Federal definition of a credit hour is imperative to directly address colleges that have been inflating their credits to acquire more Federal student financial aid dollars.

This rule will also help mitigate the widespread problems students face in transferring credits from one institution to another by articulating a more precise measure of educational concept attainment represented by credits a student earned.

The Acting CHAIR (Mrs. EMERSON). The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. WATERS. This program's integrity rules have been put in place to ensure that all students receive a fair shake in their quest to obtain a higher education. Instead of working against the Department of Education and Secretary Duncan, policymakers should be working with them to implement these rules in a sensible way, not trying to repeal them altogether.

Ladies and gentlemen, what is happening with private postsecondary schools is the next biggest scandal. You think the subprime meltdown was big, when American taxpayers find out how much of their tax dollars are being ripped off by these private postsecondary schools who have a Joe Blow school for computer learning with no computers, teachers who are not accredited, credit hours that are distorted, and students who don't get trained, don't get education, can't transfer anything, and end up with a lot of debt, I ask you to please reject this legislation.

I have the greatest respect for the legislator who's introduced this, but this is wrong. This is a rip-off, and we should be against it.

Ms. FOXX. Madam Chairman, I appreciate the comment of my colleague from California, and I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. We have no further speakers, Madam Chair, and I yield myself such time as I may consume.

Madam Chairman, I would just conclude that I think, when you consider the $200 billion that the taxpayers of this country provide through the Federal Government student aid programs to the institutions of higher education all across the country, all of different dynamics, that before we throw out what modest accounting system we have for trying to make sure that we buy value for each and every student who spends their money, the money that they borrow, the money that their parents borrow to try to provide them the educational opportunities so that they can participate in the greater American opportunity all across this country, we ought not to be throwing this system out.

As Mr. BISHOP pointed out, this is a minimum requirement. It's a requirement that many people will recognize. When you sign up for a three-unit course, very often you find you spend 3 hours a week in that class. If you sign up for a five-unit course, you're spending more time.

The question really becomes—now as we see a lot of different institutions mixing into this space and receiving and living off almost 85 to 90 percent of their revenues that come from the Federal taxpayers—do these courses really have value? Are they giving the student the value for which they're signing up?

The record is replete that in many instances that's not the case, that in many instances the students have been defrauded. In many instances, it was represented that this was all transferable to the State colleges and to the university systems when, in fact, it turned out not to be true.

I think that we ought to make sure that we don't throw out that current accounting system to make sure that taxpayers and students are getting value for the money that they spend and the money that they work hard to pay back at a time when we have nothing to take its place.

The idea now that in the future you need no accreditation in a State to start up an institution and then you have access to all of the revenues you can grab from the Federal Government makes no sense to me at all. We ought to have accountability in this system, and that accountability runs to the students and it runs to the taxpayers in this country. I would hope that we would reject this legislation.

I yield back the balance of my time.

□ 1420

The Acting CHAIR. The gentlewoman from North Carolina has 12 minutes remaining.

Ms. FOXX. Madam Chairman, I yield myself the remainder of my time.

No one in this body believes more in accountability than I do. However, increasing Federal control over our lives and over institutions of higher education is not the way to go. As Jefferson said—and I paraphrase—if we allow Washington to tell us when to sow and when to reap, we should soon want bread.

In order to make postsecondary education more affordable and accessible for students, we need to encourage innovation on our college campuses and allow institution leaders to develop and implement their own solutions to drive down the costs for students. However, this cannot happen if the Federal Government continues to attempt to micromanage our higher-education system by imposing more regulations.

The Protecting Academic Freedom in Higher Education Act repeals two onerous regulations that give the Federal Government unnecessary control over the academic affairs of colleges and universities. H.R. 2117 will ensure institutions can continue to develop innovative programs and course options to meet students' needs. We have letters of support from colleges, higher-education associations, and the National Governors Association on this legislation.

When the Education and the Workforce Committee held a markup of H.R. 2117 last summer, I was also pleased to have the support of many of my colleagues on the other side of the aisle. I hope we can continue to work together by approving this legislation to help students and colleges. I strongly urge

my colleagues to support the Protecting Academic Freedom in Higher Education Act.

I yield back the balance of my time.

Mr. HERGER. Madam Chair, the federal government's overreach into education is doing more harm than good for our schools and universities. The bill before us today, the Protecting Academic Freedom in Higher Education Act, would repeal some of the more heavy-handed regulations created by the Department of Education. I am concerned that states becoming actively involved in the accreditation process could adversely affect private universities in Northern California and throughout the U.S. by adding another layer of costly mandates and bureaucratic interference. I also do not believe the federal government should micromanage universities through actions such as defining the credit hour, which interferes with the academic authority of university leaders. I strongly support this legislation ending both of those harmful and unnecessary rules, and I hope the Senate will join us in eliminating these excessive regulations.

Mr. MCKEON. Madam Chair, I rise in strong support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act. I want to first thank the gentlelady from North Carolina for sponsoring this important piece of legislation and Chairman KLINE for giving H.R. 2117 the attention it deserves.

In October of 2010, the Department of Education introduced a regulatory package that aimed to improve the integrity of student financial aid programs, such as Pell Grants and federal student loans. However, the outcome was an introduction of two new burdensome rules, the credit hour and state authorization regulations. Two more prime examples of the current Administration's overreaching regulatory agenda. I have deep concerns about the impact these regulations will have on college affordability.

Under the new credit hour regulation, federal student aid would be awarded to students based on the number of credits they take each term with the federal government defining a credit hour. This would discredit and negatively impact the traditional role of colleges and universities. Not only would this undermine colleges and universities but it would also overrule a state's determination of whether an educational program is a credit hour. In turn, this could lead to students receiving less federal aid or taking a slower path to graduation which results in fewer choices for students looking for postsecondary options to further their education. Overall students should be measured by how much they learn in the classroom instead of how much time they spend in the classroom.

The State Authorization regulation would impose a one-size fits all approach to America's higher education community and weaken what is currently a strong and diverse community of institutions, each with their own unique missions. This new management style would result in unnecessary and excessive costs not only on states and universities but as well as the students. Furthermore, it would give states unprecedented authority over private and religious institutions.

H.R. 2117 puts the right foot forward by repealing these burdensome regulations and instead focuses on the student and fosters an environment that enables them to learn and grow in a cost-effective manner. This legislation not only protects the student but also the academic institutions enabling them to focus on the individual by helping them excel in the academic community rather than having to worry about big government and its regulations.

Mr. VAN HOLLEN. Madam Chair, I rise to oppose H.R. 2117, which would repeal important consumer and taxpayer protections without providing an alternate solution to safeguard students.

Under the Higher Education Act, the federal government, states, and accrediting agencies share responsibility to ensure that students receive a high quality education. As the federal government invests billions in federal student assistance, this ''triad'' must also work together to protect taxpayers from fraud and abuse. The Department of Education issued regulations intended to clarify the state's responsibility to authorize institutions and ensure that they have a system in place to address student complaints.

The regulations also create a uniform definition of a credit hour, which is used on the federal level to allocate student aid dollars. The Department's Inspector General has advised that the failure to define the credit hour has hampered the Department's ability to address waste and fraud in the student aid program.

Finally, the regulations clarify existing requirements that institutions offering distance learning programs be authorized according to the laws of every state in which they operate. I appreciate the concerns of many schools that authorizing in multiple states could be costly and duplicative. For this reason, I strongly support efforts on the State level to establish reciprocity agreements to ease this burden while still ensuring that students receive a quality education.

However, in repealing the regulations entirely, this bill ignores the advice of the Inspector General and leaves billions of dollars of student aid vulnerable to waste, fraud, and abuse. It also eliminates basic consumer protections for students.

We have a responsibility to ensure that students receive a high quality education and taxpayer dollars are spent wisely. By repealing the Department's efforts but offering no alternate plan, this bill abdicates that responsibility. I urge my colleagues to vote against it.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2117

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 ''Protecting Academic Freedom in Higher Education Act''.

SEC. 2. REPEAL OF REGULATIONS RELATING TO STATE AUTHORIZATION AND DEFINING CREDIT HOUR.

(a) REGULATIONS REPEALED.—

(1) REPEAL.—The following regulations (including any supplement or revision to such regulations) are repealed and shall have no legal effect:

(A) STATE AUTHORIZATION.—Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, and 668.43(b) of title 34, Code of Federal Regulations (relating to State authorization), as added or amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.).

(B) DEFINITION OF CREDIT HOUR.—The definition of the term ''credit hour'' in section 600.2 of title 34, Code of Federal Regulations, as added by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66946), and subsection (k)(2)(ii) of section 668.8 of such title, as amended by such final regulations (75 Fed. Reg. 66949 et seq.).

(2) EFFECT OF REPEAL.—To the extent that regulations repealed by paragraph (1) amended regulations that were in effect on June 30, 2011, the provisions of the regulations that were in effect on June 30, 2011, and were so amended are restored and revived as if the regulations repealed by paragraph (1) had not taken effect.

(b) REGULATIONS DEFINING CREDIT HOUR PROHIBITED.—The Secretary shall not promulgate or enforce any regulation or rule that defines the term ''credit hour'' for any purpose under the Higher Education Act of 1965 on or after the date of enactment of this section.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112–404. 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. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–404.

Mr. GRIJALVA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subparagraph (A) of section 2(a)(1) of the bill as reported—

(1) strike ''Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3),'' and insert ''Except as provided in paragraph (3), section''; and

(2) strike '', and 668.43(b)''.

At the end of subsection (a) of section 2 of the bill as reported, add the following:

(3) PRESERVATION OF STUDENT PROTECTION PROCESS.—The repeal of section 600.9 of title 34, Code of Federal Regulations, in paragraph (1)(A) shall not apply with respect to the following provisions of such section:

(A) The first sentence of paragraph (a)(1) through the term ''State laws''.

(B) Paragraph (a)(2).

(C) Paragraph (b).

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. The bill we are debating today, H.R. 2117, eliminates the entire State authorization rule, including the establishment of a process for States to review and appropriately act

on student complaints concerning an institution. This amendment would make sure that those student-complaint provisions are retained.

Up until now in many States, a student who discovered that the program she is enrolled in is not providing the preparation she paid for or is not preparing her in the way that they suggested or has treated her unfairly would have little recourse in the way of complaint. Not all States have a complaint process in place, but these recently implemented rules established a State-based process for students to lodge a complaint.

This provision is a good idea. This process will help to shine light on programs and will give students and families an opportunity for recourse when they feel they have been misled or mistreated by an institution or a program. The vast majority of institutions work in a student's best interest and will seek to guide students and address concerns when they arise. This amendment ensures that students have a place to air their concerns when that is not the case.

I think we should maintain the student-protecting provision in the regulations by removing the provision that eliminates it in this bill. My amendment protects students and taxpayers by ensuring that each State has a process in place to receive and review student complaints and by promoting good practices and addressing abuses.

Last Congress, we worked hard to protect consumers from bad practices at credit card companies and banks. We should do the same for students. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. FOXX. Madam Chairman, I rise in opposition.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Under the Higher Education Act, accrediting agencies are already required to have a system for individuals to give complaints about a college or a university. Under current practice, many States have well-established complaint processes that are serving students.

I am also concerned about the burden this regulation will place on States. While the economic situation in our country has shown modest improvements recently, States are struggling with huge budgetary challenges. They have limited staff and may not be able to handle new and unnecessary changes required under this proposal.

During a time when States, institutions, parents, and students are worried about ways to increase college affordability, I think it would be better for States to put their limited resources towards helping colleges and universities keep their tuitions down rather than adding another layer of State bureaucracy.

For these reasons and others, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Madam Chair, I yield such time as he may consume to the ranking member of the Education and the Workforce Committee, the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Just quickly, you can't have it both ways. You can't say, well, a lot of States are already doing this, but now we don't want to add a burden. This simply says the State has to have a process. If the State has a process, it's over, it's done. So why would we take away that voice in those States that don't have a process?

Let's make sure that students have a place to go. As we know, many of these financial scandals have been brought to us by students because they can't get redress anywhere else. I urge an ''aye'' vote on this amendment.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. GRIJALVA. In closing, the underlying legislation, H.R. 2117, stacks the deck against due process and the ability for families and students to seek redress when institutions or programs deny them or mistreat them regarding the services that they've purchased and the education that they're seeking.

By reinserting that provision, we allow families and students to have redress, to have due process and to have a fair and balanced look at complaints they might have. It is simple, it is direct, and it merits remaining in the legislation.

With that, I yield back the balance of my time.

Ms. FOXX. Madam Chairman, I will say once again that I believe this is unnecessary, and I urge my colleagues to oppose the amendment.

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. Madam 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 Arizona will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–404.

Ms. FOXX. Madam Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 13, strike ''subsection (k)(2)(ii)'' and insert ''clauses (i)(A), (ii), and (iii) of subsection (k)(2)''.

Page 5, line 24, insert ''of Education'' after ''Secretary''.

The Acting CHAIR. Pursuant to House Resolution 563, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. I rise in support of my amendment to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

In the months since the Education and the Workforce Committee approved H.R. 2117, States and institutions have expressed concerns about interpretations of the clock-hour provisions in the credit-hour regulation. The regulation would prevent some programs from converting to a credit-hour program even though the conversion is permitted under State law. This change could alter the manner in which colleges and universities disburse Federal student aid, and it could harm students' abilities to progress sufficiently in their coursework.

My amendment would prevent the Federal Government from reinterpreting a State's laws or regulations to require credit-hour programs to convert back to clock-hour programs. The State should be the final judge of its own laws and regulations. This is a necessary step to correct the Department of Education's interpretation of a clock-hour program, and it will reaffirm our intent that the discretion for determining clock-hour programs should remain with States' accrediting agencies and institutions.

Madam Chairman, the amendment improves the underlying legislation and ensures colleges and students are protected from the harmful Federal intrusion into academic affairs. I urge my colleagues to lend their support, and I reserve the balance of my time.

□ 1430

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I thank the Chair.

This amendment is absolutely consistent with this legislation. What it does is just simply make it easier for any institution to maximize the amount of Federal aid they get.

Under this amendment, they would be able to choose whether or not they want to be a clock-hour or a credit-hour institution, and that would depend really on how they could game the reimbursement that's available to them again without checking whether or not this provision allows for the student to receive value for that money which they borrow to pay for their education. I oppose this amendment.

I yield back the balance of my time.

Ms. FOXX. I yield back the balance of my time, urging my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–404.

For what purpose does the gentleman from Colorado rise?

Mr. POLIS. Thank you.

I have an amendment at the desk. This will be amendment No. 5.

The Acting CHAIR. It is now in order to consider amendment No. 3. Does the gentleman wish to offer it?

Mr. POLIS. I have an amendment at the desk. The amendment is numbered No. 3.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subsection (a) of section 2, add the following:

(3) STATE AUTHORIZATION REGULATIONS FOR CERTAIN INSTITUTIONS.—

(A) REGULATIONS REQUIRED.—Notwithstanding section 482(c) or section 492 of the Higher Education Act of 1965 or the repeals under paragraph (1)(A) of this section, not later than 6 months after the date of enactment of this Act, the Secretary of Education shall issue regulations that apply the regulations repealed under paragraph (1)(A) to any institution of higher education that has—

(i) a graduation rate that is below the national average for its sector, as defined in the common education data developed by the National Center for Education Statistics;

(ii) a cohort default rate that is higher than the national average for its sector; or

(iii) a completion rate that is below the national average for its sector, as determined pursuant to section 668.8 of title 34, Code of Federal Regulations.

(B) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in subparagraph (A) shall be construed as limiting or otherwise affecting the applicability of section 101(a)(2) of the Higher Education Act of 1965.

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, Congress should be the taxpayers' advocate to root out waste, fraud, and abuse wherever it occurs; and this is particularly true when it comes to student financial aid.

Both of my amendments pertain to this category of making sure we have the right structure in place to in one case incentivize and in another case have a strategy to combat waste, fraud, and abuse. Every dollar we lose to fraud and waste is a dollar that's not invested in our young people, a dollar of deficit spending, of government spending that is not producing the desired outcome of education or youth preparation of our workforce for jobs in the 21st century and improving our economic strength.

If we are eliminating some of the basic protections that are categorically applied under the bill, it's very important that we require institutions that are failing students to prove their value. And if schools have a chronically low graduation rate, a low completion rate or a high loan default rate they, in fact, should be required to be recognized by the State in which they are operating as a backstop against fraud, waste, and abuse to ensure that the students' complaints and questions are at least heard by their own State if they believe that they have been treated unfairly or unjustly by a college or university.

That's what my amendment would do. It would provide an incentive for colleges and universities to produce better outcome for students.

In both of my remarks, I am going to be talking a little bit about Carnegie units and how we determine time. Frankly, this bill is a very limited piece. What we need to do more broadly when we reauthorize the Higher Education Act is really look at outcome-based measurements for learning in higher education.

I think the Secretary, with his rules regarding gainful employment, provided some useful indicators around outcome-based measurements. There are many others that we should look at. That part of what we need to accomplish is freeing good-performing institutions up from the input restraints, the input barriers.

If they can effectively teach something that normally takes 2 hours in 5 minutes, that institution should be rewarded for that and encouraged to do that.

What a great way to invest our taxpayer money in some innovative institution of higher education that has figured out how to get 2 hours of legacy Carnegie credit into 5 minutes of rapid instruction. What a wonderful accomplishment, and I am hopeful that that and more can be accomplished.

My amendment would provide an incentive for colleges and universities to produce better outcomes. Where they are not performing, they would be subject to their State. Where they are performing, they would have the additional flexibility under this act, and I think that that's something we should encourage in higher education.

I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Madam Chairman.

This amendment is simply unnecessary, and I oppose it. Since the day the President took office, members of his administration have been issuing one heavy-handed regulation after another, primarily in the name of program integrity. However, the regulations simply bring increased Federal intrusion into all aspects of our lives and do not provide the kind of accountability that we need to have throughout our Federal Government. Therefore, I oppose the amendment.

I reserve the balance of my time.

Mr. POLIS. Madam Chairman, in what other government program would we somehow say it's all right to keep fuddling taxpayer money without accountability. Specifically, my amendment would retain State authorization requirements for institutions that have below-average graduation rates, below-average annual completion rates and above-average loan-default rates, free up the good-performing institutions to experiment and not holding them accountable to the Carnegie units that continue to reach out and prevent innovation in the education sector.

I believe the regulations are reasonable and a relatively low burden on colleges. I think by providing this incentive we could make sure that universities and institutions of higher education that are good custodians of our public dollars are freed up to engage in the kind of innovation that can produce a 21st-century workforce and drive education innovation into the new century. Those that continue that have below-average graduation rates, completion rates, and high default rates will make sure that there is a recourse, a recourse with their States, for those institutions.

I strongly urge a ''yes'' vote on this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chairman, again, I want to state my opposition to 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 Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

The Acting CHAIR. For what purpose does the gentleman from Colorado seek recognition?

Mr. POLIS. I have an amendment at the desk, amendment No. 5.

The Acting CHAIR. Does the gentleman request a recorded vote on amendment No. 3?

Mr. POLIS. No.

The Acting CHAIR. The amendment is not agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–404.

Mr. POLIS. I have an amendment at the desk. It's amendment No. 5.

The Acting CHAIR. Is the gentleman attempting to offer amendment No. 4, which is the next amendment in order?

For what purpose does the gentleman from New York rise?

Mr. BISHOP of New York. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike subsection (b) of section 2 of the bill.

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chair, this amendment simply strips the language from the underlying bill that permanently constrains the Secretary from promulgating a regulation or a rule that defines a credit hour, permanently constrains the Secretary from promulgating a regulation or a rule.

And I would suggest that this would represent very, very poor public policy. We provide over $200 billion in Federal student aid, either in the form of grants or in the form of guarantees; and the basis, at least in part, on which we provide that is students' adherence to the minimum number of credit hours that they must take and institutions' adherence to that which they define as a credit hour.

□ 1440

We have no idea what's going to happen 10 years from now, 15 years from now, 20 years from now with respect to whether institutions will be in compliance. We have no idea whether or not shortcuts will be taken. We have no idea with the ongoing proliferation of online instruction and other nontraditional means of instruction whether or not we will be dealing with a higher education universe that is maintaining the appropriate quality controls and maintaining the appropriate protections against the kind of abuse that would ensue if students are able to take courses where the credit hour is not as demanding as reasonable people would suggest it would be, where the semester might be shorter as a result of lack of adherence to what a reasonable definition of a credit hour is. To put the Secretary of Education in a position where he or she would be unable to act in that circumstance is simply unwise, and to impose on the Congress the responsibility to fix a situation that could be much more easily fixed by regulatory or administrative action is also unwise.

So this is very straightforward. It is very simple. I would urge my colleagues to support this amendment, and I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chair, the creation of a Federal definition of credit hour is a prime example of Federal overreach into an area that should be left to colleges and universities. This has worked from the beginning of our country. Our accrediting bodies, our colleges and universities, have done their jobs. There have been no complaints about this. There was one minor episode that occurred, one isolated event, and it was addressed through the accrediting body. This is a typical example of the overreach of this administration, and particularly the Department of Education.

If a need arose in the future to create a Federal definition or put some additional parameters around this section of the law, then it should be done through the legislative process where the implications of such a definition can be thoroughly examined.

Madam Chair, the Founders were very, very wise when they created the Constitution. They delineated exactly what the Federal Government should and should not be doing. The word ''education'' is no place in the Constitution, but article I, section 1 does talk about the House of Representatives and the Congress. That's where the Founders wanted the power to lie, where the authority is to lie. We are accountable to the people whom we represent. We are the people's House. We should not be abrogating our responsibility to unelected bureaucrats. I'm almost embarrassed that any Member would want to do that. We need this responsibility. We have the time to take care of it if there is such a need.

With that, I reserve the balance of my time.

Mr. BISHOP of New York. I would simply point out that my friend from North Carolina continues to use words like ''intrusion'' and ''overreach''; and yet a few moments ago, in response to comments I had made during general debate, she said that as an academic dean, the gentlelady was able to exercise discretion and define a credit hour and define a course and define a semester. There is absolutely nothing in the regulation that the Department of Education has promulgated that would prevent the gentlelady or someone in her position from continuing to exercise that discretion because in the regulation it says that institutionally determined equivalents are perfectly permissible and perfectly acceptable. So the discretion that the gentlelady quite correctly utilized while she was a dean remains in the toolbox of every college administrator in this country.

And so I would urge defeat of the underlying bill, I would urge passage of this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chair, the gentleman is correct; deans and assistant deans and others at colleges and universities have that authority right now. They've had it since the beginning of the creation of institutions of higher education, and we don't need the Federal Government meddling in places it has no business meddling.

I oppose 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 New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. Madam 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 New York will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–404.

Mr. POLIS. Madam Chair, I have amendment No. 5 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 3. EFFECTIVE AND EFFICIENT USE OF TAXPAYER DOLLARS AND PROTECTION FROM POTENTIAL WASTE, FRAUD, AND ABUSE.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall provide a proposal to Congress on how the Secretary will, through the authority of the Secretary to promulgate regulations related to institutional eligibility for participation under title IV of the Higher Education Act of 1965, prevent waste, fraud, and abuse of Federal financial aid dollars by institutions of higher education under such Act to ensure the effective and efficient use of taxpayer dollars.

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, I think that the gentlelady from North Carolina has put together a good bill. It has some good parts and some bad parts. I am very hopeful that she will accept this amendment.

I believe that the intent of the bill, specifically around making sure that we don't have an overarching implementation of Carnegie units—and again, where does this stem from? It stems from a U.S. Department of Education Office of Inspector General report that found that there is not an established definition of credit hour or minimum requirement. The Secretary, working within those constraints, tried to provide a definition. I don't think that is a productive road to go down, so I strongly support the general thrust of this bill.

But where we need to move is toward outcome-based measurements. We have this same discussion in K–12 education as well. And the conclusion that I've come to, and I've come to the same conclusion in higher education, is we need to free institutions up with regard to the inputs to promote innovation and make sure that we hold institutions accountable for the outputs where taxpayer money is at stake.

One component of the bill that I hope the gentlelady from North Carolina can work with me on in accepting this amendment, and I think it is a very pragmatic amendment that would improve the bill, since we are removing many of the specifics that currently combat waste, fraud, and abuse—and I don't think we want to combat waste, fraud, and abuse by applying an overly rigid hour-is-an-hour standard with no

wriggle room because what we care about is whether kids are learning, not whether they spend 5 minutes or 2 hours doing it. I've talked to folks who use apprenticeships, who use online education, and we should hold them accountable for results where there is taxpayer money at hand, but at the same time we want to make sure that there's a backstop for what I think folks on both side agree exist, which is waste, fraud, and abuse in the system. What my amendment would do is replace the specifics of these regulations with a directive to the Department of Education to come up with an alternative plan that protects taxpayer dollars and students' rights.

This would make sure that we can deal with many of the issues raised by the inspector general, not by providing an overly arching and rigid definition of time that's a necessary part of education but, rather, by requesting and requiring that the Secretary come up with ideas that are consistent with the future of education towards combating waste, fraud, and abuse.

I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chair, I appreciate the very positive comments that my colleague from Colorado has made about the underlying bill. I hope very much that he will support it. I appreciate, actually, serving with him on the Rules Committee and the often commonsense approaches that he brings to legislation that we're reviewing. However, I have to say reluctantly that I am opposing his amendment.

I don't think, again, that we need to ask the Department of Education to present more plans or more rules and regulations. It is certainly doing a lot to present rules and regulations that are totally unnecessary.

Next year we will have the reauthorization of the higher education bill. As I think most people know, the Speaker has asked all the committees, all the subcommittees to exercise their oversight responsibilities, and we are certainly doing that and will continue to do that. Therefore, I think that the gentleman from Colorado's amendment is unnecessary, and I oppose it.

I reserve the balance of my time.

□ 1450

Mr. POLIS. Madam Chair, I think that, again, my amendment would provide sufficient flexibility to accommodate alternative higher-education settings. The reason we're talking about rules and preventing fraud, waste, and abuse is not somehow the government is going someplace that's unwarranted; but these are Federal student loans, these are Federal programs we're talking about. We do not want taxpayers to be ripped off, and we do not want students to be ripped off. I believe that directing the Secretary to come up with an alternative plan to the one we're stripping out would go a long way toward accomplishing that.

And I agree with the gentlewoman from North Carolina. Fundamentally, many of these issues need to be discussed during the reauthorization of the Higher Education Act; and I hope that she will join me at that point, yes, on freeing up the inputs-based measurements, but equally, if not more important, making sure we hold the recipients of taxpayer-funded programs accountable for the outcomes.

And there is no perfect outcome-based measurement—we know this from K–12 education as well—but even a mediocre one is better than none. And I think it will fall upon this Congress to do that. I think that this bill facilitates that discussion; but should it become law, I would certainly hope that my colleagues on both sides of the aisle can join me in supporting this commonsense directive to ensure that waste, fraud, and abuse do not enter the system along with freeing up innovation and thoughtful new ways to educate kids.

I urge my colleagues to join me on voting ''yes'' on this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chairman, again, I appreciate the sentiments of my colleague from Colorado; but I would say to him that there is absolutely nothing to prevent the Secretary of Education from coming to the Education and Workforce Committee and presenting his ideas on where there is waste, fraud, and abuse. We would be more than happy to do that. Most of what we hear from the administration is spend, spend, spend, not how can we save money, but spend, spend, spend.

All of us want to make sure that every dime of taxpayers' money is well spent, and I can assure you that members of my committee want to see that the money is well spent, and we'll be working on that issue as we have been working on it, as will all the Republican majorities in the House do that.

Madam Chairman, I yield back the balance of my time and urge my colleagues to vote ''no'' on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. FOXX. Madam 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 Colorado will be postponed.

Ms. FOXX. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mrs. EMERSON, 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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, had come to no resolution thereon.

RECESS

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

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess.

□ 1515

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BENISHEK) at 3 o'clock and 15 minutes p.m.

PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2117.

□ 1516

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 further consideration of the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 5 printed in House Report 112–404 by the gentleman from Colorado (Mr. POLIS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–404 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GRIJALVA of Arizona.

Amendment No. 4 by Mr. BISHOP of New York.

Amendment No. 5 by Mr. POLIS of Colorado.

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. 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 vote was taken by electronic device, and there were—ayes 170, noes 247, not voting 16, as follows:

[Roll No. 75]

AYES—170

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
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
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
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
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonamici
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
Coble
Coffman (CO)
Cole
Conaway
Costello
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
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
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
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
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Towns
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—16

Akin
Cardoza
Clay
Cleaver
Davis (IL)
Gosar
Grimm
Hinojosa
Jackson (IL)
Kaptur
Landry
Lee (CA)
Lynch
Payne
Rangel
Young (AK)

□ 1543

Mr. STIVERS, Ms. BONAMICI, and Messrs. OWENS and HARRIS changed their vote from ''aye'' to ''no.''

Messrs. HINCHEY, CUELLAR, CARSON of Indiana, Ms. EDWARDS, and Mr. KEATING changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Madam Chair, on rollcall No. 75, had I been present, I would have voted "aye."

(By unanimous consent, Mr. LATOURETTE was allowed to speak out of order.)

Mr. LATOURETTE. I thank my colleagues for their attention.

Madam Chair, sadly, in a set of occurrences that is becoming all too frequent in our country, yesterday, at 7:40 a.m., in the town of Chardon, Ohio—for those of you that aren't familiar with our part of the world, about 25 miles east of Cleveland—allegedly, a student brought a gun into the cafeteria of the high school, opened fire and shot five of the students.

As I stand here today, three of those students have succumbed to the injuries received and have passed away. Two continue to be under medical care.

I would indicate that in these tragedies there are also items of heroism. An assistant coach at Chardon High School, Frank Hall, chased the gunman out of the high school at great risk to himself, but perhaps saving further tragedy.

So, Madam Chair, on behalf of all of my colleagues, Republicans and Democrats in the State of Ohio, I would ask the House to observe a moment of silence in honor of the fallen, the staff at the school, their families, and the city of Chardon.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 255, not voting 18, as follows:

[Roll No. 76]

AYES—160

Ackerman
Altmire
Baca
Baldwin
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
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
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin

Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
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
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—255

Adams
Aderholt
Alexander
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
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
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
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)
Polis
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
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Towns
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—18

Akin
Brady (TX)
Cantor
Cardoza
Carnahan
Clay
Cleaver
Duncan (TN)
Jackson (IL)
Kaptur
Landry
Lee (CA)
Pascrell
Payne
Rangel
Shuster
Terry
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1552

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 217, not voting 17, as follows:

[Roll No. 77]

AYES—199

Ackerman
Altmire
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gardner
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kingston
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rigell
Ross (AR)
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Stearns
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—217

Adams
Aderholt
Alexander
Amash
Amodei
Andrews
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Carter
Cassidy
Chabot
Chaffetz
Coble
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gibbs
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
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)

Smith (NJ)	Tiberi	Whitfield
Smith (TX)	Turner (NY)	Wilson (SC)
Southerland	Turner (OH)	Wittman
Stivers	Walberg	Wolf
Stutzman	Walden	Womack
Sullivan	Walsh (IL)	Woodall
Terry	Webster	Yoder
Thompson (PA)	West	Young (FL)
Thornberry	Westmoreland	Young (IN)

NOT VOTING—17

Akin	Duncan (TN)	Payne
Cantor	Jackson (IL)	Rangel
Cardoza	Kaptur	Reichert
Carnahan	Landry	Ruppersberger
Clay	Lee (CA)	Young (AK)
Cleaver	McCollum	

□ 1557

Messrs. GRIFFIN of Arkansas and CAMP changed their vote from ''aye'' to ''no.''

Mr. TIPTON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Madam Chair, on rollcall Nos. 75, 76 and 77, I was delayed and unable to vote. Had I been present I would have voted ''no'' on all three.

The Acting CHAIR. The question is on the committee 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. CHAFFETZ) having assumed the chair, Mrs. EMERSON, 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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, and, pursuant to House Resolution 563, 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 the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee 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

Mrs. CAPPS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPPS. Yes, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 2117 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill add the following:

(c) PROTECTING STUDENTS FROM HIGHER LOAN COSTS AND A DEVALUED EDUCATIONAL DEGREE.—Nothing in subsection (b) shall limit the authority of the Secretary of Education to promulgate or enforce any regulation or rule under title IV of the Higher Education Act of 1965—

(1) for the purpose of reducing the cost of higher education for students; or

(2) during any year in which the interest rate for subsidized Direct Federal Stafford Loans used to purchase credit hours under such title is higher than 3.4 percent.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, there are many times when we come to this floor and engage in heated debate, and we've heard some heated debate on this bill. But my final amendment offers us the opportunity to come together and to do something extraordinarily important: to contain the escalating cost of higher education. I want to be clear: passing this amendment will not prevent the passing of the underlying bill. If it's adopted, my amendment will be incorporated into the bill, and the bill will be immediately voted upon. Regardless of how one feels about the bill, we should all agree on a major problem facing students and their families.

□ 1600

I'm talking about the skyrocketing cost of higher education putting the American Dream way out of reach for far too many students.

Mr. Speaker, my final amendment is very simple. It says that nothing in this bill should limit the Secretary's ability to reduce the cost of higher education for students.

In 2007, Democrats, working with President Bush, lowered the interest rates on need-based student loans to 3.4 percent at no cost to taxpayers. This change is saving college graduates thousands of dollars in student loan payments. But unless we act soon, the interest rates on these loans will double this summer. That will cost more than 7 million student borrowers at colleges and universities across the country more than $2,800 in additional interest payments.

Mr. Speaker, students cannot afford graduating from college with mortgage-size debt. Student loan debt now surpasses overall credit card debt. We can do something about this.

We need our graduates to be developing the next clean energy source and discovering the cures for life-threatening diseases. We need them to fill vital jobs in our communities, such as nurses, teachers, firefighters, and police. We don't need them to leave school overwhelmed by student loan payments, and we don't want them avoiding higher education in the first place due to the threat of crushing debt. Instead, we should make sure they are prepared for good-paying jobs in the global marketplace, and we can do that by making college more affordable.

But, incredibly, this bill limits the Education Secretary's ability to protect students and taxpayers from higher education costs. With more than $200 billion in aid distributed each year, the Secretary must have the tools to lower costs for students and their families and to protect our Nation's investment in education. We shouldn't be tying the Secretary's hands at a time when we must be utilizing every tool available to keep college costs down. In particular, we should not do this while students face a potential doubling of interest rates on their loans, which will happen this summer if Congress doesn't take action now. The cost of borrowing for a student loan is already too high. Let's not make the problem worse.

Again, my amendment simply states that nothing in the bill shall limit the Secretary's ability to reduce the cost of higher education for students, something we can all agree upon.

So I urge a vote to lower costs for students and hardworking American families, and I'm pleased to yield to my distinguished colleague from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding, and I thank her for offering this motion to recommit.

I say to my colleagues here in the House, this is a very simple proposition. If Congress fails to act in July of this year, interest rates on student loans will double. And if those interest rates on student loans double, that means that the average borrower will pay another $2,800, almost $3,000, in additional interest.

At a time when families and students will be paying higher interest rates than any time in the recent past, we ought to make sure that the Secretary has the authority to make—that they understand that they get value for what they're buying, that they don't get overcharged, and that they're not the subject of fraud, abuse, and waste in the system when people try to overcharge them for the number of units that they are offering them. We cannot let these students go into areas unprotected when interest rates are about to double.

Congress can solve this problem by retaining the interest rates at three-quarters percent and be done with this issue, and the legislation will go forward. But if we don't protect the students and their families from the increase in interest rates, then the Secretary retains the authority to make sure that they are not subject to waste, fraud, and abuse when they are borrowing money to pay for their education.

I thank the gentlewoman for introducing her legislation.

Mrs. CAPPS. I urge a ''yes'' vote on the motion to recommit, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, we don't need this motion to recommit. My colleagues should all vote against it. We have a situation where our colleagues across the aisle want to take the Secretary of Education and make him a Czar of Education.

We, on our side of the aisle, are very much concerned about the cost of a college education, and we've done a lot to make college accessible and affordable for students in this country. Mr. Speaker, Republicans are very much concerned about the cost of going to college ourselves. We want to reduce the cost of going to college. Our subcommittee has had hearings on this. There are many ways to do this. But having the Federal Government establish price controls is not the way to do it.

The Federal Government, in fact, has encouraged too much borrowing. Because the Federal Government has been such a big borrower itself, it has established that kind of mentality across the country.

So we'd like to see the level of borrowing reduced. We'd like to see the level of debt and deficit go down so that the economy would rebound, people could get jobs, and those who do have debt would be able to better deal with that debt.

We do not need more government rules and regulations. We don't need the Federal Government picking winners and losers, and we don't need this kind of authority ceded to the Secretary of the Department of Education. The Congress needs to be dealing with these issues. We are dealing with the issues. The underlying bill deals with the issues because we reduced the role of the Federal Government and rules and regulations.

Higher education has policed itself very well over the years. We need to pass the underlying bill and reject the motion to recommit.

With that, 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.

RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was 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—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 78]

AYES—176

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
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
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
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
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
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

NOES—241

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
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 (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sires
Smith (NE)
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 (FL)
Young (IN)

NOT VOTING—16

Akin
Cardoza
Cassidy
Clay
Cleaver
Hall
Jackson (IL)
Landry
Lankford
Lee (CA)
McMorris Rodgers
Payne
Rangel
Smith (NJ)
Yarmuth
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1624

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 78, I was unavoidably detained. Had I been present, I would have voted "no."

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. KLINE. 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 303, noes 114, not voting 16, as follows:

[Roll No. 79]

AYES—303

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin

Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capuano
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Cravaack
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—114

Ackerman
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Capps
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cohen
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dingell
Doggett
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Heinrich
Himes
Hinojosa
Hirono
Honda
Hoyer
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Levin
Lewis (GA)
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—16

Akin
Cardoza
Clay
Cleaver
Crawford
Hall
Hunter
Israel
Jackson (IL)
Landry
Lee (CA)
McHenry
Murphy (CT)
Payne
Rangel
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1631

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. CRAWFORD. Mr. Speaker, on rollcall No. 79, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. MCHENRY. Mr. Speaker, on rollcall No. 79, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 78 and 79, I was delayed and unable to vote. Had I been present, I would have voted "no" on No. 78, and "aye" on No. 79.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1837, SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112–405) on the resolution (H. Res. 566) providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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 the motion 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.

Any record vote on the postponed question will be taken later.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1433) to protect private property rights, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1433

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 ''Private Property Rights Protection Act of 2012''.

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) IN GENERAL.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is used for economic development within 7 years after that exercise, if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation. In addition, the State must pay applicable penalties and interest to reattain eligibility.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—Any (1) owner of private property whose property is subject to

eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, may bring an action to enforce any provision of this Act in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. Any such property owner or tenant may also seek an appropriate relief through a preliminary injunction or a temporary restraining order.

(b) LIMITATION ON BRINGING ACTION.—An action brought by a property owner or tenant under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of such property owner or tenant, but shall not be brought later than seven years following the conclusion of any such proceedings.

(c) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. REPORTING OF VIOLATIONS TO ATTORNEY GENERAL.

(a) SUBMISSION OF REPORT TO ATTORNEY GENERAL.—Any (1) owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, may report a violation by the Federal Government, any authority of the Federal Government, State, or political subdivision of a State to the Attorney General.

(b) INVESTIGATION BY ATTORNEY GENERAL.—Upon receiving a report of an alleged violation, the Attorney General shall conduct an investigation to determine whether a violation exists.

(c) NOTIFICATION OF VIOLATION.—If the Attorney General concludes that a violation does exist, then the Attorney General shall notify the Federal Government, authority of the Federal Government, State, or political subdivision of a State that the Attorney General has determined that it is in violation of the Act. The notification shall further provide that the Federal Government, State, or political subdivision of a State has 90 days from the date of the notification to demonstrate to the Attorney General either that (1) it is not in violation of the Act or (2) that it has cured its violation by returning all real property the taking of which the Attorney General finds to have constituted a violation of the Act and replacing any other property destroyed and repairing any other property damaged as a result of such violation.

(d) ATTORNEY GENERAL'S BRINGING OF ACTION TO ENFORCE ACT.—If, at the end of the 90-day period described in subsection (c), the Attorney General determines that the Federal Government, authority of the Federal Government, State, or political subdivision of a State is still violating the Act or has not cured its violation as described in subsection (c), then the Attorney General will bring an action to enforce the Act unless the property owner or tenant who reported the violation has already brought an action to enforce the Act. In such a case, the Attorney General shall intervene if it determines that intervention is necessary in order to enforce the Act. The Attorney General may file its lawsuit to enforce the Act in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. The Attorney General may seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(e) LIMITATION ON BRINGING ACTION.—An action brought by the Attorney General under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation of the Act to the Attorney General, but shall not be brought later than seven years following the conclusion of any such proceedings.

(f) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this Act brought by the Attorney General, the court shall, if the Attorney General is a prevailing plaintiff, award the Attorney General a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 6. NOTIFICATION BY ATTORNEY GENERAL.

(a) NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners and tenants under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) NOTIFICATION TO PROPERTY OWNERS AND TENANTS.—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners and tenants under this Act.

SEC. 7. REPORTS.

(a) BY ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all violations reported by property owners and tenants under section 5(c) of this Act;

(3) identify the percentage of minority residents compared to the surrounding nonminority residents and the median incomes of those impacted by a violation of this Act;

(4) identify all lawsuits brought by the Attorney General under section 5(d) of this Act;

(5) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds; and

(6) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

(b) DUTY OF STATES.—Each State and local authority that is subject to a private right of action under this Act shall have the duty to report to the Attorney General such information with respect to such State and local authorities as the Attorney General needs to make the report required under subsection (a).

SEC. 8. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken ''for public use, without just compensation''.

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in Kelo v. City of New London, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens. Americans should not have to fear the government's taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 9. DEFINITIONS.

In this Act the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—The term ''economic development'' means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property—

(i) to public ownership, such as for a road, hospital, airport, or military base;

(ii) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll; and

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title;

(F) taking private property for use by a public utility, including a utility providing electric, natural gas, telecommunications, water, and wastewater services, either directly to the public or indirectly through provision of such services at the wholesale level for resale to the public; and

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term ''Federal economic development funds'' means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 10. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—The provisions of this Act are severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) EFFECTIVE DATE.—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

SEC. 11. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 12. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

SEC. 13. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 14. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

SEC. 15. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

SEC. 16. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

SEC. 17. DISPROPORTIONATE IMPACT ON MINORITIES.

If the court determines that a violation of this Act has occurred, and that the violation has a disproportionately high impact on the poor or minorities, the Attorney General shall use reasonable efforts to locate and inform former owners and tenants of the violation and any remedies they may have.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER), each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1433, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank Congressman SENSENBRENNER and Congresswoman WATERS for introducing 1433, the Private Property Rights Protection Act, to restore vital property rights protections following the Supreme Court's decision in Kelo v. City of New London.

This bipartisan legislation passed the House during the 109th Congress by a vote of 376–38 with 99 percent of Republicans and 81 percent of Democrats present voting in favor of final passage. Unfortunately, the bill was never voted on in the Senate. Today, over 6 years later, the Kelo decision continues to call out for congressional action.

Our Founders realized the fundamental importance of property rights. Property rights protections are enshrined throughout the Constitution, including in the Fifth Amendment, which provides that private property shall not be taken for public use without just compensation.

Despite these protections, in Kelo the Supreme Court held that the government may take private property from one owner and transfer it to another for private economic development. The dissenting Justices sharply criticized the Court's decision, writing that the result of the majority opinion was:

> Effectively to delete the words ''for public use'' from the takings clause of the Fifth Amendment. The specter of condemnation hangs over all property. The government now has license to transfer property from those with few resources to those with more. The Founders cannot have intended this perverse result.

This legislation essentially reverses this result and prohibits State and local governments that receive Federal economic development funds from abusing eminent domain for private economic development. It also prohibits the Federal Government from using eminent domain for economic development purposes.

This bill restores Americans' faith in their ability to build, own, and keep their property without fear of the government taking their homes, farms, or businesses to give to other people. It tells commercial developers that they should seek to obtain property through private negotiation, not by public force.

Too many Americans have lost homes and small businesses to eminent domain abuse, forced to watch as private developers replace them with luxury condominiums and other upscale uses. Local governments often approve the use of eminent domain for private economic development in order to expand their tax basis.

Federal law currently allows Federal funds to be used to support condemnations for the benefit of private developers, which encourages this abuse nationwide.

As the Institute for Justice's witness observed during our hearing on this bill:

> Using eminent domain so that another richer, better-connected person may live or work on the land you used to own tells Americans that their hopes, dreams, and hard work do not matter as much as money and political influence. The use of eminent domain for private development has no place in a country built on traditions of independence, hard work, and protection of property rights.

Americans' homes are their castles. Federal taxpayer dollars should not be used to fund the battering ram of eminent domain abuse.

I urge my colleagues to support this bipartisan legislation to restore the Constitution's broad protections for private property rights.

I reserve the balance of my time.

The SPEAKER pro tempore (Mr. CRAWFORD). Without objection, the gentleman from Michigan (Mr. CONYERS) controls 20 minutes.

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I reluctantly rise in opposition to the measure before us, the so-called Private Property Rights Protection Act. Now, while the goal of this legislation to protect property owners and tenants from the abuse of eminent domain is laudable and important, it would, in reality, supplant the work States have already done to respond to the Supreme Court's decision in Kelo v. The City of New London in the 7 years since the Court handed down that decision.

Most importantly, whatever the concerns my colleagues may have about the Kelo decision, the use and abuse of the power of eminent domain, I hope that every Member would look very carefully at the penalty it will impose on States, counties, cities, and towns across the country. Even if they never take a single piece of property, even if a jurisdiction never uses eminent domain at all, the mere possibility that some future administration would use eminent domain in a prohibited manner would cast a permanent cloud over the jurisdiction's finances.

The risk of the catastrophic penalties being imposed over the life of a 10-year or 20-year bond would be enough to destroy or mitigate a city or State's ability to float bonds at any time for any reason. At the very least, our cities and States would be forced to pay a risk premium that would make us envy Greece.

While it would destroy the finances of every community in the country, it would still allow some of the most flagrant abuses of eminent domain today. One glaring example is that the Keystone XL pipeline, and all pipelines, specifically is exempted. Even now, when a Canadian company is threatening farm families with eminent domain for a project that hasn't even been approved, this bill would give TransCanada a free pass. Whatever your concerns, this bill is not the right answer to a very important question.

You see, since 2005, there have been new developments that call into question whether Congress should even act at this point. When this House last considered similar legislation, the Kelo decision was new, and there was real concern that the Supreme Court had opened floodgates to abusive takings of homes, businesses, churches, and farms. The States responded, which is their role in our Federal system. They responded to the concerns of the people who live in those communities to restrain State power and safeguard property rights. In some cases, the State courts have acted to restrain State governments in ways that the Federal law would not.

□ 1640

In response to the Kelo decision, States have moved aggressively to reconsider and amend their own eminent domain laws. More than 40 States have acted, and States have considered carefully the implications of this decision and the needs of their citizens.

Congress should not now come charging in after 7 years of work and presume to sit as a national zoning board, arrogating to our national government the right to decide which States have gotten the balance right and deciding which projects are or are not appropriate. Yet my colleagues who decry an intrusive Federal Government, who exalt States' rights, and who demand that the courts defer to the elected branches of government to make important decisions are not satisfied. They want the courts to interfere. They want a one-size-fits-all, Washington-knows-best solution. They don't want to respect the way States have dealt with this issue.

The power of eminent domain is an extraordinary one, and it should be used rarely and with great care. All too often, it has been abused for private gain or to benefit some at the expense of others.

Has this bill drawn the appropriate line between permissible and impermissible uses of eminent domain? I think that is one of the questions we will really need to consider. We all know the easy cases. As the majority in Kelo said:

> The City would no doubt be forbidden from taking petitioners' land for the purpose of conferring a private benefit on a particular private party . . . nor would the City be allowed to take property under the mere pretext of a public purpose when its actual purpose was to bestow a private benefit.

But which projects are appropriate and which are not can sometimes be a difficult call.

Historically, eminent domain has been used to destroy communities for projects having nothing to do with economic development as prohibited by this bill. For example, highways have cut through neighborhoods, destroying them. I know about that. Many of these communities have been low-income and minority communities, and many of them have yet to recover from the wrecker's ball. Yet this bill would permit those projects to go forward, using eminent domain, as if nothing had happened. Other projects that have genuine public purposes would, nonetheless, be prohibited.

There is no rhyme or reason for this legislation. I believe, as I did in 2005, that this bill is the incorrect approach to a very serious problem.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the sponsor of this legislation and also a former chairman of the Judiciary Committee.

After that, Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. GOODLATTE) be allowed to control the remainder of the time.

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

There was no objection.

Mr. SENSENBRENNER. I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I want to state at the beginning that I deeply appreciate my cosponsor of this legislation, the gentlewoman from California (Ms. WATERS). This is a Sensenbrenner-Waters bill. You will never see another Sensenbrenner-Waters bill, and that is probably one of the best reasons to vote in favor of it.

Yet, on the merits, I am pleased that the House of Representatives today is considering H.R. 1433, the Private Property Rights Protection Act. This legislation will prevent economic development from being used as a justification for exercising the power of eminent domain.

I first introduced a version of this bill after the 2005 Supreme Court's ruling in Kelo v. City of New London. In this decision, the Court held 5–4 that ''economic development'' can be a ''public use'' under the Fifth Amendment's Takings Clause, justifying the government's taking of private property and giving it to a private business for use in the interest of creating a more lucrative tax base. As a result of this ruling, the Federal Government's power of eminent domain has become almost limitless, providing citizens with few means to protect their property.

Under the decision, farmers in my State of Wisconsin are particularly vulnerable. The fair market value of farmland is less than that of residential or commercial property, which means it doesn't generate as much property tax as homes or offices. Uncle Sam can condemn one family's house only because another private entity would pay more in tax revenue.

This bill is needed to restore to all Americans the property rights the Supreme Court took away. Although several States have independently passed legislation to limit their power of eminent domain and even though the Supreme Courts of Illinois, Michigan, and

Ohio have barred the practice under their State constitutions, these laws exist on a varying degree.

The Private Property Rights Protection Act will provide American citizens in every State of this country with the means to protect their private property from exceedingly unsubstantiated claims of eminent domain. Under the legislation, if a State or a political subdivision of a State uses its eminent domain power to transfer private property to other private parties for economic development, the State is ineligible to receive Federal economic development funds for 2 fiscal years following a judicial determination that the law has been violated. Additionally, the bill prohibits the Federal Government from using eminent domain for economic development purposes.

The protection of property rights is one of the most important tenets of our government. I am mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and of the need to stop it. I am also mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. This bill accomplishes both of those goals.

The need to ensure that property rights are returned to all Americans is as strong now as it was when Kelo was decided. Congress must play a pivotal role in reforming the use and abuse of eminent domain. I urge my colleagues to join me in protecting property rights for all Americans and in limiting the dangerous effects of the Kelo decision on the most vulnerable in society.

Mr. CONYERS. It is my pleasure to yield such time as she may consume to a senior member of the Judiciary Committee, my longstanding friend and supporter for many years, the gentlewoman from California, the Honorable MAXINE WATERS.

Ms. WATERS. Mr. CONYERS, I want to thank you for not only granting me this time but for being my friend for many years. It is odd for me to be on the opposite side of you. This may be the first time, certainly, in my career that we have ever disagreed on anything.

Mr. SENSENBRENNER is correct in that this will be the only time we will probably come together around an issue, but we've been together on this one for a long time.

With that, Mr. Speaker, I rise in strong support of H.R. 1433, the Private Property Rights Protection Act of 2012. This legislation on which I joined with Representative SENSENBRENNER will restore the property rights of all Americans and prevent the Federal Government or any authority of the Federal Government from using economic development as a justification for exercising its power of eminent domain. Economic development condemnations have all too often been used by powerful interest groups to acquire land at the expense of the poor and politically weak.

As the dissent in the Kelo case pointed out:

> To reason, as the Court does, that the incidental public benefits resulting from the subsequent ordinary use of private property render economic development takings ''for public use'' is to wash out any distinction between private and public use of property. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.

Few protested the Kelo ruling more ardently than the National Association for the Advancement of Colored People, the NAACP. In an amicus brief filed in the case, it argued ''the burden of eminent domain has and will continue to fall disproportionately upon racial and ethnic minorities, the elderly and economically disadvantaged.'' Unfettered eminent domain authority, the NAACP concluded, is a ''license for government to coerce individuals on behalf of society's strongest interests.''

□ 1650

The Private Property Rights Protection Act of 2011 will discourage eminent domain abuse by denying local governments that take private property for economic development access to Federal economic development funds for a period of 2 years.

One of the basic constitutional functions of American government is the protection of private property rights. H.R. 1433 will protect homes, communities, churches, and other privately owned property from predatory takers under the guise of ''economic development.''

Private developers and local governments that have a genuine project should be able to acquire the land or property they need through legitimate, voluntary purchases. If the project really is more valuable than the current use of the same land, then they should be willing to negotiate with property owners who are willing to sell.

Eminent domain abuse impacts both urban and rural communities, and it is past time that Congress acted affirmatively to protect the private property rights of all Americans, who all too often are not evenly matched to challenge private companies in lengthy litigation. Where the Supreme Court created ambiguity with its Kelo ruling, Congress must be clear: There should never be a legal question concerning the rights individuals have to be secure in their homes and communities.

With that, let me just wrap this up by saying I have been engaged for the past several years with the subprime meltdown in this country that caused so many families to be in foreclosure, and I have been engaged on that subject because I consider the home the most precious asset, the most precious possession that any American can have.

And so whether it's trying to protect people who got involved in mortgages that they did not understand, mortgages where they were suckered into signing on the dotted line because we had exotic products that had been put into the marketplace which caused them to lose that home, or whether it is the pure question of eminent domain, property ownership is the basis of our American government and protected, should be always, by the Constitution and the Members who are elected to come to Congress to uphold the Constitution and protect our citizens.

And so today I join with Congressman SENSENBRENNER and others on the opposite side of the aisle in ways that I don't normally do, and probably won't have the opportunity to do for a long time to come, but today is important. We join together in the interest of American citizens who simply want to be able to own their home without their government intervening in their lives and taking their property and saying they are doing it in the name of economic development.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, private ownership of property is vital to our freedom and our prosperity, and it is one of the most fundamental principles embedded in our Constitution. The Founders realized the importance of property rights when they codified the takings clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken ''for public use without just compensation.''

This clause created two conditions to the government taking private property: that the subsequent use of the property is for the public, and that the government give the property owners just compensation.

However, the Supreme Court's 5–4 decision in Kelo v. City of New London was a step in the opposite direction. This controversial ruling expanded the ability of State and local governments to exercise eminent domain powers to seize property under the guise of ''economic development'' when the public use is as incidental as generating tax revenues or creating jobs, even in situations where the government takes property from one private individual and gives it to another private entity.

By defining ''public use'' so expansively, the court essentially erased any protection for private property as understood by the Founders of our Nation. In the wake of this decision, State and local governments can use eminent domain powers to take the property of any individual for nearly any reason. Cities may now bulldoze private citizens' homes, farms, and small businesses to make way for shopping malls or other developments.

For these reasons, I joined with Chairman SENSENBRENNER to introduce H.R. 1433, the Private Property Rights Protection Act.

I am pleased that H.R. 1433 incorporates many provisions from legislation I coauthored in the 109th Congress, the STOPP Act. Specifically H.R. 1433 would prohibit all Federal economic development funds for a period of 2 years for any State or local government that uses economic development as a justification for taking property from one person and giving it to another private entity.

In addition, this legislation would allow State and local governments to cure violations by giving the property back to the original owner. Furthermore, this bill specifically grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill.

H.R. 1433 also includes a carefully crafted definition of economic development that protects traditional uses of eminent domain, such as taking land for public uses like roads, while prohibiting abuses of eminent domain powers. No one should have to live in fear of the government snatching up their home, farm or business, and the Private Property Rights Protection Act will help create the incentives to ensure that these abuses do not occur in the future.

I urge my colleagues to support this important piece of legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished chairman and the manager of the legislation, the distinguished gentleman from Virginia, and look forward to joining in supporting this legislation, H.R. 1433.

This is legislation that has been long in coming. It is a bipartisan initiative, and I think it is particularly important, when we speak to our colleagues who are representing the American public, to be able to say that property is valuable, that the Bill of Rights that requires due process before a taking is being reinforced by this legislation.

H.R. 1433 would prohibit a State or political subdivision from exercising its power of eminent domain, or allowing the exercise of such power by delegation, over property to be used for economic development, or of a property that is used for economic development, within 7 years after that exercise if the State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

Texas has faced a number of incidences, Mr. Speaker. One, in particular, is after the aftermath of Hurricane Ike. Although there are different laws dealing with coastal property, I saw the pain in a number of beach owners's faces as their property was condemned, even though they were trying to anxiously save it.

This bill establishes a private cause of action for any private property owner or tenant who suffers injury as a result of violation of this act. This helps the little guy—someone who owns property can actually have a remedy to stand up and challenge the taking of their property.

The bill prohibits State immunity in Federal or State court and sets the statute of limitations at 7 years. Although I offered an amendment to extend that to 10 years, I was willing to compromise at 7, as well as requiring the Attorney General to bring an action to enforce this act in certain circumstances, but prohibits an action brought later than 7 years following the conclusion of any condemnation proceedings.

□ 1700

And maybe as it makes its way through, we'll have an opportunity to expand that 7-year period. These are the efforts of Mr. SENSENBRENNER and Congresswoman WATERS, along with the rest of us who cosponsored this amendment.

The three amendments I offered to the bill, some of them were accepted. My first amendment requires that a study be conducted to identify the number of minorities versus non-minorities who will be impacted by the act, in addition to the median incomes of those who are mostly highly affected.

My second amendment requires the United States Attorney General to locate and inform members of minority communities if it is determined that the act has a disproportionate impact. Both of those amendments, I believe, were accepted.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Speaker, I yield the gentlelady 3 additional minutes.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I also offered an amendment to ensure that States are required to pay penalties and interest in cases where they run afoul of this bill.

I am well aware of the needs of local communities and the needs of economic development; but I am glad that this Congress seeks today to stand up on behalf of private property rights and owners. I am delighted that in the course of working in particular with this issue, we have a fair and balanced approach. Let me just give you a very brief example, and I thank the gentleman for his courtesy.

The history of eminent domain is rife with abuse specifically targeting racial and ethnic and poor neighborhoods. Now, redlining may not be equated to condemning neighborhoods or eminent domain; but when you don't allow a neighborhood to refurbish itself, to refinance, you are putting it in the line quickly for being a target of eminent domain. A 2004 study estimated that 1,600 African American neighborhoods were destroyed by municipal projects in Los Angeles. In San Jose, California, 95 percent of the properties targeted for economic redevelopment are Hispanic or Asian owned, despite the fact that only 30 percent of businesses in that area are owned by racial or ethnic minorities.

In Mount Holly Township, New Jersey, officials have targeted for economic development a neighborhood in which the percentage of African American residents, 44 percent, is twice that of the entire township and nearly triple that of Burlington County. Lastly, according to a 1989 study, 90 percent of the 10,000 families displaced by highway projects in Baltimore were African Americans.

In my own home State of Texas, I remember a very well-stocked neighborhood of teachers and various blue collar workers. We called it Third Ward, Riverside, a thriving area. Its schools were schools like E.O. Smith and Jack Yates High School. And in the course of trying to develop a major highway, in fact, that neighborhood was ultimately, in essence, diminished—diminished greatly.

So as growth comes, I understand it, but I think this is an excellent balance. I want economic development. I want to see growth, but I would like it to support and encourage thriving neighborhoods of all backgrounds and diversity.

This legislation will help in doing so, and I believe it will correct decisions made previously and allow Texans, allow Californians, New Yorkers, Midwesterners, Southerners, Northerners, Easterners and Westerners to have a fair balance when the government comes and says it's time to take your property. I ask my colleagues to support this legislation.

Mr. Speaker, I rise today to debate H.R. 1433. I appreciate this opportunity to explain my support for H.R. 1433, "Private Property Rights Protection Act of 2011." First I would like to thank the Chairman of the Judiciary Committee, who accepted three of the four amendments I offered to H.R. 1433 during the Committee markup.

H.R. 1433 would prohibit a state or political subdivision from exercising its power of eminent domain, or allowing the exercise of such power by delegation, over property to be used for economic development or over property that is used for economic development within seven years after that exercise, if the state or political subdivision receives federal economic development funds during any fiscal year in which the property is so used or intended to be used.

In addition, it prohibits the federal government from exercising its power of eminent domain for economic development. Also, establishes a private cause of action for any private property owner or tenant who suffers injury as a result of a violation of this Act. The bill prohibits state immunity in federal or state court and sets the statute of limitations at seven years, as well as requiring the Attorney General, DOJ, to bring an action to enforce this Act in certain circumstances, but prohibits an action brought later than seven years following the conclusion of any condemnation proceedings.

This bill has been the product of a tremendous effort by Representative MAXINE WATERS. I, along, with Representative WATERS have worked for nearly a decade on this issue. During Committee markup, I added several changes to this bill that I believe have enhanced this bill.

The three amendments that I have offered to the bill would ensure that both minorities and non-minorities will have additional protections under this measure. My first amendment requires that a study be conducted to identify the number of minorities versus non-minorities who will be impacted by the Act, in addition to the median incomes of those who are most highly affected.

My second amendment requires the United States Attorney General to locate and inform members of minority communities, if it is determined that this Act has a disproportionate impact on them.

My final amendment to this measure will ensure that states are required to pay penalties and interest in cases where they run afoul of this bill. The purpose of my amendment was to ensure that both small businesses and low-income homeowners are protected as well, those who might not have the ability to engage in drawn-out and expensive litigation.

The Private Property Rights Protection Act prohibits state and local governments that receive federal economic development funds from using eminent domain to transfer private property from one private owner to another for the purpose of economic development.

The history of eminent domain is rife with abuse specifically targeting racial and ethnic minority and poor neighborhoods. A 2004 study estimated that 1,600 African American neighborhoods were destroyed by municipal projects in Los Angeles.

In San Jose, California, 95 percent of the properties targeted for economic redevelopment are Hispanic or Asian-owned, despite the fact that only 30 percent of businesses in that area are owned by racial or ethnic minorities.

In Mt. Holly Township, New Jersey, officials have targeted for economic redevelopment a neighborhood in which the percentage of African American residents, 44 percent, is twice that of the entire township and nearly triple that of Burlington County.

Lastly, according to a 1989 study 90 percent of the 10,000 families displaced by highway projects in Baltimore were African Americans.

Thousands of Texans, from Houston to San Antonio to El Paso, now live under the threat of eminent domain abuse. These minority home and business owners have well-founded fears that their property may soon be taken from them to make way for private redevelopment projects cooked up by developers and city officials.

The threatened homes and businesses are important parts of functioning communities, many of which have been there since the earliest days of Texas' history as an independent nation. Their only fault is that they are located on land coveted by developers and government officials.

In Justice O'Connor's dissent in Kelo, she predicted, ''Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more.''

Following the decision in Kelo, Texans, and minorities in particular, remain tremendously vulnerable to eminent domain abuse by ambitious cities and developers.

Hours after Kelo was decided, the city of Freeport, Texas, urged its attorneys to redouble their efforts to take a family-owned seafood business for a private marina development project. This so outraged the Texas legislature that Texas became the second state—out of 43 so far—to reform its eminent domain laws.

In El Paso, a neighborhood called El Segundo Barrio (which has been called the ''Ellis Island of the Southwest'') is being targeted by a large consortium of developers and business owners who want to remake the U.S.-Mexico border area for the overwhelming benefit of private parties.

In San Antonio, the city wants to expand its famed River Walk northward again, to be filled with private businesses owned by people other than the current land owners.

In Houston, the threat is everywhere. One little noticed part of the city's light rail plan allows the rail authority to condemn any property within a quarter mile of any light rail station to facilitate something called ''transit-oriented development.''

Municipalities often look for areas with low property values when deciding where to pursue redevelopment projects because it costs the condemning authority less and thus the state or local government gains more, financially, when they replace areas of low property values with those with higher property values.

This abuse can happen anywhere in the United States. Eminent domain abuses affecting racial minorities and those in the relatively low income bracket must be stopped.

My amendment permits judicial review, to determine if this Act has a disproportionate impact on minorities, and for the Attorney General to locate those affected and inform them of their rights.

The displacement of African Americans and urban renewal projects are so intertwined that ''urban renewal'' was often referred to as ''Black Removal.''

There are vast disparities of African Americans or other racial or ethnic minorities that have been removed from their homes due to eminent domain actions are well documented and must continue to be judicially reviewed.

When an area is taken for ''economic development,'' low-income families are driven out of their communities and find that they cannot afford to live in the ''revitalized'' neighborhoods.

The remaining ''affordable'' housing in the area is almost certain to become less so. When the goal is to increase the area's tax base, it only makes sense that the previous low-income residents will not be able to remain in the area.

This is borne out not only by common sense, but also by statistics: one study for the mid-1980s showed that 86 percent of those relocated by an exercise of the eminent domain power were paying more rent at their new residences, with the median rent almost doubling.

I am keenly aware that my colleagues on the other side of the aisle see this bill as the reversal of the Kelo decision from an ideologically different window but I hope that this bill can be used as a marker to help support the rights of property owners who do not have access to the ''Big Litigation.''

Mr. CONYERS. Mr. Speaker, I have no further speakers, and so I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume to say that I urge my colleagues to adopt this bipartisan legislation to restore meaning to the Fifth Amendment to the Constitution. As Justice Sandra Day O'Connor noted in her dissent in that opinion, the Kelo decision effectively renders meaningless the protections under this law because, as the interpretation exists, as the Court ruling exists, State and local governments can seize property for almost any reason under the context of calling it for purposes of economic development, and we need to change that.

We need to make sure that private property is what people think it is, and that is something that they have the right to own and not be interfered with by the government except for real purposes of eminent domain, taking land for pure public uses like roads and utilities and schools and other clearly public uses.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1433, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DISTRICT REPRESENTATIVE, THE HONORABLE STEVE KING, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sandra Hanlon, District Representative, the Honorable STEVE KING, Member of Congress:

FEBRUARY 24, 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 trial subpoena ad testificandum issued by the United States District Court for the Northern District of Iowa.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

SANDRA HANLON,
District Representative,
Congressman Steve King.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

RELIGIOUS FREEDOM IS BEING BULLIED

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

Mr. POE of Texas. Mr. Speaker, the administration is bullying religions. Yes, the government has required some religious organizations to violate their tenets and provide certain health care coverage for their employees—or else.

After an immediate backlash by the American public, the administration promised that it would make some changes; but the same day that it made this promise, it finalized the original mandate as-is with no changes. The original edict is now in effect. The big announcement about a change resulted in nothing, only more words.

The administration said it had the power to issue this order because it was implementing ObamaCare. If the administration has the power to infringe upon a constitutionally protected right, what will follow? What individual freedom will be trampled next, all in the name of ''we're the government, we know what's best''?

The Constitution is being insulted and violated. We should fear this type of unyielding power and religious persecution. After all, the Constitution was written to protect us from this type of government.

And that's just the way it is.

TRIBUTE TO MARYLYN SCHMIDT

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

Mr. CONYERS. Mr. Speaker, I rise today in memory of Marylyn Schmidt, a resident of the State of Michigan, who dedicated her life to the goal of achieving true universal health care for all Americans.

She spent countless hours, day in and day out, organizing, mobilizing, and educating the citizens of Michigan in order to build grass-roots support for passage of a single-payer bill in Congress, H.R. 676. She passionately believed that every person in America should have access to quality, affordable, and accessible health care as a fundamental civil and human right.

I knew Mrs. Schmidt for almost two decades. I had a profound respect for her unique leadership in advocating for human rights, universal health care, and protecting Social Security and Medicare. She belonged to numerous community and social-justice organizations, including the Michigan Improved Medicare for All, the Michigan Alliance to Strengthen Social Security and Medicare, the Michigan Universal Healthcare Access Network, and the Oakland County Welfare Rights Organization. For over 20 years, she fought for the human, economic, and civil rights of the voiceless and the vulnerable citizens of Michigan who wanted nothing more than a better life for themselves and their children.

Thank you, Marylyn Schmidt, for remaining steadfast in your belief that health care should be a fundamental human right in this country. The people of Michigan and all of those you helped and fought for will always remember your kindness, your courage, and dedication to this just cause.

□ 1710

MAKE IT IN AMERICA: MANUFACTURING MATTERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I look forward to this hour with my colleagues to talk about jobs. How do we create jobs in America? We are now well over 14 months of the Republican control of this House, and not one significant bill has passed this House that would create new jobs. There are many bills to wipe out environmental laws, many bills to wipe out regulations that protect the citizens of the United States from pollution and contamination of one sort or another, but where are the jobs bills? We absolutely have to create the jobs in America.

Today, we are going to take about an hour to discuss how we can create jobs in America. One of the principal ways is to Make It in America: Manufacturing Matters. Manufacturing was the heart and soul of and the foundation for the great middle class, the rise of the middle class here in the United States. It wasn't too long ago that manufacturing in the United States was a big deal. About 20, 23 years ago, we had almost 20 million Americans in manufacturing. It also happened to coincide with the largest percentage of Americans that were in the middle class.

Over the intervening years, we've seen the slow decline until we hit this period of 2000 to 2009, and we saw a precipitous drop to just over 11 million manufacturing jobs in America. That coincided with the decline of the middle class in the United States.

So what we want to do today is to focus on, how can we rebuild the American middle class? One of the principal ways of doing it is to focus on manufacturing and to focus specifically on rebuilding the great manufacturing sector in the United States. There are many, many ways to do this.

My colleague from Oregon is here to join us, and I know that there are many things that are happening in Oregon that speak directly to this, one of which is competition between Oregon and California for the manufacturing of light railcars. I'll let my colleague from Oregon go first, and then I'll pound on him that California is a better place to manufacture light railcars than Oregon. But either way, they're made in America, and that's to the benefit of all Americans.

Please join me, and let's see where we can take this.

Mr. BLUMENAUER. Thank you. I deeply appreciate your courtesy in permitting me to speak, and I appreciate your leadership in focusing on the need to rebuild and renew this country, putting Americans back to work, being able to not just revitalize our economy, but our neighborhoods and strengthen our families. It is true that there are some areas where there are some great opportunities for healthy competition. The gentleman may be referencing the fact that recently we have started manufacturing a streetcar in the United States for the first time in 58 years, and it's being manufactured in Portland, Oregon. But I would note that that project, manufacturing streetcars, includes the work of subcontractors across the country, including 40 in the Midwest that had been so hard hit by some of the decline in manufacturing activity.

The point is that being able to make goods in this country, whether it's light rail, streetcar, heavy rail, whether we're dealing with fabricating steel for bridges and roads or rebuilding the power grid, these are all areas that are a tremendous source of family-wage jobs. I find no amount of irony that one of the major Republican candidates for President somehow thought that President Obama was being—and I'm using his direct word—''elitist'' by advocating that young people have the chance for a college education or going to a community college. My goodness, how out of touch can you possibly be? I don't know any American that doesn't want his or her child to be able to have the opportunity for further education and training. This is part of an agenda here. I look forward to the conversations this evening.

At one point, I'd like to cycle back to the spectacle we had on the floor of the House the week before we recessed for Presidents Day where we had the most partisan transportation bill in the history of the House—narrow in focus, small in vision, dividing the various elements of transportation—that was so bad that our Republican friends were embarrassed to even have a hearing on it. Never before in the history of the House have we had a major surface transportation reauthorization that never even had a hearing.

Well, mercifully, our Republican friends have decided that that wasn't getting them anywhere. The outcry from transit agencies across the country, from cyclists, even from the people who advocate safe routes to school, the program designed for our children to be able to get back and forth to school

safely that they eliminated—so they've put that on the back burner. But the point is, you are right. We've enjoyed, if I can use that term, their Republican leadership of the House for 14 months. We have no economic development plan, we have no transportation bill, and we continue to have an opportunity to rebuild and renew America languishing.

Mr. GARAMENDI. Thank you so very much for circling back to the transportation issue. That issue is still before this House. There has been no hearing, and the bill that was put forth by the Republicans simply has gone nowhere. In fact, it hit the brick wall. I'm sure one of the reasons it hit the brick wall is that there is no way to create a modern transportation system in that bill. For example, we both talked about streetcars and light-rail cars. In California, there is a factory near Sacramento that makes light-rail cars. I'm delighted there's a factory now in Portland, Oregon, that is building streetcars. And the factory in Sacramento is also building locomotives.

The reason this is happening is that the Democrats, in their recovery legislation, the stimulus bill that gets such bad press—totally undeserved, I might add—actually had a clause in it that American taxpayers' money was going to be used to Make It in America. And that started or propelled both of these operations as cities decided they would use some of their own money, some State money, and some of the Federal money to enhance their public transportation programs.

However, the transportation bill that you brought up just a moment ago totally removes the public transportation sector from the bill. Now I don't know how we're ever going to build buses, trains, and light rail, Amtrak, without the support of the Federal Government.

□ 1720

I know you were deeply involved in this. I heard you talk about this once before—with a little bit of animation. You may want to circle back and pick that up again.

Mr. BLUMENAUER. Well, I appreciate the invitation.

You know, today, as we speak, the people in Michigan are voting in a Presidential primary to help determine the Republican nominee. I just mentioned one of them. My friend and former colleague here, Rick Santorum, with whom I served in the House, is the person who thinks it's elitist that American families have an opportunity for their kids to go to school. The other major contender, the gentleman who is likely to even win the ballot in Michigan today, more Republican votes, has been quoted as saying one of his top targets, if he's elected President, would be to eliminate Amtrak.

Mr. GARAMENDI. Seriously? I've heard him say a lot of things, but——

Mr. BLUMENAUER. Yesterday he was on the trail. This is one of his top five projects.

Mr. GARAMENDI. Is this Mr. Romney?

Mr. BLUMENAUER. Mr. Romney wants to eliminate the funding for Amtrak. This is one of his targets.

Well, the United States is—in the past, I have actually been brought up short when I've talked about the United States having a third world rail passenger system, because I've ridden railroads in places like Malaysia or Thailand, and we do an injustice to their rail systems.

The United States is the only major country in the world that does not have higher-speed rail passenger service. It is the only major country that has no plan to move forward. The President, to his credit, put forth $14 billion to be able to strengthen our rail passenger system, some of which, several billion would have helped with a California vision; the California voters have approved an opportunity to go forward.

It is frustrating for me because there is no doubt that Americans will have higher-speed rail over the course of the next quarter century, no doubt. But the question is, coming back to the point that you have so relentlessly and eloquently developed on the floor here, Congressman GARAMENDI, is the notion of: Where will America's rail system come from? Because the path we're on, if we follow it with Romney, who would zero it out, with Republicans who have fought these investments every chance they get, the high-speed rail we'll have will be built and operated by the Chinese. They will design it; they will build it. The value will be added in another country, and we'll pay for the privilege.

The alternative is to invest here in the United States in the tracks, the signals, the equipment, to be able to revitalize a vital system of transportation, taking pressure off of airports and roads. But, as I say, the choice is whether or not we're going to build it, we're going to own it, and it will accrue to the benefit of the American public.

Mr. GARAMENDI. Well, you're right on an issue that is very close to my own policies, which is, if it's American taxpayer money that's being used to buy a bus, a light railcar, a streetcar, a locomotive, or a train set for BART in California or the Metro system here in Washington, D.C., then our money must be used to buy American-made equipment. Plain and simple, those are American jobs.

We had a terrible example of bad policy in California. The San Francisco Bay Bridge, Oakland-San Francisco Bay Bridge, a multibillion-dollar project, the steel in that bridge went up to bid. It's $1 billion or so of steel for the bridge. One contractor put in two bids. One bid was 10 percent cheaper, and that was Chinese steel. The other bid was American steel, and it was 10 percent more. So the bridge authority, in its wisdom, selected the cheaper.

It turns out that cheaper is not necessarily better and, ultimately, not cheaper. It turned out that it was far more expensive. There were serious flaws in the steel, in the welding, and 6,000 to 8,000 jobs were in China rather than in the United States. Ultimately, the cost was higher, and we did not benefit in the United States, even in California, from the increased economic activity that would have occurred if the direct jobs in manufacturing and welding and fabricating that steel were in the United States.

We don't want that ever again. If it's our taxpayer money, from whatever source, then make it in America. Use our money to buy domestic-made buses and trains and steel. We've got work to do.

I put this one up here, not to get away from the transit systems and the public transportation systems, which are critically important, but we've got 150,000 miles of road that need repair. The transportation bill that had been offered by our colleagues on the Republican side doesn't even get close to keeping up with what we need in the highway system and repairing the bridges that are falling down or could fall down across America. We have work to do.

We need to reignite the American Dream, and part of that dream has been the world's best transportation system. Unfortunately, over the last decade or two, we have seen that decline in American status in transportation. Whether we're in the third world or the second world, we're surely not in the first world for highway transportation or for the public transportation system.

We have work to do to reignite the American Dream. This transportation bill that ultimately we must pass, the Senate and the House, we must come together and pass a bill that is adequately funded, that provides for public transportation as well as for the road transportation. Our Republican colleagues are not even close to that. They've got a $75 billion hole in their wallet not filled by the programs that have been put forward.

I know that you've been serving on this committee. You're far more familiar than I am with it. So let's just continue with this for a little while.

Mr. BLUMENAUER. One of your points about the impact, that one piece of the bridge project, the $400 million element of steel, it wasn't just the steel itself. Had we been developing that portion of the steel for the project in the United States, there would have been thousands of other jobs that would have been related to it to support that effort, in terms of the manufacturing, the development, the people who provide the equipment to manufacture the steel and put it in place, and the tools. It is a dramatic ripple effect.

You referenced 150,000 miles of road in critical need of repair. What's under the surface is even in worse shape. We

have, in the United States, every day 6 billion gallons of water that leaks from water mains that are old, in some cases unsafe and unhealthy. That's the equivalent of 9,000 Olympic-size swimming pools. Lined end to end, it would go from Washington, D.C., to Pittsburgh, Pennsylvania.

Mr. GARAMENDI. That's a lot of swimming.

Mr. BLUMENAUER. It's a lot of water that's wasted.

It is a problem in terms of undermining roads. We've all seen these terrible pictures of sinkholes that develop. I used to keep them and use them for presentations. I stopped when one of the sinkholes was actually in my old neighborhood of Portland, Oregon, that opened up in the middle of the street and swallowed a maintenance truck. This is serious business.

The American Society of Civil Engineers, every 5 years, does a report card on the state of American infrastructure. Their most recent report card showed that we have $2.3 trillion unmet need, and the grades ranged from C-minus to an F in terms of water, the electrical grid, transit, roads and bridges. This is serious business in terms of American quality of life. And think about the hundreds of thousands of family-wage jobs if we were investing in rebuilding and renewing America.

□ 1730

I know you appear to have a little statistic here.

Mr. GARAMENDI. I would like to have handed this to you as you were talking about the expansion that occurs when you invest in infrastructure. I ran over to get this, but I didn't want to interrupt your discussion.

For every dollar invested in infrastructure investments, $1.57 is pumped into the American economy. That's the multiplier effect that occurs when you invest in this. These are investments that pay dividends year after year. This is the immediate turnaround. You described it so very well. It's the small business that is fabricating, it's the steel mill, and on and on. $1.50. If we invest a dollar today, we get $1.50 back in economic activity, people paying taxes. We recoup much of that dollar investment. That is just the immediate multiplier effect.

Let's say we have an investment in a water system in Portland, Oregon, that is old and needs to be replaced. That's now in the ground, and it's going to serve year one, two, three, and probably for the next century. So it's not something that is used up. I suppose if we were to invest in an artillery shell, and we shoot it off in Afghanistan, well, okay, that is a one-off, one time, and it is gone. Perhaps to good purpose, but gone. You invest in infrastructure in America, you get an immediate return, and it is there for the next generation and the generation beyond.

Mr. BLUMENAUER. That's a very important point. The Society of American Civil Engineers has produced another fascinating report about what the cost will be if we don't invest in the water infrastructure. They have documented tens of billions of dollars of extra cost if we do not take care of these problems. It is not a problem that is unknown to American homeowners, who quickly find out if you don't fix the hole in the roof, you end up with massive structural damage.

Mr. GARAMENDI. Excuse me. You're getting too close to my roof. Move on. Don't focus on roofs, because I didn't fix it, and, yes, I got to repair the inside as well as the roof.

Mr. BLUMENAUER. The damage that you mentioned earlier in terms of the roads that are in need of critical repair, the cost to the American motorists in terms of the damage to car suspension systems and tires, that wear and tear wears out cars more rapidly. Delays in traffic for something like UPS—a 5-minute delay I think translates to something like $100 million of costs to them over the course of a year. This $1.57 of economic impact for every dollar invested translates into over 25,000 jobs for each billion dollars that is spent on infrastructure. A far greater rate of return than on military spending, on a lot of the other things—tax cuts, for Heaven's sake. This is real economic benefit, particularly when we've got a building trade sector where unions are looking at 20, 30, 40 percent or more unemployment. These are opportunities to put people to work tomorrow on things that people in America need today.

Mr. GARAMENDI. We ought not dance around one of the issues involved in this infrastructure. That's, where is the money coming from? How are you going to pay for this stuff?

Our colleague ROSA DELAURO for more than 15 years has made a proposal here in this House that we create what Europe has had for the last almost 30 years now, an infrastructure bank, a way to finance those projects that have a cash flow, the specific ones that you're talking about. The bridge has a toll, has the ability to pay off a loan. The water system has a fee associated with the delivery of water, the sanitation system. All of those are what I call cash-flow projects.

ROSA DELAURO from Connecticut has proposed an infrastructure bank in which the Federal Government provides the initial capital, say a 10-year note. We could borrow at the Federal level for less than 2 percent now on a 10-year note, put that in the bank, go to the pension funds around the Nation, and they all invest in the bank. We may have $25 billion, $30 billion, $50 billion. And in some cases, depending on how robust you want to go, you could have $100 billion of capital available in the infrastructure bank to finance the kinds of projects that have a cash flow associated with them: toll roads, water systems, sanitation systems, airports, bridges.

All of those things are possible. In doing that, you not only create the opportunity to finance those projects and obtain this kind of economic stimulation, but you also have taken off of the general fund of the Federal Government and some State and local governments, taken off their general fund the burden of financing those and are freeing up money for those infrastructure projects that do not have a cash flow associated with them, such as, for example, many of the highways and biways and county roads throughout America where there's no fee associated with them.

We have the opportunity to finance these things if we could just get off the dime. Please, the leadership in this House, move us forward, give us a project that we can actually put in place, an infrastructure bank, and other kinds of projects that will actually create jobs.

Mr. BLUMENAUER. The gentleman is absolutely correct. There are lots of ways of going about this.

Ronald Reagan in 1982 understood that the gas tax, a user fee, could be used to help the country, which at that point was in a serious economic recession. Ronald Reagan signed into law a nickel-a-gallon increase in the gas tax that helped spur economic development activity.

If you don't want to raise a tax, there are unnecessary tax benefits that are flowing, for instance, to the largest oil companies that no longer need these tax breaks. In fact, George Bush the younger was famously quoted as saying when oil prices got to $50 a barrel that oil companies didn't need incentives to drill for the most profitable commodity on the face of the planet. Where we've watched it go to $100 a barrel or more, we could completely capitalize the infrastructure bank the gentleman talked about just by unnecessary tax benefits to oil companies, which the majority of the American public would approve in a heartbeat. There are also the expiring tax provisions on the wealthiest of Americans where just half of that would enable us to fully fund the transportation gap over the next 10 years.

I have bipartisan legislation that would deal with a water trust fund that would leverage close to a trillion dollars because of what the gentleman said—that there are other funds flowing for infrastructure like that, a trillion dollars of development over the next 20 years. There are opportunities here for us to step up and meet the needs of America and to rebuild and renew it.

Mr. GARAMENDI. We have work to do, and Americans want to go to work and they want things made in America.

I was interested in what you were saying about the use of our Tax Code. The Big Five oil companies in America—Exxon, Chevron, BP, and the other two—have in the last decade made a trillion dollars of profit. Yet at the same time, those Big Five get $4 billion a year in tax subsidies. Our tax money is going to those companies as if they

don't have enough of our money already. They do. If we dial that back and bring that back into the system for infrastructure investment, you could use it, as you say, for transportation because it's associated with transportation. You could use it for clean energy. Let's say you take 3 years of that and suddenly got $12 billion, we could capitalize an infrastructure bank. All of these things are possible if we get away from the notion of continuing to help the oil industry.

□ 1740

The wealthiest industry in the world doesn't need our tax money as a subsidy, and we ought to reel that money back in and use it for things that really create investments in America.

There are other ways we can do this. We had what are called bonds, Build America Bonds. Those have expired, but those were extraordinarily useful for small cities, big cities, and counties to build infrastructure. Many, many things that could be done, but unfortunately we are now 12, 14 months into the current control of the House by Republicans and not one of these things have come to the floor to rebuild the American economy. We have work to do. And we can do it.

I want to just point out that the Democratic Caucus, our colleagues on the Democratic side, have introduced 36 Make It In America bills, different kinds of ways to do it.

My two bills deal with our tax money for transportation. The gasoline tax, use it to buy American-made steel, equipment, buses, and the other one I have is using our tax money. If we're going to subsidize wind turbines and solar cells, we buy American made, and this is a way of keeping the jobs in America.

I know you have some additional thoughts on this, and let's continue on.

Mr. BLUMENAUER. Well, it is one of the very real problems we are facing in terms of building it in America. We are in the process of constructing a wind energy in the United States. It's been remarkably successful over the course of the last 20 years.

We've watched the price per kilowatt-hour produced by wind drop dramatically. At the same time, we are watching these wind turbine farms—you have them in California. We have them in the Pacific Northwest. They're in the Midwest. They're in Texas. They are providing revenue to rural America. Farmers and ranchers are being able to harvest the wind, literally.

Mr. GARAMENDI. With the cows and sheep beneath the turbines.

Mr. BLUMENAUER. At the same time, this is low carbon. This is not adding to our greenhouse gas effect. It's not something that is being exported overseas, giving money to people who don't like us very much.

At the same time, it is building this infrastructure: people who are now manufacturing wind turbines in the United States; people who are putting up, fabricating these towers; people dealing with the transmission capacity.

But I will say that one of the things this Congress should do is to extend the production tax credit. We've talked about benefits that flow to the oil industry long past time that they were necessary to provide incentives for them to develop oil resources, but we have provided a little bit of an incentive to help get the wind energy business competitive.

Well, that production tax credit expires at the end of the year. Already, we are watching investment patterns start to pull back because people are uncertain that they can go ahead with large-scale projects, investing tens of millions of dollars not certain that they will continue to have this tax benefit. That's outrageous.

Of the $4 trillion of tax provisions that are going to expire at the end of the year, the opportunity for us to actually have deficit savings by recalibrating some of those—at a minimum, we ought to step up, and we ought to step up now, to be clear that the production tax credit is, in fact, going to continue so we don't shut down the wind energy industry, we don't lose the manufacturing and the construction, to say nothing of clean, renewable energy. That would be a tragedy.

We have bipartisan legislation I've introduced with my friend from Seattle, Congressman REICHERT. We have a number of very distinguished cosponsors, including yourself. This is something that shouldn't be languishing. There's a bipartisan interest in making sure that the wind energy industry doesn't shut down and that we continue making it in America.

Mr. GARAMENDI. Thank you very, very much for bringing that issue up. It's one that is extremely important in my district because I do have the two major northern California wind farms in my district, one in the Solano County area and the other one in the Altamont Pass area.

My own history in this goes back to 1978, when I authored the first State law to provide a tax credit for those companies that built the wind turbines way back in 1978. So we've come a long, long way on this, and we ought to get it going.

I notice that you're going to have to go, and I'm going to wrap up shortly after you leave.

We've gone through a lot of things here. I'm going to just bring one more issue, and that has to do with the price of fuel in America today.

Thank you so very much, my colleague from Oregon, bringing us the Northwest perspective on this.

I went out and purchased gasoline this last week when I was back in California, and it was something around the range of $4.15 in one station, another, $4.25. I said, What's going on here? Why are we seeing this sudden rise when, in fact, in the Midwest of the United States, there is actually a surplus of oil? What's happening here?

I think we can look to several different things that are taking place.

One thing we know that is taking place is speculation. Because of the Dodd-Frank legislation, the government now has the power to deal with speculators, and I know the President picked this issue up when he was in Florida last week and said that this is something that a special task force has been set up in the Department of Justice to ferret out the speculation that's taking place in the gasoline markets.

I've also said I'd heard a rumor that the United States is actually exporting gasoline. In fact, we are. We're exporting over 26 million gallons of gasoline a day. You heard that right. The energy companies say, well, the price is going up because of a shortage of gasoline. What are you selling me? There's a shortage when we're actually exporting gasoline? Why are we doing that? Well, we do import gasoline, too, but your imports are balanced by exports. So how does that help America? I don't think it does.

Speculation, the export of gasoline, and you wonder why the prices are going up?

Well, certainly the speculation has to do with the question of Iran and whether we're going to shut down the Strait of Hormuz or not. Well, that's speculation. But the reality today is there's a glut of oil in the Midwest that ought to be used for refining gasoline and diesel in the United States. We ought to make it in the United States and keep it in the United States.

Twenty-six million gallons a day being exported? We'd like to have that in California. We'd like to have that drive down the price in California.

There's not a shortage. There may be a shortage of wisdom. There may be an excess of market-driven policies here, but we have a crisis in the United States, and it is certainly the price of gasoline.

A lot of discussion about ''drill, baby, drill.''

Okay. Let's understand that we are now drilling and producing more oil in the United States this year than in the previous 8 years. That's right. Right back to the Republican administration, when George W. Bush was in power and the Republicans controlled both Houses, the drilling of oil was at an all-time low. As we've come into this period of time, we've seen the production increase to the highest it's been in the last 8 years, and more to come.

But the opening of the Outer Continental Shelf, the Alaska National Wildlife Refuge and others will have nothing to do with the near term, that is in the next 5 to 10 years, because of the length of time it takes to produce from those new areas.

By the way, you don't need to waive every environmental law in the Nation or in the State to go get that oil. Off the coast of California, with directional drilling, you don't even need to get onto the ocean to get to the oil. You can drill from the land, reducing

the risk to the marine environment to near zero and access oil that's 6 miles offshore. We ought to be looking at those things.

□ 1750

There is one other thing, and I think I will wrap with this so that my Republican colleagues, if they need a little time to get here for their next hour, have fair warning.

Natural gas, it's an extraordinary asset for America. Natural gas is readily available. We're producing more natural gas in America now than ever before, and we're discovering that we can get even more. We're looking at an extraordinary asset. This is an American asset. It is a strategic asset. It is leading to the creation of jobs in America right now.

In my own district that I share with Representative GEORGE MILLER, in Pittsburg and on the Antioch city boundary line, we're seeing Dow Chemical coming home, bringing jobs back to America, investing large sums of money—millions and millions of dollars—in that facility because of the low price on natural gas. All across this winter in every part of America we've seen homeowners' heating bills, not soar, but actually decline. Yes, it has been a warm winter, but the price of natural gas for heating in the North Atlantic States, in the New England States, across the Midwest, and even in California is at an all-time low. The average last year was $4.30 when, just 5 years before, it was in the $10 to $12 range.

So we're seeing an incredible opportunity for America. Energy is the foundation of our economy. When you have a ready supply in abundance, you ought to recognize that as a strategic asset. Yet in committee after committee, in my own Natural Resources Committee, I've seen my Republican colleagues put forth bills that would export natural gas, that would take this strategic asset and send it overseas because the energy companies can get a higher price overseas. They don't need a higher price. They're doing quite well, thank you. What we need is a reliable, low-cost energy source in America.

Do not allow—do not allow—by legislation or by executive order the export of natural gas from the United States. There is a little bit that now goes to Canada or to Mexico under the NAFTA agreements, all of that in pipeline; but just this last week, one of the big Wall Street hedge funds decided to invest $2 billion in a Texas scheme to build a liquefied natural gas export facility. Well, I suppose it's nice to build it; but by golly, that's America's strategic asset that's going to be sent overseas.

Be aware of what's happening here. If you send that gas overseas in any large quantity, you're going to drive up the price of natural gas in America. So American farmers are going to pay more for their fertilizers, and we're going to see home-heating prices throughout the Nation rise as those exports of this strategic asset rise. We're going to see that Dow Chemical is going to make a different decision about whether to come back to America to take advantage of the low cost of natural gas or whether it's going to say, okay, America is so screwed up in that it's taking one of its most basic strategic assets and selling it for the highest price.

I think back on the story of Esau, in the Bible, when he sold out his birthright for a bowl of porridge. We ought not do this. We need an energy supply in America that we do have available to us.

So, with that, if my Republican colleagues are anywhere nearby, they can claim their hour.

We've gone through some very, very important things here—the Make It in America agenda and 36 Democratic bills that would build our economy, that would cause us to come back and rebuild our great manufacturing sector. It will happen. It's government policies that over the last 25 years have caused the American manufacturing base to erode, policies such as tax breaks for American companies that would send their jobs offshore. We stopped nearly all of that before the Democrats lost power here in Congress.

So we ask our Republicans to work with us in putting into law these 36 bills that will cause us to rebuild the American middle class, to reignite the American Dream and to give the middle class the opportunity to engage in manufacturing.

Mr. Speaker, with that, I yield back the balance of my time.

PROCEDURES IMPLEMENTING SECTION 1022 OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–91)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

Attached is the text of a Presidential Policy Directive establishing procedures to implement section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) (the ''Act''), which I hereby submit to the Congress, as required under section 1022(c)(1) of the Act. The Directive also includes a written certification that it is in the national security interests of the United States to waive the requirements of section 1022(a)(1) of the Act with respect to certain categories of individuals, which I hereby submit to the Congress in accordance with section 1022(a)(4) of the Act.

BARACK OBAMA.

THE WHITE HOUSE, *February 28, 2012.*

BORDER SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the majority leader.

Mr. BISHOP of Utah. I thank you, Mr. Speaker.

I am here tonight to talk about one of the issues that is of extreme significance. In fact, in every town hall meeting I've ever held, one of the first questions that's asked, if not the first question, is about illegal entry into this country and is about, specifically, border security.

So in talking about what the issue is before us, this is a map of the United States that is divided into the Border Patrol sectors, the areas that the Border Patrol has. As you will see, if you can, from the numbers, there is a vast difference in the numbers of people coming illegally into this country based on the sectors.

If you go to the sector of the State of Maine, the last time we had verifiable figures, the last time we had complete figures from the Border Patrol and from the Department of Homeland Security, only 56 illegals were apprehended trying to get into Maine, which has to tell you that there are not a whole lot of people from Nova Scotia who are trying to come over here and take hockey jobs. In fact, I have to think they probably looked at them as tourists.

But if you look down here in the area in blue, the Tucson, Arizona, sector, which is only part of Arizona—it's not the entire State of Arizona—in the last 2 years for which we have complete data, 51 percent, or a quarter of a million people, came through Arizona. In fact, 51 percent of all of the people who illegally came into the United States and who were apprehended came through the Tucson, Arizona, sector and were apprehended in the Tucson, Arizona, sector. This has to bring about the simple question of why.

Why is this part of Arizona the obvious entrance of choice of those trying to get into this country illegally? I really think the answer lies in the next chart.

This is the borderland along our southern border. The black line is 100 miles from the border, which is, by definition, both by statute and judicial decision, the legal jurisdiction of our Border Patrol. The area in red is the area that is owned by the Federal Government in those areas. You'll see that that specific area of Arizona—almost 80 percent of that—is owned by the Federal Government. That's almost 21 million acres of land owned by the Federal Government, which is in sharp contrast to, say, the Texas border and especially the northern border. Of that roughly 21 million acres, an area the size of the States of Connecticut and Delaware combined is wilderness area, and that doesn't include also areas that are endangered species habitats.

Those areas that are red are where we find the Federal Government prohibiting the Border Patrol from doing its job. The Border Patrol actually has access in the white areas—private property—to do their job. It is only when the Federal Government stops the Federal Border Patrol from doing their job on Federal property that we seem to have a problem.

Unfortunately, those coming into the country seem to realize that this area where the Federal Government stops the Federal Border Patrol on Federal land, as unusual and bizarre as that seems, becomes the entrance of choice for their coming into this country. I'm not just talking about immigrants, people who are coming over here to try to find jobs in some particular way. This is the entrance of choice of the drug cartels. The Border Patrol will tell you privately that their best estimate—only an estimate—is that 40 percent of those coming into this area of Arizona, in fact, into the country, are part of the drug cartel.

□ 1800

They don't care if the economy is going up and down. They don't care if there is E-Verify or not. They are still trying to come into this country. They will tell you, roughly 80 percent of the illegal drugs coming into this country are still coming by the drug cartel area.

What is worse, it is not just the drug cartel. This is also the kind of human degradation that is taking place.

There is a Seattle Times story that ran in 2009, and the title was, ''Pacific pair accused of smuggling, enslaving illegal Mexican immigrants.'' The story was about the human trafficking we have that is a very serious problem and the kinds of violent acts that are used against women and children on this Federal property. The Seattle Times went on to illustrate the kinds of violent acts against humanity that are happening right here on American soil, the kinds of numerous accounts of rape and other violent acts that are taking place against women and children here.

The counties—and I have been down there on the border and I have seen evidence of this—have ample evidence, if you go along these trafficking routes, of rape trees in which the drug cartel members, sometimes other illegal immigrants, will rape females and then force the victim to leave an article of clothing, usually an undergarment, on the trees and make this as if it is a type of monument to the horrible activity that is taking place on government land. Yet still we do not give the Border Patrol access on government land that they have on private property.

We are a sovereign country and, by definition, a sovereign country controls its borders, and that should be what we are doing. Unfortunately, we are not doing that at all.

This is what the border down there in Arizona will look like from the air. You see, going along here is a fence—the fence doesn't go all the way up the mountainside; there are some areas in which fencing does not make sense and cannot be done—and there is one road that goes along the fence. That is the access that our Border Patrol has in this particular area, and in some cases that becomes the sole access.

If you talk to the Border Patrol agents by themselves, when they will be honest with you, they will clearly tell you they don't need more money to fight this problem on the border. They don't necessarily need more personnel. What they need is access, east-west access so they can go somewhere other than along the one road that follows the border line and the border fence. That is what becomes extremely significant.

What is so bizarre, what is so bizarre in that is that the Border Patrol must obtain permission or a permit from Federal land management agencies before its agents can maintain roads or install surveillance equipment on the lands or do what we ask them to do; and that, frankly, is simply wrong and, once again, ludicrous.

Now, you see, it's one of those odd things that we stop the Border Patrol from doing their job and, instead, we find that environmental degradation is taking place, but not by the Border Patrol, not by any other American citizens, but by those who are illegally coming across.

This simply is one of the pictures of the kinds of trash that is left behind on private property and on public property, tons of which must be picked up, resulting from the fact that we do not have a Border Patrol that does have ability to patrol these particular areas. That's what's left behind.

I hate to say this, but the drug cartel who was coming over doesn't care about wilderness designation. They don't care about endangered species habitat. They don't care about the endangered species—unless it can be eaten. What they do is simply leave behind all of the trash as they are coming through. There is something wrong with that.

This is another picture of what takes place there on the border. The cactus, this time being cacti along the border, is an endangered species that has been cut down by the drug cartels. If any other American did that, that becomes a felony. For them, all this is is a nice roadblock along one of the few roads that is there. So when somebody else comes down there in a vehicle and stops, they are a perfect target for mugging and robbing and anything they want. You will find some of the cacti that's down there has graffiti on it, which shows certain areas where the cartel is in operation.

The last couple of years, there have been some major fires down there along the southern border. The last large fire that went through Arizona and spilled over into New Mexico was a fire that started in two parts. The part up in northern Arizona probably was started by a camper, but in southern Arizona, that wasn't it. The Forest Service has yet to determine who started that fire that spilled over into New Mexico and cost hundreds of millions of dollars in damage. They have ruled out everyone except, well, illegal aliens that happened to be close to the known smuggling trails where the fire actually started.

You see, what happens down there is there are three types of fires that are started, two of them on purpose:

One is a distress fire, in which case if somebody coming across the border is in a dire situation, lost their ability to go any further and they need rescuing, you start a fire, because then obviously the firefighters will come in and you will get rescued.

There are also diversion fires started specifically. A diversion fire is to make sure that when the fire starts over here and everyone runs over there to stop the fire, it means over here is now open for your entry into this country. The drug cartels have this down to a habit and a style all of their own.

The third part is simply an accidental fire. I think the assumption is that the last fires that were done down there were probably accidental fires, started indeed by those coming across the border illegally, but definitely not for a diversion and not for a distraction, just it was a problem that caused us an enormous amount of loss of public wealth and public time in trying to fix that particular problem.

The Department of the Interior claims that the 1964 Wilderness Act takes precedence over everything else that is taking place on this property. They say that their duties are to fulfill this particular act, not necessarily to control the border. In fact, one of the letters that they sent reads very carefully. It says:

> Issues remain, and we seek your (the Border Patrol's) assistance in resolving them as quickly as possible in order to prevent the significant, and perhaps irreversible, environmental damage we believe is imminent. Specifically, we are concerned with operating vehicles anywhere other than roads, road dragging, and other activities that could cause erosion and mobilize fragile hydric soil characteristic of the San Bernadino Wildlife Refuge.

What that says, in simple terms, is it doesn't really matter what the Border Patrol does; you don't want them to disturb the soil even if it means being able to apprehend somebody illegal, especially the drug cartels coming over there. They would rather have the soil not bothered than actually find somebody who is entering this country illegally, especially part of the drug cartels.

This is where I started. This is a response, once again, from the Department of the Interior to the Border Patrol on this area:

> The issue of emergency vehicle access by the U.S. Customs and Border Protection on San Bernadino Wildlife Refuge has been in dispute over the past few months. The recent

exchange of letters from our respective offices failed to clearly identify the needs of our two agencies and reach agreement on how to best proceed.

Now, once again, from my point of view, the way to best proceed is to stop the drug cartels from smuggling illegal drugs over here, not necessarily what took place. In fact, what they decided then, it says the Federal land managers believe it is their duty to enforce restrictive laws associated with the Wilderness Act, even if it helps the drug cartel in their drug trafficking and the human smuggling and other criminal activities that are occurring as they cross into the United States.

The chief also went on to say:

''Emergency circumstances exist''—that's nice of them—''when human life, health, and safety of persons within this area must be immediately addressed. Access to the refuge by the Border Patrol will be limited to the use of established administrative roads. However, you may access on foot to patrol or apprehend suspects.''

□ 1810

Managers of the land are dictating to the Border Patrol how they will do their job. I might add that this definition of what considers the chance of a Border Patrol actually going in and doing something rapidly is not what the memo of understanding between the Department of the Interior and the Department of Homeland Security actually said. They came up with their own definition to stop the Border Patrol from doing it.

Now, under this recommendation, the Border Patrol has to drive around this refuge, which adds hours to get to the other side, which obviously, if you're trying to capture somebody, something just doesn't work.

So since that's what's taking place, how does the Department of the Interior decide to solve the problem? It's easy; they put up gates. That was the result of that exchange on how to solve the problem of controlling our southern border. What the Department of the Interior simply did is they put up a gate with a lock on it on the San Bernardino National Wildlife Refuge.

It's amazing that they thought this solves the problem, because what this gate does is block out the Border Patrol from going into this area. It doesn't lock out anyone else. It doesn't lock out the drug cartel, the human traffickers, or anyone else from trying to come into this particular area.

Early on when Janet Napolitano became head of Homeland Security, we received a couple of letters from her. They actually said what the issue was down there on the border with the Border Patrol. She wrote:

''One issue affecting the efficacy of the Border Patrol operations within wilderness is prohibitions against mechanical conveyances''—that's like four-wheelers—or in the air. ''The U.S. Border Patrol regularly depends on these conveyances, the removal of such advantage being generally detrimental to its ability to accomplish the national security missions.''

In simple language, if you stop us from going on motorized vehicles into these areas, we can't catch the bad guys.

This includes that these types of restrictions can impact the efficacy of operations and be a hindrance to the maintenance of officer safety.

It makes their job more difficult and it puts them at risk. She continued:

For example, it may be inadvisable for officer safety to wait for the arrival of horses for pursuit purposes, or to attempt to apprehend smuggling vehicles within the wilderness with a less capable form of transportation.

In simple words, again, if the idea is of the Department of the Interior that the Border Patrol, when they come to one of these special areas, have to go on foot, they have to chase them down on foot or wait till a horse arrives so they can chase them down on horse, while the drug cartels are using motorized vehicles, that flat out does not make sense. But that is, indeed, what is happening down there.

She continued on with a different correspondence to say that it illustrates that in areas where the Border Patrol has been given access, the regrowth and rehabilitation of the land has improved.

But ''overall, the removal of cross-border violators''—stopping the drug cartel from coming across the border—''from public lands is a value to the environment as well as to the mission of the land managers. The validity of this statement was evidenced recently when the vehicle fence project south of the Buenos Aires National Wildlife Refuge received praise from a Fish and Wildlife biologist. The biologist was encouraged by the regrowth and rehabilitation taking place naturally to the north of the vehicle fence subsequent to its installation.''

Now, what she was saying very simply is, when you stop the Border Patrol from being able to do their job, they don't do their job and the bad guys come across. And the bad guys don't care at all about the environment or what the laws are or what the rules are. And if you are able to stop them, then all of the degradation that takes place by the drug cartel coming across the border can be fixed, and can be fixed well.

Now, I have to admit that was early on in her administration with the Department of Homeland Security. I have to admit also, of late, that the Department of Homeland Security has been told to simply tell us everything is going fine down there on the border. Things are getting better. We are working together nicely.

It's not quite the same story I got on the trips down there to the border when I talked to the people. In fact, one of the things that is actually disturbing is our committee staff has been refused access to even talk to the Department of Homeland Security personnel ever since we started making this particular kind of push.

My assumption is there is a reason the drug cartels are trying to go through this Arizona sector. The reason relates to the kinds of lands that are down there and how we treat those lands. And the reason simply says, if we allow the Border Patrol to do their job, we will all be much more secure. And the concept of stopping the Border Patrol from doing their job on Federal property is simply unacceptable, and yet that is, indeed, what we are doing right now.

To the Department of the Interior's response to that, they said the following in a memo in 2008:

''Congress has directed construction of these facilities''—meaning the public lands—''and there is a compelling national security issue, but these towers and buildings and associated equipment and motorized activities within congressionally designated wilderness would be contrary to protecting the primeval character of wilderness; and, hence, contrary to the intent of Congress.''

Contrary to the intent of Congress? Do they really want us to believe that Congress wants to have a porous border? that Congress actually welcomes with open arms the drug cartels coming into this country? that the illegal drugs coming in here that are destroying the lives of our children we welcome with open arms? that the kind of human degradation, the kind of victim crimes, crimes against humanity, are something Congress really wants to perpetuate? That's really what they want us to believe?

Further on in this memo:

''The Department of Homeland Security's proposals would not preserve natural conditions''—this is once again Interior's memo—''would make the imprint of man's work substantially noticeable, and would substantially reduce opportunities for solitude, or a primitive and unconfined type of recreation and would impair these areas for their future use and enjoyment of the American people as wilderness. The DHS proposals do not fall under the exemptions of the prohibitions for use in section 4(c) of the Wilderness Act and, therefore, are prohibited.''

Reduce opportunities for solitude? Unconfined type of recreation? Maybe they do have a point. I'd say that the drug cartel operatives, armed with AK–47s, would pretty much reduce the solitude in a pretty serious way along the border. But, unfortunately, that is the approach; that is the attitude.

So what does the Department of the Interior propose for this? Rather than allowing the Border Patrol to do their job and trying to control our border, which a sovereign country would naturally do, you put up a sign to tell Americans that travel is not recommended. The goal is to stay away from these particular areas. The approach was simply this: Since the areas of American land on the American border are unsafe, let's do whatever we

can to stop Americans from going down there and, in so doing, cede over these areas to the drug cartels. That will be one of the ways of solving the problem.

Since that's not a terribly, terribly politically correct approach, to warn the public of the danger of traveling through American territory, perhaps you can put up a softer and gentler sign, which is a travel caution: Smuggling and illegal immigration may be encountered in this area. Proceed at your own risk.

I'm sorry. This may be the approach, but it's the wrong approach. And I wish this were just limited to the Arizona border. The same line was used in the Big Bend National Park, and it has been used on other lands around the border. We simply know it is not safe to go into these areas where criminal activity is taking place, and the problem is no one is doing anything about it.

Almost all of the Organ Pipe National Monument was closed to visitors. That's along the Arizona border. Recently I saw an article in which a portion—a portion—of Organ Pipe was opened up to visitors. That's wonderful. However, if you went there, you still had to go with an armed guard. There's an article that was written only 8 hours ago talking about the opportunity of people going down there where the park ranger, wearing a bulky, dark green bulletproof vest, told the tourists last week that they would be going on their travel in a van and a hike. He told them that there would be some law enforcement officers hiding in the hills and closely watching their 2-hour nature hike, while another pair of armed rangers would follow the tourists closely from the ground. They'll all have M14s at hand, he said. Please don't be worried.

□ 1820

As the group loaded into the vans, one woman from Idaho whispered to her husband:

Does it make you worried? They get chest protections, and we don't get none of them.

Homeland Security is saying that in this park, things are getting better. I think they are because finally they allowed Homeland Security to put up nine surveillance towers in the park, making it easier for the agents to detect new foot traffic so that drug-runners are no longer simply hiding in the hills waiting to succeed where the towers cannot contact them.

You see, that's what we're doing, and that's simply not a viable approach to it.

Let me try to tell you this way. Obviously, a fence by itself is not enough to secure the border. We do need electronic tracking devices. This is a picture of one of our mobile tracking devices. It's very high tech, it's very wonderful, and if you will notice, it's a truck with a traffic device on it.

In the Organ Pipe National Monument, they tried to move this from point A to point B, and the end result was that after 6 months, the land managers finally said, okay, you can move this truck from point A to point B. By that time, it wasn't worth it. It's a truck. Now, if the land manager had studied this issue for 6 months and then said, all right, look, the land is too precious in that part where you want to go, you can't go at all, maybe I could understand that. I wouldn't like it, but I could understand it. But that's not what he said. He said, you're going to wait 6 months, I'll review it for 6 months, and 6 months later he said, okay, go ahead and back up the truck and move it.

These devices are essential for our controlling the border, but it is essential that if it is a mobile device, it has to be mobile. It has to have the ability to back up the truck and move it to somewhere else.

There is another example of the pronghorn antelope that is there, the Sonoran pronghorn antelope, in the area. A BLM official wrote in an email to the Department of Homeland Security regarding testing for replacement of equipment that they could do the following: A biological monitor shall be present—a person—shall be present at the proposed location of these traffic monitors for the Sonoran pronghorn prior to any disturbance. The monitor must have experience with observing pronghorns. The monitor will scan the area for pronghorn, and, if observed, any kind of activity will be delayed until the pronghorn moves of its own volition. The pronghorn cannot be encouraged to vacate an area. And if by any chance the Border Patrol were to run across a group of these, its job was then to back up—not turn around—but to back up no faster than 15 miles an hour until you were out of that particular area.

One of the things that we have found out that is taking place down there is basically the Department of the Interior is insisting on mitigation—I think there are some other words I would rather use—mitigation funds coming from the Department of Homeland Security.

The calculations we conducted a couple of years ago say that, as of that date, $10 million of Federal money has gone to the Border Patrol, supposedly to protect our border, and then instead been reverted over to the Department of the Interior to hire things like the pronghorn monitor or buy other property for other purposes in the name of mitigation of the environmental damage caused by the Border Patrol. Unfortunately, there is no way to mitigate against the environmental damage caused by the drug cartels and the human smugglers coming in here, nor does the Department of the Interior seem to care about that.

I'm joined here by a good friend from Arizona who knows this full well. This is where he lives, and he understands it. He also sits on the committee that talks about these particular areas and has introduced an amendment to the reauthorization bill that comes from his committee. So the Representative, Mr. QUAYLE, I will yield to him what time he needs. If he would like to enter right now, and then I'll pick it up whenever you're done.

Mr. QUAYLE. I thank the gentleman for yielding. I really want to thank him for his leadership on this issue and for working with me to put in similar provisions within the Homeland Security Reauthorization, which we hope will come to the floor in August because it's a serious issue. As the gentleman from Utah was talking about, the amount of destruction, both on the environmental side and just on the human side, from these drug smugglers and human smugglers in very environmentally sensitive areas in the Sonoran Desert is devastating.

If you think about the amount of carnage that has happened just south of the border—you have over 30,000 people that have been killed by drug cartel violence in the last 5 years. Last year, I was with other members of our Arizona delegation. We were going down to the border and seeing what was going on, and we were at the Douglas point of entry. And the night before they had videos of this, which was about 70 yards from the border, where a fake police cruiser that was disguised by the drug cartels stopped just south of the port of entry, entered into an establishment, unloaded hundreds of rounds of ammunition in there, killing a handful and wounding dozens of people.

Now these are the same types of people who are taking advantage of the weak spots within our border. If you look at Arizona specifically, the Arizona border, there are about 305 miles of Federal lands in Arizona. About 83 percent of the 370-mile Arizona-Mexico border is Federal lands.

Right now, the Border Patrol agents do not have the ability to actually go onto those Federal lands unless they abide by the Memorandum of Understanding, which says they have different definitions of when they can actually go and apprehend somebody. But the fact of the matter is that these drug cartels, these human smuggling operations, are nimble. They are watching every move that our Border Patrol agents are making. They are noting where the weak spots are and where the surveillance equipment is. And for our Border Patrol agents to actually go and move it to areas where the traffic has increased, they have to go to the Department of the Interior to get prior permission. There's a GAO study that said at one point in some instances that could take up to 4 months—4 months for our Border Patrol agents to actually move a piece of surveillance equipment or to move motorized vehicles onto various areas of Federal lands.

Now, I understand the need to protect the delicate Sonoran Desert, but it is getting decimated—absolutely decimated—by these human traffickers and drug traffickers, who do not care about

it. I personally believe that our Border Patrol agents and customs officials will do a much better job in actually being sensitive to these areas while trying to actually protect the citizens of this country from the violence that's going to be streaming across the border.

This is such a big and serious issue that not that many people know about, and Mr. BISHOP of Utah has really taken the lead on this, and I commend him for it. I look forward to working with you on these issues going forward because we need to get a handle on our border, and the violence is going to spill over. In order to do that, we have to allow our agents the ability to have the unfettered access to our Federal lands so they can actually do their job and protect the borders.

Again, Mr. BISHOP, thank you very much.

Mr. BISHOP of Utah. I thank you for that, and I appreciate your joining me here because, once again, you live in that State, your constituents know the fear that is taking place, Americans who live on that particular border, the danger that is down there. And, once again, this is not just an issue that will go away if the economy goes sour. These are the drug cartels. These are the human traffickers. These are the worst kinds of people, and we don't want them here. And as a country, if we're going to be a sovereign country, we have to control the border, if for no other reason than we have to be able to control the border. Whether the total number coming across is getting less or is increasing—we don't have definite figures yet—it doesn't matter. As long as one drug cartel is still coming across the border with illegal drugs, that's one too many, and we have to do something about it.

So I appreciate it very much, and I realize you have another obligation to go to. Thank you for coming down. You're welcome to stay if you would like to.

But he also added a premise into where we're going, because what is taking place, quite frankly, is the violence that is taking place on the Arizona border. We all know about Fast and Furious and what a silly idea this was, how ludicrous a program to arm the drug cartel and to find out that those arms they were given by the Federal Government are coming back to harm us. But along the border, we have had a specific row of people who have been not just harassed by the drug cartel but have been killed by the drug cartel.

Starting in 2002, Park Ranger Kris Eggle was shot and killed in the line of duty while pursuing a member of the Mexican drug cartel who had crossed the United States border into Organ Pipe National Monument, which is off limits to Americans. In 2008, Border Patrol Agent Luis Aguilar was killed in the line of duty after being hit by a vehicle that had crossed illegally into the United States through the Imperial Sand Dunes, which is BLM ground, where the Border Patrol has restrictions. What hurts me, as well, is Rob Krentz, a rancher, a multigenerational rancher, on his own property in Arizona.

□ 1830

See, Rob Krentz over there was actually out patrolling, going through his property. He had just had a hip replacement, was ready to have a knee replacement—or vice versa. He was on an ATV vehicle with his dog. He came across a group of illegals who were there—part of the cartel, again, is the assumption. Usually what happens is there is flight, but in this case there was no flight. He was not physically able to fly, and so what happened was both he and his dog were shot.

The one we assume did the shooting came across that wildlife refuge where the gate was locked to prohibit the Border Patrol from going in there and doing their job. Then we assume his exit back into Mexico was a circuitous route that went back out of his way so he could go back through that same area that was off limits to the Border Patrol from totally doing their job. He lost his life because of our policies that don't make sense.

December 10, 2010, Border Patrol Agent Brian Terry was shot and killed—once again on Forest Service land—with guns that were obtained through the Fast and Furious program.

One of the other committees of our Congress has on their Web site the statement that a now-sealed Federal grand jury indictment in the death of Border Patrol Agent Terry says the cartel operatives were patrolling this rugged desert area with the intent of intentionally and forcibly assaulting Border Patrol agents. And it happened because we are not taking control of our border.

As sad as that is, this is still another look at the border. You know you're looking at the border because you can see the fence is still running along and the one road along the fence is still running along. Unfortunately, there's a gap in the fence. That gap is an endangered species habitat right-of-way so the species can go from one side of the border to the other. Unfortunately, I will tell you that it's not just an endangered species that goes from one side of the border to the other. That is endemic of the situation we have down there where our border policies, our land policies take precedence over border security. That is simply what we ought not or should not be doing.

Our solution is, I think, very simple. It's House bill 1505, the National Security and Federal Lands Protection Act. The simple answer of what this bill does is simply it allows the Federal Border Patrol to do on Federal property what it already can do on private property. It says our number one priority should be controlling our borders for stopping the drugs and the violence that is taking place in Arizona. This bill protects legal use of the land—such as mining and hunting and camping and fishing—in an effort to try and make sure that we can protect American property for American use, not for drug cartel use.

There were simpler versions of this that simply said you can't stop the Border Patrol from doing what they need to do to meet their needs. Unfortunately, some of the administration in these Departments laughed at us and said, That's not going to work. You can't tell us what won't happen. So we wrote the bill to be proactive and tell what the Border Patrol can do.

It also had to put in there specific—and this is, once again, from the Department of the Interior insisting it—we put down the specific environmental laws that can be abridged only for the purpose of protecting the border. It is the same list that was done about 5 years ago when the Department of the Interior insisted that as Congress we had to list specific environmental laws that could be broached in order to complete some of the fencing along our southern border. Same rules, same laws, same element so the Border Patrol can do their job. That's what it simply does.

There is one group that was opposed to it because they said the Border Patrol is found 15 to 20 miles north of the border. Yeah, their jurisdiction is up to 100 miles north of the border. They also said that surveillance status shows that there are nearly 8,000 miles—some estimate 20,000 miles—of illegal wildcat roads cutting through some of this border area. I want you to know it is not the Border Patrol—even though this group tried to blame the Border Patrol for these 20,000—if indeed it's that high—miles of illegal roads. They're not the ones creating that. It is the drug cartels that are cutting roads through our habitat, through wilderness areas so that they can use them for their drug-smuggling activities.

If you go down there, you can simply see on the ground where these trails are. If you fly above it, you can see where they are. If you go up to the high points, you can see where their nests are. So you can see very clearly and very easily where they have their lookout spots.

Actually, I went to one of those. It was just over the border into Mexico. I was actually unimpressed because I found out that amongst the things they were leaving behind in the trash is they drank only Diet Coke. If they had done Dr. Pepper, I would have been impressed by their taste, but it was only Diet Coke.

I have also heard all sorts of rumors about what we are trying to do with this bill, trying to make sure that this border is secure so Americans can go back into American property and be secure. I have heard rumors that we are trying to limit public access. That's not true. What we are trying do is make public access safe. That's the job of the government is to make our borders secure.

I have been told that this is a simple land grab. Some groups out there who simply don't understand what's going on tried to label this as a giant land grab. I don't know how you can call it a land grab when the Federal Government is simply trying to allow the Border Patrol to do its job on Federal land. We're not expending any more power or opportunity to the Border Patrol. We're simply saying Federal land should not stop them from doing their job. There are some that will simply say, well, if we ignore this, it will simply go away. This problem is not going to go away. It is too deep; it is too severe to simply go way.

There is one last reason why this approach is extremely important, and I'm saying this in conclusion. As I said in the beginning, almost every town hall meeting that I have they talk about immigration. Immigration issues are complex. Sometimes they are going to be complicated and will require compromise and consideration. Right now out there there's a great deal of anger and anxiety in a lot of people simply because we are not controlling our borders and American lands are not safe, and there is too much violence taking place. And it's simply wrong to prohibit our Border Patrol in favor of allowing the drug cartels and those doing human trafficking to have free access into this country.

If indeed we are serious about long-term immigration, the first thing you have to do is reduce the anger and reduce the anxiety level. The first way to do that is to be able to look at the American people with a clear conscience and in truth, look them in the eye and say our borders are secure. We control who comes into this country and who does not come into this country because that is what a sovereign Nation does.

Our hope is that we can pass this bill and take the first step to controlling the border, which is simply to allow the Border Patrol access to where the Border Patrol needs to be, to give them the same opportunity on public lands that they have on private lands. Because it is very clear, Border Patrol knows what they are doing. They are doing a good job.

Where they are allowed the freedom and flexibility to do their jobs, the issue of illegal immigration and illegal entry into this country of all kinds, but especially illegal entry into this country by the bad guys who are trying to put illegal drugs and other kinds of crimes and bring them into this country, where they are allowed to do their job, they are successful.

What we have to do is now look on Federal property where the Federal rules prohibit the Border Patrol from doing their job and change that, simply allow them to do their job. House bill 1505 does that. Until we do that, we will never move forward into a larger solution to our immigration problem. And we will continue to have illegal drugs and other kinds of crimes against humanity taking place on American soil, and it will not stop. That's why this bill is so important.

With that, Mr. Speaker, with gratitude for allowing me this moment to go through this particular issue, I yield back the balance of my time.

□ 1840

FREEDOMS THAT MADE THIS COUNTRY GREAT

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I always learn something when I hear from my friend, Professor BISHOP.

It has been staggering to hear the testimony over the last several years as to what has gone on at our border. We used to be a law-and-order country where the law meant something, but we've seen that eroded.

I heard our Democratic friends, before Mr. BISHOP spoke, speaking of selling our birthright, and I enjoyed hearing them talk about how we ought to use our energy in this country. Well, welcome to the Republican position. That was great to hear. That's just fabulous to hear from our Democratic friends because, as we know, and one of the things that Mr. BISHOP pointed out, there have been regulations and government bureaucracies used to not only prevent us from enforcing our immigration laws, but also to prevent us from utilizing our own resources over and over and over. For heaven's sake, if somebody has got 800 safety violations like BP had, prohibit them from drilling, but don't prevent everybody from drilling.

The things that the government should be allowing entities to do, like providing the energy that we have—we've got more energy than any country in the world. Relative to the size of other countries, we're not the biggest, but we have more natural resources than any other country in the world has been blessed with. It's amazing. In this administration, and even before this administration, we had our Democratic friends prohibiting, through bureaucracies, through laws passed, using our own energy, which has been just an outrage.

It's the poor single moms, those struggling to make it through the month with what's left on the limits of their credit card so they can still buy gas to get to their job so they can get a paycheck and pay down their credit cards enough to buy gas for the next month, that are hurting the most. Ironically, the people that donate to Democrats 4 to 1 over Republicans, as they did to Obama over McCain 4 to 1, are the Wall Street executives, the big bank executives. All they have to do is endure some name-calling from the President and they get richer than they could have ever hoped.

Yet we get back to freedoms that made this country the greatest country in history. I believe that. Prominent among our freedoms you can find in the First Amendment. It doesn't say States can't, because there were some States that required religious tests, but ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.''

There is no mention of separation of church and State. There is no mention of a wall of separation. That was in a letter Thomas Jefferson wrote to the Danbury Baptists. This is the same Thomas Jefferson that came to church every day he was in Washington, D.C., while President. He came to church right down the hall in the House of Representatives and at times had the Marine Band come play the hymns. He didn't see that as a problem for the Constitution's prohibition against establishment of religion, but he certainly never would have dreamed of prohibiting any Christian from practicing their religion, as this administration has now done and attempted to do, or the freedom of the press.

We know the press is free to slant the news however they wish. For example, when gas prices were going up in 2008, the Main Street press, Main Street media had 4 to 1 more stories about the price of gas going up then than they do now, and the prices now are higher than they were then. Gee, could it be that the Main Street media has a vested interest in keeping the President that they put in office in office, keeping him there? But they've got that freedom of the press. They can keep slanting their stories as they wish.

Or the right of people to peaceably assemble and to petition the government for a redress of grievances. The First Amendment, that's it.

There is a great big grievance that a majority of Americans have, and it's with the President's health care bill. This is front and back. It is very thin paper so you can get all of the President's ObamaCare in here. This says 2,407 pages. There you are, the President's health care bill. It's interesting.

Here is a story that Edward White filed February 16, maybe from our friends at ACLJ, but it points out last month DOJ again argued that the penalty is a tax—talking about the penalty in the health care bill—is a tax when it filed its opening brief with the Supreme Court in the ObamaCare case the Court will consider this March.

We know February 16, in response to a question from the great Representative SCOTT GARRETT of New Jersey, he asked Director Zients whether the individual mandate penalty for failing to buy health care is a tax. Zients answered that it is not a tax. Today we had Secretary Sebelius, the Secretary of Health and Human Services that is overseeing the implementation of ObamaCare. Secretary Sebelius also indicated it's not a tax. Yet the DOJ has argued basically that the minimum

coverage positions are well within Congress' commerce power.

The DOJ contends that Congress has broad power under the Commerce Clause and the necessary proper clause to enact economic regulation. The DOJ contends the minimum coverage provision is an integral part of a comprehensive scheme of economic regulation, and the provision itself regulates the economic conduct with a substantial effect on interstate commerce.

It certainly has had an effect on interstate commerce. It's doggone near killing it.

The minimum coverage provision is independently authorized by Congress' taxing power contingent of the DOJ. The DOJ argues that the provision operates as a tax law. Validity of an assessment under Congress' taxing power does not depend on whether it's denominated a tax.

Anyway, interesting time. That is from the National Law Review, that assessment. Today the question was to Secretary Sebelius, and she disagrees with DOJ as well.

There are just a number of issues here with this bill. And the recent demand by the administration that the Catholic Church, Catholic hospitals provide free contraceptives was not about contraceptives. If anybody needs contraceptives, they can get them. It's not an issue.

□ 1850

It shouldn't be. People that want them can get them. It's not an issue, although some are trying to make it out to be. It's about the prohibition of the free exercise of religion.

It's incredible that a White House would decide that they get to tell the Catholic Church which parts of their religious beliefs that this White House will allow them to practice. Even coming back after the White House had all of these people come in and meet and decide and discuss, they should have come back and said, Sorry, you were right. We never intended to indicate we had the power to tell you you could not practice your religious beliefs.

It's not what the White House came back and said. The White House came back and said, in effect, Well, we still obviously have the power to tell you what parts of your religion you cannot practice. But listen, Catholic Church, we're going to do you a favor. Even though we have the power to prohibit you from practicing your religious beliefs, we're going to require the insurance companies to provide this feature even though it goes against your religious beliefs. We'll require the insurance companies to provide that.

Now, how stupid do you have to be to not understand that when a requirement of an insurance company policy is dictated by the government, there is going to have to be a recouping of that expense from the people that buy those insurance policies? So that was no remedy.

The Church, the Catholic hospitals are still going to have to provide those policies that provided that. They just weren't going to be required to tell the insurance companies to do that because the government did it for them. What a ridiculous end-run to do the same thing.

But the White House did not even address a real core issue.

I'm a Baptist. I don't have the same beliefs about contraceptives; but this is so dangerous, this is such a violation of our First Amendment. For this White House to think for a moment they have the authority to tell any religious group, and here's the kicker, any religious person that they cannot practice an important tenet of their religious beliefs is unconscionable.

Now, the administration says, Oh, Catholic Church, Catholic hospital, we'll work with you. What about Catholic individuals who believe with all their heart the things that are taught by Catholic schools, by the Catholic Church, and expounded by the Pope himself?

How powerful a Pope does the White House or the President, any President, have to be to dictate that what the Pope says is not going to be observed in America by any individuals who are here in the United States?

We hadn't heard a lot of discussion about the freedom of the individuals, but this was not talking about the freedom of the Church or a hospital. It was talking about the freedom of individuals; and even if the White House tries to accommodate some hospital, some church, what about the beliefs of an individual? A Catholic in America who's told, Sorry, this President is going to trump your Pope, and you're going to have to pay for what you believe is against your religious beliefs, it's unconscionable.

Do you think the Founders would have put up with that? As Dennis Miller said, they were willing to go to war and die and risk everything over a tax on their breakfast drink. Do you think they wouldn't be willing to fight for their right to practice their religious beliefs?

Good grief. They came—so many of the early settlers came here to get away from the prejudice and discrimination against Christian beliefs: Protestants, Catholics. They came to America hoping to have freedom of worship.

It's been interesting to hear in Israel that the Muslims who are most free to practice their Islamic beliefs as they feel led them to actually be in Israel, because depending on which administration is in charge in Iran, Syria, Egypt, wherever, you better not get too far afield from what the administration of that country believes.

Here in America, people are free to practice Islam, Christianity, Buddhism, atheism, so long as it does not threaten this Nation as a whole.

You know, we were told by the President there was no chance any Federal money would ever go for abortion. And some of our friends actually bought into that representation. Turns out, it wasn't true. Some of us tried to explain back then. You can't bind with an executive order what the law says specifically. It sets out requirements for health care providers, clinics, insurance policies. There are those that will provide abortions and ultimately there will be tax dollars, since dollars are fungible, that will be used for abortions under ObamaCare.

We keep coming back to this. If ObamaCare is constitutional and the mandates in ObamaCare are constitutional, there is nothing the Federal Government cannot dictate.

As I've said from here many times, this ObamaCare, 2,407 pages, was about the GRE. It's what it's all about. This bill is about the GRE, the government running everything. Because if the government has the right to control everyone's health care in America, they do have the right then to tell your children what they can or can't eat, to tell your children that their parents or parent is not fit because they don't know how to feed a child because it disagrees with what the government says.

They have the right to tell you what you can put in a vending machine. They have a right to tell you whether or not you're exercising enough. They have a right to tell you you use too much butter when you should have used something else in cooking.

They have a right to do that if they have a right to control your health care.

If this is constitutional, the government has a right to tell every Supreme Court Justice how they can live, and if any Supreme Court Justice thinks they'll be immune from this government telling them how they can live, what they can eat, what they can do, what they cannot do, then they are amusing themselves frivolously because that day will be coming.

Sure, this administration knows they stacked the deck with Justice Kagan. Of course, anybody that would send an email all excited about having the votes to pass ObamaCare, how wonderful that is, it's just amazing.

□ 1900

We keep wondering how many emails have not been provided. The noble thing would be to recuse oneself.

We should have known this when liberal groups that want the government to control everybody's lives were so adamant in throwing stones at Justice Thomas. It's clear we've seen this method before. What that means is they were nervous about somebody else who was a shoo-in to vote for the President's bill to have that issue raised about her. That's the way they always do.

So as soon as I saw these ridiculous allegations about Justice Thomas because his wife had an opinion, boy, I didn't see any liberals screaming about somebody with the ACLU whose husband had taken strong positions on different issues that she wasn't qualified

or should recuse herself because her husband had an opinion; but some of these same liberals, so-called, took the position that, gee, if Clarence Thomas' wife has a position, he must be disqualified.

The hypocrisy goes on and on.

Hopefully, Justice Kagan will tell us all of the emails, allow us to see all of the emails that were sent, all of the consultations in which she was a part. Then we'll see the truth.

This bill required the spending of $105 billion at a time we didn't have $105 billion. We're having to borrow over $42 billion, $43 billion, $44 billion of that from other places, including from China. China doesn't mind seeing this happen. I think they realize it will bring down this Nation financially.

The President said it would cost less than $1 trillion to implement. Well, the first CBO score came back over $1 trillion. The Director of CBO called over to the White House. He comes back and says, You know, it's more like $800 billion. Then once it gets in place, he says, You know what, we had a mathematical error or two. It's actually over $1 trillion.

That's why CBO deserves to have a margin of error of 25 percent, plus or minus.

We keep coming back to this one thing, that this bill is not nearly as much about health care as it is about the government's running everything—running individual lives. Sam Adams, John Adams, Thomas Jefferson, those who gave their lives for our freedoms, would never have stood for this. The government's running everything? But it's true. If the Federal Government can do this, there is nothing that is closed to the government's direction and law. If the government has the right to direct everyone's health care, then this opens the bedroom to Federal Government jurisdiction like nothing ever has, not immediately but eventually.

Is that what people want? Do you want the Federal Government being able to say, This practice is okay. This one in the bedroom is not okay because, see, we're in charge of your health care, and we've seen that it ends up costing more if you do this, that or the other, so we're going to prohibit that?

If they can direct against someone's religious beliefs and that certain bedroom practices will be allowed, they can direct which ones can't be. If they can direct what the Catholic Church or Catholic individual has to provide or pay for, they can sure tell them what they can't engage in as well. This opens a door to the government's running everything like never before.

This month marks 2 years that it has been passed against the will of the American people, against the will of most State legislatures, against the Constitution. Is it a tax? Is it not a tax? It appears this administration will say whatever it has to say to try to get this held as constitutional. I can say unequivocally, if the Supreme Court were to hold this bill and its mandates and its intrusions into every area of personal being as constitutional, it will give me no satisfaction to someday say to a Justice of the Supreme Court whose religious beliefs have been violated, I told you so. None.

It will break many of our hearts that there was such blindness, but I have that hope that spring is eternal in the human breast, that there is still enough reliance on the Constitution, itself, and on our Supreme Court that they will recognize the door that is open, that they will recognize the inconsistencies of this administration in trying to come up with some argument to justify these violations of our freedoms.

Some say that States require you to have auto insurance. That's only if you're going to drive on their roads. If you're going to participate in that privilege, then, yes; but nobody is required to have auto insurance if they're not going to drive a car on their highways. In fact, the only insurance that has been required by any State mandatorily is insurance to cover others who might be harmed by an individual's driving and harming them. I don't know of a State that requires insurance on individuals hurting themselves while they're driving, only liability.

Now, we do have the problem in Massachusetts where Massachusetts basically had a mandate. Other than that mandate in Massachusetts, no State has ever been able or even thought of or tried to require the purchase of a product.

Oh, this is going to be for the working poor.

Look, we already have Medicare and Medicaid. Until this administration, with the help of Speaker PELOSI and Leader REID in the Senate, gutted $500 billion out of Medicare, until that happened, there was not going to be any damage to Medicare. We were going to take care of our seniors and take care of our poor. But if you look in this bill as I have—and I've been through the whole thing—you will find out, if you are just above the poverty line—if you're working, if you're doing everything you can to get by, to make it with your family, but can't afford as good an insurance policy as is mandated by the Federal Government—that this administration wants you to have an additional tax on your income as if that's going to help.

This hurts the working poor. It devastates Medicare by pitting people against our seniors, taking $500 billion away from Medicare. It's time for America to rise up again and make clear: This is unconstitutional. And I think even the Supreme Court would hear that, when Americans rise up and say, You're not governing every aspect of my personal life like this opens the door to doing.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of business in the district.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 22, 2012 she presented to the President of the United States, for his approval, the following bill.

H.R. 3630. To provide incentives for the creation of jobs, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 29, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5115. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 [MB Docket No.: 11-154] received February 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5116. A letter from the Chairperson, National Committee on Vital and Health Statistics, transmitting the Tenth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA); to the Committee on Energy and Commerce.

5117. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to the Export Administration Regulations: Addition of a Reference to a Provision of the Iran Sanctions Act of 1996 (ISA) and Statement of the Licensing Policy for Transactions Involving Persons Sanctioned under the ISA [Docket No.: 110718395-1482-01] (RIN: 0694-AF30) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5118. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 22-11 informing of an intent to sign the Memorandum of Understanding with Australia; to the Committee on Foreign Affairs.

5119. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East

Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), the functions of which have been delegated to the Department of State; to the Committee on Foreign Affairs.

5120. 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), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

5121. A letter from the Acting Director, Office of Management and Budget, transmitting a legislative proposal entitled, ''Reforming and Consolidating Government Act of 2012''; to the Committee on Oversight and Government Reform.

5122. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga Whale [Docket No.: 090224232-0457-04] (RIN: 0648-AX50) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5123. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Rule To Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle [Docket No.: 0808061067-1664-03] (RIN: 0648-AX06) received February 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5124. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Linde Ceramics Plant in Tonawanda, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5125. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Hooker Electrochemical Corporation in Niagara Falls, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5126. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the combined monthly report on allocations and obligations by the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

5127. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30821; Amdt. No. 3460] received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5128. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — FAA-Approved Portable Oxygen Concentrators; Technical Amendment [Docket No.: FAA-2011-1343; Amdt. No. 121-358] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5129. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30822; Amdt. No. 3461] received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5130. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollover from qualified defined contribution plan to qualified defined benefit plan to obtain additional annuity (Rev. Rul. 2012-4) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. BISHOP of Utah: Committee on Rules. House Resolution 566. Resolution providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes (Rept. 112–405). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. ALTMIRE, and Mr. GOWDY):

H.R. 4093. A bill to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. JONES:

H.R. 4094. A bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes; to the Committee on Natural Resources, 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. CASSIDY (for himself and Mr. ROSS of Arkansas):

H.R. 4095. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of Internet pharmacies; to the Committee on Energy and Commerce.

By Mr. GIBSON (for himself and Mr. THOMPSON of California):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. DENHAM, and Ms. NORTON):

H.R. 4097. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. CLARKE of Michigan, Mr. PETERS, Mr. SCOTT of Virginia, Ms. JACKSON LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, and Ms. CHU):

H.R. 4098. A bill to improve public safety through increased law enforcement presence and enhanced public safety equipment and programs, and for other purposes; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. TONKO, Mr. BARLETTA, Mrs. CHRISTENSEN, Mr. CONNOLLY of Virginia, Mr. CRITZ, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. FITZPATRICK, Mr. GERLACH, Mr. GIBSON, Mr. GRIJALVA, Mr. HANNA, Ms. HAYWORTH, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. LATOURETTE, Mrs. LOWEY, Mr. MARINO, Mr. MEEHAN, Mr. PLATTS, Mr. RYAN of Ohio, Mr. TIERNEY, Ms. TSONGAS, Mr. PASTOR of Arizona, and Mr. MCGOVERN):

H.R. 4099. A bill to authorize a National Heritage Area Program, and for other purposes; to the Committee on Natural Resources.

By Ms. BORDALLO (for herself, Mr. GUINTA, Mr. FARR, Mr. SABLAN, Mr. PIERLUISI, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 4100. A bill to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 4101. A bill to amend the Fair Debt Collection Practices Act to exempt a debt collector from liability when leaving certain voice mail messages for a consumer with respect to a debt as long as the debt collector follows regulations prescribed by the Bureau of Consumer Financial Protection on the appropriate manner in which to leave such a message, and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL:

H.R. 4102. A bill to amend the Small Business Act to establish a loan program to assist and provide incentives for manufacturers to reinvest in making products in the United States, and for other purposes; to the Committee on Small Business.

By Mr. JONES:

H.R. 4103. A bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes; to the Committee on Armed Services.

By Mr. RENACCI:

H.R. 4104. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame; to the Committee on Financial Services.

By Ms. HANABUSA (for herself and Ms. HIRONO):

H. Con. Res. 105. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CHAFFETZ:
H.R. 4093.
Congress has the power to enact this legislation pursuant to the following:
This law is enacted pursuant to Article I Section 8 Clause 18 of the United States Constitution which states: 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.

By Mr. JONES:
H.R. 4094.
Congress has the power to enact this legislation pursuant to the following:
Article IV, Section 3 of the U.S. Constitution, which states that ''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 Mr. CASSIDY:
H.R. 4095.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3

By Mr. GIBSON:
H.R. 4096.
Congress has the power to enact this legislation pursuant to the following:
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. MICA:
H.R. 4097.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. CONYERS:
H.R. 4098.
Congress has the power to enact this legislation pursuant to the following:
Article 1, section 8, clauses 1 and 18.

By Mr. DENT:
H.R. 4099.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the U.S. Constitution

By Ms. BORDALLO:
H.R. 4100.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted Congress under Article 1, Section 8 of the United States Constitution.

By Mr. FRANK of Massachusetts:
H.R. 4101.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution, Clause 3.

By Mr. ISRAEL:
H.R. 4102.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clauses 3 and 8.

By Mr. JONES:
H.R. 4103.
Congress has the power to enact this legislation pursuant to the following:
The power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mr. RENACCI:
H.R. 4104.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 5 states ''The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. CRENSHAW.
H.R. 104: Mr. WALSH of Illinois.
H.R. 135: Mr. CLAY.
H.R. 178: Mr. POLIS and Ms. CHU.
H.R. 191: Ms. NORTON and Mr. SERRANO.
H.R. 192: Mr. GARAMENDI and Mr. MCGOVERN.
H.R. 210: Mr. REYES.
H.R. 303: Ms. CHU and Mr. JONES.
H.R. 374: Mr. BONNER.
H.R. 456: Mr. JOHNSON of Illinois.
H.R. 498: Mr. BISHOP of Utah.
H.R. 587: Mr. INSLEE and Mr. LUJÁN.
H.R. 687: Ms. CHU.
H.R. 733: Mrs. BIGGERT.
H.R. 769: Mr. HONDA and Mr. VISCLOSKY.
H.R. 860: Ms. SPEIER.
H.R. 891: Mr. TOWNS.
H.R. 964: Mrs. MCCARTHY of New York.
H.R. 1110: Ms. CHU.
H.R. 1175: Mr. REYES.
H.R. 1179: Mr. LOBIONDO, Mr. RUNYAN, Mr. CHAFFETZ, Mr. HENSARLING, and Mr. GALLEGLY.
H.R. 1195: Mr. GOSAR.
H.R. 1206: Mr. SCHILLING.
H.R. 1267: Ms. HANABUSA and Mr. DEFAZIO.
H.R. 1297: Ms. CHU.
H.R. 1340: Mrs. MYRICK.
H.R. 1426: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1474: Mr. ROSS of Arkansas.
H.R. 1509: Mrs. DAVIS of California.
H.R. 1546: Mr. DIAZ-BALART.
H.R. 1614: Ms. SEWELL.
H.R. 1621: Mr. PETERSON.
H.R. 1639: Mr. CANSECO.
H.R. 1676: Mr. BLUMENAUER.
H.R. 1697: Mr. MCCOTTER and Mr. UPTON.
H.R. 1744: Mr. HASTINGS of Washington.
H.R. 1748: Mr. ACKERMAN.
H.R. 1755: Mr. NUGENT.
H.R. 1789: Mr. ROTHMAN of New Jersey.
H.R. 1895: Mr. COURTNEY and Mr. TIERNEY.
H.R. 1912: Ms. ROYBAL-ALLARD.
H.R. 1955: Mrs. DAVIS of California and Mr. PRICE of North Carolina.
H.R. 1957: Mr. SCHOCK.
H.R. 1964: Mr. TIERNEY and Mr. QUIGLEY.
H.R. 1971: Ms. CASTOR of Florida and Mr. BRALEY of Iowa.
H.R. 1984: Ms. LEE of California and Mr. PERLMUTTER.
H.R. 1997: Mr. HUNTER.
H.R. 2016: Ms. HAHN.
H.R. 2139: Ms. SLAUGHTER, Ms. HANABUSA, Mr. BOSWELL, Mr. WESTMORELAND, and Ms. CAPITO.
H.R. 2148: Mr. DEFAZIO.
H.R. 2152: Ms. CASTOR of Florida, Mr. POLIS, Mr. AL GREEN of Texas, and Mr. RAHALL.
H.R. 2194: Ms. MOORE.
H.R. 2195: Mr. PRICE of North Carolina and Mr. CONNOLLY of Virginia.
H.R. 2299: Mr. SCHWEIKERT.
H.R. 2310: Ms. HAHN, Mr. QUIGLEY, and Mr. JACKSON of Illinois.
H.R. 2313: Mr. MURPHY of Pennsylvania.
H.R. 2335: Mr. QUAYLE, Mr. SCHWEIKERT, and Mr. CALVERT.
H.R. 2429: Mr. SMITH of Nebraska.
H.R. 2435: Mr. CULBERSON.
H.R. 2499: Mr. COURTNEY.
H.R. 2505: Mr. PRICE of North Carolina.
H.R. 2554: Mr. AL GREEN of Texas.
H.R. 2600: Mr. FATTAH and Ms. ROS-LEHTINEN.
H.R. 2674: Mr. GENE GREEN of Texas.
H.R. 2902: Mr. CLAY and Mr. SABLAN.
H.R. 2959: Mr. SULLIVAN.
H.R. 3001: Mr. KILDEE, Mr. ALTMIRE, Mr. ANDREWS, Mr. BACA, Mr. BARROW, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOSWELL, Mr. CAPUANO, Mr. CARDOZA, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. CICILLINE, Mr. COOPER, Mr. COURTNEY, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. FILNER, Mr. HIGGINS, Mr. HINCHEY, Mr. HONDA, Mr. KIND, Mr. LYNCH, Mr. MCDERMOTT, Mr. PALLONE, Mr. PASCRELL, Mr. SCHIFF, Ms. SLAUGHTER, Ms. SPEIER, Mrs. BIGGERT, Mr. NEAL, and Mr. KINZINGER of Illinois.
H.R. 3059: Mr. CASSIDY, Mr. NADLER, and Mr. TURNER of New York.
H.R. 3102: Ms. BROWN of Florida.
H.R. 3125: Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Ms. CHU, Mr. GARAMENDI, Mr. SCHIFF, and Mr. COSTA.
H.R. 3145: Mr. SARBANES and Mr. CUMMINGS.
H.R. 3162: Mr. PALAZZO.
H.R. 3173: Mrs. BIGGERT, Mr. GRIMM, and Mr. GENE GREEN of Texas.
H.R. 3187: Mr. INSLEE and Mr. GRIJALVa.
H.R. 3238: Mr. KEATING, Mr. FRANK of Massachusetts, and Mr. CARNEY.
H.R. 3306: Mr. GOWDY.
H.R. 3308: Mrs. ADAMS.
H.R. 3368: Mr. PAYNE.
H.R. 3399: Mr. FORBES and Mr. ROSS of Arkansas.
H.R. 3435: Mr. DOYLE.
H.R. 3506: Mr. ROGERS of Alabama.
H.R. 3510: Mr. KILDEE and Mrs. CAPPS.
H.R. 3523: Mr. BOSWELL and Mrs. NOEM.
H.R. 3528: Mr. GUTIERREZ and Mr. STARK.
H.R. 3534: Mr. GOWDY.
H.R. 3558: Mr. PAUL.
H.R. 3561: Mr. WALZ of Minnesota.
H.R. 3596: Mrs. NAPOLITANO, Mr. DOGGETT, Mr. BRALEY of Iowa, Ms. LORETTA SANCHEZ of California, Mr. CAPUANO, and Mr. COURTNEY.
H.R. 3606: Mr. LARSEN of Washington, Mr. SCHILLING, and Mr. MANZULLO.
H.R. 3652: Mr. NUNNELEE.
H.R. 3667: Mrs. LUMMIS.
H.R. 3676: Mr. SCALISE.
H.R. 3684: Mr. TURNER of New York.
H.R. 3713: Mr. HANNA, Mr. BONNER, Mr. CONNOLLY of Virginia, and Ms. HIRONO.
H.R. 3737: Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Ms. VELÁZQUEZ, and Mr. BARTLETT.
H.R. 3760: Mr. HIMES.
H.R. 3767: Mrs. NOEM and Mr. LANGEVIN.
H.R. 3826: Mr. HIGGINS, Ms. SLAUGHTER, Mr. GARAMENDI, Mr. GONZALEZ, Mr. BUTTERFIELD, Mrs. NAPOLITANO, Mr. LUJÁN, Ms. CLARKE of New York, and Mr. RYAN of Ohio.
H.R. 3848: Mr. BROUN of Georgia, Mr. RIBBLE, Mr. POMPEO, Mrs. BLACK, Mr. COBLE, Mr. JONES, Mr. DUNCAN of Tennessee, and Mrs. HARTZLER.
H.R. 3849: Mr. FITZPATRICK and Mr. DUNCAN of Tennessee.
H.R. 3850: Mr. CHABOT, Mrs. ELLMERS, Mr. MULVANEY, and Mr. WALSH of Illinois.
H.R. 3851: Mr. CHABOT, Mr. MULVANEY, and Mr. WALSH of Illinois.
H.R. 3866: Ms. BROWN of Florida.
H.R. 3877: Mr. MCCOTTER.

H.R. 3895: Mrs. NOEM, Mr. OLSON, and Mr. ROONEY.

H.R. 3916: Mr. GRIMM, Ms. BASS of California, Ms. RICHARDSON, Mr. FARR, Mr. FILNER, Ms. SLAUGHTER, Ms. NORTON, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Mr. GRIJALVA, Mr. REYES, Mr. CLAY, Ms. SEWELL, and Mr. RANGEL.

H.R. 3980: Mr. GRAVES of Missouri, Mr. MULVANEY, Mr. CHABOT, and Mr. WALSH of Illinois.

H.R. 3982: Mr. KINGSTON.

H.R. 3985: Mr. CHABOT, Mr. GRAVES of Missouri, Mr. MULVANEY, and Mr. WALSH of Illinois.

H.R. 3992: Mr. DEUTCH.

H.R. 3993: Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. UPTON.

H.R. 4018: Mr. WELCH.

H.R. 4035: Mr. GERLACH.

H.R. 4045: Mr. PETERSON.

H.R. 4046: Mr. NUNNELEE and Mr. CANSECO.

H.R. 4049: Mr. STARK, Mr. MCGOVERN, and Mr. HONDA.

H.R. 4055: Ms. LEE of California and Mr. KUCINICH.

H.R. 4058: Mr. KUCINICH.

H.R. 4060: Mrs. BLACKBURN, Mr. DUNCAN of Tennessee, Mr. HARRIS, and Mr. AMODEI.

H.R. 4064: Mr. GOWDY and Mr. MILLER of Florida.

H.R. 4070: Mr. ANDREWS and Mr. POSEY.

H.R. 4077: Mr. BERMAN, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. CHABOT, and Mr. SCHOCK.

H.R. 4081: Mr. CHABOT, Mr. MULVANEY, and Mr. WALSH of Illinois.

H.J. Res. 90: Mr. CONNOLLY of Virginia and Mr. KEATING.

H.J. Res. 104: Mrs. MYRICK, Mr. LANKFORD, and Mr. PALAZZO.

H. Con. Res. 87: Ms. BORDALLO, Mr. COURTNEY, and Mr. BRADY of Pennsylvania.

H. Res. 19: Mr. GUTIERREZ.

H. Res. 25: Ms. HAHN.

H. Res. 134: Mr. KILDEE.

H. Res. 262: Mr. ROSS of Arkansas.

H. Res. 298: Mr. MCGOVERN, Mr. COHEN, Mr. GIBSON, and Mr. PRICE of North Carolina.

H. Res. 494: Mr. CLAY.

H. Res. 526: Mr. MARINO.

H. Res. 546: Mr. DOLD.

H. Res. 556: Mrs. ELLMERS, Mr. CONAWAY, Mr. MCINTYRE, Mr. BERMAN, Mr. DUNCAN of South Carolina, Mr. HUELSKAMP, Mr. BROUN of Georgia, Mr. KLINE, Mr. HARRIS, Mr. GARY G. MILLER of California, Mr. SMITH of Nebraska, Mr. ROYCE, Mr. BROOKS, Mr. SCOTT of South Carolina, Ms. ROS-LEHTINEN, Mr. PALAZZO, Mr. BUCSHON, Mr. JOHNSON of Ohio, Mrs. NOEM, Mr. REED, Mr. CANSECO, Mr. CHABOT, Mrs. SCHMIDT, Mr. QUAYLE, Mr. HASTINGS of Florida, and Mr. SHERMAN.

H. Res. 560: Mr. SERRANO.

H. Res. 564: Mr. DEUTCH, Mr. GENE GREEN of Texas, Ms. BROWN of Florida, and Mr. MORAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MCCLINTOCK, or a designee, to H.R. 1837, Sacramento-San Joaquin Valley Water Reliability Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Chaplain Gerald Theroit, American Legion National Chaplain.

The guest Chaplain offered the following prayer:

Let us join in the spirit of prayer.

Heavenly Father, we humbly gather in united prayer, giving thanks for Your blessings to this body. In Your holy Name, I ask that the wise use of the gift of reasoning that You have granted to all be strengthened within this Chamber so that the opportunities and paths to cooperation with just solutions will be realized.

Our Nation has been blessed with the establishment and the appreciation for a system of government that is unlike any other. As we have been blessed with the privilege of selecting a few to represent many, it is in them we place our trust that they will seek Your counsel and do what is best for us all.

Dear God, bless them during their research and in their deliberations, and have them to know that all things are possible through Your grace. As we enjoy the freedoms that we have and the privilege of supporting the way in which our government operates, we ask Your blessings on the shapers and protectors of these freedoms—our Congress, our President, our military, our first responders, and our Nation.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business until 12:30. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes.

The Senate will recess from 12:30 to 2:15 today for our weekly caucus meetings.

MEASURE PLACED ON CALENDAR—H.R. 1173

Mr. REID. Mr. President, I am told H.R. 1173 is due for a second reading.

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

The legislative clerk read as follows:

A bill (H.R. 1173) to repeal the CLASS program.

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

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

MAKING THE SENATE WORK

Mr. REID. Mr. President, last evening in an hour set aside at the request of Senators PRYOR and ALEXANDER, a very good conversation took place on the Senate floor.

Senators PRYOR and ALEXANDER are exemplary in trying to work things out; they are good legislators because they understand no side gets their way. I have been here a long time, and I have been fortunate to get pieces of legislation passed that I sponsored and worked toward, but I have never ever had a piece of legislation that I introduced that wound up with that piece of legislation; always there are changes. That is the legislative process.

That is what Senator PRYOR and ALEXANDER talked about yesterday evening. It was important. They talked about the need to bring bills to the floor. They focused on appropriations bills—and rightfully so. I am a longtime member of the Appropriations Committee, as is the Republican leader, and we understand the importance of working on these bills.

In the last number of years, we haven't been able to do individual appropriations bills, except on rare occasions. We have done these omnibus and minibuses, and we are trying to get away from that. I think the framework

laid last night was extremely important.

The Republican leader and I have talked individually, personally, away from everyone, about the need to get this done for the integrity of the Senate, and the colloquy last night helped what I think the Republican leader and I wish to get done. We need the agreement of Senate Republicans and Democrats that we will work together to complete this important work, and they talked about appropriations bills.

Senator WARNER and Senator HAGAN joined Senator PRYOR; Senators ISAKSON, COLLINS, BOOZMAN, and GRAHAM joined Senator ALEXANDER. So it was a significant number of Senators who talked about wanting to do the same thing and I commend and applaud their work.

Mr. MCCONNELL. Will my friend yield for me to make a couple observations on what he just said?

Mr. REID. I will yield.

Mr. MCCONNELL. We have negotiated the top line for the discretionary spending for this coming fiscal year. That process is normally done by the passage of a budget by the House and a budget by the Senate, with some reconciliation between the two bodies on the top line. But we already have that number. I wish to second what my friend the majority leader said. There is no good reason for this institution not to move forward with an appropriations process that avoids what we have done so frequently under both parties for years and years: either continuing resolutions or omnibus appropriations.

We have an opportunity to avoid that this year. It is the basic work of Congress. I wish to second what the majority leader said and congratulate Senator ALEXANDER and Senator PRYOR for their leadership on this issue. I hope we can join together and do the basic work of government this year and do it in a timely fashion.

I commend the majority leader and associate myself with his comments.

Mr. REID. I have spoken to Senator INOUYE, the chairman of the Appropriations Committee. He is beginning, with Senator COCHRAN, the hearing process where administration officials come in and report to the individual appropriations subcommittees.

Senator INOUYE thinks that, come late April, we can start moving some of these bills to the floor. We have to wait until the House does something because otherwise we get into procedural hurdles. But the House, I am told, wants to move these quickly also. I hope we can get these bills done.

The first real good experience I had in the Senate was working as a conferee on individual appropriations bills. That is fun. That is what legislation is all about and we have gotten away from that and I hope we can get back to doing some good things in that regard.

THE AUTO INDUSTRY

Mr. President, when President Obama took office 3 years ago, the auto industry was on a life support system. It was in very bad shape. I am sorry to say the life support system the Detroit auto industry was surviving on, Republicans wanted to pull the plug.

One man who is now seeking the Republican nomination for President of the United States said, ''We should kiss the American automobile industry good-bye.'' We can't make up stuff like that. That is what he actually said. He called the death of American auto manufacturers ''virtually guaranteed.'' ''Virtually guaranteed'' is another direct quote. So he argued we should let Detroit go bankrupt. But he wasn't alone. If he were alone, that would be a lone wolf crying in the wilderness, but that is not the way it was. Republicans in this Chamber agreed. Many of them agreed.

Democrats, though, weren't willing to give up on American manufacturing because saving the automobile industry wasn't about saving corporations; it was about saving millions of Americans who work for these corporations. It wasn't about saving the people who own race cars; it was about saving the people who work on assembly lines making the parts to keep those race cars running.

There is no way Democrats would walk away from millions of Americans whose jobs were on the line. Americans working in dealerships and distribution centers and manufacturing plants across the country were depending on us to do something, and we did. We didn't give up the fight to save the auto industry. We didn't give up even when one Senate Republican called the efforts ''a road to nowhere.''

Here, the verdict is in. We were right. The American auto industry has added 160,000 jobs in the last 24 months alone. Last year, General Motors reported record profits and sold more vehicles than any other car company in the world. Chrysler is profitable again. People are boasting about the quality of American cars, and Chrysler is growing faster in the United States than any other major automobile manufacturer.

So when a Republican Presidential frontrunner said we should kiss the American automobile industry goodbye, he couldn't have been more wrong. We all make mistakes. We all get one wrong occasionally. The test of character is admitting when we make that mistake, and it is time for Republicans to recognize that saving the American automobile manufacturing industry and millions of middle-class jobs was the right thing to do.

There is good news from the auto industry: Twenty-four months of private sector job growth is evidence our country is headed in the right direction. But too many Americans are still hurting financially and struggling to find work, and it is crucial Congress continue efforts to create jobs and rebuild our economy. So Democrats are moving forward with a bipartisan package of bills that will spur small business growth.

These measures will improve innovators' access to capital—that is so important—and will streamline how companies sell stocks through initial public offerings or, as they are called, IPOs. These pieces of legislation will also protect the rights of investors.

Next week, Chairman JOHNSON, the senior Senator from South Dakota, will hold a Banking Committee hearing on this issue. It will be the third hearing on these measures since December. Senate Democrats have been working on these measures for a long time, and I am so happy to have read that House Republicans are joining Democrats to move this legislation. Commonsense issues such as these should not have to turn into knock-down, drag-out fights. This is something on which we should agree.

These companies need the ability to get cash to innovate, to grow, to build. This legislation that is being promulgated in the Banking Committee and the hearing that takes place there is very important to our country. I look forward to moving these measures and our economy forward with the help of my Republican colleagues.

The ACTING PRESIDENT pro tempore. The Republican leader.

ENERGY POLICY

Mr. MCCONNELL. Mr. President, over the past few weeks, the American people have begun to feel the painful effects of President Obama's energy policy.

Make no mistake, the rising price of gasoline isn't simply the result of forces we can't control. It is, to a large extent, the result of a vision this President laid out even before he was elected to office. That vision was on clear display just last week.

As millions of Americans groaned at the rising cost of a gallon of gasoline, the President took to the microphones to talk about a far-off day when Americans might be able to use algae as a substitute for gas. Then, dusting off the same talking points Democrats have been using for decades, he claimed there is no short-term solution to the problem.

In other words, he kicked the can down the road for another day, another time, abdicating leadership on yet another issue of national significance.

This morning, I think it is worthwhile to take a step back from the rhetoric and look at what this President has actually done about this problem and what his energy policies would mean for the future because, according to numerous private and public energy experts, gas prices are only going to keep rising in the weeks and months ahead, going up and up. Some say the average price for a gallon of gasoline could hit $4 by late spring, early summer, and could reach $5 or even $6 in some areas of our country. When that moment comes, Americans should know what the administration had to do with it.

For starters, let's not forget that as a candidate the President himself said he preferred what he called a ''gradual adjustment'' to gas prices—in other words, higher prices that went up slowly so people did not feel the pinch quite as acutely. Let's also recall that after his election the President chose an Energy Secretary who said he wanted gas prices more in line with those over in Europe, where folks pay about $8 a gallon for gas. That is what they pay for gas over in Europe, where the Energy Secretary said we should be looking to establish gas prices. Let's not forget that the President chose as Interior Secretary a man who, as a U.S. Senator, objected to increased oil and gas drilling here at home even if the price of gas exceeded $10 a gallon—right here on the Senate floor. So no one should be surprised at the fact that we are well on the road to European gas prices when the President and the two Cabinet officials he chose to deal with the issue are all on record supporting them.

Let's be honest, the only problem the President sees in all of this is the political blowback he is getting for it, and that is why last week he gave another speech—this time to absolve himself from any of the blame for high gas prices even as he sought to take credit for the actions of the private sector and that his predecessors took to increase energy production here at home.

It is kind of interesting—the President seems to blame his predecessor on a weekly basis for the problems we face today, but when he finds something he likes, he doesn't commend him but claims it as an achievement for himself. Yes, oil production is at an all-time high in this country, thanks to the decisions that were made before this President took office.

But let's be very clear about something: The actions of this President are driving down oil production, and here is how. This President continues to limit offshore areas of energy production and is granting fewer leases to public land for oil drilling. His administration is imposing regulations that will further drive up the cost of gasoline for the consumer. He wants to raise taxes on oil and gas—a proposal the Congressional Research Service tells us will increase the price of oil and gas and, by the way, send jobs overseas. And he alone rejected the Keystone XL Pipeline—a potentially game-changing domestic energy project that promises not only energy independence from Middle Eastern oil but tens of thousands of private sector jobs.

The President has done all of those things, all the while claiming there are not any silver bullets. The fact is this President's policies are designed and intended to drive up energy prices, reduce domestic oil production, increase our demand on foreign sources of oil, and drive high-paying American jobs overseas. Those are the direct results of the policies of this administration. So forget the rhetoric; that is this President's record. It is in perfect keeping with the vision he set out at the beginning of his administration. This President will go to any length to drive up gas prices and pave the way for his ideological agenda. That is this President's notion of fairness, that struggling Americans pay more at the pump while their tax dollars go to prop up solar companies like Solyndra and the executives who run them into the ground.

I do not think it is particularly fair—speaking of fairness—for people who are out there trying to scrape a living together to subsidize bonuses for folks who would not even have a business without a taxpayer handout. That is not my definition of fairness, but that is the economy this President wants. That is what his policies lead to. That is his vision. So, in my view, reversing this President's wrongheaded energy policies is the silver bullet.

Look, the President can taunt his critics for suggesting that we actually use the resources we have, but I think the American people realize that a President who is out there talking about algae when they are having to choose between whether to buy groceries or fill up the tank is the one who is out of touch. Americans get this issue. They understand it fully. They get that we need to increase oil production right here at home, not simply by relying on pipedreams—pipedreams like algae—or by wasting billions of taxpayer dollars on more failed clean energy projects like Solyndra, especially at a time when we are running trillion-dollar deficits. We cannot afford it.

It is time for the President to join with Republicans and put American energy and economic security ahead of his own ideological agenda.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until the hour of 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the leaders or their designees, with the majority controlling the first hour and the Republicans the second hour.

The Senator from Illinois.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, I was heartened by the dialog between Senators REID and MCCONNELL this morning, talking about more bipartisan cooperation, civility, and cooperation to try to deal with appropriations bills. I would like to commend to the Republican leader not just those important issues but the equally important issue of judicial nominations. It is no secret that the Senate's process for considering nominations has deteriorated under the Obama administration because of resistance from the Republican side of the aisle.

It is a long-honored tradition in America that a President of the United States fills vacancies on the Federal courts with the advice and consent of the Senate. That has been the process since the beginning of this Republic. Yet today we find stacked on our calendar literally 19 judicial nominees pending on the Senate floor. Fourteen of these nominees were reported from the Judiciary Committee last year, some of them as far back as October. They have been sitting here for months. Seventeen of the nominees were reported out of committee with broad bipartisan support, 12 of them unanimously. Ten nominees, incidentally, are supported by their Republican home State Senators.

The bottom line is that judicial nominees with no controversy and with widespread bipartisan approval are being held up on the Senate calendar and not approved. Why? I can tell you why. It is fairly clear. It is part of a strategy that says: If you hold up the judicial nominees as long as possible, in comes that moment of the so-called Thurmond rule or Thurmond tradition. This relates to Senator Strom Thurmond of South Carolina, who basically said when we are engaged in the depths of a Presidential campaign, the Senate should stop approval of judicial nominees.

There is nothing in the law that requires that. There is certainly nothing in the Constitution. In fact, we have in our own way found exceptions in the past. But what we are seeing now is an effort by the Republicans to hold up or stop judicial nominees in the hopes that the positions will be left vacant through the entire calendar year and then, if they have their way at the polls, a Republican President will fill the vacancies a year from now with new nominees. That is crass. It is unfair.

The men and women who submit their names to be considered as judicial nominees go through a rigorous background check at many different levels—first by the Senators who would nominate them, then by the White House, then the routine examination by the Federal Bureau of Investigation, then once reported to the Senate Judiciary Committee for further investigation and hearing. Their lives are on hold during this process. They wait on the Senate. Once they have cleared these hurdles and finally reach the calendar, many of them believe they can breathe a sigh of relief. A unanimous vote or a strong bipartisan vote in the

Judiciary Committee used to be a signal of success on the floor. Not anymore. At this point they reach the ultimate roadblock: they are stopped on the Senate floor by the Republican minority.

It is not just unfair to judicial nominees—men and women of quality, many of whom have been proposed by Republican Senators—it is fundamentally unfair to our court system. You see, many of these nominees are filling vacancies that are absolutely essential.

Last week I received a letter from the chief judge of the Northern District of Illinois, Judge Jim Holderman. His district is one that has been declared a judicial emergency, meaning the backlog of cases is stacking up and the vacancies need to be filled. He was writing to me and Senator KIRK asking that we do everything in our power to move two noncontroversial, strongly supported nominees through the Judiciary Committee. They are moved through. These two, who came through a bipartisan process, are now sitting on the Senate calendar. They are John Lee and Jay Tharp. John Lee is my nominee, and Jay Tharp is Senator KIRK's nominee. A bipartisan agreement by a bipartisan committee has led to their selection. No one has questioned their ability to serve well on the Federal court.

This is what Judge Holderman wrote:

> The vacancies [that they would fill] have been declared judicial emergencies by the Administrative Office of the U.S. Courts. More than a thousand cases that would have been addressed by judges in those positions have been delayed. The other judges of the district have worked to resolve these cases as promptly as possible along with our other assigned cases, but we need help. . . .

He went on to say:

> Recently, two other active judges [in the Northern District] were in the hospital and remain unable to take new assignments. New civil case filings in our district court have increased. . . .

Judge Holderman concludes by saying, '' . . . the people of the northern district of Illinois need your assistance,'' he writes to Senator KIRK and myself, and the full Senate should ''promptly confirm the nominees Jay Tharp and John Lee.''

This is a classic illustration. Well-qualified individuals, having cleared the hurdle, receiving strong bipartisan support in the Senate Judiciary Committee, are mired down on the Senate calendar. Time after time we see when we can finally spring one of these nominations that will have 80 or 90 votes of Senators who approve it. They are noncontroversial. It is clearly a slowdown strategy, so the other side of the aisle, saying their prayers that they can replace President Obama, will literally leave these vacancies for a year or more in the hopes that another President will pick another person. That is unfair to the process. It is certainly unfair to the nominees. It is unfair to this system of government where we are shirking our responsibility to advise and consent for critical vacancies to be filled so our Federal courts can operate in the best interests of justice across America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

JUDICIAL NOMINATIONS

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his usual articulate and prescient comments about our judicial crisis, and that is what we have here in the Senate and in the third branch of government.

I rise today, along with many of my colleagues, to address a serious problem for which there is an easy solution. We have a crisis in our third independent branch of government, and it is one that only we in the Senate can solve. We can solve it. We need to come together as we have in the past and confirm judges to our article III courts and dispense with petty politics and hostage-taking.

Let me give just one example of how our process has broken down. In December, for the second year in a row, my colleagues across the aisle refused to consent to confirm even a single judicial nomination before the end of the Senate session. This senseless rejection of the Senate's longstanding practice of confirming consensus nominees is starting to do real damage to our Federal courts. One out of 10 on the Federal bench, 1 out of 10 seats on the Federal bench is currently vacant. Judicial vacancies are double, two times what they were at this point in President Bush's first term. We have confirmed only 3 judicial nominees this session, only 5 in the past 2 months, and only 11 in the last 90 days. And of the three judges we have confirmed this session, we had to file cloture on two of them. This is not a responsible use of the Senate's advice and consent powers; rather, this is a handful of people—plain and simple—using the Senate's procedures to thwart the will of the majority of Americans. The vast majority of Americans want us to confirm good, moderate, pragmatic judges to the U.S. district courts. After all, judges on the district court don't make law, they follow law. They are not supposed to make law at all. Courts of appeal have a little more latitude, and, of course, the Supreme Court can make law, although they are supposed to follow tradition and precedent, and they claim they do. We can discuss that a different day.

A few outside groups are trying to accomplish in the third branch of government what they have been unable to accomplish in the other branches of government by making sure that judges with moderate, pragmatic credentials don't get confirmed in the hopes they can fill the bench with people who meet their narrow ideology at some point in the future.

Now, to be sure, my colleagues have offered a wide variety of reasons to explain their inability to consent to votes on district court judges. Some have said they are upset about the President's improper use of his recess appointment powers, powers about which five experts can give five different opinions. What that has to do with the judicial appointments is beyond me. Some have said they are upset about the ability to get floor time on something that is not even germane to judicial nominations.

To hold the third branch of government hostage because they have a different beef on a legislative issue is virtually unprecedented, at least certainly to the extent it has been done here. Some have given into terrible, misleading, and sometimes even vicious attacks on pending nominees. I have seen material circulated by outside groups that appear ready to oppose nominees using any and all tactics. Some of them—not all, not most, but some, and any one is too many—can only be described as bigoted. I have seen it. I have seen the letters to our colleagues here in an attempt to pressure them.

This behavior needs to be stopped, and it certainly needs to stop having an effect on any Member in this body. I have seen material that twists a candidate's record beyond all recognition. In fact, just before recess one group circulated patently inaccurate quotes that were supposed to be from a brief written by now Judge Jesse Furman for a client.

I have said time and time again—and I will say once more today—the Senate certainly has an obligation to take a hard look at the President's judicial nominees. My view is that ideology does matter and every Senator here has the right to make sure a President's judicial nominees are within the mainstream. I would even admit that some definitions of mainstream are different from others, but when nominee after nominee—many of whom were reported unanimously out of the Judiciary Committee, which has some very conservative as well as some very liberal members—are held up by a handful of people, we are not talking about views outside of the mainstream. We are talking about something larger and, frankly, less defensible.

There will always be nominees, especially to the courts of appeals, about whom we will disagree. There will be those whom some of us view as so extreme that we will refuse to give consent to holding an up-or-down vote. But let's be clear; that is not what is going on today.

What is going on today is obstruction, plain and simple—obstruction against anybody, any nominee, and obstruction at unprecedented levels. The total number of Federal circuit and district judges confirmed during the first 3 years of the Obama administration is far less than for previous Presidents. The Senate is more than 40 confirmations behind the pace we set confirming President Bush's nominees between 2001 and 2004. The sheer amount

of resistance to President Obama's district court judges indicates the level of obstruction we are facing.

In 3 years President Obama's nominees have received five times as many no votes as President Bush's district court nominees did over 8 years. Isn't that incredible?

The proof is in the pudding. The President's nominees for district court are not out of the mainstream. Almost all of them have logged years in public service or worked in law firms or excelled in other ways that characterized the nominees of previous Presidents. The issue is that the standard has changed. It is no longer, will this judge be good for the country and meet the standards we demand from an article III judge. Now, it is, did I personally approve of this judge; and if I didn't, what can I get by voting for him or her or I am going to block that judge and tie the Senate in a knot so judges only in my narrow viewpoint can be appointed, even though the President is of a different party and of a different philosophy, even though the majority of the Senate on both sides of the aisle are of a different philosophy. This is nothing short of tragic.

I implore my colleagues to think about what they are doing. Let's come together, as I know we can, and confirm qualified district court judges without further gamesmanship, without further obstruction, and without the further view: It is my way or the highway, and if I don't get my way, I am going to try and cripple 1 out of 10 vacancies and cripple the article III branch of government. It is getting close to that.

There are emergencies on many circuits. The future of our courts and even this body could well depend on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I heard the remarks of the distinguished Senator from New York, and, obviously, I agree and I guess I would like to add my 2 cents to the arguments presented.

I am a 19-year member of the Judiciary Committee, so I have had a front-row seat for judicial nominations for a long time. Over 800 judges have been confirmed since I came to the Senate.

Now, it was not so long ago that liberals and conservatives could easily win confirmation as long as they were well qualified, fair-minded, and had judicial temperament. They were confirmed. It may even surprise some that Justice Ruth Bader Ginsburg was confirmed by a vote of 96 to 3, and Justice Antonin Scalia was confirmed 98 to 0. That was a different time.

Today partisanship has stalled even the most uncontroversial judicial appointments. Senate Republicans allowed no nominees to be confirmed at the end of the last session and have allowed only five so far this year. In this environment even those reported out of committee by voice vote without any controversy are unable to receive a floor vote for many months if they ever receive one at all.

Let me give a recent example, a judge I recommended to the President. Judge Cathy Bencivengo's nomination to the Southern District of California was approved by the Judiciary Committee by voice vote. Yet she waited 4 months for a floor vote. Then she was ultimately confirmed 90 to 6, showing that there simply was no need to hold up the nomination in the first place. This level of obstruction is relatively new and has impeded the confirmation process for both judicial and executive branch nominees.

Let's do a quick comparison. Nearly 80 percent of President George W. Bush's judicial nominees during his first term were confirmed—80 percent. In contrast, less than 60 percent of President Obama's judicial nominees have been confirmed. As a result, the judicial vacancy rate stands at nearly 10 percent. That is double what it was when President Bush left office.

Similarly, during the first session of the 112th Congress, the confirmation rate of President Obama's executive branch appointments was only 51 percent. President George W. Bush and Bill Clinton each had a confirmation rate of over 70 percent during comparable periods in their Presidency.

So, clearly, there has been a change post-Bush, and I think that is what we are talking about. This is not good for the judiciary, it is not good for this body, and it is not good as standard operating practice of the Senate. It is clear we are seeing a degree of obstruction that is unprecedented and that hampers the ability of the judicial and executive branches to perform their constitutional functions. It is preventing us, the legislative branch, from fulfilling the responsibility that we owe to the two other branches of government.

In my State we have three nominees, each for positions the judicial conference has declared to be judicial emergencies, which means extraordinarily heavy caseloads. These should win confirmation without delay.

I will give you one: Judge Jacqueline Nguyen, a nominee for the Ninth Circuit. She is a remarkable jurist with an impeccable record. She was confirmed to the district court 97 to 0 in 2009. She was approved by the Judiciary Committee for the Ninth Circuit by a bipartisan voice vote. Yet her nomination has been pending on the floor for nearly 3 months. This is an easy one: unanimously passed, has served as a district court judge, could be voted for and passed if not by 100 percent, very close to it. The Ninth Circuit, which has by far more pending cases per appellate panel than any other appellate court, needs her to be confirmed without further delay.

There is a reason for this. I think Republicans don't like some of the appellate courts; therefore, what they try to do, candidly, is keep the positions vacant and hope that after the election there will be a Republican President and they will get their nominees through. Well, what is sauce for the goose is sauce for the gander, and this is not a good way to handle judicial appointments.

Let me give another one: Paul Watford should be confirmed quickly to the Ninth Circuit. He is eminently qualified. He clerked for conservative Ninth Circuit Judge Alex Kozinski and Justice Ruth Bader Ginsburg. He served as a Federal prosecutor, and he has been a distinguished practitioner of appellate law in California for many years. He is uncontroversial. He has been endorsed by the former president of the Los Angeles Chapter of the Federalist Society by conservative law professor Eugene Volokh and by the general counsels of several major corporations that he has represented in appellate cases. The Senate should confirm him without delay.

Michael Fitzgerald, a nominee to the Central District of California, should also be confirmed quickly. This is a court that ranks as the ninth busiest in the Nation in terms of filings per judgeship. Mr. Fitzgerald is an extraordinarily qualified nominee with 25 years of experience as a Federal prosecutor and as a lawyer in private practice. His nomination was also reported by the Judiciary Committee by a bipartisan voice vote. Yet his nomination has been waiting for a vote on the floor for nearly 4 months. All of this is unnecessary. They could go through by unanimous consent.

Now, I understand that some of my Republican colleagues believe President Obama's recent recess appointments are a reason to delay needed confirmations to overburdened courts around the country. I would simply remind my colleagues of a bit of history and ask them to think carefully about whether they want to go down this very dangerous path.

Many will recall that President Bush made two controversial recess appointments to the Eleventh Circuit and the Fifth Circuit in early 2004. Like Republicans now, Democrats were upset about the President's appointments. Nevertheless, in the months that followed, Democrats permitted numerous circuit court and district court nominees to be confirmed. The Senate continued to act on such nominees until September of 2004—2 months before the Presidential election.

So I say to my colleagues—and say this respectfully—take a step back. Do not obstruct every judicial nomination from this President. Our judicial system depends on a Senate willing to do its constitutional duty and provide advice and consent on judicial nominees. Most pending nominees are well-qualified, consensus choices for courts that urgently need them to begin their service. We should confirm them without delay.

Our job is to vote. Our job is not to obstruct, to delay. It is to vote. We

function on a majority system. If you do not think someone is qualified, if you do not believe they have the judicial temperament, if you do not believe they have enough experience, if you do not like them for any reason, vote no. That is entirely within the prerogative of a Senator. But to hold them up, despite judicial emergencies, despite high caseloads, is to impact the system of justice.

I think this 10-percent vacancy factor now indicates that the condition of justice is, in fact, being affected throughout our country, particularly in the Ninth Circuit and in California as well as in many other States.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COONS. Madam President, I rise today to continue to address an issue which I have just had the joy of hearing the Presiding Officer and the Senators from New York and Illinois speak to, and that concern I raise today is the ongoing crisis in our courts, the nearly 10-percent vacancy rate in judicial positions all across the United States.

I rise today as the junior Senator from Delaware but also as a member of the Delaware Bar and as a former Federal court clerk, and as someone who has, I think, a personal sense, from that experience and my service on the Judiciary Committee, of the consequences of these delays—the consequences of steadily climbing caseloads, significant judicial vacancies, judicial emergencies in districts across our great country, including in the State of California, and what that means for people, for companies, for communities for whom justice is being delayed and thus denied.

Earlier this month I attended the investiture ceremony of Judge Richard Andrews who was sworn into the U.S. District Court for Delaware. This is the first time in 6 years the very busy District Court of Delaware has had a full complement of district court judges.

Although I am relieved and the people of Delaware are grateful to have a full bench, and although Judge Andrews is an extremely talented lawyer and a devoted public servant and utterly nonpartisan—just the sort of district court nominee about whom the Presiding Officer just spoke—his nomination took nearly 6 months to be confirmed by the Senate.

I am glad Judge Andrews has made it through because in the Senate the confirmation process seems to be more broken this year than last. When I joined the Senate in 2010, judicial nominations had slowed to a crawl. I watched with dismay as folks whom I viewed as highly qualified were blocked.

Goodwin Liu, for example—a brilliant and qualified legal scholar, a nominee twice to the Ninth Circuit—could not overcome a GOP filibuster, in part payback for a view, I believe, on the other side of the aisle of the rough handling of Miguel Estrada, whose nomination was defeated during the Bush Presidency.

What I have been most concerned about as a freshman Senator is how the history lying about this Chamber seems to steadily pile up session after session, and the process seems to be weighed down by this burden of history.

But next, Caitlin Halligan—an extremely competent attorney without a single partisan blemish on her record—was nominated to the DC Circuit, and her nomination, in my view, was also blocked based on a grotesque misrepresentation of her actual record. The major talking point against her nomination, if I recall right, was that the DC Circuit already had more than enough judges.

Judge Halligan would have been the 9th judge on that court. Notably, all the GOP Members who spoke against her had no qualms when the Senate confirmed the 10th and 11th judges to sit on that very same circuit during the Bush nomination period. But I think these sorts of fine points of history are lost on the people, the communities, and the companies across our Nation who go to the courthouse seeking justice and find none.

In 2012, as some of the previous Senators have stated, we have so far confirmed just five judges. Today, there are 19 nominees on the floor, 12 of whom came out of our Judiciary Committee unanimously, who are now languishing on our Executive Calendar. Republicans have not stated objection to these nominees but refuse to grant consent for a vote to be scheduled.

President Obama's nominees have waited four times longer after committee approval than did President Bush's nominees at this point in his first term, and the Senate is more than 40 confirmations behind the pace set during the Bush administration.

It is not just judges who have been the subject of this ongoing weighting down. The Executive Calendar, which I have the privilege to flip through every time I preside, is filled with nominees for vacancies in every major department and in every major independent agency in this government. It is more than a dozen pages long of nominations that have sat for months and months.

Last month, in response to the Republican obstructionism in moving this Executive Calendar and in filling these administrative vacancies, President Obama made recess appointments: the Consumer Financial Protection chief, Richard Cordray, and members of the National Labor Relations Board. Some of us on both sides of the aisle do agree that Congress, and not the President, has the right to declare when the Senate is in recess. But whatever one's view of these appointments, there is no questioning that in either case, Republicans forced the issue through their unprecedented refusal to vote the President's nominees up or down and allow him to proceed with the progress of our Nation.

As Senators, we have a responsibility to advise the President as to his nominations and, where we agree, to consent; where we do not, each of us is free to vote no. Some Senators have suggested they will oppose all nominations in opposition to the President's recess appointments. In my opinion, a pledge to oppose all nominations is a pledge not to do his or her job. In my view, we ought not to make such a pledge. In my view, while so many Americans are out of work, and so many of us are here on the public payroll, we can, we should, and we must move forward with the judicial nominees.

This morning, this session began with a very encouraging moment of harmony between the majority leader and the Republican leader on the concept of moving ahead with appropriations. It is my hope and prayer we will do the same on judicial nominations as well.

I call upon my colleagues on the other side to rethink this strategy of obstruction at all costs because it is the American people who pay the price in the end.

With that, I yield the floor.

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

ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 30 minutes.

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

DOMESTIC ENERGY

Mrs. HUTCHISON. Mr. President, I think it is obvious all around our country that Americans are struggling right now with gasoline prices. The average American family spent more than $4,000 on gasoline last year, and it will be more this year, with the additional devastating price increases we are seeing now that will wreak havoc on our economy.

The national average price of a gallon of gasoline has gone up every single day for the last 3 weeks. In many parts of our country, prices at the pump are around $4 a gallon. But instead of encouraging an ''all-of-the-above'' approach, which the administration has said it is doing, the administration, instead, has been frustrating every domestic source of energy production that does not conform to a narrow view of alternative fuels.

The President is opposed to increased drilling in the Arctic National Wildlife Reserve and opening additional areas of the Outer Continental Shelf off the Alaskan coast.

The people of Alaska have voted to support the ANWR drilling because they know ANWR is an area that is the size, approximately, of the State of South Carolina, and the part that would be drilled is approximately the size of Washington National Airport. So they know this would be good jobs for Alaska, and it would not harm the environment at all because the drilling area is so very small in this vast wildlife reserve.

The President has also restricted drilling on Federal lands, opposes the development of shale gas and coal, and will not open additional areas of the Outer Continental Shelf in the lower 48 States. Even though some State legislatures, such as Virginia, have said they would like to do it, the President has shut that down.

The President opposes further drilling in the Gulf of Mexico, and nuclear energy is also now on the list, I guess, of moratoria. He has rejected the Keystone XL Pipeline.

What the President does favor is the Saudis increasing oil production and increased use of solar, wind, and algae at home.

Does that substitute for an energy policy? Is that something Americans can count on to increase the supply of energy in our country?

Last week, the President said: We cannot drill our way to lower gas prices. This statement is inaccurate. Increased domestic production will go a long way toward stabilizing gas prices. Why does this President want to turn his back on critical sources of domestic energy which seems incomprehensible to anyone looking at this issue?

So I have colleagues on the Senate floor who come from different States—States where unemployment is high and people are looking for jobs and looking for alternatives.

I would like to turn to the Senator from the great State of Missouri, Mr. BLUNT, and ask the Senator from Missouri if he has a view. Is he hearing from his constituents in Missouri?

Mr. BLUNT. Well, I do. I think I will quickly yield to my good friend from Ohio and then speak again.

Actually, I just met with disabled veterans who are here in town today. I told them I was going to be talking about energy, and they said the long-term effort of the Veterans' Administration to get veterans to their health care appointments is dramatically impacted by these high gas prices—just like for veterans and retirees of all kinds with the number of dollars going into their gas tanks.

As they see the price of that tank of gas go up $10, maybe they decide: I am going to have to quit because that is all the money I have with me or I am going to fill up the tank and see it go to $40, $50, $60.

As families look at that, as retirees look at that, as veterans look at that, they have got to be thinking as that gas tank number changes, something else they were going to do that week is something they are not going to be able to do. This has dramatic impact on families; it has dramatic impact on the way we live; it has dramatic impact on the confidence people have in our economy.

If you look at any charts of gas prices going up, you see consumer confidence going down. It happens in States such as the Senator's or in States in the middle of the country such as Missouri or Senator PORTMAN's State of Ohio. I know we have all been home. I am sure you cannot have been home and not have heard a lot about gas prices.

Mr. PORTMAN. The Senator is absolutely right. I say to my colleagues from Texas and Missouri, they are right on in terms of the impact on Ohio families. I was home last week. In fact, I drove from Ohio to Washington last night. I had to fill up a couple of times on the way, and the price was over $3.70 a gallon. According to AAA, the average price now is over $2.70 a gallon.

This is impacting families. I have met with people who were in the trucking business and small operators who are trying to make ends meet. They are saying: ROB, I do not know how this is going to work because our gas prices keep going up at a time when our expenses are going up as well. They are getting squeezed out. Of course, higher prices for gas affect all of us as families, they affect everything we buy, because that cost is embedded there. So this is hurting our economy in very fundamental ways.

Record levels for this time of year. This is not just a seasonal issue. This is a longer term failure of an energy policy by the Obama administration. That is something we all need to focus on, not to just be critical of bad policies which have gotten us here, but how do we get out of it? What do we do? That is what I wish to talk about for a minute today.

Let me give you a couple of interesting numbers. The price of gas has increased by 94 percent in the last 3½ years, during the Obama administration. So you are talking about almost a 100-hundred percent increase in the cost of gasoline.

There was an all-time high last year of $2.53 a gallon, and again over $3.70 this year already. By the way, last year the average amount spent by a family in America for gasoline at the pump—over $4,000. So this is a big part of people's budgets. We have been hit hard. At a time when millions of Americans are struggling amid a continuing weak economy, it is particularly tough because budgets are already stretched thin.

We need to produce more, in my view. If you produce more, you are going to see prices come down. It is sort of the basic law of supply and demand. So right now we have demand around the world maybe picking up a little bit, and yet we are not producing as much as we should be. And, frankly, we are producing less than we have.

Let me give you some interesting numbers here that actually surprised me in terms of what the President is saying versus the facts. The President says we are producing more than we have in the past. The production of natural gas on public lands and waters went down 11 percent last year; decline in oil production, 14 percent. In the Gulf of Mexico, there was a 17-percent drop from 618 million barrels in 2010 to 514 in 2011.

The Senator from Texas talked about this. We are not seeing an increase; we are seeing a decrease. This is at a time when all of us, I hope, realize that we have to be focused on producing more here at home, one, so we can get prices down, and, two, so we can get less dependent on these dangerous and volatile parts of the world. If we do not do that, we are going to be subject to what happens in Libya or Iran and see gas prices spike up as we are seeing now. We have got to produce more and we have got to produce it here at home to get away from the OPEC cartel. Washington wastes time by not acting now to immediately expand that production.

The White House says you cannot immediately expand production because it takes some time. Well, all the more reason to get started with it, as the Senator from Texas has said. If we had started a few years ago, we would be in much better shape. But also the price of gasoline reflects what people think it is going to be in the future. So even if we made a commitment today to get busy on more domestic production, oil and natural gas, it would affect the price because it would affect what folks are thinking about what the future prices are going to be.

Mrs. HUTCHISON. Would the Senator from Ohio yield.

I think the Senator from Ohio is making such a good point, because here the President is saying producing more will not lower prices. Does that seem like the fundamental supply-and-demand explanation that most economists have adopted in our country, that if you supply more the price will go down? Does not that seem like a non sequitur?

Mr. PORTMAN. It does. I think most people get it. Because even if you do not have a degree in economics, and I do not, we understand the law of supply and demand works. So if you are going to cut the supply, as has happened, you are going to see prices go up.

Let me give you an example. In 2010, the President cancelled leases in the Gulf of Mexico and the Mid-Atlantic. In 2011, he put forward a 5-year lease plan that reinstitutes a moratorium in the Atlantic, Pacific, halves the number of lease sales in the old plan. So, again, if supply is going down, you are likely to see prices go up. That is exactly what

has happened. He slowed down permits for deepwater and shallow water drilling in the gulf. He is now set to impose severe new regulations on oil refiners. That is going to further raise prices.

Speaking of oil refineries, that is a big part of the cost of gasoline. About 11 percent of the cost, according to the American Petroleum Institute, of the price of gasoline comes from refining. By putting more and more regulations and costs on refining, you are going to have an impact on prices as well that is negative and hurting our families.

The EPA, the cap-and-trade regime, did not get through the Congress. So they are moving ahead through regulations, causing a lot of uncertainty, a lack of construction of refineries. The first new refinery in a generation, in fact, has been delayed because of it.

This actually brings us to the second problem, I say to my colleagues from Missouri and Texas. This is not just about gas prices, as important as that is; it is about jobs. Because by stopping the construction of a refinery, we are putting new regulations on not allowing the kind of drilling we want to do in the State of Ohio to bring jobs, and you are hurting the very jobs Americans need to be able to pay their gas bill. These are good-paying jobs. They tend to be jobs that pay well, have good benefits. So a progrowth energy strategy does not just result in a more secure energy source, more reliable energy, it also results in more jobs, which we need desperately.

The President seems to be saying he is going to reverse course. In his State of the Union Address, he says he is for an all-of-the-above strategy. By the way, a week after that, do you know what he did? He rejected the Keystone XL Pipeline, which—talk about all of the above—we certainly should be from our strong ally to the North getting oil we need for our refineries to get the cost down.

By the way, that pipeline also picks up American oil. I bet you that our colleague from North Dakota is going to talk about that in a little while, because he has been Governor of North Dakota and understands the importance of the Keystone XL Pipeline. So whether it is the offshore drilling we talked about, moving ahead with drilling onshore, and exploration that can help create jobs and energy security, whether it is the Keystone XL Pipeline, whether, as I talked about in terms of the regulations on our refineries, there are things we can do and should do and do immediately, if we do these things to have more domestic energy production, yes, we will begin to see these prices go down and stabilize.

I come from Ohio. As the Senator from Missouri said, we have a tradition of producing oil and gas. It goes back to the turn of the century, the last century. Then we kind of got away from it for a while and people in Texas started producing a lot more oil and gas. We are back in the business, thanks to these shale finds. The Marcellus shale—it is the Utica shale, it is natural gas. But it is also oil and what they call wet gas, which is very valuable.

I will tell you, having spent a lot of time in eastern Ohio over the last several days, people are excited about this. It is bringing back good-paying jobs, allowing people to stay in these communities and be able to raise their families with not just a living wage but real hope for the future.

It also will have an effect on our gas prices. We have an opportunity, before things get worse, to come up with a different solution, a sensible national energy policy that stops our dangerous dependence on foreign oil and leads to more domestic production and therefore prices we can afford at the pump.

Mrs. HUTCHISON. I want to say to the Senator from Ohio that I am very pleased Ohio is getting back into the drilling business. That is creating jobs in a State that I know has had high unemployment. It is so clearly in America's best interests to have our people working.

And, of course, the Keystone Pipeline, which our colleague from North Dakota is going to talk about in a few minutes, is the perfect place to create jobs; instant jobs with not one dime of taxpayer dollars. This would be private dollars invested in a pipeline that would bring oil from our friends in Canada all the way through the United States to the refineries in Texas, which it is estimated would produce 830,000 barrels of oil into gasoline a day—a day. Think of what that would do to the price.

The Secretary of Energy has actually made the statement that we want gasoline prices to increase along the lines of Europe. Oh, really? I wish to ask my friend from Missouri, how would the working people in his State feel about $8 or $9 per gallon, which is what they pay in Europe, as a cost at the pump? What would that do to the economy of Missouri? What would that do to the unemployment in Missouri?

Mr. BLUNT. I was asked the other day when I was home: Does the administration have a plan? I said: Well, if you listen to what they say, this is their plan, for these gas prices to go up. We are not Europe. In spite of what the Secretary of Energy may have said the month before he was named as Secretary, that our big problem was our gas was not as high as gasoline in Europe, that was, according to him, our big problem.

The President who appointed him said a few weeks before that, at the San Francisco Chronicle editorial board: Under my energy policies, energy prices will skyrocket. So apparently they are well along on the plan.

As I mentioned a couple of times already, gasoline is twice as high as it was in January of 2009. We are not Europe. We are a big country that is dependent on transportation. We drive farther to go to work than most Europeans do. We transport our goods more than most Europeans do. We have this big agricultural economy that feeds a whole lot of the world and only works with affordable energy.

There are two points both Senators have made that I wish to drive home. One is that more American energy means more American jobs, and not just the jobs to build something such as the Keystone Pipeline but also the jobs at the refinery when that 800,000 barrels of oil a day gets to our refinery. They are American workers running that refinery.

If our economy is prosperous, there are more people working in manufacturing and transportation and all of the things that we do for a living. The shortest path to more American jobs is more American energy. We should be working on that, and then the impact on families. You know, as families see what is happening at the gas pump, as I said earlier, they give up on other things they would hope to do.

The President said at the State of the Union that he was for an all-of-the-above strategy. Apparently the regulators do not know about this. The regulators the President has appointed seem to have no clue that the all-of-the-above strategy of coal, of natural gas, of oil, needs to be part of what we are doing as we invest in the future.

Nobody is opposed to looking for what comes next after fossil fuel. The concern is we are not there. Even if we knew we were going there, we would not get there for a long time. Even if we knew what would power our cars 30 years from now, most cars 20 or 25 years from now will still be pulling up to a gas pump. Most trucks will still be pulling up to a gas pump.

Frankly, the economy could not absorb it any other way. And we do not know yet what is the likely next thing. I am for seeing us invest in that. I am for conservation so we use our energy more wisely. But let me say, the poorest people are the last ones who get the new high-mileage vehicles or the energy-efficient refrigerator or the new windows. Retired Americans, Americans struggling to get by, are going to be the last people to benefit, in most cases, from those ideas.

Let's conserve our way out of this or let's price our way out of this. More American energy is good for us. Energy from our friend and next-door neighbor is the next best thing to energy we produce ourselves. We ought to do all we can to produce all the competitive energy we can on our own. We then ought to do all we can to encourage our closest trading partner, our most equitable trading partner. When we send them a dollar, they send us almost a dollar back every single time. Regarding energy security, the odds that we are going to have a problem with our Canadian neighbor are a lot less than the odds that something will happen in the Middle East that will be a problem for us. Because of these new finds in gas shale, oil shale, tar sands, and other things, we can now use small

platforms to access it that would not be disruptive in a significant way; a small drilling platform doesn't do that.

I thank our good friend, Senator HUTCHISON from Texas, for putting this discussion together and for being such a leader on energy issues. Senator HOEVEN, when he was Governor, saw what could happen in the economy of a State when we decide we are going to make the most of our natural resources. The economy of North Dakota changed dramatically while he was Governor because it became an energy producer and is now one of the biggest energy producers in our country. He wants to talk about the Keystone Pipeline, and I wish to hear that if the Senator is ready. We can go back to the Senator from Texas, and then we will hear from Senator HOEVEN.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Missouri for the point he made about trading with Canada, our ally and closest neighbor, our biggest trading partner, as opposed to having Canada ship the oil they are now producing in the Alberta sands over to China or over someplace else, and sometimes it would be shipped back in or we would be taking oil from the Middle East, and all the things that can happen when oil is being shipped from the Middle East to America are risks we would have to take.

Mr. BLUNT. Mr. President, if I may make a final point. Every other country in the world looks at its natural resources, and the first two words they think of are ''economic advantage'' or ''economic opportunity.'' That is what the Canadians are doing. Only in the United States do we have any significant number of leaders who look at our natural resources, and the first words they think of are ''environmental hazard'' and ''what is the worst thing that could happen?'' And ''what if that happened every day?''

The Canadian Prime Minister was in China just in the last month talking about selling their oil to the Chinese, who want to buy it. That is what the Canadians should be doing. They would prefer to sell it to us. We should buy it. But they are not going to decide that if our most logical partner doesn't want it, we will just let our economy suffer and not do anything with it. Nobody else looks at energy resources that way. We should not either, and we should not expect the Canadians to do that.

That pipeline is either going to go south to our refinery or west to the coast, where they will ship that oil to Asia. We should not let that happen. They don't want it to happen. We should not be upset with them if we will not buy it and they decide they are going to benefit from their own resources, as they should.

Mrs. HUTCHISON. The Senator makes the exact right point. Of course, they should look for markets so their people can be employed. The folly is that America would not be the logical place to say, yes, we want it, of course. Let me give a statistic, and I will ask the Senator from North Dakota his opinion. Frankly, he has been the leader in the Senate to try to get the Keystone Pipeline approved by the State Department and the White House. He has been the leader. I was amazed just yesterday that the White House did a kind of a double backflip with a twist. The Wall Street Journal said it best: ''Obama's Keystone Jujitsu.'' What the administration did, in a mind-numbing kind of logic, was say: We said no after more than 3 years of environmental studies that all approved the Keystone Pipeline coming from Canada down through Oklahoma and into the refineries in Texas. Instead of approving it after more than 3 years of good environmental studies that came out positive, the President said no.

But yesterday, the President said: We will approve and say it is a good idea to do the pipeline from Oklahoma down to Texas. That is not bad; it is great to have that, but the problem is, if we do the 830,000 barrels a day that would come from Canada all the way down to the refineries in Texas, it would produce 34 million gallons of oil a day, or the equivalent of more than 16 million gallons of gasoline.

I ask the Senator from North Dakota, who could be bypassed with this new plan, how is that going to affect the rest of America—not the America between Oklahoma and Texas but the rest of America, including the State of North Dakota? Why would he think the President would think that is a solution?

I wish to make sure the Senator has up to 10 minutes, so I ask unanimous consent for that.

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

Mrs. HUTCHISON. I yield to the Senator from North Dakota for up to 10 minutes. I ask him, how on Earth does this affect the price of gasoline when we could be putting 34 million gallons of oil, or more than 16 million gallons of gasoline a day into people's tanks? How could the President say that would not lower the price?

Mr. HOEVEN. Mr. President, I thank the Senator from Texas for organizing this colloquy with the Senator from Missouri and the Senator from Ohio on this very important issue.

We have our American consumers paying more than $3.70 at the pump today. Actually, today the price is $3.72. That is the right question because that hits every single American. As the Senator from Texas and the other Senators have pointed out, when the administration took office, the price of gasoline per gallon was about $1.85. Today, it is $3.70. Actually, again, this chart is already old; today the average price is $3.72. In some places, it is already well over $4. The projection is that by Memorial Day, gasoline will be $4 a gallon and by later this summer it could be as much as $5 a gallon.

Let's put that into perspective for just a minute, following up on the question by the Senator from Texas. Recently, the President wanted a payroll tax cut, and the Congress passed that payroll tax cut. As the President liked to point out, that was about $1,000 a year. The benefit of that payroll tax averaged about $1,000 a year for the American worker or about $40 a paycheck. People get a paycheck every week, so it would be $40 a paycheck for the average working American. That is about $20 a week.

When we are paying between $4 and $5 a gallon for gas at the pump, we more than pay that additional $20 we got in that payroll tax, don't we? In other words, it costs us more than that. In essence, we have gone back because of the high price of gasoline.

What is the administration doing? As the Senator from Missouri just pointed out, the administration has an all-of-the-above strategy. What is that? That means we produce more energy from all our resources—oil, gas, biofuels, solar, wind, nuclear, and biomass. I agree with that. We should produce all our energy resources and have an all-of-the-above strategy. The problem is the administration is saying that, but they are not doing it. They are saying we should have an all-of-the-above strategy, but they are not doing it. Not only are they not doing it, they are actually blocking oil and gas development in our country, and they are blocking our ability to get oil from our closest ally and trading partner, Canada.

The Keystone XL Pipeline, which they have turned down, is a great example of that. That is 830,000 barrels a day that we are not getting from Canada, because after 3½ years of study, the administration turned down the project. The Keystone XL Pipeline and projects similar to it are very important parts of the solution. We still get 30 percent of our crude from the Middle East and Venezuela. Oil prices are going up because of instability in the Middle East. That creates a risk premium to the price of gasoline, which we could reduce substantially by producing more oil and gas here at home and with our closest friend and trading partner, Canada.

Ironically, the President wanted a payroll tax cut to stimulate our economy, he said, and to help the American worker. Then he more than takes away any benefit from that payroll tax cut by blocking our ability to develop oil and gas in this country and to get oil from Canada. In my State of North Dakota, not only can we not get our oil to market because we cannot put it into the Keystone XL Pipeline and get it to refineries, we cannot get the oil from Canada either, and our consumers, working Americans, pay the price at the pump. Why would the administration do that? Why?

I think some insight is provided by Ted Turner's letter on the CNN Web site. He has a letter on that Web site,

and everyone can check it out. Mr. Turner cites a number of arguments as to why we should not get oil from Canada. First, he says: That oil we get from Canada—we will just export it, so it will not reduce gas prices in the United States. But in a recent Department of Energy report, dated June 22, 2011, the U.S. Department of Energy says just the opposite; that the crude we bring in from Canada will be refined in the United States, and it will lower gas prices in the United States on the east coast, the gulf coast, and in the Midwest—not ''may'' reduce gas prices but ''will'' reduce them on the east coast, the gulf coast, and in the Midwest. Mr. Turner's letter says the pipeline will leak and, gee, we don't want a pipeline that leaks.

As my second chart shows, this is the second Keystone Pipeline. This first Keystone Pipeline has already been built. He says that Keystone Pipeline leaked, so we cannot build a second one. The first one had no underground leaks. The leaks he refers to were minor leaks at some of the joints as they constructed the thing, which is normal and they were quickly and readily handled and they were no problem. That is functioning today just fine, and there are no underground leaks. So that is not accurate either, is it?

As a matter of fact, let's take a look at this chart. Those are not the only two pipelines we have in the United States. There are others. We have thousands of oil and gas pipelines across the country. But somehow building one more that will bring in 830,000 barrels a day to help reduce the price of gas is a problem. Really? That doesn't make much sense.

The other argument he uses is that we are producing that oil in Canada in the oil sands, and that is not good because we have to excavate to do it. What is the reality with producing oil sands? It does have somewhat higher greenhouse gas emissions. How much? About 6 percent. That is how much more greenhouse gas emission we get. But we are moving from excavating to produce that oil and gas to in situ. In situ is drilling just like we do for conventional oil. That means the same amount of greenhouse gas, the same footprint. Eighty percent is in situ. It has the same amount of greenhouse gas. We have deployed new technologies and produce more energy and do it with better environmental stewardship. So these arguments aren't accurate.

But the reality is this: Folks like Mr. Turner, rich and famous, I guess they can pay $4 for gasoline. They can pay $5 for gasoline or a lot more. That isn't a problem for them. The problem is for hard-working Americans who have to pay that price at the pump every single day. So the administration has to decide who they are going to side with on this issue. Who are they going to side with on this issue? Are they going to continue to side with, I guess rich and powerful interests that want to see those gasoline prices go higher, and for whom the price of gasoline at the pump really isn't an issue or with hard-working Americans for whom this creates real hardship? That is the issue we have here with this vote that we will be having on the Keystone XL Pipeline.

The reality is this: We can have North American energy security. We can do it. Right now, between Canada and the United States, with some help from Mexico, we produce about 70 percent of our crude. The Keystone XL project alone would take us up over 75 percent. And with other sources, which some of my colleagues have referred to, such as shale and the in situ drilling I have talked about, we can easily meet our needs. In fact, if we include the work we are doing with natural gas, with biofuels, and with energy efficiency, I believe we can truly have North American energy security—meaning we can supply the energy needs in the United States and North America, with our friends in Canada, within 5 to 7 years. But we have to get started. We have to get started.

So let's get started, Mr. President. Let's start by approving the Keystone XL Pipeline project. Let's show the world we are serious about getting this done. Asking the Saudis for more oil, as some of my colleagues have done, doesn't solve the problem. Nor does taking oil out of the Strategic Petroleum Reserve. That doesn't solve the problem. We solve the problem by truly producing all of the above—not saying it but doing it.

It is ironic the administration praises TransCanada for moving forward on building the only portion of this pipeline they can build without a Presidential permit. He praises them for moving forward at the very time the administration is blocking the project. And while they are blocking it, that means not one more drop of oil is coming into this country from Canada, not one more drop of oil is coming from my State of North Dakota down to the refineries to help reduce the price of gasoline at the pump. That is not an all-of-the-above energy policy. That is not helping American workers. And that is exactly why gasoline is $3.70 a gallon and going higher.

It is time for Congress to act.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

SURFACE TRANSPORTATION REAUTHORIZATION

Mr. CARDIN. First, let me express my disappointment that we are not here debating the surface transportation reauthorization bill. We had a bill that came out of the Environment and Public Works Committee and came out of several other of our committees by unanimous vote, so it is a bipartisan bill. It is a bill that will save jobs and create jobs here in America. It will reinvest in our own infrastructure to make America more competitive. And, as I said, it has been done in a bipartisan manner thanks to the hard work of many people.

I see Senator BOXER on the floor. Thanks to her incredible leadership, we have an agreed path forward from the point of view of the relevant amendments. So what is holding up the process? It is these amendments that have absolutely nothing to do with the transportation programs of this country. We are talking about policy in Egypt, which has nothing to do with our transportation needs. I would start by saying how disappointed I am that we haven't yet started the real debate on our transportation reauthorization bill which will create jobs, save jobs, modernize America, and make us more competitive.

Let me yield for a moment, if I could, to my colleague from California, Senator BOXER.

Mrs. BOXER. If my friend would yield for a question and keep the floor—and I ask unanimous consent that the time for this colloquy not be taken off his time, or does he have unlimited time?

Mr. CARDIN. It is 10 minutes.

Mrs. BOXER. Well, let me say thank you to my friend. I know he is here to talk about judges, which is a critical issue. I am very happy he is going to do that. The lack of action on these qualified nominees is hurting our people.

But I wanted to thank him for his comments. The Senator from Maryland, Mr. CARDIN, is a senior member of the Environment and Public Works Committee and has worked so hard, along with our invaluable staff, and provided an invaluable contribution to the Transportation bill. I guess the question I will get to is this one: With 2.8 million jobs on the line—that is 1.8 million jobs we have currently attached to a highway bill and then an additional 1 million jobs which will be created because of some of the work we did on TIFIA to leverage the jobs—does not my friend believe this is the time to move a jobs bill, when we are in the process of seeing this economy finally turn around? The turnaround is not as fast as we want, but does my friend believe the timing of this couldn't be better; and that if we pass this bill, which is so bipartisan, it will kick this economic recovery into higher gear?

Mr. CARDIN. The Senator is absolutely correct. We need more jobs in America. I congratulate the Obama administration for turning our economy around. We have had 23 consecutive months of private sector job growth, but we don't have enough jobs yet. We have to create more jobs. Now is the time to be bold on looking for responsible programs that can move this country forward and creating more jobs, not only initially in road construction, in bridge construction and transit construction, but making us more competitive for the future and creating permanent job growth for America, jobs that cannot be exported.

That is what we should be doing, and that is why the surface transportation bill is so important for us to bring up and debate and pass.

And, quite frankly, the Senator from California had performed something unprecedented—well, not unprecedented but unusual here—in that she got bipartisan support from three committees, and we are working on the fourth now. Senator BOXER has gotten all the committees together, and so it is time to move this bill forward for jobs throughout America.

Mrs. BOXER. My very last question. I hope my friend is aware that right now the leadership is working very hard to take this very unwieldy list of amendments and get it down to some responsible number so we can begin, finally, in earnest. I have to point out that I don't understand how my Republican friends think it is appropriate to add to a highway bill the issue of birth control. I don't know how my friends on the other side think it is appropriate to repeal environmental laws on this highway bill. I don't understand, as my friend from Maryland pointed out, how they can say they can see a connection between a highway bill and what is happening in Egypt.

We care about all these issues, and the Senate will address these issues, but this is a jobs bill, a bipartisan jobs bill. So I want to end by thanking my friend for yielding to me, and I look forward to his remarks on judges, and I look forward to getting back to our transportation bill, which I am hopeful will happen at some point today.

Mr. CARDIN. I thank Senator BOXER.

Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

RUSSELL NOMINATION

Mr. CARDIN. Mr. President, I rise today to urge the Senate to confirm Judge George Levi Russell, III, of Maryland to be a United States District Judge for the District of Maryland.

The nomination of Judge Russell was reported out of the Judiciary Committee on February 16 by a voice vote, as the Acting President of the Senate knows. Judge Russell currently sits as a trial judge in the Baltimore City Circuit Court.

I take seriously the obligation of the Senate in terms of the advice and consent role we play. I am concerned that our judicial confirmation process in the Senate has broken down due to partisanship, particularly for noncontroversial judges. Judge Russell's nomination now joins a long list of backlogged, noncontroversial judicial nominations that are stuck on the Senate floor. As of yesterday, the Senate calendar contained 20 judicial nominations approved by the Senate Judiciary Committee which are still awaiting a final vote. Fifteen of these nominees have been pending since last year, and 18 of them have received strong bipartisan support from the Senate Judiciary Committee. These are noncontroversial nominees that are due the up-or-down vote on the floor of the Senate, and there is no justification for the delay in the Senate's carrying out its constitutional responsibilities.

The Senate is responsible for the rising vacancy rate in our Nation's article III courts. The victims here are not only the nominee and his or her family, who are waiting on final Senate action, but the American people are also victims. They face increasing delays in courts that are overburdened and understaffed. A higher vacancy rate means lack of timely hearings and decisions by our Federal courts, affecting our citizens' access to justice and a fair and impartial resolution of their complaints.

In Maryland, we are trying to fill a vacancy that was created during the end of President Bush's term of office when Judge Peter Messitte took senior status in 2008. So this vacancy has been there for a long time. It is time for us to act. Judge Russell is an excellent candidate. He received bipartisan support in the Judiciary Committee and is ready to take office upon being confirmed by the Senate. The time for action is now.

Judge Russell brings a wealth of experience to this position in both State and Federal courts. Earlier in his career, he served as a Federal prosecutor and as an attorney in a private law firm. He now sits as a State trial judge court in Maryland. He has the experience.

He graduated from Morehouse College with a B.A. in political science in 1988 and a J.D. from Maryland Law School in 1991. He passed the bar examination and was admitted to practice law in Maryland in 1991. He then clerked for Chief Judge Robert Bell on the Maryland Court of Appeals, our State's highest court.

He worked as a litigation associate for 2 years at Hazel, Thomas, and then briefly at Whiteford, Taylor. He then served as an assistant U.S. attorney for the District of Maryland from 1994 to 1999, handling civil cases. In that capacity, he represented various Federal Government agencies in discrimination, accident, and medical malpractice cases. He then worked as an associate at the Peter Angelos law firm for 2 years.

In 2002, he went back to the U.S. Attorney's Office handling criminal cases until 2007. He represented the United States in the criminal prosecution of violent crime and narcotics cases during the investigatory stage, at trial, and on appeal. This included the initiation and monitoring of wiretaps to infiltrate and break up violent gangs in Baltimore City. He also served as the Project Safe Neighborhood coordinator for the office from 2002 until 2005. He participated in community outreach programs, including attending community meetings on behalf of the office, and attending meetings with the Baltimore State's Attorney's Office to reduce violent crime in Baltimore neighborhoods.

In January 2007, Governor Ehrlich, who I am sure you are aware was the Republican Governor of our State, appointed Judge Russell to serve as an associate judge of the Baltimore City Circuit Court for a term of 15 years. As a trial judge, Judge Russell has presided over hundreds of trials that have gone to verdict or judgment and has experience in handling jury trials, bench trials, civil cases, and criminal cases. He has the professional experience which has been recognized by a Republican Governor and a Democratic President. He should receive a vote on the floor of this body and he should be confirmed.

Judge Russell has strong roots, legal experience, and community involvement in the State of Maryland. He was born and raised in Baltimore City, and has extended family who live in Baltimore. He serves as director and trustee on the board of the Enoch Pratt Free Library, which serves the disadvantaged throughout the State of Maryland. He served on the board of directors of the Community Law Center, which is an organization designed to help neighborhood organizations improve the quality of life for their residents. So he brings experience as a community activist as well as his professional experience.

He has also served as a board member of several organizations that devote substantial resources to helping the disadvantaged, including Big Brothers and Big Sisters of Maryland. I know he has often spoken to young people in schools about the obligation, duty, and mandate of a judge, and tries to demystify the role of a judge in a black robe. Judge Russell is particularly concerned with addressing the drug violence and mental health problems that plague Baltimore City.

The reason I went through all of his qualifications right now, even though his nomination is not pending, is that we have to put a face on the people who are being denied the opportunity for an up-or-down vote before the Senate. You hear the numbers; I have mentioned them—20—backed up. That is a large number when you look at the vacancy rates on our courts. When you look at this vacancy that has been pending now for the people of Maryland for 3 years, they have a right to action on the floor of the Senate. They have a right to have these nominees heard in regular order. But I want the people to know about this one individual and how qualified he is to assume the position on the District Court of Maryland.

I urge my colleagues to do everything they can. Let's carry out our responsibility. I am absolutely confident that Judge Russell possesses the qualifications, temperament, and passion for justice that will make him an outstanding United States District Court

judge for the District of Maryland. He will serve the people very well in this position. I therefore urge my colleagues not only to allow us to vote on Judge Russell's confirmation, but let us vote on the 20 nominees who have been reported out of the Judiciary Committee, and show the American people we are ready to carry out our responsibilities.

I ask my colleagues on the other side of the aisle, my Republican friends: It is way past time for us to carry out our responsibility. Stop putting filibusters or holds on these judicial nominations. Let's vote on them and carry out our responsibilities as Senators.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, recently I came to the floor of the Senate to talk about the lack of faith the American people have in the political system and in our government. My focus that day was on campaign finance laws and the impact of the Citizens United decision by the Supreme Court 2 years ago.

Today I am here to discuss, along with my colleagues, another dynamic of Capitol Hill that is making people lose faith in Washington: the apparent inability of Congress to get routine business done; specifically, the failure of the Senate to fill the dozens of judicial vacancies that exist around the country.

This doesn't need to be a partisan debate. I know Senators on each side have their own reasons why it is the other party's fault. But we need to put those arguments behind us and agree to do the people's business.

We have actually done a good job, as Senator CARDIN has pointed out, on the Judiciary Committee with having a number of judges who have come through that committee and are waiting approval on the floor. But often, we approve judges and they don't get floor votes for months and months. Also, the vast majority of judges who get approved, get approved unanimously in committee. That was my experience with the judge I recommended from Minnesota who now is a judge. So we got her done, but there are so many more, as you know, and so many jurisdictions with heavy caseloads which are awaiting judges.

Once these judges get to the floor, almost all of them get a handful of no votes. Why is that? They have been vetted. They have been vetted, their records have been looked at, they have gone through a committee hearing, they have been looked at by Senators on both sides of the aisle in the Judiciary Committee. And if they have reached that point of being on the floor of the Senate, it is no surprise that they might get a few no votes. So I don't see this as a partisan issue, but it is an issue we must get done.

If almost all the Senators support almost all the judges, this isn't about pushing one side's agenda or judicial philosophy. These are extremely qualified judges who Senators believe will be fair, impartial jurists, committed to objectively interpreting the law. But the fact is that we are lagging way behind in the confirmation pace under previous Presidents of both parties and with the Senate controlled by either party. By this time in the Presidency of Bill Clinton, the Senate had confirmed 183 judges. By this time in the Presidency of George W. Bush, the Senate had confirmed 170 judges. And yet as of today, we have only confirmed 129 judicial nominees of President Obama.

It is important to note that President Bush actually ended up getting five more judges approved in his first term than President Clinton. So we don't have a case where there has suddenly been a decline over time with the judges' approval. In fact, it went up after Clinton and now, as we can see, it is going down. There doesn't seem to be any indication at this very moment in time that we are speeding up the process. While earlier in the year we did confirm a number of judges, there was an agreement. There are still way too many out there, and we need to move on them now.

Typically, the Senate will approve noncontroversial judicial nominees before the end of the session in December. But that did not happen this past year, and we have not made too much progress since returning in January. It doesn't take too long to approve a judge on the floor. Often, we have an hour or two of debate and then vote on two or three judges. So we can get these judges confirmed quickly if both sides consent.

Some people listening are probably thinking there must be an explanation; that I am somehow leaving out key numbers when I have just explained that we only need an hour or two for each of these 20-some pending judges. Maybe they are thinking there aren't as many vacancies as under previous Presidents. But, no, under President Clinton there were about 53 vacancies at this point in his Presidency. Under President Bush, there were 46 vacancies. Right now, under President Obama, there are in fact 85 judicial vacancies.

Maybe people at home are thinking the slow process is a result of controversial nominees but, no, it is not that, either. As I mentioned earlier, most of the judicial nominees awaiting a floor vote were approved unanimously by the Senate Judiciary Committee. That is not a committee, as the President knows from serving on that committee, of shrinking violets. There are people with very diverse views. And most of these nominees, as I explained, came through with all of their support. In fact, 16 of the 19 nominees waiting for a floor vote received unanimous votes in committee. They were approved by every single member of the Judiciary Committee from both parties.

Most of those unanimous judges have been waiting for a vote for months. We should confirm them right away. We should confirm them this week. We can have a vote so that the few people on the other side of the aisle who do not agree with those nominees can register their objection and vote no. But there is no reason to hold up all of these nominees for all of these jurisdictions across the country.

For the judges who have come out of committee more recently, I understand that Senators need time to look at their records and qualifications. That is an important part of the process. But after a reasonable period of time, let's move on to confirm the newer judges as well. Let's vote up or down on all of the judges and get them on the bench.

I also want to point out that the judicial nomination process is bipartisan. That may surprise some people watching at home. They may think I am making that up. But the truth is that nominees don't move forward in the Judiciary Committee unless both of the home State Senators sign off. So whether it is two Democrats or two Republicans or one from each party, both Senators have effective veto power over the judicial nominees from their State. And usually the judges proposed by the President first are recommended by Senators. So it is not a question of President Obama picking whomever he wants and appointing them to the judiciary. He has to pick people who are okay with both Senators regardless of party. It forces a President of either party to choose high-quality, well-respected mainstream judges.

I remain hopeful we can rectify this situation and start getting judges approved in a timely manner and catch up to where we were under previous Presidents. But it is not about keeping some scorecard from President to President, as much as I have loved using these statistics today, or from Congress to Congress. In truth, it is about justice. And we all know that. We are constantly hearing complaints about the slow pace of Federal courts. Those delays are real, and they impact people—real people—every day. Whether we are talking about people seeking to protect their rights under the Americans With Disability Act or companies trying to resolve commercial disputes—I have a few of them in my State—unreasonable delays in court proceedings undermine our system of justice, and things won't get any better if we understaff our Federal judiciary.

There are many problems facing our country that do not have simple solutions. There are many problems for which the two parties have vastly different solutions. But in this case with judicial vacancies, there is only one solution, and it is well within our grasp given that so many of these judges were noncontroversial.

This is the solution, Mr. President. It is two words: Let's vote. Let's vote on all of the pending nominees, and let's continue to vote as more nominees emerge from the Judiciary Committee.

If a Senator wants to vote no on a particular nominee, if he or she wants to give a long and glorious speech about why they are opposed to the nominee, please let them do that. Let them do that today. All we are asking for is a vote.

Mr. UDALL of New Mexico. Mr. President, I come to the floor today to discuss our broken judicial confirmation process. I know many of my colleagues will discuss individual nominees and how long they have languished on the executive calendar without a vote. We can point to many statistics about the length of time it takes to confirm President Obama's nominees versus President Bush's and how many nominees each had confirmed in their first term.

This is an important argument to make. And while these statistics are helpful in highlighting the problem, they are merely the symptoms of a much larger disease—a broken Senate. Since joining the Senate in 2009, I've said repeatedly that we must take decisive action to reform our rules in order to restore deliberativeness to this body.

At the beginning of this Congress, Senators HARKIN, MERKLEY, and I tried to do that. Ultimately, our success was limited. We didn't achieve the broad reforms we wanted. But we did initiate a debate that highlighted some of the most egregious abuses of the rules, including how the rules are manipulated to obstruct the confirmation process for judges and executive branch nominees.

There was some hope that the debate we had, along with the modest reforms that were adopted, would encourage both sides of the aisle to restore the respect and comity that is often lacking in today's Senate. Unfortunately, any goodwill rapidly deteriorated and the partisan rancor and political brinksmanship quickly returned.

That is why we are here again today, talking about yet another aspect of this body's dysfunction—the broken judicial confirmation process.

This is not a new problem, nor is it one on which either side can claim to be innocent. For about the past decade, the minority party—whether Republicans or Democrats—has gone to inexcusable lengths to slow or block judicial nominees who have strong majority support. This has lead to a new norm in the Senate—the need for any nominee to get at least 60 votes for confirmation. This directly conflicts with the Founders' intent and a plain reading of the Constitution.

The arguments my colleagues and I make today—that judicial nominees who have been approved by the Judiciary Committee deserve a vote by the full Senate—are the same arguments my Republican colleagues made when President Bush's nominees were held up by a Democratic minority.

In April 2003, the freshmen members of the 108th Congress sent a letter to Majority Leader Frist and Minority Leader Daschle. That freshman class was made up of nine Republicans and one Democrat. I'd like to read part of that letter. The senators wrote:

[W]e write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice. . . . We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Regrettably, the rest of the Senate did not heed their advice and the confirmation process remained dysfunctional. Two years later, Senator HATCH, a former chairman of the Judiciary Committee, wrote an op-ed in the National Review Online that clearly outlined the problem. Senator HATCH's commentary began with the following:

Judicial nominations will be one of the most important issues facing the Senate in the 109th Congress and the question is whether we will return to the tradition of giving nominations reaching the Senate floor an up or down vote. The filibusters used to block such votes have mired the judicial-confirmation process in a political and constitutional crisis that undermines democracy, the judiciary, the Senate, and the Constitution.

He then went on to argue that there was a solution to address this crisis—using the Constitutional Option to amend the Senate rules. Just as I argued last year at the start of the session, Senator HATCH stated that at the beginning of a new Congress, a simple majority can invoke cloture and change the Senate rules. The rules weren't amended then, and they weren't amended last year, either. This is why we are here today, having the same debate about judicial nominations that the Republicans had when they were in the majority and President Bush's nominees were stalled.

It's time we stop having this debate and actually fix the process. Both sides have acknowledged the problem and offered solutions when they were in the majority. In the 108th Congress, Senator Frist introduced a resolution to change Rule XXII that would have gradually reduced the cloture threshold on nominations after successive votes over the course of several days of debate. That resolution was cosponsored by Senators MCCONNELL, KYL, and CORNYN—all members of the current minority leadership.

Last year, at the beginning of this Congress, Senators HARKIN, MERKLEY, and I introduced a resolution to reform the rules. It included reforms that would have addressed the broken confirmation process, including reducing the post-cloture time on nominees from thirty hours to two and requiring real debate in order to sustain a filibuster. Unfortunately, neither of these resolutions was adopted.

During the debate on our resolution last year, Senator HARKIN made a very good point. He said, ''I believe each Senator needs to give up a little of our pride, a little of our prerogatives, and a little of our power for the good of this Senate and the good of this country.'' Let's hope that someday enough of our colleagues will agree with him and we finally institute the reforms necessary to restore the Senate's reputation as the ''World's Greatest Deliberative Body.''

I ask unanimous consent that the letter from the freshman class of the 108th Congress and Senator HATCH's National Review op-ed be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 30, 2003.

DEAR SENATORS FRIST AND DASCHLE: As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states—to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an

important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,

John Cornyn; Mark Pryor; Lisa Murkowski; Lindsey Graham; Elizabeth Dole; Saxby Chambliss; Norm Coleman; James Talent; Lamar Alexander; John E. Sununu.

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[From the National Review Online, January 12, 2005]

CRISIS MODE—A FAIR AND CONSTITUTIONAL OPTION TO BEAT THE FILIBUSTER GAME

(By Senator Orrin G. Hatch)

Judicial nominations will be one of the most important issues facing the Senate in the 109th Congress and the question is whether we will return to the tradition of giving nominations reaching the Senate floor an up or down vote. The filibusters used to block such votes have mired the judicial-confirmation process in a political and constitutional crisis that undermines democracy, the judiciary, the Senate, and the Constitution. The Senate has in the past changed its procedures to rebalance the minority's right to debate and the majority's right to decide and it must do so again.

Newspaper editorials condemning the filibusters outnumber supporting ones by more than six-to-one. Last November, South Dakotans retired former Senate Minority Leader Tom Daschle, in no small part, because he led the filibuster forces. Yet within hours of his election to succeed Senator Daschle as Minority Leader, Senator Harry Reid took to the Senate floor to defend them. Hope is fading that the shrinking Democratic minority will abandon its destructive course of using filibusters to defeat majority supported judicial nominations. Their failure to do so will require a deliberate solution.

If these filibusters were part of the Senate's historical practice or, as a recent NRO editorial put it, merely made confirming nominees more difficult, a deliberate solution might not be warranted. But this is a crisis, not a problem of inconvenience.

Senate rules reflect an emphasis on deliberation and debate. Either by unanimous agreement or at least 60 votes on a motion to invoke cloture under Rule 22, the Senate must end debate before it can vote on anything. From the Spanish filibustero, a filibuster was a mercenary who tries to destabilize a government. A filibuster occurs most plainly on the Senate floor when efforts to end debate fail, either by objection to unanimous consent or defeat of a cloture motion. During the 108th Congress, Senate Democrats defeated ten majority-supported nominations to the U.S. Court of Appeals by objecting to every unanimous consent request and defeating every cloture motion. This tactic made good on then-Democratic Leader Tom Daschle's February 2001 vow to use ''whatever means necessary'' to defeat judicial nominations. These filibusters are unprecedented, unfair, dangerous, partisan, and unconstitutional.

These are the first filibusters in American history to defeat majority supported judicial nominations. Before the 108th Congress, 13 of the 14 judicial nominations on which the Senate took a cloture vote were confirmed. President Johnson withdrew the 1968 nomination of Abe Fortas to be Supreme Court chief justice the day after a failed cloture vote showed the nomination did not have clear majority support. In contrast, Democrats have now crossed the confirmation Rubicon by using the filibuster to defeat judicial nominations which enjoy clear majority support.

Focusing on President Clinton's judicial nominations in 1999, I described what has been the Senate's historical standard for judicial nominations: ''Let's make our case if we have disagreement, and then vote.'' Democrats' new filibusters abandons this tradition and is unfair to senators who must provide the ''advice and consent'' the Constitution requires of them through a final up or down vote. It is also unfair to nominees who have agreed, often at personal and financial sacrifice, to judicial service only to face scurrilous attacks, trumped up charges, character assassination, and smear campaigns. They should not also be held in permanent filibuster limbo. Senators can vote for or against any judicial nominee for any reason, but senators should vote.

These unprecedented and unfair filibusters are distorting the way the Senate does business. Before the 108th Congress, cloture votes were used overwhelmingly for legislation rather than nominations. The percentage of cloture votes used for judicial nominations jumped a whopping 900 percent during President Bush's first term from the previous 25 years since adoption of the current cloture rule. And before the 108th Congress, the few cloture votes on judicial nominations were sometimes used to ensure up or down votes. Even on controversial nominees such as Richard Paez and Marsha Berzon, we invoked cloture to ensure that we would vote on confirmation. We did, and both are today sitting federal judges. In contrast, these new Democratic filibusters are designed to prevent, rather than secure, an up or down vote and to ensure that targeted judicial nominations are defeated rather than debated.

These filibusters are also completely partisan. The average tally on cloture votes during the 108th Congress was 53–43, enough to confirm but not enough to invoke cloture and end debate. Democrats provided every single vote against permitting an up or down vote. In fact, Democrats have cast more than 92 percent of all votes against cloture on judicial nominations in American history.

Unprecedented, unfair, and partisan filibusters that distort Senate procedures constitute a political crisis. By trying to use Rule 22's cloture requirement to change the Constitution's confirmation requirement, these Democratic filibusters also constitute a constitutional crisis.

The Constitution gives the Senate authority to determine its procedural rules. More than a century ago, however, the Supreme Court unanimously recognized the obvious maxim that those rules may not ''ignore constitutional restraints.'' The Constitution explicitly requires a supermajority vote for such things as trying impeachments or overriding a presidential veto; it does not do so for confirming nominations. Article II, Section 2, even mentions ratifying treaties and confirming nominees in the very same sentence, requiring a supermajority for the first but not for the second. Twisting Senate rules to create a confirmation supermajority undermines the Constitution. As Senator Joseph Lieberman once argued, it amounts to ''an amendment of the Constitution by rule of the U.S. Senate.''

But don't take my word for it. The same senators leading the current filibuster campaign once argued that all filibusters are unconstitutional. Senator Lieberman argued in 1995 that a supermajority requirement for cloture has ''no constitutional basis.'' Senator Tom Harkin insisted that ''the filibuster rules are unconstitutional'' because ''the Constitution sets out . . . when you need majority or supermajority votes in the Senate.'' And former Senator Daschle said that because the Constitution ''is straightforward about the few instances in which more than a majority of the Congress must vote. . . . Democracy means majority rule, not minority gridlock.'' He later applied this to judicial nomination filibusters: ''I find it simply baffling that a Senator would vote against even voting on a judicial nomination.'' That each of these senators voted for every judicial-nomination filibuster during the 108th Congress is baffling indeed.

These senators argued that legislative as well as nomination filibusters are unconstitutional. Filibusters of legislation, however, are different and solving the current crisis does not require throwing the entire filibuster baby out with the judicial nomination bathwater. The Senate's authority to determine its own rules is greatest regarding what is most completely within its jurisdiction, namely, legislation. And legislative filibusters have a long history. Rule 22 itself did not even potentially apply to nominations until decades after its adoption. Neither America's founders, nor the Senate that adopted Rule 22 to address legislative gridlock, ever imagined that filibusters would be used to highjack the judicial appointment process.

Liberal interest groups, and many in the mainstream media, eagerly repeat Democratic talking points trying to change, rather than address, the subject. For example, they claim that, without the filibuster, the Senate would be nothing more than a ''rubberstamp'' for the president's judicial nominations. Losing a fair fight, however, does not rubberstamp the winner; giving up without a fight does. Active opposition to a judicial nomination, especially expressed through a negative vote, is the best remedy against being a rubberstamp.

They also try to change the definition of a filibuster. On March 11, 2003, for example, Senator Patrick Leahy, ranking Judiciary Committee Democrat, used a chart titled ''Republican Filibusters of Nominees.'' Many individuals on the list, however, are today sitting federal judges, some confirmed after invoking cloture and others without taking a cloture vote at all. Invoking cloture and confirming nominations is no precedent for not invoking cloture and refusing to confirm nominations.

Many senators once opposed the very judicial nomination filibusters they now embrace. Senator Leahy, for example, said in 1998: ''I have stated over and over again . . . that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported.'' Since then, he has voted against cloture on judicial nominations 21 out of 26 times. Senator Ted Kennedy, a former chairman of the Judiciary Committee, said in 1995 that ''Senators who believe in fairness will not let a minority of the Senate deny [the nominee] his vote by the entire Senate.'' Since then, he has voted to let a minority of the Senate deny judicial nominees a vote 18 out of 23 times.

Let me put my own record on the table. I have never voted against cloture on a judicial nomination. I opposed filibusters of Carter and Clinton judicial nominees, Reagan and Bush judicial nominees, all judicial nominees. Along with then-Majority Leader Trent Lott, I repeatedly warned that filibustering Clinton judicial nominees would be a ''travesty'' and helped make sure that every Clinton judicial nomination reaching the full Senate received a final confirmation decision. That should be the permanent standard, no matter which party controls the Senate or occupies the White House.

The Senate has periodically faced the situation where the minority's right to debate has improperly overwhelmed the majority's right to decide. And we have changed our procedures in a way that preserves the minority's right to debate, and even to filibuster legislation, while solving the crisis at hand.

The Senate's first legislative rules, adopted in 1789, directly reflected majority rule. Rule 8 allowed a simple majority to ''move the previous question'' and proceed to vote on a pending matter. Invoked only three times in 17 years, however, Rule 8 was dropped in the Senate rules revision of 1806, meaning unanimous consent was then necessary to end debate. Dozens of reform efforts during the 19th century tried to rein in the minority's abuse of the right to debate. In 1917, President Woodrow Wilson described what had become of majority rule: ''The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. . . . The only remedy is that the rules of the Senate shall be altered.'' Leadership turned gridlock into reform, and that year the Senate adopted Rule 22, by which ⅔ of Senators present and voting could invoke cloture, or end debate, on a pending measure.

Just as the minority abused the unanimous consent threshold in the 19th century, the minority abused the ⅔ threshold in the 20th century. A resolution to reinstate the previous question rule was introduced, and only narrowly defeated, within a year of Rule 22's adoption. A steady stream of reform attempts followed, and a series of modifications made until the current 60-vote threshold was adopted in 1975. The point is that the Senate has periodically rebalanced the minority's right to debate and the majority's right to decide. Today's crisis, with constitutional as well as political dimensions and affecting all three branches of government, presents an even more compelling case to do so.

These filibusters are an unprecedented shift in the kind, not just the degree, of the minority's tactics. After a full, fair, and vigorous debate on judicial nominations, a simple majority must at some point be able to proceed to a vote. A simple majority can achieve this goal either by actually amending Rule 22 or by sustaining an appropriate parliamentary ruling.

The Senate exercises its constitutional authority to determine its procedural rules either implicitly or explicitly. Once a new Congress begins, operating under existing rules implicitly adopts them ''by acquiescence.'' The Senate explicitly determines its rules by formally amending them, and the procedure depends on its timing. After Rule 22 has been adopted by acquiescence, it requires 67 votes for cloture on a rules change. Before the Senate adopts Rule 22 by acquiescence, however, ordinary parliamentary rules apply and a simple majority can invoke cloture and change Senate rules.

Some object to this conclusion by observing that, because only a portion of its membership changes with each election, the Senate has been called a ''continuing body.'' Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

An alternative strategy involves a parliamentary ruling in the context of considering an individual nomination. This approach can be pursued at any time, and would not actually amend Rule 22. The precedent it would set depends on the specific ruling it produces and the facts of the situation in which it arises.

Speculation, often inaccurate, abounds about how this strategy would work. One newspaper, for example, offered a common description that this approach would seek ''a ruling from the Senate parliamentarian that the filibuster of executive nominations is unconstitutional.'' Under long-standing Senate parliamentary precedent, however, the presiding officer does not decide such constitutional questions but submits them to the full Senate, where they are debatable and subject to Rule 22's 60-vote requirement. A filibuster would then prevent solving this filibuster crisis. Should the chair rule in favor of a properly framed non-debatable point of order, Democrats would certainly appeal, but the majority could still sustain the ruling by voting for a non-debatable motion to table the appeal.

Democrats have threatened that, if the majority pursues a deliberate solution to this political and constitutional crisis, they will bring the entire Senate to a screeching halt. Perhaps they see this as way to further escalate the confirmation crisis, as the Senate cannot confirm judicial nominations if it can do nothing at all. No one, however, seriously believes that, if the partisan roles were reversed, Democrats—the ones who once proposed abolishing even legislative filibusters—would hesitate for a moment before changing Senate procedures to facilitate consideration of judicial nominations they favored.

The United States Senate is a unique institution. Our rules allowing for extended debate protect the minority's role in the legislative process. We must preserve that role. The current filibuster campaign against judicial nominations, however, is the real attack on Senate tradition and an unprecedented example of placing short-term advantage above longstanding fundamental principles. It is not simply annoying or frustrating, but a new and dangerous kind of obstruction which threatens democracy, the Senate, the judiciary, and even the Constitution itself. As such, it requires a more serious and deliberate solution.

While judicial appointments can be politically contentious and ideologically divisive, the confirmation process must still be handled through a fair process that honors the Constitution and Senate tradition. If the fight is fair and constitutional, let the chips fall where they may. As it has before, the Senate must change its procedures to properly balance majority rule and extended debate. That way, we can vigorously debate judicial nominations and still conduct the people's business.

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

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. 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.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

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

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, we were engaged in lengthy debate for months—maybe years—about health care in the United States, and I believe we passed a historic bill that addresses some of the most fundamental issues about health care: first, to address affordability because if you can't afford it, it doesn't matter how good medical care is; second, to make sure it was successful for people rich and poor alike; third, to make sure the basic health insurance policies being offered in America covered the most important things in a person's life. That was part of the debate, and an important part of it.

A fundamental principle of health care reform is to ensure Americans have access to a comprehensive package of health services—we call them essential benefits under the law—which includes maternity care, vaccinations, and preventive care.

Many years ago when I was a new lawyer working in the Illinois State Senate, someone approached me and said: Are you aware of the fact that you can buy a health insurance plan that covers a family and literally covers a newborn but exempts coverage for the first 30 days of their life in Illinois?

I said: No, that is impossible.

He said: No, that kind of health care is for sale, and it is a little cheaper because we all know that if a baby is born with a serious problem, the first 30 days can be extremely expensive.

They were literally selling health insurance plans that left that family and baby vulnerable for 30 days. We changed the law in Illinois and said: You can't offer a health insurance plan that covers maternity and newborns unless you cover them from the moment they are born. So it was written into the law as a protection against consumers who unwittingly would sign up for the cheaper policy that would never be there when they needed it.

When we talked about the Federal standards when it came to health insurance, we wanted to make certain that some of the most basic things—the essential services—were covered, and that includes maternity care, vaccinations, and preventive care for women.

There is an amendment we will consider this week offered by Senator BLUNT of Missouri that I am afraid will threaten the vital consumer protections in the health reform law. These protections ensure that women, men, and children have access to basic health care. The amendment by Senator BLUNT would allow any employer or insurance company to deny health insurance for any essential or preventive health care service they object to on the basis of ''undefined'' religious or moral convictions. That means an employer can not only deny access to family planning and birth control, but they could deny access to any health care services required under our new Federal health care reform law.

Many supporters of this amendment stress how the amendment will protect

employers with religious objections to things such as coverage for contraception, but in reality this amendment goes much further: it would allow employers to deny coverage for any health service. For example, under the Blunt amendment, if an employer objects morally to vaccinations, then their insurance policy would not have to cover potentially lifesaving vaccinations for the children of that employer's workers or if an employer has religious objections to mental health care, their employees would not have access to basic health care services that we fought to protect. The Blunt amendment will have a harmful effect on all people and would undermine our Nation's effort to ensure that everyone in this country has access to a basic standard of health coverage.

Who opposes the Blunt amendment? It is not just women's groups, as you might expect, but the American Academy of Pediatrics, AIDS United, the American Nurses Association, and the American Congress of Obstetricians and Gynecologists.

Mr. President, I know your personal background and field of study has included theology and religious training, in that area, and I know this particular debate was brought on because of President Obama's decision when it came to the health care coverage offered by religious colleges, universities, and charities. The President's offer at this point says that no religious-sponsored institution, such as a college, university, hospital, or charity, will be forced to offer health services that violate their basic principles and values, their religious values. The President goes on to say, though, that the employees of that institution would have the right, on their own initiative, to a service not provided to them under the hospital or university policy that they could secure by going directly to the insurance company. It removes the church-sponsored, religious-sponsored institution from making the initial decision that might run counter to their values but gives the freedom to the individual employee to pursue the health care under the law which they consider to be essential, such as family planning. Some say this is unacceptable. I think it strikes the right balance—the balance between respecting the conscience and religious values of certain institutions while still protecting the freedom of individuals.

There has been a lot of talk in this Presidential campaign about religion, and much of it has come from a former Senator from Pennsylvania. I would like to remind him and those who have not followed it closely that there are exactly three provisions in the U.S. Constitution when it comes to religion. One of them says that we have the freedom of religion, religious belief, which gives us the right to believe what we want to believe or to believe nothing. That is guaranteed under the Constitution. Secondly, the government will not pick a religion. I have heard candidates say we are a Christian nation. No. We are an American nation, which includes many Christians but also others of different religious beliefs, and the Constitution says the government will never pick its religion. The third point that is often overlooked—and I would refer to the Senator from Pennsylvania—it is in the Constitution that there will be no religious test for office. In other words, we could not establish under the law, if anyone cared to, that only Christians or Jewish people could be elected to the Senate or the House. That is strictly unconstitutional.

Those three principles have guided us well, and it is important for us to make sure as we tackle the issues of the day that we apply the principles that have endured. In this circumstance, we have to understand that militant secularization is as intolerant as militant desecularization. We have to try to strike that balance.

I recommend to those who are following my remarks and would like to read more an article that was published in the New York Times on February 24 by Joe Nocera entitled ''A Revolutionary Idea.'' Mr. Nocera is a thoughtful writer, and he traces the history of this. His opening remarks include the following: ''Rick Santorum is John Winthrop''—referring, of course, to Mr. Winthrop who joined with the Puritans in trying to assert that our government needed to stand for puritanical values and beliefs. That debate, which even predates the Constitution, is one that molded our country and makes it what it is today. There emerged from that debate over the Puritans and what they would do a feeling that there had to be a separation between church and state, religious belief and secular administration of our government. That is the debate that continues today.

This generation, regardless of the issue of the day, needs to preserve the same basic values that led to this debate in the early Colonies and ultimately to our constitutional principles. As we find countries all over the world bitterly and violently divided over religion, we need to take care in our generation that we protect the basics. The President's decision when it comes to health care through the insurance policies protects those basic values.

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

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

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. REID. 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. REID. 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.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—Resumed

Mr. REID. Mr. President, would you state the pending business.

The PRESIDING OFFICER. The pending business is S. 1813, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1730, of a perfecting nature.

ORDER OF PROCEDURE

Mr. REID. Mr. President, at the beginning of this month—in fact, February 7—I moved to proceed to the surface transportation bill that is before us today—an extremely important bill, a bipartisan bill. This effort has been led by two fine Senators—one quite progressive and the other very conservative—Senators BOXER and INHOFE, the chairman and ranking member of the very important Environment and Public Works Committee. This is a vital job-creating measure. The bill would create and maintain up to 2.8 million jobs.

On February 9, 2 days after I moved to this bill, the Senate voted 85 to 11 to invoke cloture on the motion to proceed. The bill has broad bipartisan support. But immediately after the Senate moved to the bill on February 9, Senator BLUNT asked unanimous consent that it be in order to offer his amendment on contraception and women's health. I was stunned. I couldn't believe this. I said, What is going on here? I objected at the time. I didn't see why this surface transportation jobs bill was the appropriate place for an amendment on contraception and women's health.

But the Republican leader and others on the Republican side of the aisle have made it very clear the Senate is not going to be able to move forward on this important surface transportation bill unless we vote on contraception and women's health. My friend the Republican leader said it on national TV

on ''Face the Nation'' with Bob Schieffer. Senator MCCONNELL said, ''The issue will not go away.''

So I believe it is vital to get this jobs bill done. What is standing in the way is the Republicans' insistence on having a vote on a measure that would deny women access to health services such as contraception and even prenatal screenings. So after discussing it with numerous Senators, I decided we should set up a vote on the one amendment, on contraception and women's health. There has been enough delay on this bill. So we will have a vote on this Blunt amendment on Thursday. After that, we hope to be able to work out an agreement to have votes on a number of nongermane amendments on each side. Maybe we will need to have some side-by-sides, the Republicans may need some side-by-sides on our amendments. That is fine, but let's move forth.

Meanwhile, the managers have made tremendous progress on clearing more than 25 agreed-to amendments. I know the managers will want to work on clearing even additional germane amendments. So I believe this process will be the most constructive way to move the bill forward. I hope this will help us be in a position to work through to completing the transportation bill by the end of next week.

I ask unanimous consent that it be in order for the Blunt amendment No. 1520 to be called up; that on Thursday, March 1, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to vote in relation to the Blunt amendment; further, that no other amendments be in order prior to the vote in relation to the Blunt amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1520 TO AMENDMENT NO. 1730

Mr. REID. Mr. President, I call up the Blunt amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. BLUNT, for himself and Mr. MCCONNELL, Mr. JOHANNS, Mr. WICKER, Mr. HATCH, Ms. AYOTTE, Mr. RUBIO, and Mr. NELSON of Nebraska, proposes an amendment numbered 1520 to amendment No. 1730.

Mr. REID. I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services)

At the appropriate place, insert the following:

SEC. ___. RESPECT FOR RIGHTS OF CONSCIENCE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) As Thomas Jefferson declared to New London Methodists in 1809, ''[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority''.

(B) Jefferson's statement expresses a conviction on respect for conscience that is deeply embedded in the history and traditions of our Nation and codified in numerous State and Federal laws, including laws on health care.

(C) Until enactment of the Patient Protection and Affordable Care Act (Public Law 111–148, in this section referred to as ''PPACA''), the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers.

(D) PPACA creates a new nationwide requirement for health plans to cover ''essential health benefits'' and ''preventive services'' (including a distinct set of ''preventive services for women''), delegating to the Department of Health and Human Services the authority to provide a list of detailed services under each category, and imposes other new requirements with respect to the provision of health care services.

(E) While PPACA provides an exemption for some religious groups that object to participation in Government health programs generally, it does not allow purchasers, plan sponsors, and other stakeholders with religious or moral objections to specific items or services to decline providing or obtaining coverage of such items or services, or allow health care providers with such objections to decline to provide them.

(F) By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates in PPACA jeopardize the ability of individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that health care stakeholders retain the right to provide, purchase, or enroll in health coverage that is consistent with their religious beliefs and moral convictions, without fear of being penalized or discriminated against under PPACA; and

(B) to ensure that no requirement in PPACA creates new pressures to exclude those exercising such conscientious objection from health plans or other programs under PPACA.

(b) RESPECT FOR RIGHTS OF CONSCIENCE.—

(1) IN GENERAL.—Section 1302(b) of the Patient Protection and Affordable Care Act (Public Law 111–148; 42 U.S.C. 18022(b)) is amended by adding at the end the following new paragraph:

''(6) RESPECTING RIGHTS OF CONSCIENCE WITH REGARD TO SPECIFIC ITEMS OR SERVICES.—

''(A) FOR HEALTH PLANS.—A health plan shall not be considered to have failed to provide the essential health benefits package described in subsection (a) (or preventive health services described in section 2713 of the Public Health Service Act), to fail to be a qualified health plan, or to fail to fulfill any other requirement under this title on the basis that it declines to provide coverage of specific items or services because—

''(i) providing coverage (or, in the case of a sponsor of a group health plan, paying for coverage) of such specific items or services is contrary to the religious beliefs or moral convictions of the sponsor, issuer, or other entity offering the plan; or

''(ii) such coverage (in the case of individual coverage) is contrary to the religious beliefs or moral convictions of the purchaser or beneficiary of the coverage.

''(B) FOR HEALTH CARE PROVIDERS.—Nothing in this title (or any amendment made by this title) shall be construed to require an individual or institutional health care provider, or authorize a health plan to require a provider, to provide, participate in, or refer for a specific item or service contrary to the provider's religious beliefs or moral convictions. Notwithstanding any other provision of this title, a health plan shall not be considered to have failed to provide timely or other access to items or services under this title (or any amendment made by this title) or to fulfill any other requirement under this title because it has respected the rights of conscience of such a provider pursuant to this paragraph.

''(C) NONDISCRIMINATION IN EXERCISING RIGHTS OF CONSCIENCE.—No Exchange or other official or entity acting in a governmental capacity in the course of implementing this title (or any amendment made by this title) shall discriminate against a health plan, plan sponsor, health care provider, or other person because of such plan's, sponsor's, provider's, or person's unwillingness to provide coverage of, participate in, or refer for, specific items or services pursuant to this paragraph.

''(D) CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed to permit a health plan or provider to discriminate in a manner inconsistent with subparagraphs (B) and (D) of paragraph (4).

''(E) PRIVATE RIGHTS OF ACTION.—The various protections of conscience in this paragraph constitute the protection of individual rights and create a private cause of action for those persons or entities protected. Any person or entity may assert a violation of this paragraph as a claim or defense in a judicial proceeding.

''(F) REMEDIES.—

''(i) FEDERAL JURISDICTION.—The Federal courts shall have jurisdiction to prevent and redress actual or threatened violations of this paragraph by granting all forms of legal or equitable relief, including, but not limited to, injunctive relief, declaratory relief, damages, costs, and attorney fees.

''(ii) INITIATING PARTY.—An action under this paragraph may be instituted by the Attorney General of the United States, or by any person or entity having standing to complain of a threatened or actual violation of this paragraph, including, but not limited to, any actual or prospective plan sponsor, issuer, or other entity offering a plan, any actual or prospective purchaser or beneficiary of a plan, and any individual or institutional health care provider.

''(iii) INTERIM RELIEF.—Pending final determination of any action under this paragraph, the court may at any time enter such restraining order or prohibitions, or take such other actions, as it deems necessary.

''(G) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this paragraph and coordinate the investigation of such complaints.

''(H) ACTUARIAL EQUIVALENCE.—Nothing in this paragraph shall prohibit the Secretary from issuing regulations or other guidance to ensure that health plans excluding specific items or services under this paragraph shall have an aggregate actuarial value at least equivalent to that of plans at the same level of coverage that do not exclude such items or services.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of Public Law 111–148.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as the majority leader is leaving the floor, I wish to say I am pleased he has decided to take us forward on this highway bill.

So where do we stand? We are in a situation, here in the 21st century, where in order to move forward on a highway bill—a bill that funds our highways, our roads, our bridges, and our transit systems—in order to move forward on a jobs bill—where 2.8 million jobs are at stake in this great Nation—we have to have a vote on birth control. I want to say to my friends on the other side of the aisle, What are you thinking? But if this is what you want to do, fine.

I want to make it clear to the people who are listening that the Blunt amendment would say that any insurance company and any employer for any reason could deny coverage to their employees. But it is not just about birth control; it is any service.

Now, Mr. President, you serve proudly on the HELP Committee, and you were very instrumental in working through the essential services that are covered, the preventive services that are covered. It is very important that we note what those are. We have a list of the essential services and the preventive services, and what I am going to do is to read them. As I read them, I want people who are listening to this to think about whether these services are important, and to understand that under the Blunt amendment any one of these services can be denied by any employer, any insurance company, for any reason.

So I am going to list these services: Emergency services, hospitalization, maternity and newborn care, mental health treatment, preventive and wellness services, pediatric services, prescription drugs, ambulatory patient services, rehabilitative services and devices, and laboratory services.

Those are the categories of essential health benefits this Senate voted to make sure are covered under insurance plans. That is the law. The Blunt amendment would allow any insurer and any employer to deny any of these services for any reason. All they have to say is they have a moral objection.

Let's take maternity and newborn care. If somebody works for you, and they are not married and they are pregnant and are having this child, you can say: From now on, I am not covering anybody who works for me who isn't married because I have a moral objection.

Mental health treatment. You could say: I don't consider this a disease. I think if God decided that somebody has mental health problems, that is just the way it is. I deny that.

It goes on and on.

Emergency services. If some employer believes if you have a heart attack it is God's will, that is their moral belief. That is it. They can deny that kind of coverage.

Now we go to preventive health, and I am going to read these. The Blunt amendment would also say any employer, any insurance company can deny any of these benefits to anybody at any time.

So listen to these services which came, again, out of your committee. Breast cancer screenings. Maybe an employer doesn't believe that is necessary. They could deny it. Cervical cancer screenings, hepatitis A and B vaccines, measles, mumps vaccine—there is some controversy over vaccines. Somebody could say: Well, I have a moral problem. I am not going to offer these vaccines in my plan.

Colorectal cancer screenings. We found out those save lives, a huge number of lives. They say the death rates are going down, because of colorectal cancer screenings, by 50 percent. An employer or an insurance company could deny that kind of screening.

Diabetes screening, cholesterol screening, blood pressure screening, obesity screening, tobacco cessation, autism screening, hearing screening for newborns, sickle cell screening for newborns, fluoride supplements, tuberculosis testing, depression screening, osteoporosis screening, flu vaccines for children and the elderly, contraception—there. That is what started all of this, contraception.

By the way, 15 percent of women who take contraceptives take them to prevent cancer, to prevent debilitating monthly pain, and it is even taken to prevent serious skin problems that are very debilitating. But there is no mention of that in the Blunt amendment. No, no.

HIV screening, STD screening, HPV testing, well woman visits, breast feeding support, domestic violence screening, and gestational diabetes screening, which is the kind of diabetes some women get when they are pregnant.

So here is where we are. The Blunt amendment would take this list of preventive health benefits, this list of essential health benefits, and send a very clear, unequivocal message to every insurer in this country and every employer that regardless of any other laws, if they decide they have a moral objection or religious objection, they do not have to offer this coverage.

Remember what we are talking about. We are talking about coverage. We are not saying people have to do all of these things. If I have an objection to doing any of these things, as an employee I don't have to do it. But I have coverage if I decide to do it. That is the beauty of the health care bill we passed. It says: Here are essential health benefits; here are preventive health benefits. Employers and insurers, you have to offer this coverage. If people want to take it, they can, and what will happen is good.

Now, when we hear the other side describe the Blunt amendment, they will not tell you what it is. But I have a very clear take on what it is because I printed it out, and it says: A health plan shall not be considered to have failed to provide the essential health benefits package described in subsection (a) or preventive health services described in section 2713 if they decide they have a moral or religious objection.

That is the basis of it. So we take that and say: OK, here are the essential health benefits. They no longer have any meaning. Here is the list of preventive health benefits. Those are at the whim of the employer, the whim of the insurance company, and it is really disturbing.

Mr. President, you have some great career in your life, and you are a great Senator now. Before that you told a lot of great stories and a lot of great jokes. I have to tell you that Jon Stewart took this issue on and said: Well, I will tell you something. I love the Blunt amendment because I am an employer and I believe humor is the best medicine. Humor is the best medicine, he said.

So he said: So that is what I am going to do. I have an example.

Then this guy comes on to the stage with a very bad cold and flu and he is sneezing. He says: Mr. Stewart, do I have to have another treatment now?

He says: Yes. And he takes a seltzer bottle and sprays it all over the guy. That was his treatment because it was funny, and he was supposed to laugh and that was supposed to cure this person.

He said: Not another treatment.

So in the darkest moments one finds consolation in humor. But just think, there are people who believe and have a strong moral and religious conviction that they don't want to take medicine. They just believe they are in the hands of God. I personally respect it 100 percent, and people die for their right to have that view, and I think that is appropriate. We should respect religion, everybody's religion. So the way to deal with that is if that individual doesn't want to ever be treated, that is their choice. But, frankly, if they put at risk a child who has cancer—and we have had cases like this in America where a parent said they didn't believe in medicine—a child could be cured with some cancer treatment, people have stepped in and said: We are going to make sure the child gets treatment.

So all we are saying in our health care bill is, here is a list of essential health services and preventive health services that scientists and doctors have told us will save our families pain and suffering and cost and all the rest, and we make them available through the insurer and the employer. That is all. People don't have to take them, but they are available.

Under the Blunt amendment, if your boss happens to be a person who doesn't believe in medicine, he can just say: Sorry, I am not a believer. You can have an insurance plan that may have nothing behind it—no services, none of these services that we worked so hard to put into law.

So it is stunning that in this year we would be on a highway bill anticipating a vote on Thursday on an amendment that has to do with women's health. There is a lot of concern out there because we saw when this whole thing started there was a hearing in the House of Representatives where they had a panel on women's health that dealt with, especially, access to birth control. Not one woman was on that panel, and the men decided it was wrong that women should have access to birth control without a copay even when the doctors and the scientists have said it is so important.

When our families are planned, what happens? There are fewer abortions. It is not even arguable. Fewer abortions. I would think we could be in agreement on that. Fewer problems for our families, fewer economic problems when they plan their families.

Now, if you don't want to plan your family, that is just fine. You don't have to take that coverage. You don't have to take that contraception.

So the President, in his decision, I thought, struck a great compromise. What he said was, because the experts, the medical experts—the Institute of Medicine told us contraception is a very important choice for people because 15 percent of them use it not just for birth control but to fight disease, cancer, and cysts on their ovaries and such. Because that is important, we put it in this list of essential benefits, preventive benefits. But if you are a church, you don't have to offer it to your employees. That is what the President said.

There are 335,000 religious institutions that are exempted from having to offer this through insurance. The religious-affiliated hospitals and universities were uncomfortable because they wanted to be able to not be directly connected to the contraception, and the President struck what I thought was a good compromise. He said to those institutions: OK. It will be offered to your people, but it will be done by a third party.

Almost everyone applauded it. Catholic Charities applauded it, the Catholic Health Association applauded it. They represent thousands of providers. Catholics United applauded it, and the bishops were still unhappy. But the institutions that provide the service felt the President struck a good bargain.

So we were all pleased. We thought this was fine because everybody's religious freedom should be respected, and that is what the President did. But now we have the Blunt amendment. Not only does this open a Pandora's box, it opens a very dangerous policy. It allows insurers and employers to simply say they have a moral problem with something and they don't have to offer a list of services. Maybe they will do it because they really have a moral conviction, but you can't really prove it. Maybe they will do it because they want to save some money. We don't know. But it opens a very bad situation. We have to table or beat this Blunt amendment. It is very dangerous.

How about having it on a highway bill? I still can't get over it. When I first heard about it, I thought: What does it have to do with highways? Maybe it says you can't take a birth control pill when you are driving on a highway. I mean, there was no connection, and there is no connection.

But the majority leader is right to get a vote. I will tell you why: It is holding up our highway bill. We can't get off dead center. We have been on this bill days and we can't get off dead center because my Republican friends want to vote on contraception and women's health care on a highway bill.

So we are going to do it and, hopefully, that will signal our goodwill to move forward with this bill. There are 2.8 million jobs at stake. Our bridges are in desperate need of fixing. We have 70,000 bridges that are in very bad condition, and 50 percent of our roads are not up to standard. We have had stories of bridges crumbling, and we have had stories of highways in trouble. So we shouldn't be stuck on this bill.

I could proudly say that Senator INHOFE and I worked in the most remarkable bipartisan way to get a great bill out of our committee. The Banking Committee did the same, Senators JOHNSON and SHELBY. The Commerce Committee got a little stuck, but they are getting unstuck, and we are moving forward on that piece. Finance has done an excellent job of finding the funds for us to fill the trust fund.

I want you to think in your mind's eye of a football stadium that hosts the Super Bowl. Think of what it looks like when it is jam packed with people. It is about 100,000 seats. Fifteen of those stadiums could be filled with unemployed construction workers. So think about what that would look like, 15 Super Bowl stadiums sold out, every seat filled. That is how many unemployed construction workers we have because of the housing crisis.

This bill will put them back to work. In a bipartisan fashion we have protected the 1.8 million jobs, and we create up to another 1 million jobs. So I can't believe we are discussing birth control on a highway bill, but such is life. That is the way it is. If that is what we need to move this bill forward, I am happy.

If we have to move on some other issues that are not germane to the bill, I am even willing to do that, because that is really what is at stake. What is at stake is construction jobs. What is at stake is falling bridges. I do not have to tell my friend the effect of a falling bridge. We know it happens. Senator INHOFE is eloquent on the point. He lost a constituent who was taking a walk and a huge piece of a bridge fell and killed her. This is not the way to run a country that is the No. 1 economic power in the world.

I tell you, if we want to stay the No. 1 economic power in the world, we cannot be stuck in traffic and have all that congestion. Billions of hours and billions of dollars are lost because we are not keeping up with the image that was painted for us by Dwight Eisenhower way back when I was a kid when he said we need to have a network of highways that run seamlessly across our Nation and connect us, one to the other—a national highway system. We cannot lose that vision.

There are some people who say: Why do we need a national system? Let's just have the States do it.

No. This is one Nation under God, indivisible. We need to be connected. When the imports come in from all the various countries, from the Asian nations into Los Angeles—and 40 percent of our imports come in there—we take those, we put them on trains and trucks, and they get shipped out all across America to every State in the Union. That is commerce. That is called commerce, interstate commerce. We need the roads to be ready and able to take that kind of traffic and not have a situation where so much is added to the cost of transport because there is so much congestion that we begin to lose our effectiveness as an economic power. That, frankly, is where we are. Not only do we import, we export, so we have to take the exports to the coasts, the east coast and west coast. We have a lot of opportunity to go to the gulf coast. If we do not keep up with this national system of highways, we are in trouble.

This is a great bill. This bill is a reform bill. You take it down from a lot of titles to just a couple dozen titles. We do not overspend. We keep spending at current levels. The Finance Committee has done its job to help us build a trust fund for 2 years.

The last point I would make before yielding the floor because I know my friend from Georgia is here, and he is my very good friend—I know he has some remarks he might have on this subject or another subject, and he is going to talk to me as the chairman. We have some work we want to do, so I am going to close it here.

What I want to say is that this is really close to an emergency, and I do not overstate it. The entire transportation program expires on March 31. That means all of our States are going to be hit with the end of a program that is essential to their people, to their businesses. That is why we have 1,000 organizations representing millions of people—from the chambers of commerce, to the AFL–CIO, to the granite people, to the cement people, to the general contractors; seriously, the AAA—it goes on and on from A to Z, 1,000 organizations that are behind our bill. They are not going to look kindly on a situation we could come to, which is that we do not have a bill. You cannot just extend this bill because the money is not in the trust fund anymore. It is not like past years where you could extend it. The money is not in the trust fund. If we have to cut one-

third, we are talking about hundreds of thousands of workers who would be laid off.

I again thank the majority leader, Senator REID, because he is getting us off center here. He is getting us off that line. We are moving forward.

Mr. President, I ask unanimous consent that there be no motions in order other than a motion to table prior to the vote in relation to amendment No. 1520.

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

Mrs. BOXER. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

REMEMBERING DR. YOUNG WOO KANG

Mr. DURBIN. Mr. President, the march of progress in America can be marked by the expansion of freedom. Slaves who were denied full citizenship under our Constitution were given their rights with amendments after our Civil War. Civil rights legislation in the 1960s helped African Americans and others claim their rightful place in our society. And women, denied a vote in America for generations, finally won that right early in the 20th century.

Yet it took us until nearly the end of the 20th century to acknowledge the rights of another group of Americans who have suffered discrimination throughout history: people with disabilities. I would like to take a moment to recognize one of the heroes of the disability rights movement who passed away this past Thursday at the age of 68.

Dr. Young Woo Kang was a champion for people with disabilities in America, his native South Korea, and throughout the world. Born in a small farming village in South Korea under the shadow of the Korean war, Young Woo Kang overcame adversity to become the first blind South Korean to earn a Ph.D.

Dr. Kang's life reminds us that disability can happen to anyone at anytime. When he was 14 years old, a soccer injury cost him his eyesight. He spent the next 2 years in the hospital and endured several surgeries before learning that he would never regain his sight.

That was in 1960. At that time, there were only two professions in South Korea open to the blind: masseur and fortune teller. But Young Woo Kang had other plans. When he was refused admission to college because of his disability, he challenged the system and won. And when he was allowed to take the college entrance exam, he scored in the top ten—out of hundreds of students. Dr. Kang became the first blind person to graduate—with highest honors—from Yonsei University, South Korea's oldest and most prestigious university.

He planned to earn a post-graduate degree in special education from the University of Pittsburgh. In fact, he had already been accepted at the university when he learned that South Korean policy prohibited its citizens with disabilities from studying abroad.

He lobbied successfully to have this policy changed—not only for himself but also for the thousands of other South Koreans with disabilities.

In 1976, after obtaining his Ph.D., Dr. Kang taught international affairs at Taegu University in South Korea and became a disability rights advocate.

He urged the passage of legislation in Korea similar to the Americans with Disabilities Act and helped develop the first Braille alphabet for the Korean language. He also founded Goodwill in Korea, which provides job training and career services to people with disabilities.

Dr. Kang and his wife Kyoung, or ''Kay,'' as she is known, were blessed with two sons, Paul and Chris. Dr. Kang and his wife both worked in the Gary, Indiana, public school district for decades—he as a supervisor for special education and she as a teacher for visually impaired students. He also served as an adjunct professor for Northeastern University in my home State of Illinois.

In 2002, Dr. Kang was nominated by President George W. Bush to serve on the prestigious National Council on Disability, an independent federal agency that advises the President and Congress on issues affecting the 54 million Americans with disabilities.

A moment ago I mentioned Dr. Kang's sons. Dr. Paul Kang is an ophthalmologist and has served as the President of the Washington, DC Metropolitan Ophthalmological Society. Chris Kang, a familiar name to many in this Chamber, was a member of my Senate staff for 7 years. Like his father, Chris is brilliant and hard-working.

After graduating from the University of Chicago and the Duke University Law School, Chris came to work for me answering constituents' letters and emails. Chris says he was drawn to public service by the example of his father, who taught him that government can limit people, but it can also help people.

He rose quickly through the office ranks, moving from answering letters to serving as one of my Judiciary counsels. He became my chief floor counsel and served 4 years negotiating legislation, helping me better understand Senate procedure, and conducting important whip counts.

Three years ago, Chris Kang accepted a position as Special Assistant to the President on the White House legislative affairs team. He has made history in his own right by helping to pass such historic laws as the American Recovery and Reinvestment Act, the Affordable Care Act, and the Fair Sentencing Act. Last year, Chris moved into a new position, a promotion, as senior counsel in the White House Counsel's office, where he is now the President's top advisor on judicial nominations.

How's that for an American success story—an immigrant father appointed by a Republican president and his American-born sons, a doctor and Senior Counsel to a Democratic President?

The great humanitarian Helen Keller, who lost her hearing and her sight as a young child, was asked once whether she could imagine any fate worse than losing one's sight. She replied, ''Yes, losing one's vision.''

Like Helen Keller, Dr. Young Woo Kang lost his sight due to an injury. But he was blessed with vision. That vision enabled him to create a life for himself that was almost unimaginable in the world in which he grew up. He had a vision of an America and a world in which people were measured by their abilities, not their disabilities. His vision and courage helped to expand our own vision and make us a better nation.

I offer my deepest condolences to his wife Kay, his sons, Paul and Chris, and his extended family, friends and colleagues. Dr. Kang lived a life of accomplishment and inspiration. His legacy will live on through his sons and four grandchildren, including 4-month-old Katie, a source of great pride for Dr. Kang. And his mission will live on through the good he achieved and the doors he opened for people with disabilities in Korea and America and around the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

AMENDMENT NO. 1520

Mr. FRANKEN. Madam President, I would like to talk for a moment about religious freedom. Our country was founded on the belief that all Americans should have the right to practice their religious beliefs as long as their faith does not infringe on the rights of others. This concept, which is, I have the freedom to stretch out my hand as far as I can unless I punch Hannah here in the face—I do not have the freedom to do that; that is impinging on Hannah's rights—actually pertains to more than just freedom of religion but our basic concepts of what people's rights are, and this is an idea that is woven through our Constitution and our Bill of Rights. I have the right to choose my profession, where I live, and I have a right to choose my doctor according to my own faith, but I do not have the right to choose yours.

When we wrote the health reform bill, we made sure to account for this balance. The health reform law required insurance companies to cover preventive health benefits without copays, and we asked the Institute of Medicine to study which preventive health benefits should be included. Last summer, the IOM—the Institute of Medicine—recommended to the Department of Health and Human Services that contraceptives should be covered, along with cancer screening, screening for domestic violence, and many other services that have been shown to improve women's health.

A number of religious institutions objected to being required to cover contraceptive services as a preventive health benefit for their employees. President Obama heeded their concerns, and he created an exception for churches and other religious institutions. The President went even further by saying that religiously affiliated organizations will not have to pay for contraceptive coverage for their employees. I will say that again. A religiously affiliated, nonprofit employer will not have to pay for contraceptives for their employees—and that was applauded by a lot of Catholic groups, for example—but the employees would have the right to contraception, to exercise their religious rights. And very often, contraception is used as a medical preventive—I think 15 percent of all use of contraception is to prevent maladies women have.

I believe all Americans should be able to freely and fully practice their religious beliefs to the extent their practice does not infringe on the freedom of others. I believe this freedom is at the heart of our society in America.

I applaud the President for finding a solution that protects religious freedoms while also providing health care to nearly all women. However, my friend Senator BLUNT, with whom I am actually working on a separate transportation amendment, has filed a nongermane amendment that goes much further than the President's accommodation of religious employers.

His amendment says that any employer or health insurer could opt out of any essential benefit or preventive service required by the Affordable Care Act. All they have to do is say that their objection is on religious or moral grounds. This amendment would upend how our entire insurance system works. It would allow any employer to opt out of covering any health care service guaranteed to Americans by the Affordable Care Act. This is an unprecedented proposal, one that could change the structure of health care in our country much for the worse.

The President found a balanced approach that maintains women's access to health care, while allowing religiously affiliated organizations to opt out of paying for it. On the other hand, Senator BLUNT's amendment would allow employers to prohibit health plans from providing preventive health services guaranteed by the Affordable Care Act. For example, under this amendment, an employer could object to covering vaccines for children. There are people in this country—I am sure many of them are employers—who have a moral objection to vaccines, so the plan would not be required to cover it or an employer could choose not to allow an insurer to cover maternity care for a single woman. There are people with moral objections to people having children outside marriage. So the woman would have to pay for her prenatal care and her maternity care out of pocket, if the employer just says: Oh, nope. I have a moral problem with that.

Of course, Senator BLUNT's amendment ignores the religious freedom of women to be able to access contraceptives. The President's accommodation a couple weeks ago protected the religious freedom of religious organizations, while also protecting the religious freedom of the women who are their employees. Remember, the employees have religious freedom too.

The Blunt amendment violates the freedom of women to receive the kind of scientifically proven health care that she chooses—she chooses. This proposal does not simply put women's access to birth control in the hands of their employers, it does not simply allow politics to get between women and their doctors, it changes the way health care is provided in our country. It violates a core belief in our society that our religious decisions are our own and that each of us, every woman and man in our society, has the right to make decisions about our own health for ourselves and for our families.

Over the last decade, we have seen proposal after proposal that would politicize the decisions that women make with their doctors. Now we are seeing an all-out attack on women's rights to protect their health by using contraceptives, something that almost all women in this country use at some point in their lives. These women choose to do that. It conforms with their own beliefs about what is best for them.

I think we all believe, or almost all of us believe that women should have that right. This seems to be a clear case of one person's religious beliefs impinging on the rights of others. It is a deeply worrying case of one person's hand meeting another's face.

I rise to urge my colleagues to fight back against these assaults. I urge my friends on both sides of the aisle to think about this, to respect the decisions that each woman makes about her health care, to protect each woman's religious freedom, her liberty, and to oppose Senator BLUNT's amendment to undermine this basic freedom.

I yield the floor and 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. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DENTAL CRISIS IN AMERICA

Mr. SANDERS. Madam President, I am here for Senator BOXER, in terms of the Transportation bill, but before I get into transportation, I wanted to say a word on another issue that does not get the attention it deserves, and that is why, as chairman of the Subcommittee on Primary Health Care, I will be holding a hearing on the dental crisis in America.

As I think many Americans know—although they do not hear a whole lot about it—we as a Nation are in the midst of a very severe dental crisis. More than 47 million Americans live in places where it is difficult to get dental care. About 17 million low-income children received no dental care in 2009. One quarter of adults in the United States ages 65 or older have lost all of their teeth. Low-income adults are almost twice as likely as higher income adults to have gone without a dental checkup in the previous year.

I should tell you that bad dental health impacts overall health care. When you talk about dental care, you are talking about health care in general. If people have bad teeth or no teeth, they are unable to digest their food, which causes digestive problems. People who have poor teeth can get infections leading to very serious health problems. And, in fact, there are instances where people have actually died because of poor teeth and infections. Furthermore, the risk for diabetes, heart disease, and poor birth outcomes are also significant if people are not having their teeth well maintained.

Since 2006, there were over 830,000 visits to emergency rooms across the country because we have a lot of low-income people who are in severe pain and they can't find a dentist. So they go into an emergency room, and I suspect maybe they get their tooth extracted or get some pain killer. But that is certainly not an adequate substitute for providing the dental care that all Americans need.

Almost 60 percent of children ages 5 to 17 have cavities, making tooth decay 5 times more common than asthma among children of this age. In fact, as I understand it, the single most prevalent reason for children being absent from school is, in fact, dental problems.

In the midst of the severe need for more dentists, what is happening is our dentists in our dental communities are becoming older and many of them are retiring. In fact, we need a lot more new dentists to replace those who are retiring. The sad truth is that more dentists retire each year than there are dental school graduates to replace them.

One of the other problems we are facing is that only 20 percent of the Nation's practicing dentists provide care

to people with Medicaid. So that is a serious problem. We need more dentists but, equally important, we need to make sure that dentists are providing service to the people who need it the most. And one of the sad realities of contemporary dental life is that only 20 percent of the Nation's practicing dentists provide care to people who are on Medicaid, and only an extremely small percentage devote a substantial part of their practice to caring for those who are underserved.

The current access problem is exacerbated by the fact that private practices are often located in middle-class and wealthy suburbs. What we need is to bring dentists into those areas where people need dental care the most. That is certainly something we need to do.

Further, we need to expand Medicaid and other dental insurance coverage. One-third of Americans do not have dental coverage. Traditional Medicare for seniors does not cover dental services. States can choose whether their Medicaid Programs provide coverage for dental care for adults, and the truth is many of them do not.

Let me give some good news, though, in terms of where we are making some progress. Recently—and I have been active in this effort—there has been an expansion of federally qualified community health centers. Community health centers provide health and dental care to anybody in the area regardless of their ability to pay. We now have a situation where community health centers are providing dental services to over 3½ million people across the country.

I am happy to say in the State of Vermont, in recent years, we have seen a very significant increase not only in community health centers in general but in community health centers that are providing state-of-the-art dental care. We have beautiful new facilities located in Richford, in the northern part of our State; in Plainfield, VT, in the central part of our State; and in Rutland. Burlington is just developing a beautiful new dental facility.

Furthermore, one of the areas where I think we are seeing some progress not only in Vermont but around the country—and which I think has huge potential—is putting dental offices right in schools. I know in Burlington, VT, we helped bring that about some years ago, and we have kids from all over the city of Burlington getting their dental care at one particular school. It is working phenomenally well, and we have similar programs in Bennington and Richford.

I did want to mention that I think the time is now for the Congress to begin addressing this issue. One of the things I have done recently on my Web site—which is sanders.senate.gov—I have asked people in Vermont and all over the country to tell us their stories in terms of what happens if they do not or if members of their family don't have access to dental care. We have received more than 1,200 stories from Vermont and all over this country. Those stories are heartbreaking because they tell the tales of people who are suffering every day because they simply don't have the money to go to a dentist to take care of their dental needs. These are parents who are worried about their kids and pointing out how hard it is to find affordable dental care in their communities. So if people want to write my office, they can go to my Web site, sanders.senate.gov, and we would love to hear from them. Because I think there are a lot of stories out there that are not being told.

What I wish to do now is to read from a publication that we have just produced called ''Dental Crisis in America: The Need to Expand Access.'' This will be distributed and released tomorrow at our hearing, but I did want to read a few stories which I think speak to the experience that a whole lot of people from one end of this country to the other are having regarding lack of access to dental care.

This is from a woman named Heather Getty, who lives in East Fairfield, VT, in the northern part of our State. This is what she says:

My husband and I and our four kids are the working poor. We have to think about rent and electricity before we think about dental care. My wisdom teeth have been a problem for over a decade now. I take ibuprofen and just keep on going. My husband has not seen a dentist since he was a teenager. He's afraid of the costs if they find something. So it's been 20 years. Because of Vermont's Dr. Dynasaur program, at least my children have been lucky enough to have regular cleanings, but I have to comb through the Yellow Pages to find an office who will accept their coverage. One time I missed an appointment because my car broke down, and when I called to reschedule, they told me that we had been blacklisted and that no one from my family could be seen by that office again. We've learned over the years how important dental care is. If you get preventive care early, you are less likely to have problems later on.

That is from Heather Getty in East Fairfield, VT.

Let me read a statement from Shawn Jones in Brattleboro, VT.

Last year, I had a toothache that was so painful, I had trouble eating and sleeping. My girlfriend is also covered by Medicaid so I called her dentist, but they wouldn't see me. So I called 12 more dentists in the area, but they all said the same thing: They weren't taking new Medicaid patients. A few said to call back in three months, which seems like a long time to live with a bad toothache. Finally, someone from Office of Vermont Health Access helped me get an emergency voucher to get my tooth pulled. I'm just grateful that my girlfriend had a car to get me there.

That is just a couple of the statements that came from Vermont, and in fact from all over the country. But let me read a statement from Dr. David Nash, who is the William R. Willard Professor of Dental Education, Professor of Pediatric Dentistry, College of Dentistry, University of Kentucky in Lexington. Dr. Nash writes:

Society has granted the profession of dentistry the exclusive right and privilege of caring for the oral health of the nation's children. Unfortunately, the dental delivery system in place today does not provide adequate access to care for our children. In many instances it is because few dentists will accept Medicaid payments. In other countries of the world, children's oral health is cared for by dental therapists, primarily in school-based programs. This results in an overwhelming majority of children being able to receive care. Dental therapists as utilized internationally do not create a two-tiered system of care. They have extensive training in caring for children, significantly more than the typical graduate of our nation's dental schools. International research supports the high quality of care dental therapists provide. The time has arrived for the United States to develop a new workforce model to care for our children's oral health.

What Dr. Nash is talking about is another issue we will be discussing tomorrow in the hearing; that is, it is clear from international studies and, in fact, from some States in the United States that there are well-trained people who can take care of certain types of dental problems who are not dentists. I think that is an area we need to explore—how can we expand the dental profession to include people who do not graduate dental school but who have the qualifications to take care of a variety of dental problems?

Let me read another story that comes from Vermont regarding what happens if you don't have dental care. It is from Kiah Morris from Bennington, VT.

When I was pregnant, I had a tooth infection that had gotten into my lymph nodes and I needed a root canal, but adult Medicaid has a $495 cap, which wasn't enough. Dental care shouldn't be a luxury.

What she is saying is that in Vermont and in many other States where you do have Medicaid helping out for dental care for low-income people, there is often a cap, and that cap is much too low to provide the services many folks need.

So the bottom line is that we have a crisis in terms of access to dental care in this country. We lag behind many other countries around the world in that regard. We have many people who have no dental insurance at all. Some who do have dental insurance, such as my family, have very limited coverage—I think it is about $1,000 a year. Meanwhile, the cost of dental care is sky-high, and we are also going to explore why that is so. I am not sure I understand or many people understand why dental care is as expensive as it is. What I do know is that there is a city in northern Mexico whose function in life is to provide dental care for Americans who go down below the border because they can't afford dental care in this country.

There is a serious problem. People don't have dental insurance. Low-income people don't have access to dental care. We have many dentists out there who are not accepting Medicaid patients or, if they are accepting Medicaid patients, they are accepting very few of them.

The population of our dentists in general is getting older, and we are losing more of them to retirement than we are seeing graduates of dental school. Even the dentists who are graduating are often not migrating to the areas where we need them the most. Many dentists are involved in making our teeth white and shiny and our smiles very beautiful, but meanwhile in those communities there are people who are seeing the teeth in their mouth rot away, there are kids who have dental problems, and they are not getting the treatment they need.

I hope that tomorrow at the hearing we are going to bring forth some great panelists. We will be talking about the issue. I intend, as soon as we can, to introduce comprehensive legislation to make sure every person in this country has access to affordable and decent-quality dental care.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SANDERS. Mr. President, we are debating the Transportation bill, so let me say a few words about transportation.

I think everybody in this country—or at least anybody who gets into an automobile and drives around—understands that we have a major infrastructural crisis in this country and that it is becoming more dire each passing year.

The American Society of Civil Engineers has reported that we should be investing $2.2 trillion over the next 5 years simply to get our roads, bridges, transit, and aviation to a passable condition. This is more than eight times the annual rate of spending proposed in the bill under consideration.

The first point I think we should acknowledge is that the legislation before us, which I support and which is significantly a step forward, is a very modest proposal going nowhere near as far as we should be going.

Clearly, I see when I go home to Vermont, and I am sure you see when you go home to Pennsylvania, the very apparent infrastructural needs we as a nation face. In my State of Vermont, just under one-third of Vermont's bridges are structurally deficient or functionally obsolete. About one-third of Vermont's bridges are structurally deficient or functionally obsolete. Thirty-six percent of our Federal aid roads are in need of major repairs. In fact, a recent national report ranked Vermont's rural roads as the worst in the Nation, and that was before the very terrible storm we experienced, Tropical Storm Irene, which caused hundreds of millions of additional dollars of damage to our roads.

I think the point here is not a complicated point. I was a mayor for 8 years, and I had to deal with the roads and the water system in the city of Burlington, and I think I speak for every mayor in the world when I tell you that infrastructure does not get better all by itself. I think we can all agree that if you do nothing, if you do not invest in repairs, it is just not going to get better. In fact, it will get worse.

It is really dumb that we as a nation end up spending a lot more money than we should in repairing our roads and bridges and water systems because we don't adequately fund maintenance. If you keep up good repair, it will end up costing you less money. If you ignore them and they deteriorate and you need to massively rebuild them, it ends up being a much more expensive proposition.

So as a nation what we should be doing is properly maintaining our infrastructure, investing a certain sum every single year. And I should tell you that compared to the rest of the world, we do not do a particularly good job of that. Right now, the United States invests just 2.4 percent of our GDP on infrastructure. Europe invests twice that amount, and China invests almost four times our rate. Roughly 9 percent of their GDP goes to infrastructure. So in terms of our own needs, we are falling behind. Internationally, other countries are doing a lot better than we are.

Equally important is that we are in the midst of the worst economic downturn since the Great Depression. If you look at those people who have given up looking for work, those people who are working part time or want to work full time, real unemployment in this country is not just the official 8.2 percent, it is closer to 15 percent. And what economists tell us is that if we are serious about creating jobs, investing in infrastructure is probably the best way to do that. It is the easiest way to create meaningful, decent-paying jobs. For every $1 billion of Federal funds spent, we can create or maintain nearly 35,000 jobs. Given the economic crisis we face, that is exactly what we should be doing.

In addition to preserving more than 1.8 million jobs, the legislation we are dealing with today, which is being presented by Senators BOXER and INHOFE, will create up to 1 million new jobs by expanding the TIFIA Program—a measure championed by Chairperson BOXER. This is an extremely important issue. It is important for our productivity because when you have a crumbling infrastructure, productivity suffers. It is important in terms of international competition. It is important in terms of job creation. It is important in order to provide a basic need for millions of Americans.

People do not want to drive on roads which are falling apart, that have huge potholes. People want to make sure when they go over a bridge, that bridge will not collapse. People want to make sure we have a strong rail system, not a rail system which, in fact, is far behind those of Europe, Japan, and China.

This bill, while modest in terms of our needs, is a step forward. It is a bipartisan bill. I hope we can get to it and pass it as quickly as possible because the infrastructure needs of this country are great, and they must be addressed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SENATE YOUTH PROGRAM

Mr. REID. Mr. President, I rise today to honor the achievements of the U.S. Senate Youth Program, USSYP, an organization that has molded some of our Nation's brightest students to become the next generation of public servants.

This year marks 50 years of a commitment to educate and nurture talented young leaders interested in serving their communities. The USSYP hails from a strong family that valued bipartisanship and democratic lawmaking. William Randolph Hearst's sons, George R. Hearst and Randolph A. Hearst, envisioned this program and brought it to life with the collaboration of then-Senators Tom Kuchel, R–CA, Mike Mansfield, D–MT, Everett Dirksen, R–Ill., and Hubert Humphrey, D–MN.

The USSYP was created by S. Res. 324 in 1962 ''to increase young Americans' understanding of the interrelationships of the three branches of government, the caliber and responsibilities of federally elected and appointed officials, and the vital importance of democratic decision making not only for America but for people around the world.''

I would also like to commend the State departments of education across the country that select the outstanding students each year and the Department of Defense, which provides competitively selected military officers from every service branch to serve as guides and mentors to the students during the program. The Hearst Foundations have continued to administer and fund the program since inception, including college scholarships for each student given with the encouragement

to continue their studies in history and government.

This year, 104 impressive student delegates were selected because of their outstanding leadership abilities and volunteer work by the chief educational officer from each State to travel to Washington and serve as young ''senators'' from their respective States for 1 week. They will keep a busy schedule attending meetings and briefings with Senators and congressional staff, the President, a Justice of the Supreme Court, leaders of Cabinet agencies, an ambassador to the United States, and top members of the national media.

The USSYP has a proud roster of more than 5,000 alumni of the program who continue to use the skills they learned from their experience as delegates and many of whom have become public servants.

I am proud to serve as an honorary cochair of the program, and I send my best wishes to each of the students selected to represent their States during Washington Week. I especially send my sincere congratulations to the two Nevada delegates, Daniel Waqar of Las Vegas and Benjamin Link of Eureka.

ADDITIONAL STATEMENTS

REMEMBERING JUDGE ROGER J. MINER

● Mrs. GILLIBRAND. Mr. President, today I wish to honor a truly brilliant and dedicated jurist who served New York and the Nation as a public servant his entire life. On Saturday, February 18, 2012, I was heartbroken to learn that my mentor and friend, Judge Roger J. Miner, a U.S. Court of Appeals judge for the Second Circuit, passed away of natural causes in his home in Hudson, NY.

I was extremely fortunate to have had the privilege to work with Judge Miner as a law clerk, when he served in the Northern District of New York. I cherished his confidence and support in all my endeavors and I feel blessed to have been able to call him a personal friend and mentor. He not only taught me clear legal analysis, but also inspired me with his integrity, fairness, and great love of public service. I will always remember his generosity, kindness and great intellect that taught me so much.

Born in Hudson, Judge Miner received his bachelor's degree from State University of New York at Albany and his law degree from New York Law School with honors in 1956, where he served as managing editor of the Law Review.

Judge Miner was admitted to practice in New York and in the U.S. Court of Military Appeals in 1956. Serving on active military duty from 1956 to 1959, Judge Miner was awarded the Commendation Ribbon with Medal Pendant for his work on the revision of the Manual for Courts-Martial. He was admitted to the Bar of the Republic of Korea in 1958. Judge Miner later was honorably discharged in October 1964 with the rank of captain in the Judge Advocate General's Corps, in the U.S. Army Reserve.

Judge Miner wrote Ohio State Law Journal Volume 67 in 2006 where he describes his defense of a person he believes to be the last civilian tried by court martial. The trial was conducted in Korea in 1958 during Judge Miner's service as an officer in the Judge Advocate General's Corps of the U.S. Army. Although a challenge to the jurisdiction of the court martial was rejected and the civilian defendant's conviction was set aside for another reason at trial—the Supreme Court ultimately decided that courts-martial have no jurisdiction over civilians. This development also led to the passage of the Military Extraterritorial Jurisdiction Act to allow for prosecution in U.S. District Courts of civilians employed by or accompanying the Armed Forces overseas.

After leaving active duty, he returned to Hudson, NY, to practice law with his father, and served as the city's corporation counsel from 1961 to 1964.

Judge Miner served as an assistant district attorney of Columbia County, and soon after became district attorney of Columbia County until 1975. The following year, he was elected as justice of the New York State Supreme Court, Third Judicial District, where he served for five years.

Judge Miner was nominated in 1981 by President Ronald Reagan to the U.S. District Court for the Northern District of New York. In 1985, President Reagan promoted Judge Miner to the U.S. Court of Appeals for the Second Circuit, where he served for nearly three decades.

Judge Miner was one of three finalists considered to fill a seat on the U.S. Supreme Court in the late 1980s, but ultimately was not nominated because he openly supported a woman's right to choose. As his wife Jacqueline has recalled she urged him to lie and say he was opposed to choice. He said, ''My reputation is too big a price to pay for a seat on the U.S. Supreme Court.'' This is an example of one of the many courageous choices he made throughout his life, where he put his integrity and what was right ahead of personal ambition or political expediency.

Judge Miner was an adjunct professor for his alma mater, New York Law School, and for Albany Law School. He also served as a member of the board of trustees of the Practicing Law Institute. He held honorary degrees from New York Law School, Albany Law School, and Syracuse University.

Judge Miner is survived by his wonderful wife of 36 years Jacqueline, four sons, Larry, Ronald, Ralph, and Mark; his brother Lance, six grandchildren, a nephew and a niece, and his extended family. My thoughts and prayers are with his family.

Mr. President, I ask all members of this esteemed body to join me as we honor the life and legacy of Judge Roger J. Miner. Our country has lost a great leader, and a fine jurist who will be deeply missed in New York and across the Nation.●

RECOGNIZING ARKANSAS CHILDREN'S HOSPITAL CENTENNIAL

● Mr. PRYOR. Mr. President, it is my distinct honor and privilege to recognize the work of Arkansas Children's Hospital, ACH, on the occasion of its centennial celebration. Founded in 1912, ACH has been at the forefront of pediatric medicine in Arkansas and across the Nation for the last century. Friends and supporters of ACH will gather on March 5, 2012, to celebrate 100 years of ACH history and care to the children of Arkansas, and I join with them in congratulating Arkansas Children's Hospital on its 100th birthday.

Designed originally to serve as an orphanage for the underprivileged children in Arkansas, the Arkansas Children's Home Society was established on March 2, 1912, with a mission to provide and care for the neediest children in Arkansas. Dr. Orlando P. Christian became the first superintendent of the society and soon laid out a vision to build a children's hospital. Kicking off a fundraising campaign for the new hospital in 1919, Dr. Christian stirred attendees with a moving speech and concluded by asking, ''The question is no longer what shall we do, but how and when shall we begin our task?''

It took only 7 years for this goal to become a reality when the hospital opened on March 9, 1926, with only two beds but a fully equipped operating room. In the years following, Arkansas Children's Home and Hospital, as it was then known, would face various challenges and triumphs as it continued to add new facilities and services in support of its mission. When Dr. Christian retired in 1933, Mrs. Ruth Olive Beall became the new superintendent. Her 27-year tenure brought the facility through the difficulties of the Great Depression and World War II and saw the institution formally become Arkansas Children's Hospital.

The Burn Center opened in 1953 and continues to be the only center of its kind in the State, treating over 2,000 adults and children every year. The Heart Center at ACH is one of the premier centers in the country. In 2011, doctors at the Heart Center performed an astonishing total of 31 heart transplants, bringing new life and hope to dozens of children and families. In an effort to expand medical care across the State, ACH added a helicopter to its transport services in 1985. Now, more than 1,200 children each year are brought safely to ACH through the Angel One transport helicopters. This addition had a significant impact on the State's infant mortality rate and continues to provide children across the State expanded access to the excellent medical care at Arkansas Children's Hospital. As they like to say,

''Arkansas Children's Hospital and Angel One are dedicated to providing Care, Love and Hope . . . at 180 miles per hour.''

With each passing year, ACH continues to reinvent itself and add vital services necessary for the care of its patients. This summer, the new South Wing will give ACH its largest expansion to date, with a brandnew ER, NICU, Cardiovascular Intensive Care Unit, and multiple new clinic spaces. This wing will bring ACH to a total of 370 patient rooms. For a facility that started with only two beds, Dr. Christian would be proud of the century of progress made at Arkansas Children's Hospital.

Mr. President, when the original orphanage was established in 1912, it had a simple mission: to provide and care for the neediest children in Arkansas. A century later, Arkansas Children's Hospital continues to hold fast to that mission and provide world-class care to every child, without regard to the family's ability to pay. I am proud of the work ACH and its staff does for the children in Arkansas and across our Nation. My State is truly blessed to have such great care, and I am excited to see the ways this institution will continue to expand in the years to come. I ask my colleagues to join me today in congratulating Arkansas Children's Hospital on 100 years of service in Arkansas and in wishing ACH another 100 years of success.●

PRESIDENTIAL POLICY DIRECTIVE ESTABLISHING PROCEDURES TO IMPLEMENT SECTION 1022 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Attached is the text of a Presidential Policy Directive establishing procedures to implement section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) (the ''Act''), which I hereby submit to the Congress, as required under section 1022(c)(1) of the Act. The Directive also includes a written certification that it is in the national security interests of the United States to waive the requirements of section 1022(a)(1) of the Act with respect to certain categories of individuals, which I hereby submit to the Congress in accordance with section 1022(a)(4) of the Act.

BARACK OBAMA.

THE WHITE HOUSE, *February 28, 2012*.

MESSAGE FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1173. An act to repeal the CLASS program.

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–5083. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Redesignation of the BioPreferred Program'' (RIN0503–AA41) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5084. A communication from the Secretary of the Commission, Division of Enforcement, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Business Conduct Standards for Swap Dealers and Major Swap Participants With Counterparties'' (RIN3038–AC25) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5085. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyroxasulfone; Pesticide Tolerances'' (FRL No. 9334–2) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5086. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–018, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–5087. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled ''Mitigation of Power Outage Risks for Department of Defense Facilities and Activities''; to the Committee on Armed Services.

EC–5088. A communication from the Secretary of the Army, transmitting, pursuant to law, a report entitled ''Army Fisher House Program Fiscal Year 2011 Annual Report to Congress''; to the Committee on Armed Services.

EC–5089. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the modernization priority assessments provided by the Chiefs of the Reserve and National Guard components; to the Committee on Armed Services.

EC–5090. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard P. Zahner, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5091. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5092. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2010 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–5093. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Extension of the Department of Defense Mentor-Protege Pilot Program'' ((RIN0750–AH59) (DFARS Case 2012–D024)) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Armed Services.

EC–5094. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Extension of the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans'' ((RIN0750–AH60) (DFARS Case 2012–D026)) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Armed Services.

EC–5095. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Revision 8'' (RIN3150–AJ05) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5096. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Thermal Overload Protection for Electric Motors on Motor Operated Valves'' (Regulatory Guide 1.106, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5097. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status and Designations of Critical Habitat for Spikedace and Loach Minnow'' (RIN1018–AX17) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Environment and Public Works.

EC–5098. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Rayed Bean and Snuffbox Mussels Throughout Their Ranges'' (RIN1018–AV96) received during adjournment

of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Environment and Public Works.

EC–5099. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reissuance of Interim Special Rule for the Polar Bear'' (RIN1018–AY34) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Environment and Public Works.

EC–5100. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates'' (RIN0648–BB09) received in the Office of the President of the Senate on February 17, 2012; to the Committee on Environment and Public Works.

EC–5101. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the construction of navigation improvements for the Sabine-Neches Waterway (SNWW) channel in Southeast Texas and Southwest Louisiana; to the Committee on Environment and Public Works.

EC–5102. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arkansas; Regional Haze State Implementation Plan; Interstate Transport State Implementation Plan to Address Pollution Affecting Visibility and Regional Haze'' (FRL No. 9637–4) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5103. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for 1997 8-hour Ozone Standards'' (FRL No. 9624–5) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5104. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 8-hour Ozone Standards'' (FRL No. 9624–6) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5105. 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; District of Columbia, Maryland, and Virginia; Determinations of Attainment of the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Washington, DC–MD–VA 8-Hour Ozone Moderate Nonattainment Area'' (FRL No. 9634–6) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5106. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Rule: MOVES Regional Grace Period Extension'' (FRL No. 9636–5) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5107. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Idaho: Final Approval of State Underground Storage Tank Program'' (FRL No. 9640–1) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5108. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision'' (FRL No. 9635–6) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5109. 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; State of Nevada, Nevada Division of Environmental Protection'' (FRL No. 9635–7) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5110. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9634–3) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5111. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration; Greenhouse Gases-Automatic Rescission Provisions'' (FRL No. 9636–8) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5112. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 9634–8) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5113. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Marine Sanitation Devices (MSDs): Regulation to Establish a No Discharge Zone (NDZ) for California State Marine Waters'' (FRL No. 9633–9) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5114. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Enhanced Inspection and Maintenance Program'' (FRL No. 9635–4) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2012; to the Committee on Environment and Public Works.

EC–5115. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Hawaii State Implementation Plan'' (FRL No. 9634–1) received during adjournment of the Senate in the Office of the President of the Senate on February 21 , 2012; to the Committee on Environment and Public Works.

EC–5116. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Hazardous Substances; Designation, Reportable Quantities, and Notification'' (FRL No . 9635–9) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Environment and Public Works.

EC–5117. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone'' (FRL No. 9631–8) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Environment and Public Works.

EC–5118. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone: Part II'' (FRL No. 9632–8) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Environment and Public Works.

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 Mrs. MURRAY (for herself and Ms. MIKULSKI):

S. 2135. A bill to amend the Child Care and Development Block Grant Act of 1990 to authorize a national toll-free hotline and website, to develop and disseminate child care consumer education information for parents and to help parents access child care in their community, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 2136. A bill to increase the maximum amount of leverage permitted under title III of the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. BOXER:

S. 2137. A bill to prohibit the issuance of a waiver for commissioning or enlistment in

the Armed Forces for any individual convicted of a felony sexual offense; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 381. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 91

At the request of Mr. WICKER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 277

At the request of Mr. BURR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 277, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1002

At the request of Mr. SCHUMER, the names of the Senator from Utah (Mr. LEE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1297

At the request of Mr. BURR, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1297, a bill to preserve State and institutional authority relating to State authorization and the definition of credit hour.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1755

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Alaska (Mr. BEGICH) 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. 1990

At the request of Mr. COBURN, his name was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2065

At the request of Mr. KYL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2065, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 1549

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 1549 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1613

At the request of Mr. BEGICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1613 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1666

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of amendment No. 1666 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1736

At the request of Mr. PORTMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. COATS) were added as cosponsors of amendment No. 1736 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 381—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 381

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 20, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1742. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1743. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1744. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. FRANKEN, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1745. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1746. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1747. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1748. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1749. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1750. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1742. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15____. NONHIGHWAY USES IN REST AREAS.

(a) IN GENERAL.—A State may permit any nonhighway use in any rest area along any highway (as defined in section 101 of title 23, United States Code), including any commercial activity that does not impair the highway or interfere with the full use and safety of the highway.

(b) PRIVATE PARTIES.—A State may permit any private party to carry out a nonhighway use described in subsection (a).

(c) REVENUES GENERATED BY NONHIGHWAY USES.—A State may use any revenues generated by a nonhighway use described in subsection (a) to carry out any project (as defined in section 101 of title 23, United States Code).

SA 1743. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 813, strike line 1 and all that follows through page 816, line 23.

SA 1744. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. FRANKEN, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2012'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 1745. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike titles II and III of division D and insert the following:

TITLE II—REVENUE PROVISIONS

SEC. 40201. TRANSFER FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Amounts'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts'', and

(2) by adding at the end the following new paragraph:

''(2) TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated $3,000,000,000 to be transferred under section 9503(f)(3) to the Highway Trust Fund.''.

(b) TRANSFER TO HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(2).''.

(2) CONFORMING AMENDMENTS.—Paragraph (4) of section 9503(f) of such Code is amended—

(A) by inserting ''or transferred'' after ''appropriated'', and

(B) by striking ''APPROPRIATED'' in the heading thereof.

SEC. 40202. PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE TRANSFERRED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

''(3) PORTION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to one-third of the taxes received in the Treasury under—

''(A) section 4041(d) (relating to additional taxes on motor fuels),

''(B) section 4081 (relating to tax on gasoline, diesel fuel, and kerosene) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section, and

''(C) section 4042 (relating to tax on fuel used in commercial transportation on inland waterways) to the extent attributable to the Leaking Underground Storage Tank Trust Fund financing rate under such section.

For purposes of this paragraph, there shall not be taken into account the taxes imposed by sections 4041 and 4081 on diesel fuel sold for use or used as fuel in a diesel-powered boat.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraphs (1), (2), and (3) of section 9508(b) of the Internal Revenue Code of 1986 are each amended by inserting ''two-thirds of the'' before ''taxes''.

(2) Paragraph (4) of section 9503(b) of such Code is amended by striking subparagraphs (A) and (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes received after the date of the enactment of this Act.

SEC. 40203. INTERNAL REVENUE SERVICE LEVIES AND THRIFT SAVINGS PLAN ACCOUNTS.

Section 8437(e)(3) of title 5, United States Code, is amended by inserting '', the enforcement of a Federal tax levy as provided in section 6331 of the Internal Revenue Code of 1986,'' after ''(42 U.S.C. 659)''.

SEC. 40204. RESCISSION OF FUNDS FOR THE ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

Effective on the date of enactment of this Act, there are rescinded all unobligated balances of the amounts made available for the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

SEC. 40205. RESCISSION OF UNSPENT FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds on the date of enactment of this Act, there are rescinded such amounts as are equal to the difference between—

(1) the amounts necessary to carry out this Act; and

(2) the total amount of offsets provided by this title (other than this section) and division E.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine and identify—

(A) from which appropriation accounts the rescission under subsection (a) shall be made; and

(B) the amount of such rescission that shall be made to each account identified under subparagraph (A).

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under paragraph (1).

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense, the Department of Homeland Security, or the Department of Veterans Affairs.

SEC. 40206. DEPOSIT IN HIGHWAY TRUST FUND.

There shall be deposited in the Highway Trust Fund–

(1) any amounts rescinded under this title; and

(2) any amounts collected by the United States under this title or division E (including an amendment made by this title or division E).

DIVISION E—ENERGY DEVELOPMENT

TITLE I—EXPANDING OFFSHORE ENERGY DEVELOPMENT

SEC. 51001. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales including—

''(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(B) In this paragraph the term 'available unleased acreage' means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

''(6)(A) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that—

''(i) are estimated to contain more than 2,500,000,000 barrels of oil; or

''(ii) are estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.

''(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'.''.

SEC. 51002. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(b)) is amended to read as follows:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, and subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program. Such goal shall be—

''(A) the best estimate of the possible increase in domestic production of oil and natural gas from the outer Continental Shelf;

''(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

''(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) no less than 3,000,000 barrels in the amount of oil produced per day; and

''(B) no less than 10,000,000,000 cubic feet in the amount of natural gas produced per day.

''(3) REPORTING.—The Secretary shall report annually, beginning at the end of the 5-year period for which the program applies, to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of the program in meeting the production goal. The Secretary shall identify in the report projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.''.

TITLE II—CONDUCTING PROMPT OFFSHORE LEASE SALES

SEC. 52001. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary of the Interior shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than 4 months after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 52002. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through fiscal year 2017 5 Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than one year after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

SEC. 52003. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337) as soon as practicable, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan and the Multi-Sale Environmental Impact Statement are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 52004. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) ADDITIONAL LEASE SALES.—In addition to lease sales in accordance with a leasing program in effect under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.''.

SEC. 52005. DEFINITIONS.

In this title:

(1) The term ''Environmental Impact Statement for the 2007–2012 5 Year OUTER CONTINENTAL SHELF Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) The term ''Multi-Sale Environmental Impact Statement'' means the Environmental Impact Statement for Proposed Western Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico OUTER CONTINENTAL SHELF Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) The term ''Secretary'' means the Secretary of the Interior.

TITLE III—LEASING IN NEW OFFSHORE AREAS

SEC. 53001. LEASING IN THE EASTERN GULF OF MEXICO.

Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3003) is repealed.

SEC. 53002. LEASING OFFSHORE OF TERRITORIES OF THE UNITED STATES.

Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended, by inserting after ''control'' the following: ''or lying within the United States' exclusive economic zone and the Continental Shelf adjacent to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, or the other territories of the United States''.

TITLE IV—OUTER CONTINENTAL SHELF REVENUE SHARING

SEC. 54001. DISPOSITION OF OUTER CONTINENTAL SHELF REVENUES.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) in the existing text—

(A) in the first sentence, by striking ''All rentals,'' and inserting the following:

''(c) DISPOSITION OF REVENUE UNDER OLD LEASES.—All rentals,''; and

(B) in subsection (c) (as designated by the amendment made by subparagraph (A) of this paragraph), by striking ''for the period from June 5, 1950, to date, and thereafter'' and inserting ''in the period beginning June 5, 1950, and ending on the date of enactment of the Moving Ahead for Progress in the 21st Century Act'';

(2) by adding after subsection (c) (as so designated) the following:

''(d) NEW LEASING REVENUES DEFINED.—In this section the term 'new leasing revenues' means amounts received by the United States as bonuses, rents, and royalties under leases for oil and gas, wind, tidal, or other energy exploration, development, and production that are awarded under this Act after the date of enactment of the Moving Ahead for Progress in the 21st Century Act.''; and

(3) by inserting before subsection (c) (as so designated) the following:

''(a) PAYMENT OF NEW LEASING REVENUES TO COASTAL STATES, GENERALLY.—

''(1) IN GENERAL.—Of the amount of new leasing revenues received by the United States each fiscal year that is described in paragraph (2), 37.5 percent shall be allocated and paid in accordance with subsection (b) to coastal States that are affected States with respect to the leases under which those revenues are received by the United States.

''(2) PHASE-IN.—The amount of new leasing revenues referred to in paragraph (1) is the sum determined by adding—

''(A) 35 percent of new leasing revenues received by the United States in the fiscal year under—

''(i) leases awarded under the first leasing program under section 18(a) that takes effect after the date of enactment of the Moving Ahead for Progress in the 21st Century Act; and

''(ii) other leases issued as a result of the enactment of that Act;

''(B) 70 percent of new leasing revenues received by the United States in the fiscal year under leases awarded under the second such leasing program; and

''(C) 100 percent of new leasing revenues received by the United States under leases awarded under the third such leasing program or any such leasing program taking effect thereafter.

''(b) ALLOCATION OF PAYMENTS TO COASTAL STATES.—

''(1) IN GENERAL.—The amount of new leasing revenues received by the United States with respect to a leased tract that are required to be paid to coastal States in accordance with this subsection each fiscal year shall be allocated among and paid to such States that are within 200 miles of the leased tract, in amounts that are inversely proportional to the respective distances between the point on the coastline of each such State that is closest to the geographic center of the lease tract, as determined by the Secretary.

''(2) MINIMUM AND MAXIMUM ALLOCATION.—The amount allocated to a coastal State under paragraph (1) each fiscal year with respect to a leased tract shall be—

''(A) in the case of a coastal State that is the nearest State to the geographic center of the leased tract, not less than 25 percent of the total amounts allocated with respect to the leased tract; and

''(B) in the case of any other coastal State, not less than 10 percent, and not more than 15 percent, of the total amounts allocated with respect to the leased tract.

''(3) ADMINISTRATION.—Amounts allocated to a coastal State under this subsection—

''(A) shall be available to the State without further appropriation;

''(B) shall remain available until expended; and

''(C) shall be in addition to any other amounts available to the State under this Act.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a coastal State may use funds allocated and paid to it under this subsection for any purpose as determined by State law.

''(B) RESTRICTION ON USE FOR MATCHING.—Funds allocated and paid to a coastal State under this subsection may not be used as matching funds for any other Federal program.''.

TITLE V—COASTAL PLAIN

SEC. 55001. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) PEER REVIEWED.—The term ''peer reviewed'' means reviewed—

(A) by individuals chosen by the National Academy of Sciences with no contractual relationship with or those who have an application for a grant or other funding pending with the Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(3) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 55002. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL OF EXISTING RESTRICTION.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities under this title, including

actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases tracts located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall, through a rule making conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under subsection (a) to reflect a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 55003. LEASE SALES.

(a) IN GENERAL.—Lands may be leased under this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation and no later than 180 days after the date of enactment of this title, establish procedures for—

(1) receipt and consideration of sealed nominations for any area of the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that such a system will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) SALE ACREAGES AND SCHEDULE.—

(1) The Secretary shall offer for lease under this title those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1).

(2) The Secretary shall offer for lease under this title no less than 50,000 acres for lease within 22 months after the date of the enactment of this Act.

(3) The Secretary shall offer for lease under this title no less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following offering under paragraph (2).

(4) The Secretary shall conduct four additional sales under the same terms and schedule no later than two years after the date of the last sale under paragraph (3), if sufficient interest in leasing exists to warrant, in the Secretary's judgment, the conduct of such sales.

(5) The Secretary shall evaluate the bids in each sale and issue leases resulting from such sales, within 90 days after the date of the completion of such sale.

SEC. 55004. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 55003 any lands to be leased on the Coastal Plain upon payment by the such bidder of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 55005. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued under this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 55002(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with this title and the regulations issued under this title.

SEC. 55006. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 55002, administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river systems; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 55007. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review—

(A) of any provision of this title shall be filed by not later than 1 year after the date of enactment of this Act; or

(B) of any action of the Secretary under this title shall be filed—

(i) except as provided in clause (ii), within the 90-day period beginning on the date of the action being challenged; or

(ii) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for their attorneys' fees and other court costs, including under any provision of law enacted by the Equal Access to Justice Act (5 U.S.C. 504 note).

SEC. 55008. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 50 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this title shall be deposited in the Treasury.

SEC. 55009. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas produced under leases under this title—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 55002(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 55010. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

TITLE VI—OIL SHALE AND TAR SANDS LEASING

SEC. 56001. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISION.

(a) REGULATIONS.—Notwithstanding any other law or regulation to the contrary, the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69,414) are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109–58), and the Secretary of the Interior shall implement those regulations, including the oil shale and tar sands leasing program authorized by the regulations, without any other administrative action necessary.

(b) AMENDMENTS TO RESOURCE MANAGEMENT PLANS AND RECORD OF DECISION.—Notwithstanding any other law or regulation to the contrary, the November 17, 2008 U.S. Bureau of Land Management Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement are deemed to satisfy all legal and procedural requirements under any law, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005 (Public Law 109–58), and the Secretary of the Interior shall implement the oil shale and tar sands leasing program authorized by the regulations referred to in subsection (a) in those areas covered by the resource management plans amended by such amendments, and covered by such record of decision, without any other administrative action necessary.

SEC. 56002. OIL SHALE AND TAR SANDS LEASING.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—The Secretary of the Interior shall hold a lease sale within 180 days after the date of enactment of this Act offering an additional 10 parcels for lease for research, development, and demonstration of oil shale or tar sands resources, under the terms offered in the solicitation of bids for such leases published on January 15, 2009 (74 Fed. Reg. 10).

(b) COMMERCIAL LEASE SALES.—No later than January 1, 2016, the Secretary of the Interior shall hold no less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or tar sands development, as determined by the Secretary, in areas nominated through public comment. Each lease sale shall be for an area of not less than 25,000 acres, and in multiple lease blocs.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—The Secretary of the Interior may temporarily reduce royalties, fees, rentals, bonus, or other payments for leases of Federal lands for the development and production of oil shale resources as necessary to incentivize and encourage development of such resources, if the Secretary determines that the royalties, fees, rentals, bonus bids, and other payments otherwise authorized by law are hindering production of such resources.

SA 1746. Mr. LEVIN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE _____—STOP TAX HAVEN ABUSE

SEC. _____. AUTHORIZING SPECIAL MEASURES AGAINST FOREIGN JURISDICTIONS, FINANCIAL INSTITUTIONS, AND OTHERS THAT IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

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

"§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or impede United States tax enforcement";

(2) in subsection (a), by striking the subsection heading and inserting the following:

''(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO IMPEDE UNITED STATES TAX ENFORCEMENT.—'';

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

''(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE IMPEDING UNITED STATES TAX ENFORCEMENT.—'';

(4) in subsection (a)(1), by inserting ''or is impeding United States tax enforcement'' after ''primary money laundering concern'';

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting ''in matters involving money laundering,'' before ''shall consult''; and

(ii) by striking ''and'' at the end;

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

(C) by inserting after subparagraph (A) the following:

''(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and'';

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting ''or to be impeding United States tax enforcement'' after ''primary money laundering concern'' each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

''(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

''(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

''(B) the authorization, approval, or use in the United States of a credit card, charge card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.''; and

(8) in subsection (c)(1), by inserting ''or is impeding United States tax enforcement'' after ''primary money laundering concern'';

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking ''bank secrecy or special regulatory advantages'' and inserting ''bank, tax, corporate, trust, or financial secrecy or regulatory advantages'';

(B) in clause (iii), by striking ''supervisory and counter-money'' and inserting ''supervisory, international tax enforcement, and counter-money'';

(C) in clause (v), by striking ''banking or secrecy'' and inserting ''banking, tax, or secrecy''; and

(D) in clause (vi), by inserting '', tax treaty, or tax information exchange agreement'' after ''treaty'';

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting ''or tax evasion'' after ''money laundering''; and

(B) in clause (iii), by inserting '', tax evasion,'' after ''money laundering''; and

(11) in subsection (d), by inserting ''involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement'' after ''such action''.

SA 1747. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, at the end, add the following:

SEC. 40313. TRANSFER OF ALL UNOBLIGATED FUNDS WITHIN THE ALTERNATIVE TECHNOLOGY VEHICLES MANUFACTURING (ATVM) LOAN GUARANTEE PROGRAM AT THE DEPARTMENT OF ENERGY INTO THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) TRANSFER OF ALL UNOBLIGATED FUNDS WITHIN THE ALTERNATIVE TECHNOLOGY VEHICLES MANUFACTURING (ATVM) LOAN GUARANTEE PROGRAM AT THE DEPARTMENT OF ENERGY INTO THE HIGHWAY TRUST FUND.—All unobligated funds within the Alternative Technology Vehicles Manufacturing (ATVM) loan guarantee program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) are rescinded on the date of the enactment of the Highway Investment, Job Creation, and Economic Growth Act of 2012 and out of money in the Treasury not otherwise appropriated, there are hereby appropriated to the Highway Trust Fund amounts equivalent to the amount of such rescission.''.

SEC. 40314. TRANSFER OF 1 PERCENT OF AMOUNTS ATTRIBUTABLE TO CUSTOMS DUTIES INTO THE HIGHWAY TRUST FUND.

Section 9503(b) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by adding at the end the following:

''(9) ADDITIONAL CUSTOMS DUTIES.—In addition to the amounts appropriated pursuant to paragraph (8), there are hereby appropriated to the Highway Trust Fund amounts equivalent to 1 percent of amounts received in the Treasury that are attributable to duties collected on or after the date of the enactment of the Highway Investment, Job Creation, and Economic Growth Act of 2012, on articles classified under all subheadings of the Harmonized Tariff Schedule of the United States other than subheadings 8703.22.00 and 8703.24.00.''.

TITLE IV—REAL PROPERTY

SEC. 40401. EXPEDITED DISPOSAL OF EXCESS FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) EXPEDITED DISPOSAL OF REAL PROPERTY.—The term 'expedited disposal of real property' means a sale of real property for cash that is conducted by public auction.

''(3) PROGRAM.—The term 'program' means the Federal Real Property Disposal Program established and carried out by the Administrator under this subchapter.

''§ 622. Federal Real Property Disposal Program

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish and carry out a program, to be known as the 'Federal Real Property Disposal Program', under which excess real property that is not meeting Federal Government needs may be disposed of through an expedited disposal of real property, in accordance with this subchapter.

''(b) CRITERIA FOR PROGRAM.—For purposes of this subchapter, the Administrator shall identify criteria for use in determining whether real property is not meeting Federal Government needs.

''(c) PROCEEDS REQUIREMENT.—For each fiscal year, beginning with fiscal year 2013, the Administrator shall dispose of real property generating proceeds of not less $3,000,000,000 under the program.

''§ 623. Selection of real properties

''(a) IN GENERAL.—The head of each executive agency shall recommend candidate disposition properties to the Administrator for participation in the program.

''(b) SELECTION.—After receiving recommendations for candidate disposition properties under subsection (a), the Administrator, consistent with the criteria established under section 622, shall—

''(1) select candidate properties for participation in the program; and

''(2) notify the recommending agency accordingly.

''§ 624. Expedited disposal requirements

''(a) FAIR MARKET VALUE REQUIREMENT.—

''(1) IN GENERAL.—Real property under the program may not be sold for less than the fair market value of the real property, as determined by the Administrator, in consultation with the head of the executive agency.

''(2) COSTS.—Costs associated with disposal may not exceed the fair market value of the property unless the Administrator approves incurring such costs.

''(b) MONETARY PROCEEDS REQUIREMENT.—

''(1) IN GENERAL.—Real property may be sold under the program only if the sale will generate monetary proceeds to the Federal Government, as provided in subsection (a).

''(2) PROHIBITION ON NONCASH TRANSACTIONS.—A disposal of real property under the program may not include any exchange, trade, transfer, acquisition of like-kind property, or other noncash transactions as part of the disposal.

''(c) LEASE BACK PROHIBITION.—Real property sold under the program may not be leased back to the Federal Government.

''(d) CONSTRUCTION.—Except as provided in subsection (e), nothing in this subchapter terminates or limits any authority that is otherwise available to agencies under other provisions of law to dispose of Federal real property.

''(e) EXPEDITED DISPOSAL OF REAL PROPERTY EXCEPTIONS.—Any expedited disposal of a real property conducted under this subchapter shall not be subject to—

''(1) subchapter IV;

''(2) sections 550 and 553;

''(3) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

''(4) any other provision of law authorizing the no-cost conveyance of real property owned by the Federal Government; or

''(5) any congressional notification requirement other than that in section 545.

''§ 625. Asset Proceeds and Space Management Fund

''(a) IN GENERAL.—There is established within the Federal Buildings Fund established under section 592 an account to be known as the 'Asset Proceeds and Space Management Fund', to be administered by the Administrator.

''(b) AMOUNTS IN FUND.—Notwithstanding section 3307, the following amounts shall be deposited in the Asset Proceeds and Space Management Fund and are appropriated and shall remain available until expended for the following specified purposes:

''(1) APPROPRIATED AMOUNTS.—Such amounts as are provided in appropriations Acts, to remain available until expended, for—

''(A) expedited disposal of property described in this subchapter;

''(B) the consolidation, colocation, exchange, redevelopment, and reconfiguration of space; and

''(C) other actions.

''(2) GROSS PROCEEDS.—

''(A) IN GENERAL.—Gross proceeds shall be divided between the general fund of the Treasury and the Asset Proceeds and Space Management Fund within the Federal Buildings Fund as described in subparagraph (B).

''(B) DISTRIBUTION.—At the end of each fiscal year, the Director of the Office of Management and Budget, in consultation with the Administrator, shall determine how gross proceeds shall be distributed, through transfer, between the general fund and the Asset Proceeds and Space Management Fund, except that—

''(i) the general fund shall receive 100 percent of the gross proceeds for a fiscal year until the total amount of net proceeds under this subchapter for that fiscal year exceeds $50,000,000;

''(ii) the Asset Proceeds and Space Management Fund shall receive 10 percent of the gross proceeds for a fiscal year after application of clause (i); and

''(iii) the general fund shall receive the remainder of proceeds for a fiscal year after applying the reductions under clauses (i) and (ii).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the items relating to subchapter VI the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''621. Definitions.
''622. Federal Real Property Disposal Program.
''623. Selection of real properties.
''624. Expedited disposal requirements.
''625. Asset Proceeds and Space Management Fund.''.

(c) AMENDMENT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—Section 120(h)(3)(C)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(C)(i)) is amended—

(1) by striking '', with the concurrence of the Governor of the State in which the facility is located (in the case of real property at a Federal facility that is listed on the National Priorities List), or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List)'';

(2) by adding ''and'' at the end of subclause (II);

(3) by striking subclause (III); and

(4) by redesignating subclause (IV) as subclause (III).

SEC. 40402. DOWNWARD CAP ADJUSTMENTS TO ENFORCE SALES OF FEDERAL CIVILIAN REAL PROPERTY.

Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

''(E) SALES OF FEDERAL CIVILIAN REAL PROPERTY.—

''(i) If—

''(I) the total cash proceeds from Sales of Federal civilian real property at the end of fiscal year 2013 are less than $2,000,000,000, then there shall be a downward adjustment in the discretionary category for fiscal year 2014 by the amount of such shortfall; and

''(II) for each of fiscal years 2014 through 2020, the total cash proceeds from sales of

Federal civilian real property are less than $7,000,000,000, then there shall be a downward adjustment in the discretionary category by the amount of such shortfall in the following fiscal year.

''(ii) If the discretionary spending limits set forth in subsection (c) have been revised pursuant to section 251A, adjustments made pursuant to clause (i) shall only be made to the revised non-security category set forth for each of fiscal years 2014 through 2021.

''(iii)(I) As used in this subparagraph, the term 'Federal civilian real property' refers to Federal real property assets, including Federal buildings as defined in section 3301 of title 40, United States Code, occupied and improved grounds, leased space, or other physical structures under the custody and control of any Federal agency.

''(II) Subclause (I) shall not be construed as including any of the following types of property:

''(aa) Properties that are excluded for reasons of national security by the Secretary of Defense.

''(bb) Properties that are excepted from the definition of 'property' under section 102(9) of title 40, United States.''.

SA 1748. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15___. RECYCLING AND USE OF FLY ASH.

(a) FINDINGS.—Congress finds that—

(1) concrete is a major transportation construction material in the United States;

(2) 25 percent of the Interstate System is paved in concrete;

(3) concrete has been used to construct 65 percent of the bridges in the United States;

(4) concrete represents approximately 15 percent of the total cost of constructing and maintaining the transportation infrastructure of the United States each year;

(5) more than 75 percent of that concrete, a quantity worth approximately $9,900,000,000, uses fly ash as a partial cement replacement blend;

(6) in some States, including California, Florida, Louisiana, New Mexico, Nevada, Texas, and Utah, fly ash is used for virtually all concrete projects;

(7) fly ash concrete has a number of very significant, well-documented benefits that make fly ash concrete a mixture of choice for many State and local transportation departments and transportation engineers; and

(8) the most prevalent use of fly ash is in transportation construction projects.

(b) USE OF FLY ASH.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a statement encouraging the beneficial use of fly ash in transportation construction projects (including transportation construction projects involving the use of asphalt) that are carried out, in whole or in part, using Federal funds.

SA 1749. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 792, line 5, strike the end quote and insert the following:

''(3) EXCEPTION.—

''(A) IN GENERAL.—The Secretary may not extend the deadline under paragraph (1) with respect to segments of track that the Secretary determines pose the greatest safety risk to the public and railroad employees, based upon the areas of track that have been identified in the entity's positive train control implementation plan under section 236.1011(a)(4) of title 49, Code of Federal Regulations.

''(B) FACTORS.—In determining whether segments of track pose the greatest safety risk to the public and railroad employees, the Secretary shall consider the following factors with respect to such segments:

''(i) Traffic volume, including tonnage and number of trains.

''(ii) The presence of mixed passenger and freight traffic, and the frequency, separation, and direction of travel of such traffic.

''(iii) The amount of poisonous inhalation hazards and other hazardous materials.

''(iv) The permissible operating speeds.

''(v) Any topographical features that increase operational risks.

''(vi) The presence of technologies that reduce the risks, such as automatic cab signal, automatic train stop, or automatic train control systems.

''(vii) Any special operating procedures that will be utilized by the carrier to reduce risks.''.

SA 1750. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1730 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 791, strike lines 14 through 25 and insert the following:

''(1) IN GENERAL.—After completing the report under subsection (d), the Secretary may, upon application, extend, in 1 year increments ending on or before December 31, 2018, the implementation deadline for an entity providing rail freight transportation or regularly scheduled intercity or commuter rail passenger transportation if the Secretary determines that—

''(A) full implementation is infeasible due to circumstances beyond the control of the entity;

''(B) the entity has demonstrated good faith in implementing its positive train control implementation plan;

''(C) the entity has taken the actions to mitigate risks to successful implementation that were identified by the Secretary in the Secretary's 2012 report to Congress; and

''(D) the entity has presented a revised positive train control implementation plan describing how it will fully implement a positive train control system as soon as feasible, and not later than December 31, 2018.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before the Subcommittee on National Parks. The hearing will be held on Wednesday, March 7, 2012, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Committee will also consider:

S. 2131, a bill to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, and the Delaware and Lehigh National Heritage Corridor; and

S. 2133, a bill to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake__McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224–9863 or Jake McCook (202) 224–9313.

COMMITEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 15, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Indian Water Rights: Promoting the Negotiation and Implementation of Water Settlements in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 28, 2011, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

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

COMMITTEE ON ARMED SERVICES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 28, 2012, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2012, at 10 a.m., to conduct a hearing entitled ''State of the Housing Market: Removing Barriers to Economic Recovery, Part II.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. KLOBUCHAR. 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 February 28, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 28, 2012, at 2 p.m., to hold a hearing entitled, ''National Security and Foreign Policy Priorities in the FY 2013 International Affairs Budget.''

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

COMMITTEE ON VETERANS' AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on February 28, 2012, to conduct a Joint hearing with the House Committee on Veterans' Affairs on the legislative presentation of the Disabled American Veterans. The Committee will meet in room 345 of the Cannon House Office Building beginning at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 28, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 28, 2012, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Local Government Perspectives on Water Infrastructure.''

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

PRIVILEGES OF THE FLOOR

Mrs. BOXER. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed the privilege of the floor for the duration of the debate on S. 1813: Harun Dogo, Avital Barnea, Elizabeth Snyder, Christopher Tausanovitch, Andrea Chapman, Amanda Bartmann, and Claire Green.

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

AUTHORIZING THE TAKING OF A CHAMBER PHOTOGRAPH

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 381, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 381) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. 381) was agreed to, as follows:

S. RES. 381

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the Senate Photographic Studio to photograph the United States Senate in actual session on Tuesday, March 20, 2012, at the hour of 2:15 p.m.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

ORDERS FOR WEDNESDAY, FEBRUARY 29, 2012

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, February 29, at 9:30 a.m., that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half hour and the majority controlling the second half; and that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill.

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

PROGRAM

Mr. BENNET. Mr. President, tomorrow we will continue to work on a process to complete action on the surface transportation bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. 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 5:37 p.m., adjourned until Wednesday, February 29, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING THE THREE YEARS OF SERVICE OF AMBASSADOR HAN DUK-SOO

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. ROSKAM. Mr. Speaker, it is my pleasure to offer a tribute to His Excellency Han Duk-soo, the Ambassador of the Republic of Korea to the United States, who is leaving his post in Washington after three years of representing and serving his country here.

Before arriving in Washington in March 2009, Ambassador Han served as his country's Prime Minister, Deputy Prime Minister, and Minister of Finance and Economy, after previous service as ambassador to the OECD and in the Ministry of Foreign Affairs and Trade.

The past three years have been particularly busy for him, culminating in the ratification of the Korea-U.S. Free Trade Agreement, which takes effect next month.

During Ambassador Han's tenure in Washington, he also dealt with sensitive and timely issues like security matters in Northeast Asia. I am particularly reminded of his thoughtful and steady leadership during the challenges Korea faced in the wake of the attacks on the Cheonan Naval Vessel and on Yeonpyeong Island in 2010.

Mr. Speaker, the Republic of Korea has a special place in my heart.

My father fought in Korea. I grew up hearing stories from him about the horrid conditions, and I know he carried his battle-scars with him throughout his life. Yet he never wavered in his pride for having served his country.

In November 2010, my father and I visited Korea, where we were treated with utmost hospitality and—in my father's case—gratitude. It was a memorable trip and Ambassador Han and his embassy staff helped make it possible.

Where we once forged a relationship on the battlefield together, building a secure environment for the nation to prosper over the last 60 years, today we attempt to forge a new economic and strategic bond for the future prosperity of our two nations. A country once ravaged by war, Korea received a substantial amount of foreign aid, but now enjoys an advanced and dynamic economy, and is itself today a generous donor of foreign aid. We work closely with Korea, maintaining a considered influence in that region as a deterrent to North Korean aggression and a counter to Chinese dominance.

The United States and Korea hold a forward-looking relationship. Every year, in so many ways, the United States and the Republic of Korea grow closer and closer together. The implementation this year of the Korea-U.S. Free Trade agreement is just one further symbol of the strength of our countries' friendship.

Mr. Speaker, I urge my colleagues to join me in extending best wishes to my dear friend, Ambassador Han. We thank him for his service as South Korea's top diplomat in the United States and wish him every success as Chairman of the Korea International Trade Association.

HONORING DUCKS UNLIMITED FOR 75 YEARS OF CONSERVATION SUCCESS

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. RIBBLE. Mr. Speaker, I rise today to recognize Ducks Unlimited's 75 years of tireless efforts to promote conservation and wilderness protection.

Mr. Speaker, please join me in commending the Ducks Unlimited founders, members, supporters, partners and volunteers in Wisconsin and across the nation. Ducks Unlimited has had a positive impact on communities throughout America by helping to improve our culture and environment.

I congratulate Ducks Unlimited for the dedication of their volunteers and supporters, as well as the partners who time and time again have helped them succeed in their mission. This landmark anniversary represents the true legacy of this great organization and I applaud their efforts in conservation.

HONORING TONI AND BRUCE CORWIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. WAXMAN. Mr. Speaker, it is my great pleasure to congratulate my dear friends Toni and Bruce Corwin as they are honored by Temple Emanuel of Beverly Hills at the 5th Annual Beverly Hills Purim Ball where they will be presented with the synagogue's Humanitarian Award on February 29, 2012.

I cannot imagine a more deserving couple to receive this award. For decades the Corwins have worked tirelessly within the Los Angeles Jewish community and our community at large. In addition to admiring their remarkable work, my wife, Janet, and I are personally grateful for the many years of friendship we have shared with Toni and Bruce.

Toni and Bruce have truly accumulated more than a lifetime's worth of professional and personal achievements. They have proven time and again that passion, commitment, and persistence can turn ideas into reality. Their longtime work on behalf of the Jewish community ranks them among the very top supporters and advocates in Los Angeles, and they have been an inspirational voice in higher education for decades.

Toni and Bruce are being honored by Temple Emanuel of Beverly Hills for the extraordinary leadership they have demonstrated for many years. In addition to providing a strong religious foundation, the synagogue, under their guidance, has developed many secular programs dealing with immigration, health insurance, the Middle East, Jewish-Muslim relations, art, dance and intergenerational theater.

Beyond the achievements Toni and Bruce have reached at Temple Emanuel, they have been recognized in the community as well. Their leadership has included membership on Mayor Tom Bradley's Blue Ribbon Committee of 40, presidency of the Coro Foundation National Board of Governors, serving as a trustee of the California Community Foundation and receiving the prestigious Pioneer of the Year Award from the Foundation of Motion Picture Pioneers.

I am delighted to congratulate my dear friends, Toni and Bruce Corwin, and ask that my colleagues join me in sending our very best wishes on this great occasion.

IN HONOR OF JACI PAPPAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the public service of a true community pillar of California's Central Coast. Jaci Pappas is a fifth generation Californian who grew up in Stockton, California. But it has been in Big Sur where she has found her life's calling as champion volunteer. And while she has never sought out accolades, her neighbors have seen fit to honor her on March 2, 2012, as "Volunteer Extraordinaire." They have all benefited from Jaci's efforts to realize her life's theme: "Always give back to your community in whatever way you can."

Jaci earned a Business Administration degree from Mills College in Oakland, California. Soon after, she began her public service career in Sacramento as assistant to my good friend Assemblyman Willie Brown while he served as chair of the Assembly Ways and Means Committee. In 1973, after twelve years in the Capitol, Jaci was appointed City Clerk for the City of Sacramento—the first woman to hold the position since Sacramento's founding in 1850.

In 1979, Jaci married architect Steve Pappas, and together they bought property and moved to Big Sur. She established herself as a bookkeeper working for various small businesses in Big Sur. Her volunteer work began in 1980 when she took on the unpaid position of secretary and then treasurer of the Coast Property Owners Association. She later held the same positions with the Big Sur Historical Society, and also served a number of years as head of the local Election Board, encouraging participation by all community members in the election process.

In addition to these leadership roles, Jaci has devoted countless hours giving her business and administrative skills to help community groups accomplish their work. Jaci has

voluntarily handled the bookkeeping for the Big Sur River Run since its inception in 1981. That event has raised more than $800,000 for the Big Sur Health Center and the Big Sur Volunteer Fire Brigade, two organizations for which Jaci also handles the bookkeeping. Other causes that she has helped in this way include the Big Sur Historical Society, Big Sur Jazz Festival, Big Sur Hidden Gardens Tour, Big Sur Grange, the Big Sur Community Emergency Response Team, the Big Sur Natural History Association, the Henry Miller Memorial Library, the Big Sur Public Library, and the Big Sur Food & Wine Festival. She also contributes her time as the editor of the Big Sur Grange, and the Round Up newsletters. She is even co-chair of the Big Sur Book Club.

Mr. Speaker, I know I speak for the whole House as I acknowledge and congratulate Jaci Pappas, Big Sur's ''Volunteer Extraordinaire,'' for her record of stellar public service, and wish her many happy years ahead in which I know she will continue to teach us all how to live life well in voluntary service to others.

HONORING ATHLETICO AND ITS FOUNDER, MARK KAUFMAN

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate and thank AthletiCo Physical and Occupational Therapy for serving the greater Chicagoland region for more than twenty years. AthletiCo is a rapidly expanding rehabilitation, outreach, and fitness center enterprise that has grown in size and now has over 60 facilities.

When founder Mark Kaufman first opened for business in 1991, AthletiCo had only one employee and two clients. Two decades later, AthletiCo operates throughout Northeastern Illinois, Milwaukee, and Northwest Indiana and employs more than 1,100 clinical and administrative staff. Mr. Kaufman's team has expanded over the years to include physical and occupational therapists, certified athletic trainers, personal trainers, strength and conditioning specialists, and massage therapists.

AthletiCo currently serves a large clientele of workers on disability, assisting their recovery and helping injured people get back to work. AthletiCo also closely associates with over 150 local high schools, colleges, and professional sports teams including Illinois' own Bears, Cubs, White Sox, Blackhawks, and Bulls, helping athletes stay in shape and recover from injury.

Mr. Kaufman also has a reputation for treating his employees well, allowing him to retain a happy and effective staff. AthletiCo prioritizes continuing education for its employees and also provides post-professional education through in-house training, tuition reimbursements, and orthopedic clinical residency programs.

I am proud to have this business in my district, and I look forward to its continuing positive impact. I am grateful for the services Mr. Kaufman and AthletiCo provide in Chicagoland and the surrounding areas. Please join me in celebrating AthletiCo as they continue to pursue their mission of improving the health and wellbeing of local men, women, and children.

IN HONOR OF MAYOR JIM RIDENOUR

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. CARDOZA. Mr. Speaker, it is with great pride and the deepest respect that I ask you to join me in honoring one of the Central Valley's most distinguished citizens, Mayor Jim Ridenour, as he ends his successful tenure as the Mayor of Modesto, California.

Mayor Ridenour epitomizes what is best about Modesto and has shown a selfless commitment to his community. A life-long resident of Modesto, Mayor Ridenour had a successful business career in the ambulance industry. He served five terms as Chairman of the California Ambulance Association, and received many awards and honors from the association and state legislators. He also served as a reserve deputy sheriff for Stanislaus and Santa Barbara counties.

During his eight years in office, Mayor Ridenour has shown a tireless commitment to help Modesto enrich and empower its citizens, families, businesses and schools. He has shown leadership in encouraging regional cooperation on important issues through initiatives such as the ''Mayor's Working Group'' which brings together the nine Mayors of Stanislaus County to share information and work together on central issues such as transportation. With the City Council's diligent work, he has provided leadership in consistently developing a balanced budget and in doing so has put Modesto in a far better financial position than many other cities in the surrounding area.

Mayor Ridenour has strived to make local government more user-friendly and accessible to the citizens of Modesto. He created a web-based citizen action center where citizens can report problems, ask questions and track responses and response times. He has also made applications for citizens' advisory committees available online. Mayor Ridenour has made an effort to make local government more transparent by developing a comprehensive Salary & Compensation webpage where the public can view Councilmembers' pay, Charter Officer contracts and pay, Department Director pay as well as all salary schedules and job descriptions as well as labor contracts. He has always been described as a man of the people.

Mayor Ridenour assumed an important leadership role as the President of the League of California Cities in 2010, a critical time for California's cities. As President and in his subsequent service as a member of the League's executive committee, Mayor Ridenour proved to be a powerful player in the fight for redevelopment and California's future.

Mayor Ridenour is married to his beautiful wife Renee for forty years and together they have three children and numerous grandchildren.

Mr. Speaker, I ask that my colleagues join me in congratulating my good friend, Mayor Jim Ridenour and the Ridenour family as he celebrates his successful service as Modesto's Mayor.

HONORING HOLT HICKMAN AT THE TEXAS INDEPENDENCE DAY IN FORT WORTH

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. GRANGER. Mr. Speaker, I rise today to honor a man who has preserved Fort Worth's unique history and has made sure it is available for future generations; Holt Hickman. This Weatherford native is being honored at the Texas Independence Day in Fort Worth, and I couldn't think of a better Cowtown honoree.

While Holt is being recognized for his commitment to Fort Worth's past, his business career has been about innovation and looking to the future. Holt is responsible for helping bring air conditioning to automobiles turning the feature from a luxury to a necessity. The first Japanese cars sold to the U.S. market had air conditioning only because Holt convinced the auto makers this was the future. Holt is not only a successful businessman who has had local, national and international reach, he has also been one of the many tenacious civic leaders in our community who have made Fort Worth what it is today.

Holt helped save and preserve the Fort Worth Stockyards in what was one of the largest historic preservation projects in the country. He accomplished this in part by working with passionate and committed partners. Because of his efforts, the Stockyards are one of the most visited and beloved areas of the city today. As Mayor, I was privileged to have Holt as a partner and that friendship has continued throughout my career. His energy, generosity, and vision will continue to enhance our city's cowboy heritage for generations to come. I couldn't think of a more deserving Texan to be honored on the day of our state's independence.

HONORING ETHAN NELSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ethan Nelson. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 206, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ethan has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ethan Nelson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF JOHN LEE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor San Mateo City Councilmember John Lee as he ends his 12 years of service to the people of San Mateo. John was first elected to the city council in 1999 and was re-elected by substantial margins in both 2003 and 2007. He is a 28-year resident of San Mateo and has been actively involved in public affairs on the San Francisco Peninsula for many decades.

John Lee served the residents of San Mateo County as a Board Member and Chair of the San Mateo County Transportation Authority. The authority makes tough choices about how to spend taxpayer money on public road and transit improvements. In his role on the authority, John voted on public improvements that speed the travel of millions of county and regional residents, annually. It takes a savvy board member to rank projects according to their merit and to resist the temptation to simply cast a vote to please a special interest. John had no trouble saying ''yes'' to the public's interest in all the votes that he cast.

Over several decades, John has been vigorous in community affairs as an active member of at least two Chambers of Commerce: Redwood City and San Mateo. Quite unusually for a person who also had a growing business, John Lee found time to serve as President of both Chambers of Commerce during his service on their boards. In his community service and private sector public policy positions, John worked on legislative affairs and membership development, and he could always be relied upon to work well with my office and those of any elected official.

John is a 31-year member of the San Mateo Rotary Club and has been a board member of Jobs for Youth and the American Heart Association. He has been a passionate advocate for housing the less fortunate in San Mateo County, and in his job as councilmember he has served as the city's liaison to Housing Our People Effectively (HOPE). He can be counted on to attend any groundbreaking for affordable housing, and has spoken forcefully about the need to house teachers, firefighters, clerks, and others who need affordable shelter, during his public and private sector service.

As a past board member of the San Mateo County Economic Development Association (SAMCEDA), John helped this public policy group nurture San Mateo County's entrepreneurial culture. He also was a cofounder of Telogy, a high technology company. Telogy eventually employed 450 persons with John serving as Senior Vice President of Operations prior to his retirement.

There are many characteristics of John Lee that mark him as a man of quite greatness, but I must close my remarks by noting John's devotion to this Nation through his 22 years in the United States Marine Corps. John served in both the Korean and Vietnam wars. He rarely raises his distinguished service to this Nation, but you can learn all that you need to learn about his devotion to America by watching him while he says the pledge of allegiance and listens to the Star Spangled Banner. A handful of people feel these moments so deeply that their eyes tear up. John is one of these amazing few.

With honor, in dignity, and at many times with valor, John Lee has served his fellow citizens over decades that spanned two centuries. Like other Americans who are local heroes, John Lee will be remembered as a strong, articulate man who exemplifies this Nation's quiet courage and great resourcefulness in the face of all challenges. I salute him upon his latest retirement, this time from the City Council of the City of San Mateo, California.

Mr. Speaker, let us always remember John Lee. America has been built by him, and by other men and women like him, who preserve this nation's liberty through their daily examples of duty to God, country and community. We are all greatly blessed by the contributions of retiring city councilmember John Lee, an American in heart and soul.

HONORING NEIGHBORHOOD BOYS AND GIRLS CLUB OF CHICAGO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. QUIGLEY. Mr. Speaker, it is with great pride that I rise today to commemorate the 80th anniversary of the Neighborhood Boys and Girls Club of Chicago, a local organization that promotes leadership and scholarship for boys and girls between the ages of 6 and 18.

In the autumn of 1931, Robert Buehler and Richard Valentin had their very first event, a football game involving local children that ended in a 13–13 tie. While watching the game, the spirit and teamwork of the participants showed the two founders that this organization could be a positive force for change. Since then, the club has been a staple of the Homer Park neighborhood. It currently serves over 1200 children each year, building character, cultivating leadership and encouraging teamwork.

The NBGC mainly achieves these goals through sports, academics and art. Within the floor hockey, basketball, baseball, volleyball and other sports programs, every child plays in every game, enjoying a positive and encouraging atmosphere and learning to provide the same for their teammates.

Additionally, the NBGC has fostered an extensive volunteer and parent network. The coaches, teachers and mentors provide the club with the engine to power the vehicle of growth and learning that children in the area have enjoyed for generations. They have led by example that it truly takes a village to raise a child.

Mr. Speaker, it gives me great pleasure to congratulate the Neighborhood Boys and Girls Club for 80 years of nurturing strong values in Chicago's youth, as well as developing a strong community throughout the area. I wish them even greater success in the years to come.

CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. MARKEY. Mr. Speaker, I rise today in strong support of a provision in H.R. 3630 that will help ensure a competitive, creative, and consumer-friendly wireless marketplace. As more and more Americans use mobile devices to surf the web and communicate with others, it is imperative that they have a choice of providers that have sufficient spectrum to meet these growing demands. Because H.R. 3630 gives the FCC authority to hold voluntary incentive auctions of broadcast spectrum, it is important to ensure that there is no question about the Commission's authority to adopt and enforce rules of general applicability concerning spectrum aggregation that promote competition. Fortunately, the H.R. 3630 conferees included a provision that specifically confirms that authority. As an exception to a provision in the bill that prohibits the FCC from preventing persons from participating in auctions, this savings clause gives the FCC the flexibility to adopt spectrum rules in the manner that most effectively promotes competition—in connection with a particular auction or otherwise. I commend the conferees for including this provision.

HONORING RICHARD LUKE LANNING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Richard Luke Lanning. Richard is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Richard has been very active with his troop, participating in many scout activities. Over the many years Richard has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Richard has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Richard Luke Lanning for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF SISTER WILLIAM EILEEN DUNN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Sister William Eileen Dunn, a dear friend who

is leaving Seton Medical Center after 30 years of compassionate care and service. Her dedication to the Daly City community and to the health and betterment of the sick and less fortunate has been deeply inspirational. It is impossible to not feel blessed by her presence and her healing touch.

Sister William Eileen was born in San Francisco as one of two twin sisters to the late William and Eileen Dunn. She attended St. John's Ursuline grade and high school and then earned her R.N. diploma from Mary's Help School of Nursing in San Francisco. The school was sponsored and operated by the Daughters of Charity of St. Vincent de Paul. She then entered the Daughters of Charity religious community and earned her BSN from Marillace College in St. Louis, Missouri.

Her assignments from the Daughters of Charity took Sister Eileen across the country. In 1964, she started out as a staff nurse at St. Joseph's Hospital in Alton, Illinois and continued on to Hotel Dieu Hospital in El Paso, Texas as the supervisor of OB/GYN and emergency services. In 1968 she came back to California and worked as supervisor of emergency services at Mary's Help Hospital—today's Seton Medical Center—in Daly City. In 1978 she transferred to O'Connor Hospital in Campbell as patient advocate, then as administrative coordinator of the chemical abuse unit, emergency and outpatient/OR services, and subsequently as director of the pastoral care department.

In 1984, Sister William Eileen moved south to Los Angeles and became the patient advocate at St. Vincent's Medical Center. Three years later she returned to the Bay Area as the administrator of Laboure Residence in Los Altos Hills and in 1992, she became chair of the board of directors at O'Connor Hospital. Simultaneously, she managed the St.Vincent de Paul free dining room in Oakland from 1992–2002.

In 2002, Sister William Eileen returned to Seton Medical Center and the following year started serving as Vice-President of Mission Integration, a position she held until today. She will now move on to Villa Sienna in Mountain View and serve as the mission leader at this Daughters of Charity assisted living facility.

This year she celebrates 50 years as a Daughter of Charity of St. Vincent de Paul. Last year she was awarded the Lifetime Achievement Award from the Daly City/Colma Chamber of Commerce. In 2008, she received the Daly City Mayor's Citizen of the Year Award.

It may come as a surprise that Sister William Eileen—or Sister Miscellaneous as she calls herself—is an avid sports fan. She barely misses a game on TV. Every year she kicks off the annual Seton golf tournament and is known to have promised divine intervention—for a certain fee.

About four years ago, Sister William Eileen and Kathy King, executive director of Seton, got wind that Jerry Rice would be playing a golf tournament at the Ritz Carlton in Half Moon Bay. They may have had some heavenly help and found out exactly when Jerry Rice was playing. Both of them literally ran up a hill, chasing him and asking to have their picture taken with him. It's a true story! Sister has the photo to prove it.

Mr. Speaker, I ask this body to rise with me to honor the selfless service of Sister William Eileen Dunn, a guardian angel for every person she befriends, and wish her the best for her new assignment at Villa Sienna.

HONORING JEANNE MILSTEIN ON THE OCCASION OF HER RETIREMENT FROM STATE SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. DELAURO. Mr. Speaker, it is with deep thanks and appreciation that I rise today to pay tribute to my good friend, Jeanne Milstein, as she steps down after serving nearly twelve years as Connecticut's Child Advocate where she oversaw the protection and care of Connecticut's most vulnerable and youngest citizens.

First appointed Child Advocate by former Governor John G. Rowland and, while the Office of the Child Advocate is an independent agency, has been reappointed and served in three different administrations. Guided be the simple adage, ''if you are not outraged, you are not paying attention,'' Jeanne has been an outstanding advocate and has become one of Connecticut's foremost authorities on issues impacting children.

Jeanne has dedicated her entire professional career to advocating for our young people—giving a voice to those who all too often cannot be heard. In fact, in 2009, she served as the representative from the United States at the 2008 Summit of Ombudsmen for Children from G–8 countries. Prior to her service as Child Advocate, Jeanne was Director of Government Relations for the Connecticut Department of Children and Families and Legislative Director for the Connecticut Commission on Children. Earlier in her career, she was responsible for child care in the Connecticut Department of Human Resources and previously served as Executive Director of the Women's Center of Southeastern Connecticut and Legislative Director of the Permanent Commission of the Status of Women.

With her extraordinary passion and commitment, Jeanne has not only identified the failures of state agencies and public policies to care for our children, but has authored numerous reports on how to make them work for those they are supposed to protect. During her tenure, she oversaw the investigation and resolution of thousands of complaints, concerns, or reports by citizens about the welfare of children in the community and in state or private institutions. She has also spoken frequently on many of the most difficult issues facing today's children ranging from conditions at the state's juvenile corrections and residential facilities to the quality of child protection and the delivery of children's mental health services as well as services to children with special health care needs or disabilities. Jeanne has been a champion in every sense and we have been fortunate to benefit from her outstanding service.

On a more personal note, I am glad to have this opportunity to extend my thanks and appreciation to Jeanne for her many years of friendship and support. I have often sought her expertise and her door has always been open.

Jeanne was the third person to serve as Child Advocate in Connecticut but it can be said that she has helped shape the position into the dynamic, respected office that it has become. She leaves a lasting legacy that will continue to influence public policy for years to come. I am proud to join all of those gathered today to thank Jeanne Milstein for her outstanding service to our state and especially our children. I have no doubt that though she is closing this chapter, she will find new opportunities to continue her good work.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. AKIN. Mr. Speaker, on rollcall No. 73, I was delayed and unable to vote. Had I been present I would have voted ''aye.''

HONORING RYAN THOMAS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ryan Thomas. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ryan has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ryan Thomas for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF BRAD LEWIS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to commend San Carlos City Council Member Brad Lewis who is leaving the council after filling the remaining time in the term of the late and much-beloved Mayor Omar Ahmad. Councilman Lewis is an idealist, an artist and a pragmatist all rolled into one.

Mr. Lewis is an idealistic community leader. For example, he served for five years on the Parks and Recreation Commission wrestling with exploding participation in youth sports activities. The city has little ability to find new fields or play space, but Mr. Lewis worked diplomatically with residents to ensure that children had a chance to participate in sports despite the constraints.

In part due to his skills as a Commissioner, he was elected to serve four years on the San

Carlos City Council from 2005 through 2009. In 2006 his colleagues elected him as Vice Mayor, and in 2007 they elected him Mayor. It was in these positions that he showed his skills as a pragmatist.

For example, during his first term on the city council San Carlos took a major step forward in meeting regional medical needs with the approval of a new hospital. When the economy nosedived in the wake of the global credit crunch of 2008, Mr. Lewis and his colleagues on the council took prudent, painful and necessary steps to balance the city's budget. He also participated in many other decisions leading to economic development within the city, resulting in projects that will bear fruit in the years ahead.

In 2011, San Carlos' Mayor passed away unexpectedly and the city council reached out to a seasoned resident—Brad Lewis—to fill the remaining months of Mayor Ahmad's term. There is no question that the council chose wisely because it took no time at all for Brad Lewis to learn the status of current issues and to adapt to council business. He is to be highly commended for serving these past few months in this challenging, basically volunteer position.

Mr. Lewis is an artist at heart and as a professional. While Mayor in 2007, he found time to win an Oscar for producing the Pixar film Ratatouille. He co-directed the 2011 Pixar hit Cars 2 and has to his credit two Emmys and two Clio Awards. This is a man of unusual talents, and obviously one who cuts ribbons opening new businesses in town all the while cutting a swath through Hollywood.

In fact, Mr. Lewis' career has spanned decades in the television and animation business, having worked for Pacific Data Images, PDI, for over 13 years as vice president of productions, Pixar Animation Studios starting in November 2001, and Digital Domain's Tradition Studios division in Florida as of July 2011 where he is serving as director for a project set to release in 2014.

As Mr. Lewis said in an interview just a few weeks ago, he moved to San Carlos because a close friend lived in the city and because as a father he wanted to reduce a lot of the unknowns related to raising a child. He has two children, Jackson, age 22, and Ella, age 8½. His wife, Regina, has been an enormous source of support to him during his public service.

Mr. Speaker, San Carlos is a wonderful place to raise children, and Mr. Lewis has directly contributed to that family spirit through his leadership. He is now leaving the council and, at least for a time, leaving San Carlos as he makes his way in this next phase of his career. We have no doubt that he will return, however, to full-time residence and to the city that he has helped to shape for the betterment of all.

HONORING CATHY HUGHES AS A DISTINGUISHED RECIPIENT OF THE 2012 NAACP CHAIRMAN'S AWARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize and congratulate an outstanding human being and my dear friend, Ms. Cathy Hughes, on receiving this year's National Association for the Advancement of Colored People, NAACP, Chairman's Award, the highest honor the NAACP has to offer. Cathy is a true symbol of American entrepreneurship and success. From her humble beginnings growing up in an Omaha housing project to becoming a leader in the media industry, Cathy embodies the spirit of determination and hard work.

Cathy's story is nothing short of remarkable. Born Catherine Elizabeth Woods in 1947, Cathy was the eldest of four children. By the age of 17, Cathy had dropped out of high school and become a single mother. Although she attended two universities in Nebraska, she did not have the opportunity to graduate. Despite these challenges, Cathy knew that she wanted a career in radio from a very young age and, in 1969 at the age of 22, began volunteering at KOWH, an African American owned radio station based out of Omaha, Nebraska. There, she excelled in the radio business and caught the attention of the Howard University School of Communications in Washington, D.C., where she was offered a position as a lecturer and assistant dean. By 1978, Cathy had become the vice-president and general manager of WYCB–AM and, a year later, along with her former husband, founded Radio One and purchased her first radio station in Washington D.C., WOL 1450.

Times were not easy at WOL 1450. Because of the lack of funding, Cathy had to give up her apartment and live with her son at the station. She also filled several roles as owner, producer, radio personality, and DJ, since she could not afford to pay personnel. But her perseverance and determination to see her dream succeed kept her going. Today Radio One is the largest African American owned and operated radio broadcast network, with over 65 radio stations in every major market in the United States and the seventh largest network in the nation. In 2004, Cathy launched TV One, a cable television channel dedicated to capturing the rich and diverse experience of African American life, history, and culture.

On February 17, 2012, Ms. Hughes was honored at the 43rd NAACP Image Awards, the premier multicultural awards show that recognizes the achievements of people of color in the fields of television, music, literature, film, and creative social justice. Cathy's name has been added to an illustrious list of past honorees, such as U.S. Surgeon General, Dr. Regina Benjamin, Former Vice-President Al Gore, then Senator Barack Obama, and Aretha Franklin. And no one could be more deserving.

Mr. Speaker, as we celebrate Black History Month, it is my distinct honor and privilege to recognize a pioneer in the media industry, a leader in the African American community, and my dear friend, Ms. Cathy Hughes. I commend her for her tireless dedication to empowering the disenfranchised and for continuing to be a powerful voice for those who too often remain unheard. Cathy, I wish you all the best for many years to come.

IN RECOGNITION OF HERBERT ADAMS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. McGOVERN. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Herbert Adams of Worcester, MA. Herbert is being honored on March 13, 2012 by the Worcester City Council Chamber for his volunteer service to his community. Herbert was born in Maine, where he was adopted by an uncle after the tragic deaths of his parents. When the United States entered WWII, he repeatedly attempted to volunteer for the service, finally discovering that he was exempted from the military due to his job in the shipyards. Herbert applied just one more time—this time claiming to be unemployed. Once in the Army, Herbert again tenaciously fought his way into the line of fire. With determination and a little luck, he qualified as a paratrooper in time to take part in some of the most ferocious fighting of the war.

Like many paratroopers, Mr. Adams time and time again found himself in crucial battles. From North Africa he was shipped to Italy and fought on the beaches at Anzio. After Italy he went to the Western Front and took part in Operation Market Garden, where he was temporarily reported as missing in action to his wife, Beverly. A month later he fought in the Battle of the Bulge, playing a key role in the capture of an entire German company. After the German surrender Herbert was assigned as a personal bodyguard to General Dwight D. Eisenhower. He would meet President Eisenhower once more, when he visited Worcester during his presidential campaign.

Mr. Adams' military service, for which he was awarded two Bronze Stars and a Purple Heart, is deserving of recognition on its own. But he has also carried his lifetime of public service into his civilian life. Herbert has been recognized for his exemplary four decades with the scouts and works endlessly to maintain Worcester's parks and monuments. Every American can aspire to imitate his lifetime of heroism and sacrifice. Today I ask the House of Representatives to join me in honoring Mr. Herbert Adams.

HONORING CHRISTOPHER MORGAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Christopher Morgan. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christopher has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Christopher Morgan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE SERVICE LEAGUE OF SAN MATEO COUNTY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor the Service League of San Mateo County which for a half-century has provided services and created hope for thousands of county jail inmates and their families. The compassionate volunteers and staff work tirelessly to make certain inmates and former inmates have access to programs, services and support networks they need to re-enter the community as contributing citizens and responsible family members.

Every day the Service League helps individuals who have lost their way get a step closer to productive lives and benefits our entire community by reducing criminal activity and recidivism. I am privileged to be a member of the Advisory Board of this great organization.

Under the outstanding leadership of executive director Mike Nevin, the Service League continues to offer a broad range of programs covering humanitarian, educational, substance abuse, recovery, spiritual and personal growth services. While some of the needs of inmates may seem obvious, such as contact with attorneys, probation officers and employers, the Service League also the less obvious needs. The ''Jury Trial Clothes'' program, for example, levels the playing field for inmates who are unable to afford clothing suitable for court appearances, jail procedures, or facility programs. The Service League solicits donations and dresses inmates for trial. ''Inmate Orientations'' are held twice weekly to provide information to newly-jailed individuals about the correctional process and facility programs, such as AA, NA, and church services. ''Outreach to Families'' of inmates provides friendly support, referral, advocacy and emergency assistance. The County Office of Education offers GED tutoring and testing at some facilities and the Service League supports this effort by training volunteers to tutor inmates one on one.

The Service League also operates six Hope Houses, two residential homes for women, two transitional homes for women and two transitional homes for men. Those facilities truly live up to their name! Karen Francone-Hart, director of the Service League, started the first six-bed Hope House in 1990. Thinking back to that time, Karen reflects that ''each day, each step reminded me of nurturing a new infant.''

Hope Houses provide a 180-day residential treatment program for women who are involved in the criminal justice program. These women are prepared to become responsible, productive and independent members of the community while living in a safe, nurturing and clean environment. After completing the 180-day treatment program, the women are allowed to move into a transitional living program—Hope House II—as long as they stay employed or are attending school. The success of this program speaks for itself: 85% of the women who complete the program are reunited with their children, 70% remain clean, sober and crime free and 60% become gainfully employed.

Diane Joiner is one of the women who found her path through Hope House. While she was in jail, she participated in the ''Hope Inside'' program, a group led by the Hope House staff. When she was released, she sought residential treatment at a Hope House. She graduated from the 180–day program and is now happily employed by Goodwill Industries where she received a promotion shortly after being hired. Diane was given a second chance, regained her life and is now a proud, productive member of our community.

Mr. Speaker, the volunteers and staff of the Service League of San Mateo County recognize the humanity in every single member of our society. I ask this body to rise with me to honor their passion to build a better tomorrow for all of us.

COMMEMORATING THE UNVEILING OF STONE MARKER ACKNOWLEDGING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN CONSTRUCTING THE CAPITOL OF THE UNITED STATES

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. RICHARDSON. Mr. Speaker, today we honor enslaved African Americans with the unveiling of this great stone and marker once quarried by them for The Capitol of the United States. This dedicated marker will serve as a reminder to all who enter The Capitol of the hands and hearts that built this great place that fosters democracy at the highest level.

I include a poem penned in honor of those enslaved African Americans by Albert Caswell.

The poem is entitled,

AND FROM THESE HANDS

And . . .
And from these hands . . .
As now so stands
A Temple to Liberty so very grand
One of Freedom, for every child, woman, and man
From these hands

For out of their blood, sweat, and tears
As upon this Hill as now so appears
Is but a shrine to democracy so very clear
From these hands

Whether Captain Pointer, pointing the way
Guiding those ships,
As upon them this most sacred marble and stone so lay
Or at the very top,
How poignant, Reid so helped Freedom to keep watch
Now both night and day

So listen so closely here,
As to heart speaks so clear
Of what it took to build this great temple here
And To Be Free
Much effort and sacrifice indeed
And as you enter your heart skips a beat
Into the great Rotunda at night, as like a prayer
Can you but not feel their very souls in there?

All because these fine men, who once so persevered
Oh how ironic as was this fate
That this Temple of Freedom,
Was so once built by slaves!
From . . . These . . . Hands . . . which gave!
As their souls are so now etched everywhere
But look at what they so made

As generations have so come to pass
And new hands in this temple have labored steadfast
All in our nation's struggle to so ask
The ones, who have so fought against hatred so clear
Trying to vanquish discrimination year after year

Can you but not feel Martin's tears?
And today, if they could all be here
Would they but not so shed a tear?
All at what they so see here

So say a prayer, and all of these
Who but with their hands and hearts,
And souls so built this great Temple of Liberty

The ones who so placed this great stone
All in that fight
All in Freedom's home,
So one day we could all be here
Free

So on this day
This marker of remembrance we now place
All for what they so taught us,
So gave
As we see their great efforts all etched into this stone
They made

Like quarried stone, Freedom too does not come so easy!
Only through such blood, sweat, and tears can this all be!
In our lives, what have we made
From . . . these . . . hands . . .

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. ELLISON. Mr. Speaker, during final consideration of H.R. 347, the Federal Restricted Buildings and Grounds Improvement Act of 2011, I inadvertently voted ''nay'' on rollcall vote 73 when I intended to vote ''aye''. I would like the record to reflect that I support the bill, which creates sensible penalties for knowingly breaching the security of locations such as the White House and its grounds.

IN RECOGNITION OF RICK WYKOFF

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Foster City Councilmember Rick Wykoff for his decades of public service on the occasion of his retirement on December 5, 2011. He served on the City Council for the last ten years and was city manager from 1977–1994.

I have known Rick for over 30 years and have witnessed his dedication to, and passion for, our community. He thrived in the many positions he has held over the years throughout California.

Foster City is extraordinarily fortunate that Rick offered his experience as city manager, his wisdom and talent to the city council for

the last decade. On his watch, the council oversaw multiple public and private development projects, among them the building of City Hall, the Teen Centre Vibe, the North Peninsula Jewish Community Center, the redevelopment of Miramar and Marlin Cove and the redevelopment of the Gilead Science Campus, the Pilgrim/Triton and Chess/Hatch projects. Everyone in Foster City has benefitted from Rick's outstanding work.

Rick was born in Sacramento. He earned his Bachelor and Masters Degrees in Public Administration from San Diego State University and the University of Southern California respectively.

Before attending college, Rick worked as a beach life guard for the United States Coast Guard from 1960–64. While attending San Diego State University, he became an administrative intern in Oceanside in San Diego County in February 1968. That was clearly where he caught the public service bug. The same year Rick became the administrative assistant to the city manager of Yorba Linda in Orange County where he stayed for two years. From 1970–73, he was assistant manager and administrative assistant in Buena Park, Orange County, until he became the manager for this city of 62,000 residents.

In 1977 Rick moved north to the San Francisco Peninsula to assume his position as city manager of Foster City. He successfully dealt with past political and administrative turmoil and put in place a professional team that managed the needs of the city. Rick also served as manager of the Estero Municipal Improvement District and as executive director to the Redevelopment Agency.

From 1994–95, he served as interim public works director of South San Francisco where he oversaw a freeway interchange and railroad grade separation. He returned to the department in 1997 as a special Projects coordinator. The same year he became interim director of Community Redevelopment in Morgan Hill and acting public works director in Daly City. During his time in Daly City, Mother Nature presented Rick with a special challenge: an ''El Nino'' that year with heavy rains, wind and mudslides made his work overseeing streets and storm drains no picnic, but of course he saw the city through this most difficult of times.

From 1999–2000, Rick served as interim public works director in San Bruno. He was deeply involved in the negotiations regarding the BART station and the extension of underground lines through the city.

Rick has also served on the boards of directors of numerous organizations including the Industrial Emergency Council, the ABAG Plan Corp., the Bay Area Water Supply and Conservation Agency and the San Mateo County Advance Life Support Joint Powers Authority. Additionally he has 30 years of experience as a volunteer fire fighter.

Rick married his wife Judie 48 years ago and they raised two children, Carey and Dennis.

Mr. Speaker, I ask this body to rise with me to honor the work of Rick Wykoff, my friend and an extraordinary public servant who has improved the lives of tens of thousands of Californians.

HONORING THE LOS ANGELES SELECTS HOCKEY PEEWEE AAA TEAM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. ROHRABACHER. Mr. Speaker, I would like to commend the members of the Los Angeles Selects Hockey Peewee AAA team for winning the prestigious Peewee World Championship Tournament in Quebec on February 19, 2012. In the 53-year history of the tournament, this accomplishment marks the first time that a California team has won the event at the highest level of competition.

The L.A. Selects defeated the Vancouver North Shore Hockey Club in the championship game tournament by a score of 4–2 in hockey's equivalent of the Little League World Series. The Selects defeated teams from Russia, Slovakia, Detroit and Canada on their way to the title.

Over 100 teams comprised of 12- and 13-year old hockey players and representing 14 countries competed in the event. Over 10,000 people watched the championship game that took place in the Quebec Colisee, home of the former NHL Quebec Nordiques. Many NHL stars, such as Wayne Gretzky and Mario Lemieux, played in this tournament as youngsters. Since 1960, the Quebec tournament is the pinnacle of hockey competition where nearly 200,000 hockey fans attend the twelve-day event.

The L.A. Selects Peewee AAA Championship Roster included constituents from my district as well as a number of other high caliber players from the surrounding area: Cooper Haar (Huntington Beach), Jordan Bonner (Huntington Beach), Brett Rudy (Huntington Beach), Dexter Russo (Laguna Beach), Cayla Barnes (Corona), Jacob McGrew (Orange), Jack St. Ivany (Manhattan Beach), Vanya Lodnia (Anaheim), Cole Guttman (Northridge), Brandon McDonald (Valencia), Rhett Bruckner (Las Vegas), Brannon McManus (Upland), Nicholai Gruzdev (Valencia), Jesse Lycan (Escondito), Lukas Uhler (Upland).

Finally, Mr. Speaker, I submit the following article, from Youth1.com about the team and the tournament.

LA SELECTS WIN QUEBEC INTERNATIONAL PEEWEE HOCKEY TOURNAMENT

(By Dan Lio)

The No. 5 LA Selects rebounded from their opening game loss to win five straight games en route to capturing the tournament title at the 53rd Annual Quebec International Peewee Hockey Tournament, a tournament that lasted over a week long.

In their opening game on Monday, the Selects gave up a 3rd period lead, falling 3–2 to the St. Louis Blues. After the loss, their offense was in full force in their next game last Wednesday as they defeated Bratislava 14–0. In the win the Selects received hat tricks from three different players, including Jake McGrew, Cole Guttman and Vanya Lodnia. Also scoring in the win were Cayla Barnes, Brannon McManus, Jesse Lycan, Lukas Uhler and Brett Rudy. The Selects were back in action the following day to take on No. 4 ranked Compuware. In a well-played game by both team the Selects defeated Compuware 3–2 behind two goals from McManus and one from Guttman. Picking up the win inbetween the pipes was Rhett Bruckner. The Selects blew out Russia Forward in their next game, defeating them 8–1. Offensively, McManus led the way with four goals and one assist, while Guttman pitched in with two goals and an assist. Both Jake McGrew and Cooper Haar also found the back of the net in the win, while goalie Brandon McDonald picked up his second win of the tournament.

The Selects battled the Whitby Wildcats in their next game, with the winner advancing to the championship game. It was all Selects from the get go as they eventually took home the 6–2 win. In the win they received goals from six different players, including McGrew, Lodnia, Guttman, Haar, Lycan and Jordan Bonner.

In the championship game the Selects took on the previously undefeated North Shore Winter Club. In a total team effort, the Selects were able to double up North Shore, taking home the 4–2 victory to win the championship. Brannon McManus and Vanya Lodnia each had two goals and an assist in the win, while Jake McGrew and Cayla Barnes each pitched in with an assist. Playing phenomenal in net was Rhett Bruckner as he picked up his third straight win.

Congratulations to all members of the team, including coaches Shawn Pitcher, Greg Chinarian, Andrew Cohen, Igor Nikulin, Barry McManus and players Brandon McDonald, Rhett Bruckner, Jack St. Ivany, Jake McGrew, Vanya Lodnia, Dexter Russo, Cole Guttman, Jordan Bonner, Cayla Barnes, Brannon McManus, Cooper Haar, Nickolai Gruzdev, Jesse Lycan, Lukas Uhler and Brett Rudy.

CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Mr. WAXMAN. Mr. Speaker, on February 24, 2012, Rep. FRED UPTON, the Chairman of the Energy and Commerce Committee, inserted into the record a section-by-section discussion of the spectrum provisions in H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2012. This is a one-sided and after-the-fact attempt to influence interpretation of the Act by the Federal Communications Commission (FCC) and reviewing courts. Although there are a number of inaccuracies in the section-by-section analysis, Rep. UPTON's commentary on section 6404, which adds a new paragraph 17 to section 309(j) of the Communications Act addressing participation in auctions, is particularly egregious.

Rep. UPTON made two unsuccessful attempts prior to the passage of this legislation to have the conferees adopt his views on the consensus language in section 6404. First, on February 15, 2012, Rep. UPTON's staff proposed that language be inserted into the Joint Explanatory Statement of the Conference Committee stating that a ''full spectrum of bidders'' must be allowed to buy spectrum in incentive auctions. The conferees rejected this suggested language. In particular, it did not reflect the provision in the final bill that preserved the authority of the FCC to adopt rules that protect competition in any market, such as by requiring carriers that win licenses at auction to divest spectrum.

The following day, as the Joint Explanatory Statement was being finalized, Rep. UPTON's staff proposed a section-by-section summary of the Act for insertion into the report. This summary was also rejected by the conferees. As a result, the final Joint Explanatory Statement contains a section-by-section summary of only the language in H.R. 3630 as it passed the House, not as it was modified by the conferees. This section-by-section summary of the House-passed language was prepared by the Congressional Research Service as an aid to the conferees.

The conferees, including Rep. UPTON, did agree to include in the Joint Explanatory Statement the following general language to describe the spectrum provisions in the final legislation: ''The public safety and spectrum provisions of this legislation advance wireless broadband service by clearing spectrum for commercial auction, promoting billions of dollars in private investment, and creating tens of thousands of jobs. These provisions also deliver on one of the last outstanding recommendations of the 9/11 Commission by creating a nationwide interoperable broadband communications network for first responders and generating billions of dollars of Federal revenue.'' This is the only summary of the final legislation approved by the conferees.

Accordingly, Rep. UPTON's insertion of his own section-by-section analysis of the bill, offered after passage and without approval by the other conferees, carries no special weight. It is an effort by one member of the Conference Committee to advance an interpretative spin that does not fairly reflect the language of new paragraph 17 and was specifically rejected by the conferees as a whole.

Like Rep. UPTON, I was a conferee. The language in question was negotiated over multiple meetings by the staff of three members of the House and five members of the Senate. The three House members represented in these meetings were all conferees: Rep. UPTON, the Chairman of the House Energy and Commerce Committee, Rep. WALDEN, the Chairman of the Subcommittee on Communications and Technology, and myself, the Ranking Member of the Energy and Commerce Committee. The five Senators represented were two conferees, Senator BAUCUS, the Chairman of the Senate Finance Committee, and Senator KYL, a member of the Finance Committee and the Republican Whip; two Senators with special expertise in spectrum policy, Senator ROCKEFELLER, the Chairman of the Senate Commerce Committee, and Senator HUTCHINSON, the Ranking Member of the Commerce Committee; and Senate Majority Leader HARRY REID.

My staff in particular played a leading role in writing and negotiating the language in paragraph 17 that ended up in the final bill, including the very savings language Rep. UPTON glosses over, which was inserted specifically to protect FCC authority. I have a very different perspective on the language my staff put forward than the one Rep. UPTON suggests.

Rep. UPTON states that the ''sole qualifications'' of bidders under paragraph 17 are that they ''abide by the auction procedures and other requirements to protect the auction process, and that they meet the technical, financial, character, and citizenship requirements under 303(1)(1), 308(b), and 310 of the Communications Act'' either at the time of the bidding or before grant of the license if they submit a winning bid. What this interpretation fails to reflect is that the prohibition in subparagraph 17(A) is only a prohibition on ''prevent[ing] a person from participating in a system of competitive bidding.'' A ''system of competitive bidding'' under the Communications Act can include multiple groups of licenses or blocks of licenses. It therefore would be permissible for the FCC to set aside blocks of licenses within an auction on which particular bidders may not bid. This would limit a person's participation in the system of competitive bidding, which subparagraph 17(A) allows, but not prevent participation, which subparagraph 17(A) prohibits. For example, a system of competitive bidding in which the FCC established two blocks of licenses, and allowed bidders to bid on either of the two blocks, but not both, would be consistent with subparagraph 17(A).

Rep. UPTON acknowledges that nothing in paragraph 17 affects the FCC's authority to ''adopt and enforce rules of general applicability,'' but suggests that such rules must take their form via ''notice and comment rulemaking conducted separately from a particular auction'' and with the input of others besides ''parties courting particular spectrum.'' Rep. UPTON is apparently trying to create a distinction—found nowhere in the law—between ''rules of general applicability'' conducted through separate notice and comment rulemaking and ''rules regarding particular carriers, particular classes of carriers, or particular auctions.'' This interpretation departs greatly from what was agreed to by the conferees. Contrary to the interpretation posited by Rep. UPTON, a ''rule of general applicability'' is a well-known term used in the definition of a ''rule'' in the Administrative Procedure Act (APA). The established APA and judicial meaning is that a rule of general applicability is a rule that is not party-specific or what is known as a ''rule of particular applicability.'' The term ''rule of general applicability'' was used in the savings clause in subparagraph 17(B) to ensure that the FCC can adopt and enforce rules that apply to all licenses, apply to auctioned spectrum generally, or apply to spectrum offered in a particular auction. All of these types of rules are enforceable with respect to auctions and auctioned spectrum because they are not literally or effectively party-specific.

Rep. UPTON further states that the phrase ''rules concerning spectrum aggregation that promote competition'' was inserted in subparagraph 17(B) to ''illustrate that the FCC retains authority to adopt such rules in an industry-wide rulemaking'' if the authority for the rule ''may be found elsewhere in the Communications Act and does not conflict with the prohibition on excluding bidders.'' There are multiple problems with this analysis. During negotiations among conferee staff, Rep. UPTON's staff proposed that the phrase ''other, industry-wide'' be inserted before ''rules of general applicability.'' This proposal was considered and rejected. The final language thus preserves the FCC's authority to issue any rules of general applicability, not just those that apply ''industrywide.'' It also makes clear that the savings clause in the last sentence preserves all of the FCC's pre-existing authority to issue rules of general applicability, not just those that address subjects ''other'' than participation in auctions.

The language of the savings clause provides that ''[n]othing in subparagraph (A),'' which contains the prohibition on participation in a system of competitive bidding, ''affects any authority the Commission has to adopt and enforce rules of general applicability, including rules concerning spectrum aggregation that promote competition.'' If Rep. UPTON were correct that the rules of general applicability cannot ''conflict with the prohibition on excluding bidders,'' the savings clause would be meaningless. The whole point of the savings clause is to preserve the FCC's pre-existing authority to issue rules of general applicability. The savings language in subparagraph 17(B) limits the reach of the prohibition in subparagraph 17(A), not vice-versa as Rep. UPTON contends.

The purpose of the agreed-upon language is simple: It prohibits the FCC from singling out a specific carrier for exclusion from a system of competitive bidding as long as that carrier complies with all auction procedures and other requirements to protect the auction process established by the Commission and either meets the technical, financial, character, and citizenship qualifications under sections 303(1)(1), 308(b), and 310 or would meet such qualifications before grant of the license. Rep. UPTON is correct in saying that every carrier is eligible to participate in a system of competitive bidding. The FCC, however, is able to require those carriers to come into compliance with applicable spectrum holding limitations, and all other license qualifications of any type, prior to granting a particular license. As adopted by the conferees, subparagraph 17(B) clarifies that Congress intends for the FCC to continue to promote competition through its spectrum policies. The FCC can adopt and enforce, for example, a spectrum cap through a rule that applies either to all licenses or to spectrum offered in a particular auction, as long as such rules are not party-specific. The agreed-upon savings clause thus preserves the FCC's ability to require, among other things, the divestiture of specific spectrum, such as spectrum below 1 GHz, in order to promote competition.

I was opposed to the language in paragraph 17 in the House-passed version of the bill. In the conference, I urged that the provision be deleted in its entirety. I was not successful in eliminating the section, but with the support of other conferees, I was successful in significantly limiting its application. Under pre-existing law, the FCC could have barred particular carriers like AT&T and Verizon from bidding on any of the relinquished broadcast spectrum if the FCC determined that excluding them would advance the public interest by promoting competition. Under the final language in paragraph 17, the FCC can no longer single out individual companies and exclude them from participating in a system of competitive bidding, but the FCC can limit their participation to discrete blocks of spectrum that are to be auctioned under the system of competitive bidding. Moreover, the FCC can require a company to divest spectrum it currently holds before awarding the company a license to new spectrum won in an auction. In effect, paragraph 17 gives companies with large spectrum holdings a choice: they can keep their existing spectrum or they can get new spectrum but give up their existing spectrum to preserve competition. Under paragraph 17, companies like AT&T and Verizon will be able to acquire new spectrum in an auction, but if the FCC determines the acquisition of that spectrum

would diminish competition, the companies can be required to divest other spectrum before they get a license to the new spectrum.

Prior to introduction of H.R. 3630 in the House, FCC staff was asked to meet with a bipartisan group of staff to review the draft House language. At that meeting, the FCC staff raised concerns regarding flaws in the proposed Republican language on bidder eligibility. Specifically, FCC staff stated that the House Republican language was overly broad and would hinder the Commission's ability to promote competition. Along with other conferees, I worked to correct these problems and provide the Commission appropriate flexibility. The conferees unequivocally rejected the original House language, which Rep. UPTON seeks to resurrect through his interpretive gloss.

The final language in paragraph 17 was not to everyone's liking. The conferees tentatively agreed to the language on Sunday, February 12. As the final language leaked out, one company launched an eleventh-hour campaign to change it. According to an article in Politico on February 15, AT&T was ''furious with proposed language in the deal that could affect its ability to bid for the spectrum'' (David Rogers and Manu Raju, Spectrum Auction a Holdup on Jobless Benefits Deal, PoliticoPro (Feb. 15, 2012) (online at https://www.politicopro.com/story/tech/?id=9274)). House Republicans, Politico reported, ''would like to appease AT&T by refining language its negotiators have already accepted'' (Id.).

AT&T's effort failed. As Politico reported the following day, ''House Republicans had hoped to appease AT&T by refining language its negotiators have already accepted—but this effort was finally dropped'' (David Rogers and Manu Raju, Payroll Tax Deal Finalized, PoliticoPro (Feb. 16, 2012) (online at http://politi.co/yHTIM4L)). If accepted as accurate legislative history, Rep. UPTON's remarks would give AT&T through the backdoor much of what the company was not able to achieve through the actual legislative process. This effort at revisionism should be rejected by the FCC and reviewing courts interpreting this section.

I also have concerns about the discussion in Rep. UPTON's remarks of section 6407, which addresses unlicensed use of spectrum in guard bands.

Unlicensed spectrum has been an engine of economic innovation and growth. Many advocate that allowing unlicensed use in the frequencies currently occupied by broadcasters could lead to new innovations like ''Super WiFi.'' The final legislation advances this goal in three ways: (1) it gives the FCC the authority to preserve TV white spaces; (2) it gives the FCC the authority to optimize existing TV white spaces for unlicensed use by consolidating the existing white spaces into more optimal configurations through band plans; and (3) it gives the FCC the authority to use part of the spectrum relinquished by TV broadcasters in the incentive auction to establish nationwide ''guard bands,'' including in high value markets that currently have little or no white spaces today, creating additional, new white spaces. Experts believe nationwide, unlicensed access to guard bands will enable innovation and promote investment in new unlicensed technologies.

The relevant language is contained in sections 6402, 6403, and 6407. Section 6402 creates a new subparagraph 309(j)(8) of the Communications Act that authorizes the FCC to pay for the voluntary relinquishment of spectrum ''in order to permit the assignment of new initial licenses.'' Section 6403(a) provides that the reverse auction to relinquish broadcast television spectrum is conducted ''in order to make spectrum available for assignment through a system of competitive bidding.'' Section 6407 in turn permits the FCC to use some of the relinquished spectrum to create guard bands and, as detailed below, to allow unlicensed use in those guard bands.

The final legislation does not require that existing white spaces be auctioned. Section 6403(b) gives the FCC discretion in deciding how much spectrum, if any, the agency should auction in addition to the relinquished spectrum. Section 6403(b)(1)(A) requires the FCC to ''evaluate the broadcast television spectrum (including spectrum made available through the reverse auction).'' Section 6403(b)(1)(B) then specifies that the FCC ''may'' repack the remaining broadcast spectrum, which would include white spaces, by making ''such reassignments of television channels as the Commission considers appropriate.'' Section 6403(b)(1)(B) also provides that the FCC ''may . . . reallocate such portions of such spectrum as the Commission determines are available for reallocation.'' Under section 6403(c), only spectrum that the FCC determines should be ''reallocated'' under section 6403(b)(1)(B) is required to be auctioned.

The savings clause found in section 6407 provides the FCC authority to use ''relinquished or other spectrum'' to create ''guard bands'' in the spectrum to be auctioned and make these guard bands available for ''unlicensed use.'' Under this authority, the FCC could create new TV white spaces in all markets by creating the guard bands out of spectrum that is relinquished by the broadcasters.

In Rep. UPTON's summary of section 6407, he states that the section gives the FCC the authority to ''create guard bands and allow secondary, unlicensed use in spectrum it has cleared with federal funds.'' I agree with Rep. UPTON that the FCC can create guard bands in this spectrum and allow unlicensed use in these guard bands, but such use does not need to be a ''secondary'' use. During the course of negotiations over section 6407, Rep. UPTON's staff proposed that the language in section 6407 include the requirement that any unlicensed use of the guard bands be ''secondary'' to a licensed use of the spectrum in the guard bands. This provision was not accepted by the conferees. As a result, the final language gives the FCC the discretion to decide whether to make unlicensed use the primary or secondary use of the guard bands. Of course, any unlicensed use of the guard bands may not cause harmful interference with licensed uses of the spectrum that is auctioned.

While there are other assertions made by Rep. UPTON's insertion in the CONGRESSIONAL RECORD that are inaccurate, these examples should serve to show that his statement does not fairly reflect the intent of Congress in adopting the provisions. In light of the fact that the conferees chose not to adopt a detailed summary of the provisions in this portion of the Act, it will fall to the FCC's open processes to ultimately inform its implementation of the Act's language.

HONORING GREGORY BLAKE TAYLOR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Gregory Blake Taylor. Gregory is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 354, and earning the most prestigious award of Eagle Scout.

Gregory has been very active with his troop, participating in many scout activities. Over the many years Gregory has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Gregory has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Gregory Blake Taylor for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF BRUCE HAMILTON

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Bruce Hamilton who is retiring as Executive Director of HIP Housing after eight years of outstanding leadership.

I share many things with Bruce: a deep friendship, a birthday and a passion for his organization that has enabled thousands of San Mateo County residents to live independently and self-sufficiently in safe, low-cost homes.

Attending a HIP Housing graduation officiated by Bruce Hamilton is a bit like attending a revivalist meeting. Men, women and children traipse to the microphone for over an hour and tell stories of how HIP Housing and their own will power set them on the straight and narrow. A man just down on his luck found a home in which he can be both an aide and a friend to the homeowner. Rent? Sure, it's important to the homeowner, but in the world of Bruce and HIP Housing, what matters most is that yet another man became a success. A young mother with an abusive husband found a safe haven for herself and her three children. Another woman explained how she came to HIP and developed her life and parenting skills, earned her GED and landed a job. Bruce beamed like a proud dad. We often proclaim that we should ''Make it in America''. Well, Bruce Hamilton and HIP Housing make human dignity by the boatload in America, every day and all year long. Now that's a product worth making.

Before Bruce joined HIP Housing, he held an impressive variety of positions all over the country. He was the Executive Director of the Alliance on Aging in Monterey, California, Administrator at the Unitarian Church in Palo Alto, California; Executive Director of the State Bar of Arizona/Arizona Bar Foundation in

Phoenix, Arizona, Director of the-State Bar of California in San Francisco, California, County Supervisor in Lancaster County, Nebraska, Partner in the Law Offices of Hamilton, German & Robinson in Lincoln, Nebraska, Assistant Director of the American Bar Association in Chicago, Illinois and Public Defender at the Legal Aid Agency in Washington, DC.

Bruce's career is a clear testament to his passion for public service, justice and our democracy and so are his commitments in his spare time. He has volunteered for a long list of organizations including the Peace Corp in Ethiopia, the Housing Leadership Council, Thrive, HEART, Meals on Wheels, Community Health Care Corporation, Work Force Investment Board and United Way in Monterey County.

Bruce was born in 1942 in Lincoln, Nebraska. He received his BS in Secondary Education and his J.D. Degree from the University of Nebraska.

He is the proud father of his son Alfred and grandfather of Ashley and Lindsey.

Mr. Speaker, Bruce Hamilton personifies the old adage, ''Walk a mile in my shoes.'' Bruce has walked many miles in the shoes of many of his clients over the years of his service to our community, and it is due to his capacity to empathize that he is being honored upon his retirement. His is a life's work well done.

75TH ANNIVERSARY OF THE INDIANAPOLIS SYMPHONIC CHOIR

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. CARSON. Mr. Speaker, this year marks the 75th Anniversary of the Indianapolis Symphonic Choir, one of our nation's most active and dynamic symphonic choruses.

The Choir performs for tens of thousands of my constituents annually at storied venues, including this year's Super Bowl. I was fortunate to witness the Choir's incomparable artistry during this year's Celebration Gospel Festival, a moving tribute to Dr. King's legacy.

Under the leadership of a phenomenal Board of Directors, as well as the guiding hands of artistic director Dr. Eric Stark, executive director Michael Pettry, General Manager Andrew Lannerd, and Operations Manager Stephanie Derybowski, the Choir adds to the cultural richness of the 7th District and provides invaluable inspiration to Hoosiers of all ages, races, and backgrounds.

Since 1937, the Symphonic Choir has partnered with the venerable Indianapolis Symphony Orchestra. This collaboration of successful independent arts organizations has entertained generations of music lovers throughout Central Indiana. I also commend the Symphonic Choir for spearheading educational initiatives benefitting students and teachers within Indianapolis Public Schools.

Finally, I want to congratulate the 160 volunteer singers who tirelessly dedicate themselves to mastering their craft. Their selfless devotion to community enrichment is awe-inspiring.

Mr. Speaker, I ask my colleagues to join me in congratulating the Indianapolis Symphonic Choir on 75 years of music and wishing them continued success for decades to come.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. WOOLSEY. Mr. Speaker, on February 27, 2012, I was unavoidably detained and was unable to record my vote for rollcall No. 50. Had I been present I would have voted:

Rollcall No. 73: ''yes''—Federal Restricted Buildings and Grounds Improvement Act of 2011.

RECOGNIZING STEVE TRUMAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. LEVIN. Mr. Speaker, I rise today to recognize a dedicated, compassionate and effective public servant Steve Truman, who is retiring after serving the people of the City of Roseville, Michigan, for 32 years, the last eight as City Manager.

Mr. Truman graduated from Eastern Michigan University with a Bachelor of Science Degree in Secondary Education and he also earned a Masters Degree in Urban Planning from Wayne State University.

Mr. Truman began his career in the private sector as a city planning consultant. He started working for the City of Roseville in 1979 as the Executive Director for the Roseville Housing Commission. In 1983 he was appointed as the Director of Building and Inspections, and in March 2005 he became City Manager and has served in the capacity successfully to the present date.

Although City Manager is not elected position, Mr. Truman truly devoted himself to the community and was constantly visible everywhere throughout the city. He is a member of the Roseville Optimist Club, as well as a number of other community and professional organizations. Mr. Truman made it his goal to improve the City's financial future, and under his leadership, the City has continued on a path of sound financial footing despite immense economic challenges, while still providing quality services to residents.

It has been a true pleasure for my staff and me to work with Mr. Truman on collaborative efforts that have resulted in some important local initiatives. On one such occasion we worked together on a project to combine three municipal police and fire dispatch centers to consolidate and form one regional police and fire dispatch authority that provides greater efficiency and increased productivity. This type of forward and creative thinking has saved the City of Roseville $2.5 million over a five-year period and is just one example of Mr. Truman's abilities as an effective leader.

In addition to his dedication to providing quality government service, Mr. Truman has also been a passionate advocate for education, serving on the Utica School Board for almost a decade. Since 2010 he has been a member of the Utica Schools Foundation for Educational Excellence.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedicated public service of Steve Truman and his numerous achievements over a 32-year career. I am so pleased to join with the entire community in paying tribute to his achievements, and thanking him for years of talented service. I am confident he will continue to play an important role in the community where he is highly thought of, in addition to enjoying a bit of retirement. Importantly, he and his wife Pam now get to enjoy spending time visiting their four children and three grandchildren Ben, Jack and Avery.

ARTHUR GENSLER

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Arthur Gensler who today is receiving the 2011 Silver Spur Award from San Francisco Planning and Urban Research (SPUR). This award recognizes a lifetime of civic achievement of a San Franciscan.

San Francisco is not alone in benefitting from Mr. Gensler's vision, creativity and leadership; his impact is global. In 1965 he founded Gensler, a San Francisco based architecture and design firm, that has grown from a three-person office to a 3000-person firm with over 30 offices worldwide. Mr. Gensler transformed interior design into a recognized profession and his firm serves as a model for design professions in the 21st century.

Gensler designed the stunning new Terminal 2 at SFO, located in my district, and Terminal B at Norman Mineta International Airport in San Jose. Other notable projects include the Toys R Us store at Times Square in New York, the Avenue of the Stars CAA building in Los Angeles, Jet Blue Terminal 5 at JFK, Gaylord National Convention Center in National Harbor, Maryland, the first LEED certified car dealership in McKinney, Texas and Shanghai Tower in Shanghai, China which is currently under construction. Among the many Awards Gensler received are the American Institute of Architects' IDP Outstanding Firm Award, Contract Magazine's Legend Award, Interior Design Hall of Fame, U.S. Green Building Council Leadership Award, the Lifetime Achievement award from Ernst & Young LLP, and AIA's Architecture Firm Award, the highest honor that AIA can bestow on an architecture firm for consistently producing distinguished architecture.

Mr. Gensler is a graduate of Cornell University, which named him ''Cornell Entrepreneur of the Year'' in 1995. Today he serves on the Advisory Council of Cornell's College of Architecture, Art and Planning. Mr. Gensler has also been a Visiting Professor at Arizona State University, Cornell, and the University of California at Berkeley, where he is on the Advisory Board of the Haas School of Business. He is a Trustee of the National Building Museum, Washington, DC, and the Buck Institute for Aging, Novato, California. Mr. Gensler is a Fellow of both the American Institute of Architects (FAIA) and the International Interior Design Association (FIIDA), which honored him with its Star Award. He is also a professional member of the Royal Institute of British Architects, and a co-founder of the AIA's National Interior Architecture Committee.

Mr. Gensler and his wife of over six decades, Drue Gensler, live in Mill Valley. They

are the proud parents of four sons and ten grandchildren.

Mr. Speaker, I ask this body to rise with me to acknowledge the craft, talent and lasting impressions of Art Gensler.

CONGRATULATING NATIONAL HISTORY DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate National History Day, a yearlong academic program focused on improving the teaching and learning of history for 6th to 12th grade students, for receiving a 2011 National Humanities Medal presented on February 13 at the White House by President Obama. Inaugurated in 1997, the National Humanities Medal honors individuals or groups whose work has deepened the nation's understanding of the humanities, broadened citizens' engagement, or helped preserve and expand Americans' access to important resources in the humanities. I am proud to recognize National History Day as the first K–12 education program that has received this honor ''for sparking passion for history in students across our country.''

National History Day is a program that can be integrated into any social studies or history classroom, as it helps teachers expand and enrich the existing curriculum. With schools spending more resources and time focusing on reading and math education, it is important that we also recognize and support programs that help to provide a well-rounded education that raises the bar for students and strengthens the instructional practice of teachers.

In every state and in hundreds of communities around the country, National History Day affiliates work with classroom teachers and students who choose historical topics related to a theme and conduct extensive primary and secondary research through libraries, archives, museums, oral history interviews and historic sites. In my own state of Maryland, the Maryland National History Day program is sponsored by the Maryland Humanities Council. Last year about 19,000 students from 158 different middle and high schools participated across the state at the local, state and national levels. The program is an outstanding example of outcome-based and performance-based learning.

I am also proud that each June students travel from all 50 states, the District of Columbia, and the U.S. territories to participate in the culminating four-day event held at the University of Maryland at College Park where professional historians and educators evaluate their projects. Attending the National History Day national contest where students are working in groups as well as individually to make history come alive is truly a unique experience. Each student is able to become an expert on a chosen topic while they further develop college- and career-ready skills such as critical thinking, problem-solving and oral and written communication. More than 5 million students have gone on to careers in business, law, medicine and countless other disciplines where they are putting into practice what they learned through National History Day.

As legislators, we are all interested in promoting increased student achievement and a deeper understanding of the impact of history on our everyday lives. For 30 years, the National History Day program has been transforming the way history is taught and learned in classrooms all over the country improving education every day.

THE ILLEGAL, UNREPORTED, AND UNREGULATED FISHING ENFORCEMENT ACT OF 2011

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. BORDALLO. Mr. Speaker, today I reintroduce legislation to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated, IUU, fishing. Illegal fishing threatens the economic and social infrastructure of fishing communities around the world by decreasing opportunities for legitimate and conscientious fishermen. While the United States is recognized for its commitment to domestic fisheries conservation and as an international voice in science-based ocean conservation, the failure of other nations to adopt similar approaches has both economic and conservation implications for U.S. industry and management. Additional action is needed from Congress if we are to be successful in combating IUU fishing and the depletion of fish stocks worldwide. Last Congress, I sponsored similar legislation and it passed the House without opposition by voice vote. This year, I am glad to be joined by Congressman FRANK GUINTA from New Hampshire as a bipartisan original cosponsor.

Recent reports have documented that IUU fishing accounts for between 10 and 22 percent of the reported global fish catch, or $9–24 billion in gross revenues each year (MRAG, 2009, Sumaila et al., 2006 and Agnew et al., 2009). This undermines the United States' conservation focused approach to fisheries management and the efforts of fishermen, and has implications for sustainable international fisheries that benefit the world's Marine ecosystems. Unsustainable fishing practices by foreign fishing fleets adversely affect stocks that migrate between the U.S. Exclusive Economic Zone (EEZ) and the high seas. This problem can be particularly acute in places like Guam, where the EEZ is vast, and where the United States Coast Guard, despite its best efforts, will never have sufficient resources to patrol all of our waters.

The ''Illegal, Unreported, Unregulated Fishing Enforcement Enhancement Act of 2011,'' which I introduced today, further enhances the enforcement authority of NOAA and the U.S. Coast Guard to regulate IOU fishing. This bill would amend the High Seas Driftnet Fishing Moratorium Protection Act, HSDFMPA, and other international and regional fishery management organization, RFMO, agreements to incorporate the civil penalties, permit sanctions, criminal offenses, civil forfeitures and enforcement sections of the Magnuson-Stevens Fishery Conservation and Management Act. It would strengthen enforcement authority of NOAA and the U.S. Coast Guard to inspect conveyances, facilities, and records involving the storage, processing, transport and trade of fish and fish products, and to detain fish and fish products for up to five days while an investigation is ongoing.

In addition, this bill makes technical adjustments to allow NOAA to more effectively carry out current IUU identification mandates, including extending the duration of time for identification of violators from the preceding two years to the preceding three years. This bill broadens data sharing authority to enable NOAA to share information with foreign governments and clarifies that all information collected may be shared with international organizations and foreign governments for the purpose of conducting enforcement. These amendments promote the conservation and sound management of fish stocks internationally and in a manner consistent with the expectations placed on U.S. fishermen. This bill would establish an international cooperation and assistance program to provide funding and technical expertise to other nations to help them address IUU fishing. This bill, however, does not authorize new funding or appropriations.

Finally, this bill implements the Antigua Convention, an important international agreement that provides critical updates to the principles, functions, and processes of the Inter-American Tropical Tuna Commission, IATTC, to manage fisheries in the eastern Pacific Ocean. The Antigua Convention modernizes the IATTC and increases its capacity to combat IUU fishing and illegal imports of tuna product. Without implementing legislation, the U.S. does not have the authorities necessary to satisfy its commitments under the Antigua Convention, including addressing IUU in the eastern Pacific Ocean.

IUU fishermen are ''free riders'' who benefit unfairly from the sacrifices made by U.S. fishermen and others for the sake of proper fisheries conservation and management. I would like to thank Rep. GUINTA, Rep. FARR, Rep. FALEOMAVAEGA, Rep. CHRISTENSEN, Rep. PIERLUISI and Rep. SABLAN for joining me as original cosponsors and I look forward to working with my colleagues on both sides of the aisle to advance this important bill through the legislative process.

HONORING SAXTON T. WATSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Saxton T. Watson. Saxton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and earning the most prestigious award of Eagle Scout.

Saxton has been very active with his troop, participating in many scout activities. Over the many years Saxton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Saxton has also contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Saxton T. Watson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMENDING THE HUNTERDON CENTRAL REGIONAL HIGH SCHOOL VARSITY CHEERLEADING SQUAD

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. LANCE. Mr. Speaker, I rise today to recognize the Hunterdon Central Regional High School Varsity Cheerleading Squad for winning the 2012 Universal Cheerleaders Association High School National Championship. After a week of competition in Orlando, Florida, this talented group of young women defeated the defending national champions to become the first team from Hunterdon Central Regional High School to bring home a national championship title.

Last year the team took second place, but the squad returned motivated this year to take home the championship. Supporters, friends and family refer to the winning performance as ''The Perfect Routine.'' I congratulate Superintendent Christina Steffner, Principal Tim O'Brien, Head Coach Heather Buterbaugh and Assistant Coach Julie Strober for their hard work and dedication to the team. This marks another proud accomplishment for the Hunterdon Central Regional High School Athletics Department.

These talented young women should be proud of their hard work and I congratulate them on the outstanding achievement of bringing their ''Perfect Routine'' to the national stage.

IN COMMEMORATION OF THE 90TH BIRTHDAY OF ROSARIO PEREZ-PENA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. ENGEL. Mr. Speaker, I would like to commemorate the 90th birthday of Rosario Perez-Pena, who was born in San Juan, Puerto Rico on February 28, 1922.

Rosario was married to the late Luis-Perez Soto, who was an accountant, writer, poet, playwright, musician, artist and actor. Together, they had four children, and she is now the proud grandmother of eight and great-grandmother of 18. She has spent most of her life in Puerto Rico, but also lived in New York for 24 years. She has designed and made most of her own clothes, and has been an active reader and voter throughout her life.

I join her family in wishing her a very happy birthday on this special day.

A TRIBUTE TO HIS EXCELLENCY AMBASSADOR HAN DUK-SOO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. TOWNS. Mr. Speaker, I rise to offer thanks and respect to His Excellency Han Duk-soo, who is departing Washington after three years as Ambassador of the Republic of Korea to the United States.

Before his appointment in March 2009, Ambassador Han had served as his country's Prime Minister. The fact that President Lee Myung-bak chose a man of such distinguished credentials to be his country's Ambassador to Washington demonstrates the high regard with which he holds the longstanding friendship of South Korea and the United States.

In addition to his service as Prime Minister and Ambassador to the United States, Ambassador Han has also been Deputy Prime Minister, Minister of Finance and Economy, Ambassador to the OECD, and a senior diplomat in the Ministry of Foreign Affairs and Trade.

The three years of Ambassador Han's tenure in Washington have been marked by great success and achievement in strengthening the U.S.-Korea alliance.

Last October, at the invitation of this body, President Lee addressed a joint meeting of the House and Senate. It was emblematic of not only the importance of our bilateral alliance, but a reflection of Ambassador Han's diligence and the many friends he has cultivated on Capitol Hill.

Mr. Speaker, nearly six decades have come and gone since the armistice that ended the Korean War, and the United States and the Republic of Korea remain partners dedicated to peace, freedom, democracy, and global stability. Our two countries' soldiers have fought side by side not only in Korea but also in Vietnam, Afghanistan, and Iraq.

In recent years, the Korean government has sponsored visits by American veterans to the place where they served and fought. Many Korean War veterans are getting up in years. There will not be many opportunities for them to revisit the battlefields of sixty years ago. The Korean people are most generous, and most gracious, in making these trips possible.

Ambassador Han has made a point of visiting with groups of Korean War veterans as he travels the United States. His personal expressions of gratitude have been touching, and most appreciated.

The friendship of the United States and Korea goes well beyond a military alliance, and well beyond our shared past on the battlefield.

Our countries are major trading partners. Our students study in each other's universities. We share numerous cultural exchanges. Ambassador Han has done much in his time here to strengthen and deepen the longstanding relationship between the United States and Korea. He will be sorely missed.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Ambassador Han Duk-soo, wishing him well in his future endeavors as the Chairman of the Korea International Trade Association. I thank him for his service and most especially his friendship.

HONORING CAPTAIN ROBERT C. GRANT

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor Captain Robert C. Grant, and to congratulate him on his retirement. Captain Grant is an outstanding individual who served as the Deputy Chief of Staff of the Seventh Coast Guard District since coming on Active Duty in April of 1998.

Captain Grant first entered military service as a medic in the U.S. Air Force Reserve in December 1966, serving at both Tyndall Air Force Base near Panama City, FL and Homestead Air Force Base in South Florida. In April 1974, he received a Direct Commission in the U.S. Coast Guard Reserve and served as a drilling Reservist in various Coast Guard Reserve Units in the Seventh District until coming on Active Duty in April 1998. Most notable of his Reserve Unit assignments was his three year tour as Commanding Officer of U.S. Coast Guard Reserve Unit Marine Safety Office Miami, during which the majority of the 90-member unit was activated in support of Operation Desert Shield/Desert Storm.

During his tenure as Deputy Chief of Staff, Captain Grant served as a senior advisor to eight Admirals. He was the primary District liaison to Congressional Members and their staffs from South Carolina, Georgia, Florida, and Puerto Rico. His efforts assisted Congress in passing legislation that has proved instrumental in addressing new maritime smuggling tactics that constitute a threat to the United States.

Among his many achievements, Captain Grant was active in strengthening the relationship between the Coast Guard and the South Florida Hispanic and Haitian communities through a dedicated public outreach initiative. In the wake of the devastating 2010 earthquake near Port-au-Prince, Haiti, he also supported such large-scale responses as Operation Unified Response and Operation Southeast Watch—Haiti, which led to the evacuation of over 1,150 US citizens, 250 medical evacuations, the transport of over 715 first responders, and the delivery of over 1.1 million pounds of critically-needed relief cargo and equipment by Coast Guard aircraft.

Mr. Speaker, I am honored to pay tribute to Captain Robert C. Grant for his continued service to our nation, and more specifically South Florida and I ask my colleagues to join me in recognizing this outstanding individual.

RECOGNIZING THE SPOTSYLVANIA REGIONAL MEDICAL CENTER

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the many achievements of the Spotsylvania Regional Medical Center (SRMC). Since the hospital opened in June of 2010, its staff and volunteers have served their community selflessly, assisting patients with everyday illnesses as well as after tragic incidents such as the August 2011 earthquake that was centered just 25 miles from SRMC. With over 50,000 total hours of volunteer service performed in less than two years, these individuals have shown an extraordinary devotion to their community, and their compassion and friendly service certainly played a part in SRMC's high patient satisfaction ratings in 2011.

In a perfect world, there would be no need for hospitals; however, it is reassuring to know

that there are great medical centers such as SRMC should we ever require medical assistance. I'd like to commend the doctors, nurses, administrators, and volunteers who make up the impressive team at SRMC on their stellar performance in the brief amount of time since the hospital's inception, and I look forward to following the continued service of the great folks at the Spotsylvania Regional Medical Center in the future.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall vote 73. Had I been able to vote, I would have voted "yes" on the Motion to Concur in the Senate Amendment to H.R. 347.

IN CELEBRATION OF AMERICA'S BLOOD CENTERS' 50TH ANNIVERSARY

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. HERGER. Mr. Speaker, America's Blood Centers is North America's largest network of community-based, independent, nonprofit blood centers. I congratulate ABC on its half-century anniversary and applaud its continued mission to help member blood centers serve their communities.

BloodSource is the blood center in Northern California. A regional, non-profit organization, BloodSource provides blood and services in ten counties within California's Second Congressional District and sixteen other counties in the state. In my district, BloodSource operates two major regional blood centers and one community donor center. Every day BloodSource conducts multiple blood donor drives to assure a safe and plentiful blood supply for the people who receive care in thirteen hospitals I represent.

I am proud to be a BloodSource blood donor and honored to represent 90,000 BloodSource blood donors. I have had the privilege of sponsoring BloodSource blood drives for several years. I applaud the efforts of BloodSource to make certain that every patient has the blood and blood components needed, wherever and whenever the need.

I join BloodSource in celebrating the 50th anniversary of ABC. Together with its members, ABC provides half of the American and a quarter of the Canadian blood supply to more than 150 million patients who receive care in 3,500 hospitals and healthcare facilities across North America. The work of ABC members impacts all of us.

Congratulations to America's Blood Centers. Because of their work, lives are being saved in cities and towns across the nation.

IN RECOGNITION OF DALE MINAMI

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Dale Minami who today is receiving the 2011 Silver Spur Award from San Francisco Planning and Urban Research (SPUR). This award recognizes a lifetime of civic achievement of a San Franciscan.

Mr. Minami is one of the country's preeminent attorneys recognized for his civil rights leadership. He is best known for heading the legal team in Korematsu v. United States, the legendary Supreme Court case that overturned the wrongful criminal conviction of Fred Korematsu who refused internment during World War II.

Mr. Minami is a personal injury attorney with Minami Tamaki LLP and has made significant contributions to the advancement of the rights of Asian-Americans. Minami is a co-founder of the Asian Law Caucus, the Asian-American Bar Association of the Greater Bay Area, the Asian Pacific Bar of California and the Coalition of Asian-Pacific Americans.

Other landmark decisions he was involved in include United Filipinos for Affirmative Action v. California Blue Shield, the first class action employment lawsuit brought by Asian-Pacific Americans on behalf of Asian-Pacific Americans; Spokane JACL v. Washington State University which established an Asian American Studies program at the Washington State University; and Nakanishi v. UCLA, a claim for unfair denial of tenure which resulted in the granting of tenure after multiple hearings and widespread publicity over discrimination in academia.

Mr. Minami has been involved in the judicial appointment process and in public policy. He was a member of the California Fair Employment and Housing Commission and chaired the California Attorney General's Asian Pacific Advisory Committee. He served as a commissioner on the California State Bar Association's Commission on Judicial Nominees' Evaluation and Senator Barbara BOXER's Judicial Screening Committee. President Clinton appointed him chair of the Civil Liberties Public Education Fund in 1996. Mr. Minami specializes in personal injury and entertainment law and has represented well known clients such as Kristi Yamaguchi, Philip Kan Gotanda and Steven Okazaki. He is counsel to the Asian American Journalists Association and has also represented many of San Francisco's best known faces on television, including Sydnie Kohara, Lawrence Karnow, Vic Lee, Heather Ishimaru and David Louie.

He received his B.A. in Political Science from the University of Southern California in 1968 and his J.D. from Boalt Hall School of Law at UC Berkeley in 1971. He was admitted to the California Bar in 1972. In 1982, he was admitted to practice in the U.S. Supreme Court.

Among his many awards and recognitions, Mr. Minami received the American Bar Association's 2003 Thurgood Marshall Award, the 2003 ACLU Civil Liberties Award, and the State Bar President's Pro Bono Service Award. A dormitory at UC Santa Cruz was named Queen Liliuokalani-Minami Dormitory. Mr. Speaker, I ask this body to rise with me to acknowledge Dale Minami's extraordinary work and lasting contributions to justice and equality in the Asian American community and our community at large.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 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 $15,438,518,062,690.37. We've added $4,811,641,013,777.29 dollars to our debt in 3 years. This is $5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNITION OF LESLIE LEWIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Leslie Lewis. A native of the Bronx, New York, Mr. Lewis is an outspoken highly respected advocate for the community.

Mr. Lewis was born and raised in the Bronx, New York but eventually spent a large part of his life in Scarsdale, New York. In Scarsdale, Mr. Lewis raised his two sons, Robert and Mark. Mr. Lewis first moved to Brooklyn in 1982, when he settled into a home on Wyckoff Street—between the Gowanus Housing Projects and the Wyckoff Housing Projects. Shortly after moving there, he joined the precinct community council.

Mr. Lewis worked for 30 years in the exhibition business, becoming president of the Greyhound Exposition Company in the process. Along with national trade shows, Mr. Lewis maintained his concern for minority areas. He developed his "Job Power" concept as a way to bring employers to unemployed urban minorities. This concept was recognized by then President Nixon, who transformed it into the modern day job fair.

These experiences led Mr. Lewis towards recognizing his talent for bringing the concerns of regular people to their elected officials. Upon moving to Brooklyn, he developed a relationship with the district attorney's office in an effort to improve community relations. In his capacity of police liaison, as well as council president of the 84th Precinct, Mr. Lewis serves as a switchboard between Borough President Markowitz, the Brooklyn district attorney's office, the police and his 2.5 million constituents.

Mr. Lewis gathers complaints from the public and then communicates them to the police, making sure that something gets done about them. Crime has seen a dramatic decrease in the 84th Precinct. Since 1990, it's gone down over 90%, according to NYPD statistics. Because of efforts of community leaders like Mr. Lewis, Brooklyn neighborhoods have a high

quality of life, are more walkable and real estate is more valuable.

Mr. Speaker, I urge my colleagues to join me in recognizing Leslie Lewis for his lifelong effort to bring additional resources into our local institutions, communities and neighborhoods, and helping to improve employment opportunities for needy Brooklyn residents.

HONORING THE SERVICE OF REVEREND LAWRENCE A. DAVIES

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. WITTMAN. Mr. Speaker, I rise today to recognize a man who has made an unforgettable mark on his community over the last fifty years. Since becoming Pastor of Shiloh Baptist Church (Old Site) on March 4, 1962, Rev. Lawrence A. Davies has lived a life full of dedicated service, guiding his church and his community through five decades of struggle and success. Rev. Davies will retire from his post on March 4, 2012, 50 years to the day after he began his tenure.

A native of Houston, Rev. Lawrence A. Davies was elected to City Council shortly after arriving in Fredericksburg, and in 1976, he became the city's first African American mayor. During the 20 years he spent as mayor of Fredericksburg, Rev. Davies led the city through many economic development projects, including revitalizations of the city's downtown and the establishment of the city's first low-income housing complex. His tenure also saw the creation of a regional public transit system that successfully provided low-cost transportation to citizens.

Rev. Davies' service has extended to his private exploits as well. Having been directly impacted by the tragic effects of sickle cell anemia on his family, he and his wife, Janice, have worked tirelessly to increase attention of and advocacy for the victims of this debilitating disease. Rev. Davies also founded Citizens United for Action, a group that promoted civic activism, racial tolerance, and voter education, and his guidance and leadership in the city undoubtedly helped to preserve peace during the Civil Rights era. He has served on numerous boards during his time in Fredericksburg, including the Mary Washington College Board of Directors, the Rappahannock Area Community Services Board, and the Virginia Department of Transportation.

As pastor of Shiloh Baptist Church (Old Site), Rev. Davies has served as an anchor of his community over the last fifty years. Under his leadership, the church has flourished, with continued growth in membership and a focus on the development of innovative ways to help the homeless and provide community outreach. I have worshipped with Rev. Davies and his congregation on multiple occasions, and his insightful, energetic sermons are full of spiritual encouragement and inspirational teachings. Rev. Davies' contributions to the Fredericksburg area since his arrival in 1962 have impacted the entire fabric of the region, and I greatly admire his selflessness, faith, and compassion for his fellow citizens. As he celebrates his retirement with friends and family on March 4, I wish him many years of happiness. I know that he will continue to set the standard for selfless service in Fredericksburg for many years to come, and I look forward to our continued friendship.

IN RECOGNITION OF ELMER ''BOB'' EASTMAN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Sergeant Elmer ''Bob'' Eastman for his 29 years of service with the South San Francisco Police Department. He will be missed by his fellow officers who praise him as a go-getter, team player, leader, master detective and trainer.

Sergeant Eastman started at the South San Francisco Police Department as an officer in May 1982 and was promoted to sergeant in February 1998. He served as a special agent with the San Mateo County Narcotics Task Force and was a founding member of the San Mateo County's North-Central Regional SWAT Team.

He remembers 1998 as one of the best times in his life. He weighed 219 pounds. To get on the SWAT team he had to lose 50–60 pounds—and he did by running with a buddy every single day.

Sergeant Eastman's perseverance is matched by his optimism and sense of humor. He came close to being killed in the line of duty twice, once in a shootout on El Camino Real, the other time when a suspect in a drug case tried to run him over with a car, or as he puts it, ''Bob's on the hood.''

From 1992–95, he worked as an undercover agent in San Mateo County. He says he bought any drug imaginable and looked like Charles Manson. His wife was not fond of that look. In fact she banished him to the back of the church in those days.

Sergeant Eastman volunteered for 16 years as the original drill instructor for the county's Peninsula Explorer Academy and he was the president of the South San Francisco Police Activity League from 1987 to 1989.

He was born in New Jersey in 1958, but spent his childhood in Sydney, Australia. He attended Ku-Ring-Gai High School before transferring to Menlo-Atherton High School when his family moved to the Bay Area in 1974.

Before he started his career in law enforcement, Sergeant Eastman served as a First Lieutenant in the U.S. Army National Guard.

Sergeant Eastman and his wife Kerry will celebrate their 25th wedding anniversary next year. They have two children, David and Janelle. In his retirement he will no doubt enjoy more time with his family and friends and find ways to keep his quick wit and creativity engaged.

He applies the same optimism he has applied to his work to his life. Faced with serious health challenges, Sergeant Eastman says life is wonderful and he is going to live every day to the fullest.

Mr. Speaker, I ask this body to rise with me to honor Sergeant Elmer ''Bob'' Eastman for his decades of dedication to public service and for keeping the residents of South San Francisco safe.

CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 17, 2012

Ms. ESHOO. Mr. Speaker, as the Ranking Member of the Subcommittee on Communications and Technology, I want to provide an explanation of a key provision in the spectrum title of H.R. 3630, the recently enacted Middle Class Tax Relief and Job Creation Act of 2012, which promotes competition and ensures a vibrant wireless marketplace.

Section 6404 enables participation in a spectrum auction if a person ''complies with all the auction procedures and other requirements to protect the auction process established by the Commission'' and ''meets the technical, financial, character, and citizenship qualifications that the Commission may require under section 303(1)(1), 308(b), or 310'' of the Communications Act, or would meet those qualifications by means approved by the Commission prior to the grant of the license.

A similar provision was included in the version of H.R. 3630 passed by the House in December, however, the Conferees made three important modifications. First, they added the requirement that an auction participation must comply with ''auction procedures and other requirements to protect the auction process.'' This ensures that the FCC can ensure the integrity of each auction.

Second, they added a requirement to ensure the FCC has the authority to design auction rules, such as divestiture plans, and require a winning bidder's compliance prior to the grant of the license.

Third, and importantly, the Conferees added language stating that none of the limitations on the FCC's ability to prevent a person from participating in an auction ''affects any authority the Commission has to adopt and enforce rules of general applicability, including rules concerning spectrum aggregation that promote competition.'' This provision is critical to ensuring that the FCC can meet its statutory obligation to ensure competition in the wireless marketplace by avoiding an excessive concentration of licenses through auction-specific rules.

I'm pleased the Conferees saw fit to balance the original House language with this savings clause. As Americans increasingly depend on wireless services for both voice and data, this legislation makes substantial new spectrum available for auction and ensures that the FCC—by rulemaking—can adopt rules enhancing competition, consumer choice and innovation.

HONORING THE NEW HAVEN FREE PUBLIC LIBRARY AS THEY CELEBRATE THEIR 125TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join community

leaders, literacy advocates, and the many members of the New Haven Free Public Library as they gather to celebrate the organization's 125th Anniversary. This is an extraordinary milestone for this very special City landmark.

Following the passage of legislation authorizing its establishment and with a funding allocation of only twelve thousand dollars, the New Haven Free Public Library opened its doors on February 21, 1887 offering twenty-six newspapers and eight periodicals to its first patrons. By June of that same year, circulation of the Library's thirty-five hundred volumes began—and they have gone strong ever since.

Libraries are an integral part of our communities. Most of us can remember that unique feeling of holding your first library card and checking out your first book. Over the course of time, libraries became central gathering places for community members—in fact, in many towns across the country libraries are still home to town meetings and social gatherings. The New Haven Free Public Library is no different.

Housing scores of volumes from biographies to fiction, science to current events, libraries have always been a place where adults and children alike can allow their imaginations to run wild. Over the course of its 125-year history, the New Haven Free Public Library has not only been home to a growing collection of literary work, but within its walls the doors of opportunity have been opened to many. Literacy programs, computer learning classes, and many more innovative programs and services have been offered to support the members of our community.

The New Haven Free Public Library represents the very best of our community. That they are celebrating their 125th Anniversary—that the community has always ensured its availability to its citizens—is testament to its special place in all of our lives. It is part of our past, present and future and I am proud to join all of those gathered today in celebrating this very special occasion. I have no doubt that the New Haven Free Public Library will continue to serve our community well for generations to come.

STATEMENT ON H.R. 2117

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Mr. BLUMENAUER. Mr. Speaker, today I voted against H.R. 2117, the ''Protecting Academic Freedom in Higher Education Act.'' This bill infringes on the duties of the Department of Education and it undermines efforts to reduce fraud and waste within the federal financial aid system.

The legislation would prohibit the Department of Education from issuing regulations regarding the definition of a credit hour and regulations requiring institutions of higher education to comply with the state laws in which they offer educational services. In effect, it undermines efforts to demand accountability in the federal financial aid system. There is a clear federal interest in establishing consistent definitions for a credit-hour, the underlying unit used to determine federal financial aid benefits.

In addition, requiring institutions of higher education to continue to register with the state where they teach distance or correspondence classes will help ensure that basic accountability standards are being met. We have a responsibility to taxpayers to ensure that the institutions receiving support through the financial aid system are in compliance with state laws. This bill restricts the Department of Education's attempts to reduce fraud and waste within the financial aid system, and makes it difficult to ensure that our financial aid systems support the institutions that are effectively educating tomorrow's workforce.

The institutions in my district will benefit from a more fair financial aid system, as it will ensure long term viability of the system and protect their students' access to the very important financial aid benefits.

IN RECOGNITION OF STEVEN W. WALDO

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Brisbane City Councilmember Steven W. Waldo for his 18 years of service to the people of Brisbane. During his four terms as the Mayor and five terms as the Mayor Pro Tem, Steve used a keen and analytical mind on every issue that he confronted. He has the rare skill of bringing discussions to a vote.

I met Steve in 1989 when he first ran for City Council and have witnessed his years of tireless dedication to our community and to public affairs on the San Francisco Peninsula. He personifies the can-do attitude of the residents of Brisbane who love their small town.

Steve has been a driving force in maintaining Brisbane's character and the quality of life for all residents. He has worked hard to balance Brisbane's thriving economy with the preservation of the town's natural beauty.

Steve deeply appreciates the pristine open space on San Bruno Mountain. One of his long-lasting accomplishments was the preservation of over 3000 acres of open space to protect the endangered Calippe Silverspot and Mission Blue butterflies. The City Council revised the design for 37 single-family homes on the Northeast Ridge after weeks of public input and discussions with the council and the planning department. It was the first time a community in the United States had developed a habitat conservation plan, HCP, and it served as a model for an amendment to the Endangered Species Act.

In the early 1990s the town was proposing to build a city hall in the center of town. Steve advocated successfully to create a community park instead. Today that park is a popular location for picnics and concerts that are bringing the community together.

Around the same time a proposal for a casino on Sierra Point didn't sit well with Steve. He campaigned against it and the proposal was soundly defeated.

Steve is also an enthusiastic and tenacious advocate for education. He has fought for the local schools and worked closely with the school district to ensure that future generations had access to quality education.

Steve, a native of Palo Alto, graduated cum laude from Harvard College in 1970 and earned a law degree from Hastings College of Law in 1974. He worked for 24 years at the law firm of Severson & Werson in San Francisco and for 10 years as chief legal officer of CPP, Inc., a publishing company in Mountain View.

Steve and his wife of 30 years, Patricia Franklin Waldo, have three daughters, Amanda, Rebecca and Hilary, and one son, Lloyd Stevens Waldo.

Mr. Speaker, I ask this body to rise with me to honor the life and work of Steve Waldo who has made the city of Brisbane a better place for residents and visitors alike.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1063–S1098

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2135–2137, and S. Res. 381. **Pages S1088–89**

Measures Passed:

Authorizing Photography in the Senate Chamber: Senate agreed to S. Res. 381, authorizing the taking of a photograph in the Chamber of the United States Senate. **Page S1098**

Measures Considered:

Moving Ahead for Progress in the 21st Century—Agreement: Senate resumed consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto: **Pages S1078–85**

Pending:

Reid Amendment No. 1730, of a perfecting nature. **Pages S1078–85**

Reid (for Blunt) Amendment No. 1520 (to Amendment No. 1730), to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services. **Pages S1079–85**

A unanimous-consent agreement was reached providing that on Thursday, March 1, 2012, at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate proceed to vote on or in relation to Blunt Amendment No. 1520 (listed above); provided further, that no other amendments be in order prior to the vote on or in relation to Blunt Amendment No. 1520, and that there be no motions in order other than a motion to table prior to the vote on or in relation to Blunt Amendment No. 1520. **Page S1079**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, February 29, 2012. **Page S1098**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a Presidential Policy Directive establishing procedures to implement section 1022 of the National Defense Authorization Act for Fiscal Year 2012; which was referred to the Committee on Armed Services. (PM–42) **Page S1087**

Messages from the House: **Page S1087**

Measures Placed on the Calendar: **Page S1087**

Executive Communications: **Pages S1087–88**

Additional Cosponsors: **Pages S1089–90**

Additional Statements: **Pages S1086–87**

Amendments Submitted: **Pages S1090–97**

Notices of Hearings/Meetings: **Page S1097**

Authorities for Committees to Meet: **Pages S1097–98**

Privileges of the Floor: **Page S1098**

Adjournment: Senate convened at 10 a.m. and adjourned at 5:37 p.m., until 9:30 a.m. on Wednesday, February 29, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1098.)

Committee Meetings

(Committees not listed did not meet)

CONSERVATION THROUGH THE FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine strengthening conservation through the 2012 farm bill, after receiving testimony from Bruce Nelson, Farm Service Agency Administrator, and Dave White, Chief, Natural Resources Conservation Service, both of the Department of Agriculture; Jeff Trandahl, National Fish and Wildlife Foundation (NFWF), Washington, D.C.; Becky Humphries, Ducks Unlimited's Great Lakes/Atlantic Regional Office, Ann Arbor, Michigan; Dean Stoskopf, Stoskopf Farms, Hoisington, Kansas; Carl R. Mattson, George Mattson Farms Inc., Chester, Montana; Darrel Mosel, Darrel Mosel

Farm, Gaylord, Minnesota; and Earl Garber, National Association of Conservation Districts (NACD), Basile, Louisiana.

APPROPRIATIONS: DEPARTMENT OF STATE AND FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2013 for the Department of State and Foreign Operations, after receiving testimony from Hillary Rodham Clinton, Secretary of State.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Committee concluded a hearing to examine United States Pacific Command and United States Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from Admiral Robert F. Willard, USN, Commander, United States Pacific Command, and General William M. Fraser III, USAF, Commander, United States Transportation Command, both of the Department of Defense.

STATE OF THE HOUSING MARKET

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the housing market, focusing on removing barriers to economic recovery, part II, after receiving testimony from Shaun Donovan, Secretary of Housing and Urban Development; Elizabeth A. Duke, Governor, Board of Governors of the Federal Reserve System; and Edward J. DeMarco, Acting Director, Federal Housing Finance Agency.

DEPARTMENT OF DEFENSE BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Department of Defense, after receiving testimony from Leon E. Panetta, Secretary, General Martin E. Dempsey, USA, Chairman, Joint Chiefs of Staff, and Robert F. Hale, Under Secretary (Comptroller), all of the Department of Defense.

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior, after receiving testimony from Ken Salazar, Secretary, David J. Hayes, Deputy Secretary, and Pam Haze, Deputy Assistant Secretary for Budget, Finance, Performance, and Acquisition, all of the Department of the Interior.

WATER INFRASTRUCTURE

Committee on Environment and Public Works: Subcommittee on Water and Wildlife concluded a hearing to examine local government perspectives on water infrastructure, after receiving testimony from Mayor Stephanie Rawlings-Blake, Baltimore, Maryland; Jerry N. Johnson, Washington Suburban Sanitary Commission, Laurel, Maryland; and Kathy Horne, Alabama Rural Water Association, Montgomery, on behalf of the National Rural Water Association.

NATIONAL SECURITY AND FOREIGN POLICY PRIORITIES

Committee on Foreign Relations: Committee concluded a hearing to examine national security and foreign policy priorities in the fiscal year 2013 International Affairs Budget, after receiving testimony from Hillary Rodham Clinton, Secretary of State.

DISABLED AMERICAN VETERANS

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Committee on Veterans' Affairs to examine a legislative presentation from the Disabled American Veterans (DAV), after receiving testimony from Donald L. Samuels, Disabled American Veterans (DAV), Cold Springs, Kentucky.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 4093–4104, and 1 resolution, H. Con. Res. 105, were introduced. **Page H1016**

Additional Cosponsors: **Pages H1017–18**

Report Filed: A report was filed today as follows:

H. Res. 566, providing for consideration of the bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes (H. Rept. 112–405). **Page H1016**

Speaker: Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today. **Page H969**

Recess: The House recessed at 10:31 a.m. and reconvened at 12 noon. **Page H973**

Chaplain: The prayer was offered by the guest chaplain, Reverend Adam McHugh, Vitas Hospice Center, Covina, California. **Page H973**

Resignation of the House Parliamentarian: Read a letter from John V. Sullivan in which he announced his resignation as the Parliamentarian of the House of Representatives, effective March 31, 2012. **Page H973**

House Parliamentarian—Appointment: The Chair appointed Thomas J. Wickham, Jr. as Parliamentarian of the House of Representatives to succeed John V. Sullivan, resigned. **Page H974**

Protecting Academic Freedom in Higher Education Act: The House passed H.R. 2117, to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, by a recorded vote of 303 ayes to 114 noes, Roll No. 79. **Pages H976–92, H992–97**

Rejected the Capps motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 176 ayes to 241 noes, Roll No. 78. **Pages H995–96**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H988**

Agreed to:

Foxx amendment (No. 2 printed in H. Rept. 112–404) that repeals a section of the credit hour regulation impacting clock hour programs. **Page H989**

Rejected:

Polis amendment (No. 3 printed in H. Rept. 112–404) that sought to link state authorization regulations to student outcomes; **Page H990**

Grijalva amendment (No. 1 printed in H. Rept. 112–404) that sought to retain the requirement that states have a process to hear and take appropriate action on student complaints regarding institutions as part of the state authorization (by a recorded vote of 170 ayes to 247 noes, Roll No. 75); **Pages H988–89, H992–93**

Bishop (NY) amendment (No. 4 printed in H. Rept. 112–404) that sought to strike the prohibition on the Secretary of Education from ever promulgating or enforcing any regulation or rule defining the term ''credit hour'' (by a recorded vote of 160 ayes to 255 noes, Roll No. 76); and **Pages H990–91, H993–94**

Polis amendment (No. 5 printed in H. Rept. 112–404) that sought to require the Secretary to present a plan to prevent waste, fraud and abuse to ensure effective use of taxpayer dollars (by a recorded vote of 199 ayes to 217 noes, Roll No. 77). **Pages H991–92, H994–95**

H. Res. 563, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 244 yeas to 171 nays, Roll No. 74, after the previous question was ordered without objection. **Pages H976–80**

Recess: The House recessed at 2:53 p.m. and reconvened at 3:15 p.m. **Page H992**

Moment of Silence: The House observed a moment of silence in honor of the victims of the school shooting in Chardon, OH on February 27, 2012, their families, the school community and the city of Chardon, OH.

Suspensions: The House agreed to suspend the rules and pass the following measure:

Private Property Rights Protection Act of 2012: H.R. 1433, amended, to protect private property rights. **Pages H997–H1003**

Presidential Message: Read a message from the President wherein he transmitted the text of a Presidential Policy Directive establishing procedures to implement section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81)—referred to the Committee on Armed

Services and ordered to be printed (H. Doc. 112–91). Page H1008

Quorum Calls—Votes: One yea-and-nay vote and five recorded votes developed during the proceedings of today and appear on pages H980, H993, H993–94, H994–95, H996, and H996–97. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:10 p.m.

Committees Meetings

APPROPRIATIONS—DEPARTMENT OF JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 Budget for the Department of Justice. Testimony was heard from Eric H. Holder, Jr., Attorney General, Department of Justice.

APPROPRIATIONS—INDIAN HEALTH SERVICE

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget for Indian Health Service. Testimony was heard from Yvette Roubideaux, Director, Indian Health Service; and Randy Grinnell, Deputy Director, Indian Health Service.

APPROPRIATIONS—FOOD, NUTRITION, AND CONSUMERS SERVICES, USDA

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget for Food, Nutrition, and Consumer Services, USDA. Testimony was heard from Kevin Concannon, Undersecretary, Food, Nutrition, and Consumer Services; Audrey Rowe, Administrator, Food and Nutrition Service; Rajen Anand, Director, Center on Nutrition Policy and Promotion; and Michael Young, Budget Officer.

APPROPRIATIONS—TRANSPORATION SECURITY ADMINISTRATION

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on FY 2013 Budget for the Transportation Security Administration. Testimony was heard from John Pistole, Administrator, Transportation Security Administration.

APPROPRIATIONS—BUREAU OF INDIAN AFFAIRS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget for Bureau of Indian Affairs. Testimony was heard from Larry Echo Hawk, Assistant Secretary for Indian Affairs; Michel S. Black, Director, Bureau of Indian Affairs; and Keith Moore, Director, Bureau of Indian Education.

APPROPRIATIONS—DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget for the Department of Energy. Testimony was heard from Steven Chu, Secretary, Department of Energy.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—AIR FORCE

Committee on Armed Services: Full Committee held a hearing on Fiscal Year 2013 National Defense Authorization Budget Request from the Department of the Air Force. Testimony was heard from Michael B. Donley, Secretary of the Air Force; and General Norton A. Schwartz, Chief of Staff, USAF.

MILITARY PERSONNEL BUDGET OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Military Personnel Budget Overview—Office of the Secretary of Defense Perspective. Testimony was heard from the following Department of Defense officials: Jo Ann Rooney, Acting Secretary of Defense for Personnel and Readiness; Virginia S. Penrod, Deputy Assistant Secretary of Defense (Military Personnel Policy); Jonathan Woodson, Assistant Secretary of Defense (Health Affairs) and Director of TRICARE Management Activity; and Pasquale M. Tamburrino, Jr., Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

STRENGTHENING HEALTH AND RETIREMENT SECURITY

Committee on the Budget: Full Committee held a hearing entitled ''Strengthening Health and Retirement Security''. Testimony was heard from Richard S. Foster, Chief Actuary, Center for Medicare and Medicaid Services; and Stephen C. Goss, Chief Actuary, Social Security Administration.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Full Committee held a markup of the following: H.R. 3989, the ''Student Success Act'' and H.R. 3990, the ''Encouraging Innovation and Effective Teachers Act''. The following were ordered reported, as amended: H.R. 3989 and H.R. 3990.

EPA BUDGET—FISCAL YEAR 2013

Committee on Energy and Commerce: Subcommittee on Energy and Power and Subcommittee on Environment and the Economy held a joint hearing entitled

"The FY 2013 EPA Budget". Testimony was heard from Lisa P. Jackson, Administrator, EPA.

CRITICAL INFRASTRUCTURE CYBERSECURITY—ASSESSMENTS OF SMART GRID SECURITY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Critical Infrastructure Cybersecurity: Assessments of Smart Grid Security". Testimony was heard from Gregory C. Wilshusen, Director of Information Security Issues, Government Accountability Office; David Trimble, Director, Natural Resources and Environment, Government Accountability Office; and Richard J. Campbell, Specialist in Energy Policy, Congressional Research Service.

OVERSIGHT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled "Oversight of the Department of Housing and Urban Development". Testimony was heard from the following HUD officials: Carol Galante, Acting Federal Housing Administration Commissioner and Assistant Secretary for Housing; Sandra B. Henriquez, Assistant Secretary, Office of Public and Indian Housing; Mercedes M. Marquez, Assistant Secretary, Community Planning and Development; Raphael Bostic, Assistant Secretary for Policy Development and Research; and John Trasvina, Assistant Secretary for Fair Housing and Equal Opportunity.

FEDERAL GOVERNMENT INTELLIGENCE SHARING WITH STATE, LOCAL AND TRIBAL LAW ENFORCEMENT

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled "Federal Government Intelligence Sharing with State, Local and Tribal Law Enforcement: An Assessment Ten Years After 9/11". Testimony was heard from Scott McAllister, Deputy Under Secretary, State and Local Program Office, Office of Intelligence and Analysis, Department of Homeland Security; Louis F. Ouijas, Assistant Secretary, Office for State and Local Law Enforcement, Department of Homeland Security; Eric Velez-Villard, Assistant Director, Federal Bureau of Investigation, Department of Justice; and public witness.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup of the following: H.R. 4086, the "Foreign Cultural Exchange Jurisdictional Immunity Clarification Act"; H.R. 3992, to allow otherwise eligible Israeli nationals to receive E–2 nonimmigrant visas if similarly situated United States national are eligible for similar nonimmigrant status in Israel; and H.R. 511, to amend title 18, United States code, to prohibit the importation of various injurious species of constrictor snakes. The following were ordered reported without amendment: H.R. 3992; and H.R. 4086. H.R. 511 was ordered reported, as amended.

EXECUTIVE OVERREACH: THE HHS MANDATE VERSUS RELIGIOUS LIBERTY

Committee on the Judiciary: Full Committee held a hearing entitled "Executive Overreach: The HHS Mandate Versus Religious Liberty". Testimony was heard from public witnesses.

NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT FY 2013 BUDGET REQUEST

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing entitled "FY 2013 budget requests from the National Park Service and the Bureau of Land Management". Testimony was heard from Jon Jarvis, Director, National Park Service; and Robert Abbey, Director, Bureau of Land Management.

GAO UNVEILS NEW DUPLICATIVE PROGRAM REPORT

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "Government 2.0: GAO Unveils New Duplicative Program Report". Testimony was heard from Senator Coburn; and Gene L. Dodaro, Comptroller General, Government Accountability Office.

SAN JOAQUIN VALLEY WATER RELIABILITY ACT

Committee on Rules: Full Committee held a hearing on H.R. 1837, the "San Joaquin Valley Water Reliability Act". The Committee granted, by voice vote, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of Rules Committee Print 112–15 and provides that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hastings, WA; and Representatives Napolitano; Garamendi; and Nunes.

NATIONAL SCIENCE FOUNDATION FISCAL YEAR 2013 BUDGET

Committee on Science, Space, and Technology: Subcommittee on Research and Science Education held a hearing entitled "An Overview of the National Science Foundation Budget for Fiscal Year 2013". Testimony was heard from Subra Suresh, Director, National Science Foundation; and Ray Bowen, Chairman, National Science Board.

FINANCING APPROACHES FOR COMMUNITY WATER INFRASTRUCTURE PROJECTS, PART 1

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled "Review of Innovative Financing Approaches for Community Water Infrastructure Projects—Part I". Testimony was heard from Gregory A. Ballard, Mayor, Indianapolis, IN; and public witnesses.

HEALTH AND HUMAN SERVICES FISCAL YEAR 2013 BUDGET

Committee on Ways and Means: Full Committee held a hearing on President Obama's Fiscal Year 2013 Budget Proposal for the Department of Health and Human Services. Testimony was heard from Kathleen Sebelius, Secretary, Department of Health and Human Services.

Joint Meetings

MISSING PERSONS

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine clarifying the fate of missing persons in the Organization for Security and Cooperation in Europe region, focusing on locating and identifying persons missing as a result of conflicts, trafficking in humans and human rights violations, as well as natural or manmade disasters, after receiving testimony from Her Majesty Queen Noor of Jordan, International Commission on Missing Persons, Berkshire, United Kingdom; Shawn A. Bray, INTERPOL Washington, U.S. National Central Bureau, and Fatima Tlisova, Voice of America, both of Washington, D.C.; and Amor Masovic, Missing Persons Institute of Bosnia and Herzegovina, Sarajevo.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D148)*

H.R. 1162, to provide the Quileute Indian Tribe Tsunami and Flood Protection. Signed on February 27, 2012. (Public Law 112–97)

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 29, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of the Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Interior, 9:30 a.m., SD–124.

Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Army, 10:30 a.m., SD–192.

Committee on the Budget: to hold hearings to examine putting health care spending on a sustainable path, 10 a.m., SD–608.

Committee on Foreign Relations: to receive a closed briefing on the crisis in Syria, 11 a.m., SVC–217.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Primary Health and Aging, to hold hearings to examine dental crisis in America, focusing on the need to expand access, 10 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine the "Due Process Guarantee Act", focusing on banning indefinite detention of Americans, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, Gershwin A. Drain, to be United States District Judge for the Eastern District of Michigan, and Robin S. Rosenbaum, to be United States District Judge for the Southern District of Florida, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs, 10 a.m., SR–418.

House

Committee on Agriculture, Full Committee, hearing entitled "The Commodity Futures Trading Commission 2012 Agenda", 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs, hearing on FY 2013 Budget for the Department of State, 10 a.m., 2359 Rayburn.

Subcommittee on Homeland Security, hearing on FY 2013 Budget for the Customs and Border Protection Agency, 10 a.m., B–318 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on FY 2013 Budget for the National Nuclear Security Administration, Department of Energy, Weapons Activities; and National Nuclear Security Administration, 10 a.m., 2362–B Rayburn.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 Budget for the Department of Health and Human Services, Food and Drug Administration, 10 a.m., 2362–A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, hearing on FY 2013 Budget for the Environmental Protection Agency, 1 p.m., 2359 Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on FY 2013 Budget for the Office of Science and Technology Policy, 2 p.m., H–309, Capitol.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 Budget for the Department of Agriculture, 2 p.m., 2362–A Rayburn.

Committee on Armed Services, Full Committee, hearing on Fiscal Year 2013 National Defense Authorization Budget Request from U.S. European Command and U.S. Africa Command, 10 a.m., 2118 Rayburn.

Subcommittee on Emerging Threats and Capabilities, hearing on Department of Defense Fiscal Year 2013 Science and Technology Programs, 3 p.m. 2212 Rayburn.

Committee on the Budget, Full Committee, hearing entitled ''The Department of Defense and the Fiscal Year 2013 Budget'', 2 p.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Health, markup of H.R. 452, the ''Medicare Decisions Accountability Act of 2011'', 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, hearing entitled ''Monetary Policy and the State of the Economy'', 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled ''Assessing U.S. Foreign Policy Priorities Amidst Economic Challenges: The Foreign Relations Budget for Fiscal Year 2013'', 1:30 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response and Communications, hearing entitled ''The President's FY 2013 Budget Request for the Federal Emergency Management Agency'', 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled ''The U.S. Department of Justice Community Oriented Policing Services Office'', 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, markup of the following: H.R. 491, to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes; H.R. 1038, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; H.R. 1335, to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; H.R. 2050, the ''Idaho Wilderness Water Resources Protection Act''; H.R. 2157, to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; H.R. 2240, the ''Lowell National Historical Park Land Exchange Act of 2011''; H.R. 2489, the ''American Battlefield Protection Program Amendments Act of 2011''; H.R. 2512, the ''Three Kids Mine Remediation and Reclamation Act''; H.R. 2745, to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; H.R. 2947, to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; H.R. 3263, the ''Lake Thunderbird Efficient Use Act of 2011''; H.R. 3409, the ''Coal Miner Employment and Domestic Energy Infrastructure Protection Act''; H.R. 3411, to modify a land grant patent issued by the Secretary of the Interior; H.R. 3440, the ''Recreational Shooting Protection Act''; H.R. 3452, the ''Wasatch Range Recreation Access Enhancement Act''; H.R. 4089, the ''Sportsmen's Heritage Act of 2012''; S. 271, the ''Wallowa Forest Service Compound Conveyance Act''; S. 292, the ''Salmon Lake Land Selection Resolution Act''; S. 404, to modify a land grant patent issued by the Secretary of the Interior; S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah; and S. 897, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy, hearing entitled ''Honoring George Washington's Legacy: Does America Need a Reminder?'' 10 a.m., 2247 Rayburn.

Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled ''Preventing Stolen Valor: Challenges and Solutions'', 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Technology and Innovation, hearing entitled ''Promoting Innovation, Competition, and Economic Growth: Principles for Effective Domestic and International Standards Development'', 10 a.m., 2318 Rayburn.

Subcommittee on Investigations and Oversight, hearing entitled ''NASA Cybersecurity: An Examination of the Agency's Information Security'', 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing entitled ''A Review of Cruise Ship Safety and Lessons Learned from the COSTA CONCORDIA Accident'', 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Full Committee, hearing on President Obama's trade policy agenda, 10 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 3 p.m., HVC–304. This is a closed hearing.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, February 29

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, February 29

House Chamber

Program for Wednesday: Consideration of H.R. 1837—San Joaquin Valley Water Reliability Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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